

Delegated Report

Planning Ref: 25/00642/CONDIT
Applicant: Mr Mitesh Rathod
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: Land Off Captains Lane, Markfield, Leicestershire, LE67 9UY

Proposal: Application to vary conditions 1 and 28 and remove condition 7 from planning permission 24/00074/CONDIT. Amendments to include substitution of house types and revised layouts, removal of the requirement to update the flood risk assessment and to allow for landscaping details to be submitted prior to submitting the damp proof course

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- The completion of a Deed of Variation to the existing S106 agreement ensuring the contributions remain as an obligation

2. Planning application description

2.1. The application proposes a Section 73 amendment to an existing planning permission for 282 dwellings, originally approved in September 2021 and subject to a variation of condition approved in March 2023 and additional variation of condition approved in April 2024. Pre commencement conditions have all been discharged in respect of phase 1 and work has commenced on site.

2.2. The amendments are as follows:

- A new house type replacing 2 detached houses on adjoining plots, comprising of 1x3-bed at Plot 73 (JD331) and one 1x4-bed at Plot 74 (JD422), with a semidetached pairing of 4-bed houses (JS450). Parking arrangements originally proposed 1 garage space and 2 driveway spaces all in tandem for Plot 73 and 3 driveway spaces all in tandem for Plot 74. Revised parking arrangements propose 3 tandem parking spaces for both plots to side of Plot 74.
- A new house type replacing a detached 4-bed house (JD422) with a detached 3-bed house (JD319). Parking arrangements originally 3 driveway spaces all in tandem. Revised parking arrangements propose 3 tandem parking spaces.
- Removal of Condition 7 requiring an updated Flood Risk Assessment (FRA).
- Variation of Condition 28 to allow for details of soft and hard landscaping to be submitted prior to damp proof course rather than pre-commencement.

2.3. The original planning permission was granted subject to a Section 106 Legal Agreement securing 40% affordable housing and financial contributions towards

- Primary Healthcare
- Libraries
- Civic amenities
- Education
- Play and open space

- Coalville Transportation Strategy
- Bus stop improvements
- Travel Packs and Travel Plan monitoring

3. Description of the site and surrounding area

- 3.1. The application site is situated to the south of London Road, adjacent to the village 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 site is largely within the settlement boundary of Markfield as defined in the Neighbourhood Plan, with the exception of the central area abutting the watercourse which remains as open space.
- 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 (known as Captains Lane) towards 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
OPISS
08.04.2020

20/01283/FUL

- Residential development of 282 dwellings (Class C3) including provision of public open space, associated infrastructure and engineering works and demolition of Vine Cottage
PER
30.09.2021

21/01302/DISCON

- Application to discharge conditions 3 (Phasing Plan), 6 (Surface Water Management during Construction), 8 (Infiltration Testing), 21 (Land Contamination), 24 (Construction Environmental Management Plan), 30 (Ground Site Levels) and to partially discharge condition 5 Phase 1 (Surface Water Drainage Scheme), attached to planning permission 20/01283/FUL
SPLDIS
31.03.2022

21/01467/DISCON

- Application to discharge conditions 4 (materials), 11 (Tree Protection Plan), 16 (Bin Storage and Collection), 19 (Noise), 26 (Electronic

Communications) and to partially discharge the following conditions for phase 1 only; 9 (Biodiversity Landscape Management Plan), 10 (SuDs Wildlife Habitat), 15 (Badger Survey), 17 (Ventilation), 18 (Boundary Treatment), 28 (Public Right of Way), 29 (hard and Soft Landscaping) attached to planning permission 20/01283/FUL

SPLDIS

23.08.2022

23/00117/CONDIT

- Variation to condition 2 of planning permission 20/01283/FUL. Amendments to revise layout and substitute house types.

PER

30.03.2023

24/00074/CONDIT

- Variation of Condition 1 of planning application 23/00117/CONDIT. Revision of site layout and substitute house types

PER

12.04.2024

24/00362/DISCON

- Application to discharge Condition 6 (Drainage) and 34 (Travel Plan) from planning application 24/00074/CONDIT

SPLDIS – Cond. 34 Discharged

11.09.2024

24/01029/DISCON

- Condition 6 - SUDS Maintenance Strategy Application to discharge condition 6 (SUDS Maintenance Strategy) attached to planning permission 24/00074/CONDIT

DISCHA

10.01.2025

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. One representation in objection received:

- Retain Condition 7 and require an up-to-date, publicly available FRA prior to any construction or regrading.
- Potential creation of a mound/raised land behind their property would increase surface water runoff and exacerbate flooding at their property.
- Retain condition 28 as a pre-commencement condition.

6. Consultation

- 6.1. No objections / comments from:
- Markfield Parish Council
 - HBBC Drainage
 - LCC LLFA

7. Policy

- 7.1. Markfield Neighbourhood Plan (2021)
 - Policy M1: Countryside
 - Policy M10: Design
 - Policy M15: Housing Provision
 - Policy M16: Housing Allocation London Road
 - M18: Housing mix
 - M20: Affordable Housing
- 7.2. Core Strategy (2009)
 - Policies 7 and 8: Key Rural Centres
- 7.3. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)

8. Appraisal

- 8.1 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. The development plan in this instance consists of the adopted Core Strategy (2009), the Site Allocations and Development Management Policies DPD (2016) and the Markfield Neighbourhood Plan (2021).
- 8.2 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 and as such a sustainable location for development. The principle of residential development on the site is already established by the permissions granted in 2021 and 2023, so there are no objections to the current proposal in principle, subject to detailed consideration of the changes now proposed. Therefore, the application considers the impact of the proposed minor material amendments on:

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Design and impact upon the character of the area

- 8.3 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. The site has been granted permission for residential development previously and is an allocated site in Markfield Neighbourhood Plan (NP).
- 8.4 Policy M1 of the NP identifies suitable development outside the Settlement Boundary. A small part of the site is outside the settlement boundary but remains as open space.
- 8.5 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.6 Policies M10, M15, M16, M18 and M20 of the Neighbourhood Plan relate to standards of design and the provision of housing.
- 8.7 The Council's Good Design Guide SPD sets out the process to be followed to ensure good quality design for new residential development.
- 8.8 The new house types JS450 and JD319 would replace approved house types JD331 and JD422 and relate to 3 plots (73, 74 and 79). The changes are as follows:
- A new house type replacing 2 detached houses on adjoining plots, comprising of 1x3-bed at Plot 73 (JD331) and one 1x4-bed at Plot 74 (JD422), with a semidetached pairing of 4-bed houses (JS450). Parking arrangements originally proposed 1 garage space and 2 driveway spaces all in tandem for Plot 73 and 3 driveway spaces all in tandem for Plot 74. Revised parking arrangements propose 3 tandem parking spaces for both plots to side of Plot 74.
 - A new house type replacing a detached 4-bed house (JD422) with a detached 3-bed house (JD319). Parking arrangements originally proposed 3 driveway spaces all in tandem. Revised parking arrangements propose 3 tandem parking spaces.
- 8.9 The proposed amendments are considered minor and would not result in any adverse harm to the overall design, layout and visual impact on the immediate setting, or the wider area compared to the approved scheme. The proposal does not raise issues not previously considered in terms of Policy DM4 of the SADMP and Policy M1 of the Neighbourhood Plan.
- 8.10 The house types are acceptable and in keeping with those previously approved on the site. There are no implications on the housing mix or affordable housing provision. No objections have been received. The proposal accords with Policies DM3 and DM10 of the SADMP and Policies M10, M15, M16, M18 and M20 of the Neighbourhood Plan.

Impact upon neighbouring residential amenity

- 8.11 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers

of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.

- 8.12 The proposed amendments provide acceptable separation distances and amenity space between the new dwellings in accordance with the SPD and so do not have implications on the nearby existing dwellings in terms of loss of light or privacy. The proposal complies with Policy DM10 of the SADMP in this respect.

Impact upon highway safety

- 8.13 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 115 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.
- 8.14 Plot 74 would replace a 3-bed dwelling with a 4-bed dwelling. Previously approved parking arrangements proposed 3 driveway parking spaces all in tandem. The proposal would retain this parking arrangement. However, LHA design guidance considers such an arrangement to equate to 2 parking spaces, resulting in a shortfall of 1 parking space. The floor plans for house type JD422 proposed for Plots 73 and 74 illustrate a floor layout comprising of 2 double rooms and 2 single rooms, resulting in a 4-bed dwelling of small proportions. Taking into consideration the layout of the proposed house type and that the previously approved 4-bed dwelling also had a similar 3-car tandem parking arrangement, it is considered that, on balance, the proposed parking arrangements are considered acceptable. It is therefore considered that the changes do not have any adverse implications on parking levels and the access to the site and road layout remains unchanged.

Flooding & Drainage

- 8.15 The application seeks to remove condition 7 relating to the requirement for an updated FRA. Condition 7 is as follows:

Following the infiltration testing carried out and the information approved - C8 Appendix B Infiltration Calculations PJSG20-15-R01 received 21/10/21 as part of the Discharge of Condition decision reference 21/01302/DISCON, 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.

- 8.16 The applicant has stated that infiltration testing was undertaken as part of the site-wide Geo-Environmental Assessment (PJSG20-15-R01), submitted under Discharge of Condition application 21/01302/DISCON and approved on 21/10/2021. The testing, detailed in Section 6.5 and Appendix B of the report, confirmed that soakaways were not viable due to cohesive Oadby Member deposits across the site. All nine test locations returned no measurable infiltration, indicating the ground was effectively impermeable.
- 8.17 The LLFA have been consulted on the proposal. The LLFA agree that the flood risk assessment does not require further update and supports removal of Condition 7.

- 8.18 Regarding the variation of Condition 28. The LLFA have raised a query relating to the absence of detail relating to permeable paving. A note to the applicant is recommended advising of this.

Landscaping

- 8.19 The application seeks to vary Condition 28 for details of soft and hard landscaping to be submitted prior to damp proof course level, rather than pre-commencement. This is to allow commencement of initial infrastructure works on Phases 2, 3 and 4. Condition 28 is as follows:

Notwithstanding the approved plans, development shall not take place in Phase 2, 3 and 4 until a scheme of hard and soft landscaping works for that phase which shall also including a landscape management plan, has been submitted to and approved in writing by the local planning authority. The Landscape Management Plan shall cover implementation, long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens. The development shall be carried out in full accordance with the approved landscaping scheme and implementation 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.

In respect of Phase 1 the development shall accord with the approved landscaping scheme as approved by the Discharge of Conditions decision reference 21/01467/DISCON as follows:

C29 Planting & Hardworks Plan Drg No. 6675-L-12-18 Rev F (Sheet 1 - 7) received 27 June 2022

C9 & C29 Landscape Management Plan Rev B received 27 July 2022

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.*

- 8.20 It is considered reasonable to allow this condition to be varied to accommodate for infrastructure works. Works limited to damp proof course level would still allow the LPA sufficient control over the landscaping element of the proposal if amendments are required.

Previously imposed conditions

- 8.21 As a Section 73 amendment, any permission is a stand-alone approval and so it is necessary to consider whether it is appropriate to re-impose the conditions attached to the latest permission granted under 24/00074/CONDIT. The permission was subject to 34 conditions.
- 8.22 Condition 6 in relation to details of long term maintenance of a surface water drainage system was discharged under application 24/01029/DISCON.
- 8.23 Condition 34 in relation to details of a Travel Plan to be agreed was discharged under application 24/00362/DISCON.

- 8.24 This application seeks to remove 1 condition and therefore 33 conditions continue to be relevant, although with wording to reflect the proposed changes / plan numbers and to reflect where pre commencement conditions have been discharged in accordance with approved details (as appropriate).

9. Equality implications

- 9.2 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.3 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.4 There are no known equality implications arising directly from this development.
- 9.5 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The proposed amendments to the approved development are considered to be acceptable and are in keeping with the character and quality of the scheme as originally approved. There are no adverse implications on neighbouring residential amenity or highway safety and as such the proposal complies with the relevant Development Plan policies identified above. Conditions relating to drainage, archaeology, pollution, trees, landscaping, ecology, open space and sustainable travel remain applicable.

11. Recommendation

- 11.1 **Grant planning permission** subject to :
- The completion of a Deed of Variation to the existing S106 agreement ensuring the contributions remain as an obligation
 - Planning conditions outlined at the end of this report
- 11.2 **Conditions and Reasons**
1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan - Drg No. 6675-L-10D

Layout Plans - MFD02_REPLAN_01

House Type Drawings -

S304_HA AS-OP

JT203_HA AS-OP rev B Floor and Elevation plans

JS326_HA OP rev C

JS326_HA AS rev C

JS317_HA P01 AS rev C

JS110_HA AS-OP rev P01

JS203_HA AS-OP rev B

JS203 Amber AS-OP rev B

JS318 Heron AS-OP X rev B Floor and Elevation plans

JD421 Kingfisher OP rev C render

JD421 Kingfisher AS rev C render

JD421 Kingfisher OP rev B brick

JD421 Kingfisher AS rev A brick

JD411 Cardinal OP rev B render

JD411 Cardinal AS rev B render

JD411 Cardinal OP brick

JD411 Cardinal AS brick

JD401 Maple OP rev A render

JD401 Maple AS rev A render

JD401 Maple OP rev A brick

JD401 Maple AS rev B brick

JD331 Redpol OP rev B render

JD331 Redpol AS rev B render

JD331 Redpol OP rev B brick

JD331 Redpol AS rev B brick

JD326 Woodcock AS

JD319 Willowby OP rev A

JD319 Willowby AS rev C

JD315Y Whinchat AS render

JD315X Whinchat AS brick

JD313Y Redpoll AS render

JD313X Redpoll AS brick

JD311 Swift AS

JS450L_HA AS

Material Layout Plan rev A

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

2. The development shall be carried out in accordance with the C3 Phasing Plan 6675-A-18 rev C received 21/10/21 and Phasing Plan Implementation C3 received 28/1/22 approved as part of Discharge of Conditions decision reference 21/01302/DISCON.

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).

3. The materials to be used on the external elevations of the dwellings shall be in accordance with Drawing C4 Materials Layout Rev B received 11/4/22 approved through the Discharge of Condition decision reference 21/01467/DISCON and

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).

4. No development shall take place within Phases 2, 3 and 4 until such time as a surface water drainage scheme for that phase 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 each phase. The surface water drainage scheme for Phase 1 shall be in accordance with the scheme approved through the Discharge of Condition decision reference 21/01302/DISCON as follows:

Received 2 February 2022

C5 FW2127-C-007 Drainage Areas Plan

C5 FW2127-C-008 Exceedance Flow Routes

C5 Long Sections Sheet 2 of 5 Drg No. FW2127-C-006-02 Rev A4

C5 FW2127-C-003-04 P1 Private Drainage Sheet 4 of 4

C5 FW2127-C-003-03 P1 Private Drainage Sheet 3 of 4

C5 FW2127-C-003-02 P1 Private Drainage Sheet 2 of 4

C5 FW2127-C-003-01 P1 Private Drainage Sheet 1 of 4

Received 21 October 2022

C5 Storm Network FW2124 S104

C5 Section 104 Layout Sheet 1 of 5 Drg No. FW2127-C-005-01 Rev A2

C5 Section 104 Layout Sheet 2 of 5 Drg No. FW2127-C-005-02 Rev A2

C5 Section 104 Layout Sheet 3 of 5 Drg No. FW2127-C-005-03 Rev A2

C5 Section 104 Layout Sheet 4 of 5 Drg No. FW2127-C-005-04 Rev A2

C5 Section 104 Layout Sheet 5 of 5 Drg No. FW2127-C-005-05 Rev A2

C5 Section 104 Layout (Overview) 5 of 5 Drg No. FW2127-C-005-06 Rev A2

C5 Long Sections Sheet 1 of 5 Drg No. FW2127-C-006-01 Rev A2

C5 Long Sections Sheet 3 of 5 Drg No. FW2127-C-006-03 Rev A2

C5 Long Sections Sheet 4 of 5 Drg No. FW2127-C-006-04 Rev A2

C5 Long Sections Sheet 5 of 5 Drg No. FW2127-C-006-05 Rev A2

C5 Adoptable Manhole Schedules Drg No. FW2127-C-006-06 Rev A2 C5 Adoptable Drainage Construction Details Sheet 1 of 2 Drg No FW2127-C-010-01 Rev A2

C5 Adoptable Drainage Construction Details Sheet 2 of 2 Drg No FW2127-C-010-02 Rev A1

Received 2 February 2022

C5 Long Sections Sheet 2 of 5 Drg No. FW2127-C-006-02 Rev A4

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).

5. The development shall be carried out in accordance with the scheme for the management of surface water on site during construction - C6 managing Flood Risk

During Construction received 21/10/21 as approved through the Discharge of Condition decision reference 21/01302/DISCON.

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

6. The development shall be carried out in accordance with the details in relation to the long term maintenance of the surface water drainage system:

Received 8 November 2024
SUDS Management Maintenance Strategy

As approved by the Discharge of Condition decision reference 24/01029/DISCON.

Reason: To establish a suitable maintenance regime that can 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.

7. No development shall commence above damp proof course level in Phases 2, 3 and 4 until a landscape and biodiversity management plan has been submitted to and approved in writing by the Local Planning Authority. Phase 1 shall be carried out in accordance with the details - C9, C10 & C29 Landscape Management Plan Rev B received 27 July 2022 and C9 & C10 Biodiversity Management Plan received 9 December 2021 as part of the Discharge of Condition decision reference 21/01467/DISCON

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.

8. No development shall take place within Phases 2, 3 and 4 until full details of the SuDs for that phase 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 in each phase. The SuDs in respect of Phase 1 shall be carried out in accordance with the details - C9, C10 & C29 Landscape Management Plan Rev B received 27 July 2022 and C9 & C10 Biodiversity Management Plan received 9 December 2021 as part of the Discharge of Condition decision reference 21/01467/DISCON

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.

9. Before any development commences on each phase, including site works of any description, Tree Protection measures to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, shall be erected in accordance with the C11 Tree Protection Statement received 9/12/21 approved as part of the Discharge of Condition decision reference 21/01147/DISCON. 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).

10. During the construction period, none of the trees or hedges identified to be retained as per Tree retention drawings contained within Arboricultural Assessment by fpcr November 2020 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.

11. The installation of 12No. bat boxes shall be carried out in accordance with the recommendations contained within 4.59 of the submitted Ecological Appraisal (November 2020), received by the Local Planning Authority on 03 December 2020. The boxes shall be provided prior to first occupation of the relevant phase of development 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).

12. 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).

13. Within 3 months of any ground clearance of Phase 2, 3 and 4 of the 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. In respect of Phase 1 the development shall be carried out in accordance with the approved survey and any mitigation measures identified through the Discharge of Condition decision reference 21/01467/DISCON and C15 Phase 1 Badger Update 19/1/22 received 26/1/22.

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 180 of the NPPF.

14. The development shall be carried out in accordance with the waste and recycling storage and collection scheme as approved by the Discharge of Condition decision reference 21/01467/DISCON. The approved scheme shall be implemented in accordance with the agreed details 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).

15. The development shall be carried out in accordance with the scheme for the ventilation to serve all habitable rooms which overlook the M1 corridor as approved through the Discharge of Condition decision reference 21/01467/DISCON and the works 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).

16. Notwithstanding the approved plans, no development shall take place within Phase 2, 3 or 4 until details of all rear boundary treatments for each dwelling within that phase has been submitted to and approved in writing. The approved boundary treatment shall be completed for each plot prior to its occupation. In respect of Phase 1 the boundary treatments shall accord with the details - C17 & C18, Scheme of Ventilation & Boundary Treatment Plan (Phase 1) Rev B received 16/3/22 approved as part of the Discharge of Condition decision reference 21/01467/DISCON.

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).

17. The development shall be carried out in accordance with the scheme for protecting the proposed dwellings from noise from activities at Upper Grange Farm/Tomlinson Boarding Kennels - C19 Dog Agility Initial Assessment received 9 December 2021 and C19 Noise Letter from Agility Classes P01 received 27 July 2022 as approved through the Discharge of Condition decision reference 21/01467/DISCON. 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).

18. All windows to habitable rooms for the plots identified on Drawing No. 6675-A-05 N 'Hoare Lea Mark up' received by the Local Planning Authority on 9 March 2021 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).

19. The development shall be carried out in accordance with the scheme for the investigation of potential land contamination on the site and details of how any contamination is dealt with as follows:

Received 8 March 2022

C21 PJSF21-15-RT-02 Markfield Technical Note

C19 & C21 Supporting information Received 24 January 2022

Received 12 January 2022

C21 PJSG21-15- Geo-Environmental Assessment Markfield Final Dec 21 Rev A

As approved through the Discharge of Condition decision reference 21/01302/DISCON. Any remediation works shall be carried out prior to the dwellings 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).

20. 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 unexpected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling in that phase 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).

21. 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).

22. The development shall be carried out in accordance with the Construction Environmental Management Plan - C24 Construction Management Plan Rev C and C24 Supporting information for Rev C received 22/12/21 as approved through the Discharge of Conditions decision reference 21/01302/DISCON.

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

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).

23. 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).

24. The development shall be carried out in accordance with the details of the provision of electronic communications infrastructure to serve the development, including full fibre broadband connections:

Received 19 January 2022
C26 Phase 1 & 2 Proposed Open Reach Connection
Page 4 of 4

Received 9 December 2021
C26 Open Reach Confirmation
C26 Notification of Broadband

As approved by the Discharge of Condition decision reference 21/01467/DISCON. The infrastructure shall be fully available upon the occupation of each dwelling 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 114 of the National Planning Policy Framework (2021).

25. The development hereby approved shall be carried out in accordance with the approved Written Scheme of Investigation (ULAS, dated 4 May 2021), unless otherwise agreed in writing with the local planning authority

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).

26. No development of Phase 2, 3 or 4 containing a public right of way 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. In respect of Phase 1 the development shall be carried out in accordance with the information within the Cover Letter to all Conditions received 9 December 2021 as part of the Discharge of Conditions application reference 21/01467/DISCON.

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 100 of the National Planning Policy Framework (2021).

27. Notwithstanding the approved plans, no development shall commence above damp proof course level in Phases 2, 3 and 4 until a scheme of hard and soft landscaping works for that phase which shall also including a landscape management plan, has been submitted to and approved in writing by the local planning authority. The Landscape Management Plan shall cover implementation, long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens. The development shall be carried out in full accordance with the approved landscaping scheme and implementation 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.

In respect of Phase 1 the development shall accord with the approved landscaping scheme as approved by the Discharge of Conditions decision reference 21/01467/DISCON as follows:

C29 Planting & Hardworks Plan Drg No. 6675-L-12-18 Rev F (Sheet 1 - 7) received 27 June 2022

C9 & C29 Landscape Management Plan Rev B received 27 July 2022

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.

28. The development shall be carried out in accordance with the proposed finished floor levels as approved through the Discharge of Condition decision reference 21/01302/DISCON as follows:

C30 External Levels Layout Sheet 1 of 4 Drg No. FW2127-C-002-01 Rev C1
C30 External Levels Layout Sheet 2 of 4 Drg No. FW2127-C-002-02 Rev C1
C30 External Levels Layout Sheet 3 of 4 Drg No. FW2127-C-002-03 Rev C1
C30 External Levels Layout Sheet 4 of 4 Drg No. FW2127-C-002-04 Rev C1
C30 Private Construction Details Sheet 1 of 2 Drg No. FW2127-C-011-01 Rev P1
C30 Private Construction Details Sheet 2 of 2 Drg No. FW2127-C-011-02 Rev P1
Received 23 February 2022

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).

29. 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 received 12 March 2021

Detailed Planning Layout (2 of 4) - Drg No. 6675-A-02G received 12 March 2021

Detailed Planning Layout (3 of 4) - Drg No. 6675-A-03H received 12 March 2021

Detailed Planning Layout (4 of 4) - Drg No. 6675-A-04H received 12 March 2021

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.

30. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on DR-O-0001 and ref. PRJ01-TTE-00-ZZ-DR-O-0004 Rev A received by the Local Planning Authority on 11 March 2021 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).

31. No individual plot shall be occupied until such time as the parking and turning facilities in relation to that plot have been implemented in accordance with drawing number Detailed Layout (Overall) - 6675-A-05 Rev.Q received by the Local Planning Authority on 12 May 2021. 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).

32. 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 100 of the National Planning Policy Framework 2021.

33. The development shall be carried out in accordance with the details of the Travel Plan.

Received 3 June 2024

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).

11.3 Notes to applicant

1. 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>
2. 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.
3. 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.
4. 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.
5. 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.
6. Whilst the variation of Condition 28 relates to the timing of the submission of details, please be advised that the LLFA have raised a query relating to the absence of detail relating to permeable paving. This should be addressed early in the planning process to avoid unnecessary costs further down the line.