

Item No. 1

Application Reference Number P/21/1260/2

Application Type:	Outline Planning Permission	Date Valid:	13/07/2021
Applicant:	Penland Estates Ltd, RV Millington Ltd, Sarah Higgins & Gavin Higgins		
Proposal:	Outline planning application for residential development of up to 93 dwellings, public open space, landscaping and associated works. All matters reserved except for access.		
Location:	Land at Ashby Road, Markfield		
Parish:	Newtown Linford	Ward:	Forest Bradgate
Case Officer:	Shaun Robson	Tel No:	07864 603389

Background

This application has been brought to plans committee as it relates to a major housing development and is considered a departure from the development plan and is recommended for approval.

Description of the Application Site

The application site is located to the north of Markfield along Ashby Road and is approximately 3.66ha in size.

The site is bound by the A50 to the north, Ashby Road to the south and Rauncliffe Farm in the north-west. The site's south eastern boundary is defined by an established tree lined hedgerow that borders existing residential dwellings and additional fields to the north.

The site comprises of three separate paddocks divided by a combination of post and rail fencing and hedgerow with mature trees.

The majority of the site is located within Charnwood Borough Council's administrative boundary, within the parish of Newtown Linford and within the National Forest and Charnwood Forest Regional Park area. However, the site frontage to the south falls within Markfield, a settlement within Hinckley and Bosworth Borough Council's administrative boundary. Therefore, in order for the development to proceed it will fall to the respective Local Planning Authority's to determine the part of the development that falls within their area. If the application for the access to the site is not approved by Hinckley and Bosworth Borough Council, then the application that falls within Charnwood Borough Council may still be approved if committee is so minded but it will not be capable of implementation until an access is agreed and all of the reserved matters are approved.

Description of the Proposal

The application seeks outline planning permission for residential development of the site for up to 93 dwellings which will include a mixture of dwelling types and sizes. All matters, other than the access arrangement, are reserved for future consideration.

The access to the site is proposed directly off Ashby Road, along the southern frontage of the site, currently where a field access sits. The new access arrangement provides a priority junction. In order to accommodate the vehicular access, two trees along the southern boundary will need to be removed.

The access arrangement to the site lies with Hinckley and Bosworth Borough Council administrative area. The suitability of the proposed access for the development therefore falls to Hinckley and Bosworth Borough Council to assess and determine.

The proposal is accompanied by an illustrative masterplan which shows how the site could be developed for a scheme of up to 93 dwellings. The masterplan suggests a central road accessed into the site via Ashby Road with a number of spur roads serving a number of dwellings.

An attenuation basin is proposed to be incorporated within the public open space to the north eastern boundary of the site to contribute to a sustainable urban drainage scheme (SUDs). A further wild flower grassland area is proposed to be incorporated to the north western boundary.

The application includes the following supporting documents & plans:

- Application Form
- Site Location Plan
- Illustrative Layout
- Design and Access Statement
- Landscape and Visual Appraisal
- Tree Survey
- Phase 1 Desk Study Assessment
- Transport Assessment
- Travel Plan
- Ecological Appraisal
- Consultation Statement
- Flood Risk Assessment
- Noise Assessment
- Heritage Assessment

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 – Development Strategy – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements.

Policy CS2 – High Quality Design – requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby.

Policy CS3 – Strategic Housing Needs - supports an appropriate housing mix for the Borough and sets targets for affordable homes provision to meet need.

Policy CS11 – Landscape and Countryside - seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements.

Policy CS13 – Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to recognised features.

Policy CS14 – Heritage - sets out to conserve and enhance our historic assets for their own value and the community, environmental and economic contribution they make.

Policy CS16 – Sustainable Construction and Energy - supports sustainable design and construction techniques.

Policy CS17 – Sustainable Travel – Seeks to increase sustainable travel patterns and ensure major development is aligned with this.

Policy CS18 – The Local and Strategic Road Network – Seeks to maximise the efficiency of the road network by delivering sustainable travel.

Policy CS24 – Delivering Infrastructure – is concerned with ensuring development is served by essential infrastructure. As part of this it seeks to relate the type, amount and timing of infrastructure to the scale of development, viability and impact on the surrounding area.

Policy CS25 – Presumption in favour of sustainable development - echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

Policy ST/2 – Limits to Development – this policy sets out limits to development for settlements within Charnwood.

Policy CT/1 – General Principles for areas of countryside... - This policy defines which types of development are acceptable in principle within areas of countryside.

Policy CT/2 – Development in the Countryside – Sets out how development that is within the countryside will be assessed to ensure there is no harm to the rural character of the area.

Policy EV/1 Design – This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

Policy TR/18 Parking in New Development – This seeks to set the maximum standards by which development should provide for off street car parking.

Other material considerations

The National Planning Policy Framework (NPPF 2021)

The NPPF sets out the Government's view of what sustainable development means. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless protective policies within the NPPF give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

The NPPF policy guidance of particular relevance to this proposal includes:

Section 5: Delivering a sufficient supply of homes - The NPPF requires local planning authorities to significantly boost the supply of housing and provide five years' worth of housing against housing requirements (paragraph 75). Where this is not achieved policies for the supply of housing are rendered out of date and for decision-taking this means granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, (paragraph 11d). Paragraph 14 sets out what the status of neighbourhood plans is where the presumption at paragraph 11d applies. Local planning authorities should plan for a mix of housing and identify the size, type, tenure and range of housing that is required and set policies for meeting the need for affordable housing on site (paragraph 62).

Section 8: Promoting healthy and safe communities - Planning decisions should promote a sense of community and deliver the social, recreational and cultural facilities and services that such a community needs.

Section 9: Promoting Sustainable Transport - All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 113). Developments that generate significant movement should be located where the need to travel will be

minimised and the use of sustainable modes maximised (paragraph 105). Developments should be designed to give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and within large scale developments, key facilities should be located within walking distance of most properties (paragraph 106). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 111).

Section 12: Requiring well-designed places - The NPPF recognises that good design is a key aspect of sustainable development and that high quality, beautiful, sustainable and inclusive design should be planned for positively (paragraph 126).

Section 14: Meeting the challenge of climate change, flooding and coastal change - New development should help reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 153). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 157) and renewable and low carbon energy development should be maximised (paragraph 158).

Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework.

National Design Guide

This document sets out the Government's design guidance to support the NPPF.

Leicestershire Housing and Economic Development Needs Assessment (HEDNA) – 2017

HEDNA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. The housing mix evidence can be accorded significant weight as it reflects known demographic changes.

Housing Supplementary Planning Document (adopted May 2017 – updated December 2017)

The SPD provides guidance on affordable housing to support Core Strategy Policy CS3.

Design Supplementary Planning Document (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future

needs and provide spaces and buildings that help improve people's quality of life.

Leicestershire Highways Design Guide

The Leicestershire Highways Design Guide deals with highways and transportation infrastructure for new developments. It replaces the former 6C's Guidance.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

The Environmental Impact Assessment Regulations set out the parameters, procedures and Regulatory detail associated with the screening, scoping and preparation of an Environmental Statement and consideration of significant environmental impacts of development. As this application is for a site of less than 5 hectares and is for less than 150 dwellings it does not stand to be screened for an Environmental Impact Assessment.

Conservation of Habitat and Species Regulations 2010 (as amended)

The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

Protection of Badgers Act 1992

Badgers are subject to protection under the above Act. This Act includes various offences, including wilfully killing, injuring or taking a badger or deliberately damaging a badger sett. A licence is required from Natural England where development proposals may interfere with badger setts.

Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

The Planning (Listed Buildings and Conservation Areas) Act 1990.

This Act provides special controls over developments to or effecting Listed Buildings or Conservation Areas.

The Charnwood Local Plan: Pre-submission Draft (July 2021)

The local planning authority is in the process of preparing a new local plan for the borough for the period up to 2037. The new local plan will include strategic and detailed policies and was approved by Council on 21 June 2021 for consultation and then

submission to the Secretary of State for an Examination in Public. The Draft Charnwood Local Plan is at an early stage in its preparation and underwent a six week pre-submission consultation period that ran from Monday July 12 until Monday August 23, 2021.

This document sets out the Council’s draft strategic and detailed policies for the period 2019-37. This document carries very limited weight at the current time.

The Markfield Conservation Area Appraisal (February 2010)

This document was produced by Hinckley and Bosworth Borough Council. However, due to the proximity of the site to the Conservation Area, the appraisal is a material consideration relevant to the determination of this application.

Consultation Responses

The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council’s website www.charnwood.gov.uk

Consultee	Response
Leicestershire Lead Local Flood Authority – LCC	Response awaited..
Housing Strategy & Support CBC	In accordance with policy CS3 requests 40% of new homes are affordable comprising a mix of 77% social and affordable rent and 23% shared ownership. No specific housing mix has been requested.
Environmental Protection - CBC	Response awaited.
Leicestershire County Council, (LCC) - Highways	<p>Does not object to the proposal, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.</p> <p>The County Council Highways team have requested the imposition of a number of conditions and the following contributions:</p> <ul style="list-style-type: none"> • A contribution of £454,212 (£4,884 per dwelling) towards the extended Coalville Transport Strategy to facilitate improvements to the A511/ A50 corridor in order to mitigate off-site impacts from developments in the area. The suggested trigger point being payment of the CTS shall be based on: 25% prior to first occupation of the development; 25% prior to occupation of the 23rd dwelling of development; 25% prior to occupation of the 47th dwelling of development, and 25% prior to occupation of the 70th development.

	<ul style="list-style-type: none"> To comply with Government guidance in NPPF and commensurate with Leicestershire County Council Planning Obligations Policy the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use: <p>A. Travel Packs, one per dwelling; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). The suggested trigger point being prior to the occupation of the first dwelling.</p> <p>B. 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at £360.00 per pass). REASON: To encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation. SUGGESTED TRIGGER POINT: Payment of 25% of total obligated contribution paid prior to the occupation of the first dwelling. Remaining 75% of total obligated contribution paid prior to occupation of 25% of total dwellings, except payment may be deferred by agreement with the County Council.</p> <p>C. Raised kerb provision at the nearest two bus stops (ID's 2427 & 2428) at a cost of £3,500 per stop. REASON: To support modern bus fleets with low floor capabilities SUGGESTED TRIGGER POINT: Prior to the occupation of the first dwelling.</p> <p>D. STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.</p>
LCC Education	Seek a contribution of £512,132.40 towards Newtown Linford Primary School and £277,632.16 Brookvale Groby Learning Campus Secondary School.
LCC Libraries	Seek a contribution of £2,810.00 towards facilities within the area.

LCC Civic Amenity	Seek a contribution of £6,080.00 towards improving waste capacity within the area.
Newton Linford Parish Council	Objects to the application on the grounds that the development lies outside of the housing growth area for Markfield and encroaches into an elevated part of Charnwood Forest; an area of natural beauty within the parish of Newtown Linford. The development would also increase pressure on already stretched services, including the GP Surgery, Mercenfeld Primary School and South Charnwood High School. The development will also impact on highway safety, residents already struggle exiting both Markfield and Newtown Linford safely onto the dual carriageway at busy times and further vehicles leaving Markfield would only add to this ongoing local problem.
Leicestershire Police	No objection to the proposal.
Charnwood Open Spaces	<p>No objection raised. The development shall include the following on site provision(s):</p> <ul style="list-style-type: none"> • Parks – 0.07ha on site in the form of a multi-functional green space area combined with the Amenity Green Space provision; • Natural and Semi Natural Open Space – 0.45ha defined habitat areas should be identified and created within the proposed on site open space. These areas should be laid out and managed for their ecological/wildlife value in accordance with a landscape and biodiversity Strategy/Management Plan for the site; • Amenity Green Space – 0.10ha on site in the form of a multi-functional green space area combined with the Parks provision; • Provision for children – 1 facility on site (suitable LEAP to be provided – Equipment and design to be approved by CBC prior to commencement of development) • Provision for a site suitable and agreed young people’s equipment/facilities. <p>The following developer contributions have been requested, where on-site open space provision is not to be met on-site, in order to mitigate the impact of the proposed development in accordance with Policy CS15 of the Charnwood Local Plan Core Strategy 2011-2028:</p> <ul style="list-style-type: none"> • Outdoor sports facilities - £32,839.00;

	<ul style="list-style-type: none"> • Allotments - £10,501.00; • Parks - £14,028.00; • Natural and Semi-natural areas - £21,141.00; • Amenity green space - £10,064; • Indoor Sport - £44,381 towards swimming pool improvements, 0.07 indoor courts (at a cost of £42,431).
Charnwood Biodiversity	No objection to the development of the site, subject to the use of an appropriate mechanism to ensure that no unacceptable biodiversity loss occurs that cannot be mitigated.
NHS - CCG	Seek a contribution of £51,367.69 towards improving the capacity of Markfield Medical Centre to allow for the accommodation of 225 additional patients generated by the scheme.

Other Comments Received

20 objection letters have been received from local residents and The Friends of Charnwood Forest. The list below summarises the areas of concern that have been raised by residents with regard to the application. Please note that residents' comments can be read in full on the Council's website www.charnwood.gov.uk

- The site is a visually intrusive site, at 200 metres elevation, on a prominent edge of a Markfield outcrop. It has spectacular views of between 5-7km across a mixed vista of wooded hillsides, and open pasture. Conversely this site can be viewed from across an area of outstanding beauty.
- This application pays no regard to the Charnwood Forest Landscape assessment or the objects of the recently formed Charnwood Forest Regional Park to preserve the landscape.
- The site should be refused on road noise alone. All the readings were on a dry day, add on another 10-15db for a wet day and it is now very loud.
- The mitigation proposed will still make it uncomfortable to be in the garden, let alone open a window.
- The development will create an unacceptable impact on local services (Primary School and Doctors Surgery)
- The reliance on the private motorcar will create a further impact on the surrounding environment
- There is no need as the Markfield Neighbourhood Plan has already been analysed and concluded that the provision of housing and infrastructure for the Parish has already been met
- The development does not accord with the Markfield Neighbourhood Plan
- The site is in the area of the Charnwood Forest Regional Park and the National Forest. The proposed development does not fall within the criteria set out in existing and emerging Local Plans for development in those areas.

- The site is on a prominent height at the edge of open and wooded countryside of the Ulverscroft Valley.
- The downhill part of the site is adjacent to the slip road from the A50 dual carriageway and is less well screened. Noise protection requirements could cause harm to the local landscape
- The site is outside limits to development in current and emerging Local Plans, and as proposed in the referendum version of the proposed Markfield Local Plan
- Ashby Road is a natural boundary to the village proving extensive views over open country towards Bradgate Park. The proposed development would cause considerable harm to the vista and deny the village of this amenity

2 letters of support have been received from local residents. The list below summarises those points raised by residents with regard to the application. Please note that residents' comments can be read in full on the Council's website www.charnwood.gov.uk

- The proposal represents a well-thought out and thorough application
- There is a need for houses in Charnwood as they don't have the 5-year land supply currently, and there is a need for affordable housing in Charnwood.
- The proposed development has been well thought out and is in a sustainable area.
- The site has great visibility onto the Ashby road, so there are no highway concerns.

Consideration of the Planning Issues

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015), those "saved" policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy. It is acknowledged that several of these plans are over 5 years old; therefore, it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of those policies which relate to the supply of housing, the relevant policies listed above are considered up to date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them, in this regard

As the Core strategy is now five years old the Authority must use the standard method to calculate its housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land (3.34 years), and as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight.

The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any

adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused.

Part i) of paragraph 11d sets out that where there are NPPF policies that protect areas or assets this can be a clear reason to refuse an application. These are set out in footnote 6 and are generally nationally designated areas such as SSSI's although Local Green Space and areas of archaeological interest demonstrably equivalent to ancient monuments can be included. In this case, although the greenfield site is outside of the defined limits to development and within the open countryside, it does not benefit from any designations to qualify as an area or asset of particular importance as set out in footnote 6. For these reasons it is not considered that in this instance the exceptions in paragraph 11d i) would apply.

The main issues are considered to be:

- The Principle of Development
- Housing mix
- Landscape and Visual Impact
- Design and Layout
- Open Space
- Impact on Residential Amenity
- Highway Matters
- Flooding and Drainage
- Ecology and Biodiversity
- S106 Contributions.

Principle of Development

The application site is located predominantly within the Newtown Linford parish but it is outside of the settlement limits as established under "saved" Policy ST/2 of the Borough of Charnwood Local Plan 1991-2026. For land outside these settlement limits policies CT/1 and CT/2 apply, which seek to control development outside of a relatively narrow set of criteria. Policy CS1 of the Core Strategy outlines a development strategy for the Borough, including a settlement hierarchy. These policies are those that are the most important for establishing whether development of the site for housing is acceptable in principle.

Within the settlement hierarchy, Newtown Linford is identified as an 'Other Settlement' where housing growth is limited to predominantly small scale development within settlement limits. Its place in the hierarchy is due to the relatively low level of services and facilities within the village and because of limited public transport access to higher order settlements and employment. Markfield itself lies within Hinckley and Bosworth Borough, but the built form of the village lies on the boundary with Charnwood Borough. Markfield is considered to have a range of services and facilities that is consistent with a Service Centre. The extremely close proximity of the site to Markfield is a material consideration and it should be recognised that future residents are likely to access services and facilities, including public transport from this village.

Despite the site's proximity to Markfield, the development is at odds with the housing supply policies within the Charnwood Core Strategy as it comprises a large-scale development that is outside the limits to development. However, given the current lack of a 5 year supply of housing land (3.34 years), the policies in the development plan that seek to control the supply of housing must be considered to be out of date and the presumption in favour of sustainable development in para 11 of the NPPF requires an assessment to be made as to whether there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits of the proposal.

Within this assessment, it should be recognised the proposal would result in the development of up to 93 new houses at a time when the Local Planning Authority cannot demonstrate a five-year supply of housing land. Weighed against this benefit would be the conflict with the above policies which can be considered as an adverse impact. However, given the 5 year supply position of the Borough Council and the age of policies CS1, CT/1, CT/2 and ST/2, the weight that can be ascribed to them would be reduced. Accordingly, although there is some harm resulting from conflict with the development approach set out in policies CS1, CT/1, CT/2, and ST/2, which seeks to direct growth away from smaller settlements which weighs against the proposal. However, it is not considered this identified harm would significantly and demonstrably outweigh the benefits, insofar as the principle of development is concerned, especially when considering the sustainability of the site which is not isolated and lies adjacent to a settlement in Hinckley and Bosworth Borough that is considered to be similar in its characteristics and role to a Charnwood 'Service Centre'. The conflict with the Development Plan can however be considered within the overall planning balance for the proposal.

Housing mix

Policy CS3 of the Core Strategy helps define a housing mix for this site. Policy CS3 outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and the character of the area and suggests 40% of the 93 units (37 no.) should be affordable. The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be detailed.

Policy CS3 generally accords with the National Planning Policy Framework and does not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to it.

The proposal is in outline and includes an undertaking to provide 37 affordable homes (40%). The size, type, tenure and design of these are not currently known although it is anticipated that much of this detail would be established by later reserved matters. It is still considered to be appropriate to set down parameters relating to, for example, the size of units required at outline stage and it is suggested that a planning condition could be used to do this.

The Leicestershire Housing and Economic Development Needs Assessment (HEDNA) 2017 outlines a recommended housing mix for the Borough in respect of both market and affordable housing. This includes the following housing mix:

Market Housing

No. of beds	HEDNA suggested %
1	0%-10%
2	25%-35%
3	45%-55%
4+	10%-20%

Affordable Housing Mix

No. of beds	HEDNA suggested %
1	40-45%
2	20-25%
3	25-30%
4+	5-10%

It is considered that a proposal which complies with Policy CS3 could be achieved. The provision of 37 affordable units is also a benefit of the scheme which weighs within the planning balance.

Landscape and Visual impact

Policies CS2 and CS11 are concerned with protecting the landscape and ensuring new development does not result in visual harm. A Landscape and Visual Appraisal (LVA) has been submitted with the application which looks in detail at these impacts. These policies generally accord with the National Planning Policy Framework and do not directly impact on the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

The site is within the Charnwood Forest designation and the National Forest. The Landscape Sensitivity Assessment for SHLAA Sites (2019) examined the site when a call for sites was issued. The study ranked the site as low to moderate sensitivity for 2 to 3 storey residential development with no significant variations across the site. The criteria which scored moderate were for views and visual character, form density and setting of the existing settlement. It noted that the land does not “*make a significant contribution to the landscape setting of the existing settlement*”. The most sensitive landscape features are considered to be the trees and hedgerows and medium to long range views.

The Landscape and Visual Appraisal (LVA) finds that the loss of an agricultural field to facilitate the residential development would create a localised effect but it would not constitute an unacceptable impact on landscape fabric or character in the long-term. It notes the potential to integrate a soft landscape buffer within the development will integrate the development into the existing built form of the area.

The Design and Access Statement sets out that a 20% quota of tree planting would be provided throughout the site but the illustrative layout (not part of the application for approval) seems to confine the tree planting to the perimeter and intermediate hedgerow. Notwithstanding this it is considered through the use of appropriate

planning conditions, the reserved matters submission could secure a landscaping scheme that provides for a greater dispersal of trees throughout the site.

The retention of boundary vegetation and woodland planting also limits any perceived effects on the wider landscape character area. Whilst it is acknowledged that there may be some the landscape impact in the short term whilst new landscaping matures, it is considered that the visual impact of the development from the public areas identified could be mitigated following careful consideration of design at the reserved matters stage if outline permission were to be granted.

It is therefore considered that that a scheme could be designed which accords with policies CS2, CS11, EV/1 and CT/2 in this regard.

Design

Policies CS2 and EV/1 seek to ensure that a high quality design for new development is brought forward. These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

As this proposal is in outline, approval of the design and layout is not currently sought. However, an indicative layout has been included which shows how the site could be developed and design principles are also set out within the Design and Access Statement which identifies a sympathetic scheme could be brought forward on the site.

If the application were to be considered acceptable on balance, the detailed design will be assessed as part of the reserved matters submission. Accordingly, it is considered a proposal that complied with Policies CS2 and EV/1 of the Development Plan and national guidance in terms of design could be achieved for the site.

Open space

Policy CS15 seeks to ensure adequate open space is provided to serve the needs of new development. This policy generally accords with the National Planning Policy Framework and does not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to the policy.

The indicative plan and the Design and Access Statement suggest that within the site there will be areas of green space incorporating amenity open space and play space. There is, however, no provision for older children, sports or allotments. Given the size of the site it is unlikely that these typologies could all be provided for within the site but a commuted sum to improve facilities elsewhere within the village could be secured.

Overall, it is considered that the development would provide good quality open space proportionate to its size and that shortfalls in open space provision could be mitigated against through appropriate contributions secured as a planning obligation in a S106 legal agreement. Accordingly, the proposal is considered to comply with policy CS15 of the Development Plan.

Amenity and Noise

Policies CS2 and EV/1 require the amenity of existing and future residents to be protected. These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to it.

It is considered that the indicative layout provides ample space to ensure that the amenity of adjacent houses is not harmed by loss of light, privacy or outlook. The detailed design will be considered as part of the reserved matters.

The formal response from Environmental Health Team is pending, these comments will be updated as part of the late items to Members at the Plans Committee. However, given that the proposal is at an outline stage the noise mitigation can be conditioned to overcome any issues.

The proposal has been accompanied by a Noise Assessment which has concluded that the maximum noise exposure levels recorded on the site are to boundary overlooking the A50, which falls within the category of High Risk. The boundary overlooking Ashby Road falls within the category of Medium Risk. The noise impact can however be readily designed out within the detailed scheme through the layout, installation of acoustic garden fences; and selecting glazing systems, acoustically attenuated ventilation and building fabric with sufficient sound reduction. The proposed attenuation details will all form part of the reserved matters consideration.

In conclusion, it is considered that the proposal can be designed in a way that provides an acceptable standard of amenity for existing and future residents. This would mean it would comply with Development Plan Policies EV/1 and CS2.

Heritage

Policy CS14 of the Core Strategy is concerned with heritage and seeks to ensure heritage assets are protected and conserved. This policy accords with the National Planning Policy Framework and does not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to it.

The site is not within a Conservation Area but the designated Markfield Conservation Area is lies to the south east and it is considered that the proposal has the potential to impact on its setting. Similarly, there is a listed building 260m away to the north and a non-designated heritage asset to the south.

The development has been accompanied by a Heritage Statement which has concluded that there will be no material harm to any Listed Buildings or the Markfield Conservation Area setting.

Listed Building and Non-designated Asset

In regard to the Listed Building, Home Farm, Priory Lane, is visible to the north east from the development site. It is viewed in the distance from the site, therefore is

considered to fall within its setting. The setting of the farmhouse emphasises its historic development in the wooded landscape of Charnwood Forest.

In regard to the non-designated asset, the Queens Head Public House, Ashby Road is a 3 bay, 2-storey, slate roofed building dating to the early 19th century. It has two brick built end stacks and a pitched and gabled roof. The roadside setting of the pub and its position at the top of the High Street contribute to its significance as one of only 4 pubs in Markfield.

The proposed development cannot be seen from the Queens Head property. It is considered that given the landscaping and scale of development, as well as the intervening distance, the development would result in no harm on the Queen's Head. In regard to Home Farm, Priory Lane it is considered this designated heritage asset would be screened from the proposed development to the north of the A50. Although the development will be seen across the A50 the screening effect of the surrounding trees, the intervening distance and land uses would mean that the proposal would not harm the heritage significance of the Listed Building or its setting .

Conservation Area

The Markfield Conservation Area focusses on the historic core of the village, along Main Street and identifies key views, listed and unlisted buildings, key historic buildings and landmark buildings. The Conservation Area is divided into character areas with the section of the Conservation Area closest to the proposed development categorised as a 'gateway'. This characterises the northern end of the Conservation Area where the setting, described as the trees flanking Ashby Road and Ashby Road itself, is considered to provide '*a natural link with the countryside beyond the limits of the village and the densely built up historic core*'.

The Conservation Area derives its significance from its historic architecture, its character which encapsulates the views to the south, the church and the early modern streetscape. The proposed development would add an area of residential development into the linear development extending along Ashby Road. The application proposes the retention of the boundary walling and the majority treeline along Ashby Road, with the exception of the removal of some of the trees to facilitate the vehicular access.

The removal of the boundary features in order to form the vehicular access to the site falls within Hinckley and Bosworth's administrative area. The Conservation Officer for Hinckley and Bosworth has assessed the impact of the proposal and has concluded the following:

"This proposal affects the significance of the Markfield Conservation Area and the non-designated heritage assets by virtue of its location within the wider setting of these heritage assets. Overall the proposal is considered to have a neutral impact causing no harm to their significance. The proposal therefore preserves the significance of the Markfield Conservation Area"

The inclusion of the trees and wall will also further reduce the impact of the development when approaching Markfield Conservation Area from the west. It is

considered that whilst this setting of this section of the Conservation Area will be altered through the introduction of the built form, the majority of the boundary features would be retained, and further additional planting would soften the appearance. The landform falling away from the road frontage would further reduce the impact of the proposal on the conservation area. With these points in mind, it is considered that the proposal will have no impact on the character and appearance of the Conservation Area and its setting overall and would at least preserve and maintain its historic character.

In conclusion, it is considered that the development would not result in harm to the significance to the designated and non-designated heritage assets or their setting. The proposal therefore complies with the provisions of CS14 the NPPF and the guidance contained within the Planning (Listed Building and Conservation Area) Act 1990.

Arboriculture

Policies CS2 and CS11 of the Core strategy seek to ensure high quality design that reflects the character and context of the area, which in this location comprises low density development and agricultural land with mature trees and hedges. These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

A Tree Survey submitted with the application shows that the proposal will require the removal of a number of trees to the site frontage within Hinckley and Bosworth's administrative area which does not form part of this application being considered. The loss of a number of trees to facilitate the access arrangement is a consideration for Hinckley and Bosworth Borough Council.

For completeness, the Tree Officer from the County Council has responded to Hinckley and Bosworth and has raised no objection to the removal of the trees to part of the frontage within Hinckley and Bosworth's administrative area.

No trees will be lost within part of site falling for the Council to consider and an opportunity for a significant increase in tree planting as part of landscaping commitments exists.

It is considered, therefore, that the proposal complies with Development Plan policies CS2, CS11.

Ecology and Biodiversity

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. The application is supported by an Ecological Appraisal.

The site has been assessed by both the Council's Senior Ecologist and the applicant's ecologists and it is recognised by both parties that an amount of the grassland within the site meets the Local Wildlife Site (LWS) criteria and constitutes an important

ecological feature. The Council and the applicant have considered the indicative layout as a potential direction of travel for the development of the site and have both concluded that the level of biodiversity loss resulting for the indicative development needs to be addressed.

It is considered that in this instance potential loss could be addressed by detailed measures secured by approval of planning conditions and approved as part of the detailed reserved matters application. It is also recommended that a mechanism be included within the Section 106 agreement that requires the reserved matters scheme to be subject to a biodiversity impact assessment (BIA) using an appropriate metric which can secure an off-site mitigation contribution in the unlikely event that the scheme does not protect against a net loss of biodiversity.

Overall, it is considered that a carefully considered reserved matters application could result in a development which can ensure that there is no biodiversity loss on site or that if there is unavoidable loss it is otherwise compensated for offsite. Policy CS13 supports development which protects biodiversity or enhances, restores or creates biodiversity, and which does not harm ecological networks. It is concluded that the proposal could be made acceptable with regards to biodiversity at the reserved matters stage and provisions secured if necessary via the S106 agreement, in compliance with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy.

Flood risk/drainage

Policy CS16 of the Core Strategy seeks to ensure that development is not at risk of flooding and that it does not cause flood risk elsewhere. This policy generally accords with the National Planning Policy Framework and does not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to it.

The site lies within flood zone 1 where the risk of flooding is generally low. The application includes flood risk assessment, which also includes a drainage strategy. The strategy suggests that surface water would be collected within a detention basin and SuDs features within the site and discharged at a green field runoff rate.

The Lead Local Flood Authority's comments are awaited and will be provided in a later item. Subject to their comments it is considered that the proposal can be satisfactorily drained and that there would be no flood risk to future or existing residents. As a result, it would comply with Development Plan policy CS16.

Highway matters

Policy CS2 of the Core Strategy seeks to ensure safe access is provided to new development and policy CS17 is concerned with encouraging sustainable transport patterns. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

Capacity

The access is to be located to the southern side of the site, with the connection to the highway network falling with Hinckley and Bosworth Borough Council's administrative area on the Ashby Road. Whilst this element of the proposal does not fall to Charnwood Borough Council to formally consider and determine, it is noted, for completeness, that the submission has been accompanied by a Transport Assessment.

The Local Highway Authority requested, as part of their assessment, that the Applicant undertook a capacity assessment of Junction 22 of the M1 Motorway. The Applicant stated that they do not consider an assessment of this junction to be necessary, given that the proposed development and the level of trips generated (29 two way trips in the AM peak and 28 two way trips in the PM peak) falls below the threshold of 30 two way trips usually required to undertake capacity assessment. The Local Highway Authority has accepted the comments made by the applicant in regard to the trigger for a capacity assessment and considers that no further assessment of the junction is necessary. The Local Highway Authority has requested that a contribution of £4,884 per dwelling towards the extended Coalville Transport Strategy to secure improvements to the A511/ A50 corridor in mitigating off-site impacts from developments in the area. The contribution will specifically aid in the mitigation of the additional vehicular movement from the proposed development to ensure that severe residual cumulative highway impacts do not occur.

The Local Highway Authority also sought clarification on the following points, namely:

- Further consideration of trip distribution, particularly in respect of traffic travelling to/from the Field Head roundabout;
- Consideration of H&BBC application references 20/00848/FUL and 21/00387/OUT as part of a sensitivity test within the capacity assessments;
- Capacity assessments of the Field Head roundabout and M1 Motorway J22;
- Updates to the Travel Plan;
- Further consideration to footway links between the existing bus stops and the site.

The above additional information has been received and reviewed by the Local Highway Authority. The Local Highway Authority have not objected to the proposal based on the revised information.

The appropriateness of the vehicular access arrangement to the site will be assessed and determined by Hinckley and Bosworth Borough Council. However, the Local Highway Authority have not objected to it and but have recommended the imposition of a number of planning conditions as well as a request for a number of financial contributions to be secured as planning obligations in a S106 legal agreement.

Sustainability

The proposal includes a footpath link to an existing bus stop on the frontage of the site. The main access to the site connects to the footpath along Ashby Road. These would help integrate the site with the village and would encourage journeys to local

facilities and green space on foot. It is considered that these links assist in the integration of the development and the development therefore considered to comply with policy CS17.

. Although site layout details are currently unknown it would be possible to provide internal roads and parking for the scheme to an acceptable design.. Accordingly, the proposal is considered to comply with relevant development plan policies and not to give rise to transport related harm, subject to a number of contributions and the imposition of a number of conditions.

Infrastructure

Policy CS24 states that new development should contribute either on or off site to any infrastructure arising as a result of the proposal. As set out within related legislation such requests must be necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind. Consultation regarding the application resulted in the following requests to meet infrastructure deficits created by the development based on a proposal for up to 93 dwellings.

Education	A contribution of £512,132.40 towards Newtown Linford Primary School and £277,632.16 towards Brookvale Groby Learning Campus Secondary School.
NHS	A contribution of £30,378.74 towards improving the capacity of Barrow Health Centre to allow for the accommodation of 145 additional patients generated by the scheme.
Open Space	The following provisions have also been requested. An outdoor sports facilities £32,839.00, allotments equating to £10,501.00 and an indoor sports contribution to consist of £44,381 towards swimming pool improvements, 0.07 indoor courts (at a cost of £42,431).
Libraries	A contribution of £2,810.00 towards library facilities.
Civic Amenity	A contribution of £6,080.00 towards improving waste capacity within the area.
Biodiversity mitigation	The submission of a Biodiversity Mitigation Strategy which includes a new BIA assessment (using the Warwickshire County Council calculator) with an agreed baseline for the site, at reserved matters stage. Mitigation will be provided in order of the following preference: <ol style="list-style-type: none"> 1. To achieve no net biodiversity loss. 2. Mitigation on site.

	Offsite contribution to commentary payment for a project within the vicinity of the development (to be agreed by all parties).
Sustainable Transport	A request has been made for the provision of travel packs for each dwelling, which will include two six month bus passes, two per dwelling.
Highway Improvements	A contribution of £454,212 (£4,884 per dwelling) towards the extended Coalville Transport Strategy. The provision of raised kerbs at the nearest two bus stops. Sustainable Travel Accreditation and Recognition Scheme monitoring fee of £6,000.

These contributions (with the exception of indoor sport) are considered to be CIL compliant and would allow the necessary infrastructure to meet policy CS24. There are concerns regarding the contributions requested towards indoor sports. This is because they are based on a national threshold that does not consider existing provision, local need and/or circumstances. As a result, it has not been fully demonstrated that the contribution towards indoor sport provision is necessary to make the development acceptable in planning terms in accordance with the requirements of CIL regulation 122.

Planning Balance

As there is currently an insufficient supply of deliverable housing sites, this application would have to be determined on the basis of para 11d of the presumption in favour of sustainable development in the NPPF. This means that there must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be refused.

In this case the development would provide up to 93 new units of which 37 would be affordable homes, at a time when there is an acute need for these. This is a significant benefit of the scheme. The site offers the potential for high quality design and an acceptable mix of housing. There are no technical constraints relating to highways, noise, heritage, landscape or flooding that cannot be mitigated and secured by way of detailed landscape design. The potential impact on the Ecology of the site can be mitigated through the use of planning conditions and Section 106 requirements. Impacts on infrastructure can be offset within the site or via commuted payments to improve facilities in the area.

The test from the Framework is whether the detrimental impacts of the proposal, described above would significantly and demonstrably outweigh the benefits of making a significant contribution to the supply of housing or whether specific policies within the Framework indicate that development should be restricted. With the Council's current position on housing land supply, it is not considered that these identified harms, (when taken together), would significantly and demonstrably outweigh the benefits of the additional housing.

RECOMMENDATION A

That authority is given to the head of Planning and Regeneration and the Head of Strategic Support to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure improvements, on terms to be finalised by the parties, as set out below:

Education	A contribution of £512,132.40 towards Newtown Linford Primary School and £277,632.16 Brookvale Groby Learning Campus Secondary School.
Affordable Housing	40% of units to be affordable comprising a mix of 77% social and affordable rent and 23% shared ownership.
Open Space	The provision of off-site contributions for outdoor sports facilities £32,839.00 and allotments equating to £10,501.00.
NHS – CCG	A contribution of £51,367.69 towards improving the capacity of Markfield Medical Centre to allow for the accommodation of 225 additional patients generated by the scheme.
Libraries	£2,810.00 towards library facilities.
Highways	<p>A contribution of £454,212 (£4,884 per dwelling) towards the extended Coalville Transport Strategy to facilitate improvements to the A511/ A50 corridor in mitigating off-site impacts from developments in the area</p> <p>The provision of raised kerbs at the nearest two bus stops.</p> <p>The provision of travel packs for each dwelling, which will include two six-month bus passes, two per dwelling.</p> <p>Sustainable Travel Accreditation and Recognition Scheme monitoring fee of £6,000.</p>
Civic Amenity	£6,080.00 towards improving waste capacity within the area.
Biodiversity Mitigation	<p>The submission of a Biodiversity Mitigation Strategy which includes a new BIA assessment (using the Warwickshire County Council calculator) with an agreed baseline for the site, at reserved matters stage. Mitigation will be provided in order of the following preference:</p> <ol style="list-style-type: none"> 1. To achieve no net biodiversity loss. 2. Mitigation on site. 3. Offsite contribution to commentary payment for a project within the vicinity of the development (to be agreed by all parties).

RECOMMENDATION B

That subject to the completion of the S106 legal agreement in Recommendation A above, planning permission be granted for the development subject to the following Conditions and Reasons why they have been imposed:

1.	<p>Application for the approval of the reserved matters shall be made within three years of the date of this permission and development shall commence within three years of the date of this permission or within two years of the date of approval of the last of the reserved matters, whichever is the later.</p> <p>REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>No development shall commence until details of the appearance, landscaping, layout and scale, ("the reserved matters"), have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.</p> <p>REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004</p>
3.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none">• 001 Revision B Site Location Plan <p>REASON: To provide certainty and define the terms of the permission</p>
4.	<p>The reserved matters shall comprise a mix of market and affordable homes that has regard to both identified housing need for the borough and the character of the area.</p> <p>REASON: To ensure that an appropriate mix of homes is provided that meets the Council's identified need profile in order to ensure that the proposal complies with Development Plan policy CS3, and the advice within the NPPF.</p>
5.	<p>The landscaping details submitted pursuant to condition 2 above shall include:</p> <ul style="list-style-type: none">i) the treatment proposed for all ground surfaces, including hard surfaced areas;ii) planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the east of the site;iii) finished levels or contours within any landscaped areas;iv) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure.

	<p>v) functional services above and below ground within landscaped areas; and</p> <p>vi) all existing trees, hedges and other landscape features, indicating clearly any to be removed.</p> <p>REASON: To make sure that a satisfactory landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2, CS11 of the Development Plan.</p>
6.	<p>The details submitted pursuant to condition 2 above shall include full details of existing and proposed ground levels and finished floor levels of all buildings relative to the proposed ground levels.</p> <p>REASON: To make sure that the development is carried out in a way which is in character with its surroundings and ensure compliance with policy CS2 of the Development Plan and associated national and local guidance.</p>
7.	<p>The details submitted pursuant to condition 2 above shall include the following minimum amounts and typologies of open space:</p> <ul style="list-style-type: none"> i. 0.07ha multi-functional green space area ii. 0.45ha of natural and semi-natural open space iii. 1 equipped LEAP iv. 0.10ha multi-functional green space area v. A young people's equipment/facilities <p>REASON: To ensure that the open space needs of future residents are met at a level that complies with Development Plan policies CS15 and</p>
8.	<p>The development shall be carried out in accordance with the Flood Risk Assessment dated May 2021 submitted with this planning application.</p> <p>REASON: To ensure that there is no risk of flooding to future residents and that the proposal drains adequately and does not lead to flooding elsewhere. This is to ensure compliance with development Plan policies CS16 and national guidance.</p>
9.	<p>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.</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.</p>
10.	<p>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.</p> <p>REASON: To prevent an increase in flood risk, maintain the existing surface water run-off quality, and to prevent damage to the final surface water management systems though the entire development construction phase.</p>

11.	<p>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.</p> <p>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 surface water drainage system (including sustainable drainage systems) within the proposed development.</p>
12.	<p>No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.</p>
13.	<p>No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This shall include the following:</p> <ul style="list-style-type: none"> • Details of the management of surface water during construction • Details of construction vehicle parking • Details of construction traffic routeing • Hours of operation for construction and delivery of materials <p>REASON: To ensure that the development does not cause harm to amenity, biodiversity or the environment during the construction phase and ensure compliance with Development Plan policies CS2 and CS16.</p>
14.	<p>Prior to occupation of any dwelling a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all public open spaces and surface water drainage system, shall be submitted to and approved in writing by the local planning authority. The approved landscape management plan shall then be fully implemented.</p> <p>REASON: To ensure that public open spaces are maintained so that they are of good quality and that drainage systems retain full function. This is to make sure the development remains in compliance with Development Plan policies CS15 and CS16</p>
15.	<p>Development shall not commence until an assessment of the risks posed by any contamination has been submitted in writing to and approved in writing by the local planning authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.</p> <p>REASON: To ensure the site, when developed, is free from contamination, in the interests of public health and safety to comply with the aims and objectives of the National Planning Policy Framework.</p>

16.	<p>Where the above approved risk assessment identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted in writing to and approved in writing by the local planning authority.</p> <p>REASON: To ensure the site, when developed, is free from contamination, in the interests of public health and safety to comply with the aims and objectives of the National Planning Policy Framework.</p>
17.	<p>No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.</p> <p>REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2021).</p>
18.	<p>No part of the development hereby permitted shall be first occupied until a framework/full 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.</p> <p>REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021).</p>
19.	<p>No development approved by this planning permission shall commence until an Ecological Mitigation Strategy has been submitted to and agreed in writing by the Local Planning Authority. As a minimum these details shall include:</p> <ol style="list-style-type: none"> 1) The retention and enhancement of important ecological features including grassland, hedges and associated ditches. 2) Prior to the occupation of any dwelling a Biodiversity Management Plan (BMP) will be prepared and implemented. <p>The development shall be carried out and retained thereafter in accordance with the approved details.</p> <p>REASON: To ensure the design and construction of the development does not result in the loss of any biodiversity features, habitats or protected species in accordance with Policy CS13 and the NPPF</p>

Informative Note(s):

1. Planning Permission has been granted for this development because the Council has determined that it is generally in accordance with the terms of Development Plan policies CS1, CS2, CS3, CS11, CS13, CS14, CS16, CS24, CS25, ST/2, CT/1, CT/2, EV/1 and TR/18. Because the benefits of the proposal are not significantly and demonstrably outweighed by the harm

identified. There are no other issues arising that would indicate that planning permission should be refused.

2. The Local Planning Authority has acted pro-actively through early engagement with the Applicant at the pre-application stage and throughout the consideration of this planning application. This has led to improvements with regards the development scheme in order to secure a sustainable form of development in line with the requirements of Paragraph 38 of the National Planning Policy Framework (2021), and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
3. 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>
4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
5. 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>

