



Appeal Decision

Hearing (Virtual) held on 25 May 2022

Site visit made on 19 and 26 May 2022

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2022

Appeal Ref: APP/X2410/W/21/3281964

Land to the west of Iveshead Road, Shepshed, Leicestershire, LE12 9ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Rainier Developments Ltd, William Carvill, Christine Stringfellow, Julie Smith, Philip Carvill against the decision of Charnwood Borough Council.
 - The application Ref P/21/0027/2, dated 21 December 2020, was refused by notice dated 23 June 2021.
 - The development proposed is erection of up to 50 dwellings with internal access roads, public open space, landscaping, surface water attenuation and associated infrastructure.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 50 dwellings with internal access roads, public open space, landscaping, surface water attenuation and associated infrastructure at land to the west of Iveshead Road, Shepshed, LE12 9ER in accordance with the terms of the application, Ref P/21/0027/2, dated 21 December 2020, subject to the attached schedule of conditions.

Application for costs

2. At the hearing, an application for costs was made on behalf of Rainier Developments Ltd, William Carvill, Christine Stringfellow, Julie Smith and Philip Carvill against Charnwood Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council is currently preparing the Charnwood Local Plan 2021-37. Following consultation on the Pre-Submission version in 2021, the draft Local Plan was submitted to the Secretary of State for examination in October 2021. Hearing sessions are currently underway, but as there are unresolved objections to policies in the emerging plan which are relevant to this appeal, I have given them limited weight.
4. The planning application is in outline. Matters relating to access form part of the application, whilst layout, scale, appearance and landscaping are reserved for future approval. The masterplan framework submitted as part of the application shows how the proposed development could be accommodated on

the site, with areas for landscaping and open space. I have treated this drawing as indicative.

5. The Council refused the application for two reasons, the second being the failure to make provision for affordable housing and various other infrastructure and community facilities. Prior to the hearing, a draft planning obligation was submitted, and a signed version was provided shortly after, which provides for all of the measures identified as being required by the Council. On this basis, the Council has confirmed that it is able to withdraw the second reason for refusal. I see no reason to reach a different conclusion.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

7. The appeal site is located on the southernmost edge of Shepshed, adjacent to the recent Monastery Gardens development. Here, the low lying land associated with the urban area of Shepshed gives way to the undulating and well treed countryside of Charnwood Forest, an attractive area of rolling hills with areas of woodland and rocky outcrops, which lies between Leicester, Loughborough and Shepshed.
8. The appeal site is an a roughly rectangular field used for pasture, bounded by well established hedgerows, with mature trees at intervals along the southern boundary. The gentle increase in height across the Monastery Gardens development continues in the appeal site, which slopes upwards at an increasing angle towards the adjacent field, within which the rising landform reaches a crest before dipping again.
9. The character of the landscape in this area has been the subject of a succession of Landscape Character Assessments at varying scales, the most recent of which is the Charnwood Forest Landscape Character Assessment 2019 (LCA). The LCA shows the appeal site as being on the very edge of Area 7: Loughborough/Shepshed Mixed Farmland, which is described as a lower lying, predominately open, arable landscape lying between the central upland areas to the south and wider lowland to the north. The field immediately to the south of the appeal site is within LCA Area 3: Charley Heath and Pasture, which is described as an elevated and undulating landform formed predominately of farmed pastoral land.
10. The appeal site itself is undeveloped and rural in character. Although it does not display characteristics often associated with urban fringe landscapes, it is located immediately adjacent to existing development, and marks a transition between built form and the wider countryside. As such, the site is representative of LCA Area 7.
11. The proposed development of up to 50 houses would permanently change the character of the appeal site itself, but as demonstrated in the submitted Landscape and Visual Assessment (LVA), the topography restricts the extent to which the site is visible in the wider area. Having viewed the site from a variety

- of vantage points, including the viewpoints listed in the LVA, I agree with this conclusion.
12. The proposed development would extend the urban edge along Iveshead Road, eroding the rural character of this section of the road. When travelling along Iveshead Road towards the appeal site from the south, the urban edge would be reached more quickly, foreshortening the rural aspect. However, the undulating nature of the terrain means that the site cannot be seen until the crest of the hill has been reached, halfway along the previous field. The change to the rural character would be experienced only briefly, and the expansive views from the crest of the hill, across Shepshed to the lowlands beyond, would be largely unaffected.
 13. The proposed development would be clearly visible from the section of Iveshead Road between the mini-roundabout at the junction with Monastery Gardens and the crest of the hill. However, it would not interrupt the attractive views towards the rolling countryside of Charnwood Forest which are revealed beyond the hill crest.
 14. The appeal site provides an attractive rural setting to Monastery Gardens and Belfry Place, which would change as a result of the proposed development. The existing substantial planting along the southern boundary of Monastery Gardens would provide a significant amount of screening, but nonetheless the proposed development would be visible from some of the houses, and also through gaps between the buildings along these streets. Owing to the rising land levels towards the southern boundary of the site, the houses at the rear of the site would be seen on the skyline.
 15. From the end of Brick Kiln Lane, the appeal site is clearly visible and its current rural character would be replaced with housing. When viewed from this particular location, the change would be significant.
 16. Glimpsed views of the proposed houses would also be visible from parts of Iveshead Road to the north of the mini-roundabout, and through gaps in the hedge along Iveshead Lane. However, from locations closer to the main part of Shepshed, the topography and intervening built development makes it difficult to see the site at all, and the proposed development would not be readily visible.
 17. The proposed development would result in the loss of open countryside and would erode the rural character of the area, but the site is already on the edge of the settlement and the landscape and visual effects would be very localised. Moreover, the incorporation of a high quality landscaping scheme would help to assimilate the proposed development into the surrounding rural landscape, and reduce its visual impact.
 18. The indicative masterplan shows a wide landscaped strip along the southern edge of the site, with space for a substantial hedge and tree planting. This would help to reduce the extent to which the development would be visible on the skyline, and help to create a strong boundary to the urban edge. The implementation of such proposals would be in line with the LCA's recommendation that new development is well integrated within the landscape.

19. The appellant's LVA and the Council's Sensitivity Assessment, which was prepared as part of the work on the emerging Local Plan¹, both found that overall, the appeal site has moderate sensitivity to built development. In light of the above considerations, I have no reason to disagree with these conclusions.

Landscape designations

20. Paragraph 174a of the National Planning Policy Framework (the Framework) says that planning decisions should protect and enhance valued landscapes, in a manner commensurate with their identified quality in the development plan. The Council has suggested that, as the site is within the Charnwood Forest Regional Park and National Forest areas, it falls within such a valued landscape.
21. Core Strategy Policy CS12 is concerned with green infrastructure, and makes specific reference to Charnwood Forest Regional Park. The Policy seeks to protect and enhance the Park, through additional planting and linkages with development, but makes no reference to the area being a valued landscape in terms of the Framework. Policy EV4 of the emerging Local Plan is concerned with Charnwood Forest, and sets out a similar approach to Policy CS12. Again, no mention is made within this policy of the area being a valued landscape.
22. The Framework contains no definition as to what constitutes a valued landscape, and there is no recognised or agreed methodology for assessment. However, guidance produced by the Landscape Institute and Institute of Environmental Management and Assessment provides a useful starting point. The Guidelines for Landscape and Visual Impact Assessment (GLVIA) list a range of factors that can help in the identification of valued landscapes (Box 5.1).
23. Charnwood Forest is valued by many people, from the local area and the wider East Midlands region. The unique geology and attractive landscapes provide opportunities for outdoor recreation, and make it a popular destination for visitors. Being the location for Sir David Attenborough's childhood explorations, the area also has cultural heritage associations.
24. With its distinctive landscape character and cultural/leisure associations, Charnwood Forest displays a number of the factors listed in Box 5.1 of the GLVIA, which are indicative of a valued landscape. However, the Forest covers a very large area. The boundary of the Charnwood Forest Regional Park, as identified in the LCA, covers an area of some 158km² and includes a range of landscape character types and land uses, including urban areas.
25. The appeal site is one field on the edge of Shepshed, which makes no practical recreational contribution to the wider Charnwood Forest area, and has no particular cultural associations. As outlined above, with suitable mitigation, the development of the site could be integrated into the surrounding landscape. Even if Charnwood Forest as a whole were considered to be a valued landscape, the proposed development would have a negligible adverse effect on the value given to Charnwood Forest as a whole. As such, there would be minimal conflict with Framework paragraph 174a).
26. The appeal site is also within the National Forest boundary. This area is also subject to special treatment in terms of planning policy, but the concept is in

¹ Charnwood Landscape Capacity and Sensitivity Assessment Addendum, LUC, February 2021

part an aspirational one, aimed at increasing forest cover within this area, and does not preclude development.

Conclusion on main issue

27. I conclude that the proposal would cause a moderate adverse effect on the character and appearance of the area. It would conflict with Saved Local Plan Policies CT/2 and EV/1, which require that development respects and enhances the local environment, and does not harm the character and appearance of the countryside. There would also be conflict with Core Strategy Policy CS 11, which requires development to protect landscape character.
28. The decision notice also refers to Core Strategy Policy CS 2, but this relates to matters of detailed design which are not under consideration here.

Planning Obligation

29. A signed legal agreement (section 106 agreement) has been submitted as part of the appeal proposal. This contains a clause to the effect that, if the appeal decision specifically states that any of the obligations do not comply with Regulation 122, then they shall be deemed to be deleted.
30. The planning obligation makes provision for no less than 20% of the houses to be affordable, in accordance with the requirements of Core Strategy Policy CS3. The agreement also provides for an Open Space Scheme, which must include details of areas of public open space within the site, their laying out, inspection and maintenance. Financial contributions towards off-site open space for children and young people, allotments and outdoor sport, are also included. These provisions are necessary to meet the requirements set out in Core Strategy Policy CS 15 and the specific standards included in Figure 2 of that plan.
31. The proposed development would generate a demand for additional school places. The requested contribution of £220,272 for primary education and £181,180 for secondary education would be used to increase capacity at local schools to meet identified deficits, and has been calculated on the basis of national figures produced for the Department of Education, adjusted for local factors. This approach is consistent with the information set out in the Section 106 Developer Contributions Supplementary Planning Document 2007 and the approach to delivering infrastructure contained in Core Strategy Policy CS 24.
32. West Leicestershire Clinical Commissioning Group (CCG) has calculated that the development could result in an additional 121 patients, who would be likely to be spread over two GP practices in the area. In order to meet the costs for staff and premises to meet the additional demand, the CCG has requested a healthcare contribution of £27,312.72. The level of contribution is based on an average cost per square metre for new surgery projects, identified by a quantity surveyor experienced in health care projects.
33. The above provisions, alongside contributions for increased library stock, enhanced capacity at Shepshed Household Waste and Recycling Centre, and sustainable travel measures, are necessary to make the development acceptable in planning terms and comply with Core Strategy Policy CS24, which requires that development contributes to the reasonable costs of off-site infrastructure. They are directly related to the development, fairly and reasonably related in scale and kind, and meet the requirements of section 106

of the Town and Country Planning Act; Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, and Paragraph 57 of the Framework.

Highways contribution

34. Financial contributions of £60,209 and £82,368 are sought for improvement works to the junctions of the A512 with Charnwood Road/Iveshead Road and Leicester Road/Ingleberry Road respectively.
35. These junctions were recently improved as part of a wider scheme on the A512 corridor, which was completed in 2021. According to the CIL Compliance Statement, this work was funded through a variety of sources, including the Local Growth Fund. Developer contributions were to provide £8.1m funding for the scheme, and as at April 2022, £1.22m had been collected. This has left a shortfall of £6.88m, to be recovered from development which would have an impact on the corridor.
36. Traffic from the proposed development would make use of the A512 corridor and would benefit from the improvements which have already been made, particularly to the Iveshead Road/Ashby Road junction. However, the Core Strategy contains no provision for funding infrastructure which has already been delivered, and I have been provided with no other policy or strategy which sets out which developments in Shepshed and Loughborough are intended to contribute towards the junction improvement scheme, or how the funding gap is to be recouped.
37. The junction improvements have already been delivered and would still operate without the contributions. Modelling based on trip generation rates included in the Transport Statement shows that, following completion of the proposed development, the Iveshead Road/A512/Charnwood Road junction would operate within capacity in 2026, so no further works to the junction are required. No such information is provided for the Leicester Road/Ingleberry Road junction, but that is further away from the proposed development.
38. The junction improvements are in place already, so although the appellant raised no objection to the contributions at the hearing, I am unable to conclude that they are necessary to make the development acceptable in planning terms.
39. The County Council has referred to an appeal decision for development at Station Road, Cambridge, in which the Inspector agreed that a financial contribution towards transport infrastructure did meet the relevant tests, even though the work had already been completed. As in the appeal before me, the Council covered a funding gap to enable implementation of the scheme, in that case a guided busway, to go ahead.
40. However, unlike in the appeal before me, a financial contribution towards the transport infrastructure had previously been secured as part of an outline planning permission at the Station Road site. The Council's forward funding of the busway anticipated forthcoming contributions, which included that from the same site. In concluding that the financial contribution met the relevant tests, the Inspector took account of the s106 agreement already entered into, in respect of development at the site. The same situation does not apply in the case before me, and the Station Road appeal decision does not justify the financial contributions to junction improvements on the A512.

41. Paragraph 57 of the Framework requires that planning obligations must only be sought where they meet all of the tests. As the requested contributions towards the junction improvements fail to meet part a), they do not comply with paragraph 57 or Regulation 122. The contributions towards the A512/Iveshead Road and A512/Leicester Road/Ingleberry Road junction improvements are therefore deleted from the section 106 agreement.

Other Matters

42. A number of comments have been made regarding the distance from the site to local services and facilities. The site is located on the south side of the A512, and is over 1 mile from the main town centre. Although future residents could walk, cycle or use local buses, it is likely that others would choose to use a car to reach some day-to-day facilities, including schools. However, the site is close to other facilities, with employment opportunities just to the north of the A512 within easy walking distance.
43. Whilst the development would inevitably result in some additional car journeys, the site is within close reach of a wide range of local facilities. In overall terms, the location is acceptable in terms of accessibility.
44. A number of local residents have raised concerns about road safety and the number of accidents on local roads and at nearby junctions. Data on personal injury collisions for the period 2015-2019 shows that there were a number of incidents along the A512 at Shepshed, but none were recorded within 500m of the appeal site, and no highway safety concerns have been raised by the Council.
45. The submitted Transport Statement demonstrates that the level of traffic which the development is likely to generate could be accommodated on the local highway network. The Statement also shows that splays could be incorporated into the proposed access to provide appropriate visibility onto Iveshead Road, and a new section of pavement provided, to link into the existing footway network.
46. I am satisfied that the proposed access arrangements would be safe and suitable. In coming to this conclusion, I have noted the lack of objection from the Highways Officer in relation to these matters. There is no evidence to suggest that the level of additional traffic generated by the proposed houses would result in unacceptable levels of airborne pollutants in the local area.
47. The site is managed as a hay meadow and comprises improved grassland with hedgerows around the field boundaries, some of which incorporate mature trees. Development of the site would result in the loss of improved grassland and some sections of hedgerow, where needed to create accesses onto the site for vehicles and pedestrians. An Ecological Assessment was submitted as part of the proposals, which sets out a strategy to mitigate and compensate for the loss of habitats and flora on the site, as well as meeting the requirements of the National Forest and providing for a net gain for biodiversity, in accordance with paragraph 174 of the Framework.
48. Although indicative at this outline stage, the submitted details show that the mature trees on the site would be retained and the hedgerows enhanced. New habitats would be created, including a wide landscaped strip along the southern edge of the site with native shrub planting and the creation of wildflower

meadow. Additional native planting would be incorporated into the scheme within areas of on-site open space, with a pond which would be designed to be beneficial to wildlife as well as forming part of a sustainable urban drainage system. These measures could be secured through appropriate conditions, and in the case of off-site measures to provide biodiversity net gain, through the planning obligation.

49. In light of the above, I am satisfied that the site could be developed in a way which was acceptable from a biodiversity perspective.
50. Concerns have also been raised over potential impacts that the proposed houses, which would be constructed on ground at a slightly higher level than the adjacent Monastery Gardens development, could have on the living conditions of nearby residents. Particular concerns have been expressed about potential loss of privacy and overbearing impact, but these are detailed issues which would need to be addressed at the later, reserved matters stage. The size of the site provides for flexibility within the layout, and I am satisfied that a scheme could be designed which would be satisfactory in relation to its effect on the living conditions of nearby occupiers.
51. I note concerns about drainage which have been raised by a number of local residents, and comments by the County Council as Lead Local Flood Authority (LLFA) that there have been problems with surface water flooding on Iveshead Road. However, having reviewed the scheme, the LLFA have raised no objection subject to a number of conditions, including the requirement for a surface water drainage scheme. I have no reason to disagree with the conclusions raised by the LLFA.
52. I note concerns about the proposal setting a precedent for future growth in this area. However, any future proposals, including those being pursued through the emerging Local Plan, would need to be considered in light of their own particular impacts, and having regard to other relevant matters, including the planning policy and housing land supply position.
53. The characteristics of the site are different from the adjacent land which now forms the Monastery Gardens site, and which was considered by a Planning Inspector (appeal ref APP/X2410/A/12/2177327). However, I have assessed the proposal before me in terms of its own impact on the surrounding area, and there is nothing in the previous appeal decision that causes me to come to a different view.

Other considerations

Housing supply

54. There is no dispute that the Council is unable to demonstrate a five-year supply of deliverable housing sites. As at 1 April 2022, the housing land supply figure was 3.04 years, which represents a substantial shortfall. I recognise that significant progress is being made to address this situation through progress with the draft Local Plan which is currently being at examination stage. It is reasonable to assume that the housing land supply situation may well be significantly improved in the foreseeable future. However, the timescales for adoption of the draft Local Plan are as yet unknown and may be some time off, and I must make my decision based on the housing land supply situation as it is now.

55. As such, footnote 8 of Framework paragraph 11d)ii. is engaged. This states that the policies which are most important for determining the application are out of date, and that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Policy considerations

56. At the hearing, it was agreed that the most important policies for determining this appeal are saved Local Plan Policy EV/1 and Core Strategy Policy CS11, concerned with safeguarding landscape character and achieving well-designed places. Saved Local Plan Policy CT/2, concerning development in the open countryside, is mentioned in the decision notice and is also relevant. I have identified conflict with all these policies.
57. The adopted Local Plan predates the Framework, but the weight to be attached does not hinge on its age. Rather, paragraph 219 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The design considerations contained in Saved Policy EV/1 reflect the aims of achieving well designed places, contained in Section 12 of the Framework. However, the requirement for development to 'not harm the character and appearance of the countryside' contained in Saved Policy CT/2 is more restrictive than the Framework, which in paragraph 174b) requires that development should recognise its intrinsic character and beauty. Consequently, I give reduced weight to the conflict with Saved Policy CT/2.
58. Core Strategy Policy CS11 seeks to protect landscape character and reinforce sense of place. This Policy is broadly consistent with the objectives set out in Framework paragraph 130. Given their general consistency with the Framework, I give significant weight to the conflict with Saved Local Plan Policy EV/1, and Policy CS11.
59. The proposal accords with Core Strategy Policy CS1, which sets out the overall development strategy for the area and allows for development within and adjoining Shepshed. This approach is consistent with the objectives for promoting patterns of growth in areas which limit the need for travel and offer a genuine choice of travel modes, as set out in Framework paragraph 105.
60. The proposal would be consistent with Core Strategy Policy CS1, but this is not sufficient to outweigh the harm to the character and appearance of the area, and the associated conflict with Policies CS11 and Saved Policy EV/1 which I have identified. Although I am satisfied that the harm in relation to EV/1 and CS11 could, to some extent, be mitigated at the detailed design stage, there would nonetheless be a conflict with the development plan as a whole.

Planning balance

61. The proposal would cause moderate harm to the character of the countryside, but the visual harm would be limited in geographical extent, and could be mitigated in part by landscaping and design. The submitted masterplan shows that a reasonable amount of planting could be incorporated into the scheme, including a strong landscaped edge along the southern boundary. The final design of the scheme would be required to meet National Forest planting

guidelines, and in this way, the final scheme could contribute to the natural and local environment.

62. In light of the above considerations, I afford moderate weight to the harm which would be caused to the environment.
63. Set against this, the proposal would contribute to meeting housing needs, including affordable needs, in a location which is reasonably well located in terms of access to local services and facilities. Although 50 houses is a modest number in the context of the overall shortfall, nonetheless the scheme would make a useful contribution to the Framework objective of boosting the supply of housing. This is a matter to which I afford significant weight in the planning balance.
64. In addition, there would be modest economic benefits, as future residents of the scheme would contribute to the local economy and support shops and services, through household spending.
65. Other impacts of the scheme, including the demand that the proposed houses will generate for additional local services, highways and biodiversity, could be adequately mitigated through provisions within the legal agreement and appropriate conditions.

Conditions

66. The Statement of Common Ground sets out a list of agreed conditions, which I have reviewed in accordance with the guidance set out in Framework paragraph 56. I have made minor wording changes to some of the suggested conditions to aid clarity and precision, and combined others where it makes sense to do so.
67. In addition to conditions setting out timescales for implementation and for submission of reserved matters, a plans condition is necessary in the interests of certainty.
68. Approved drawing SK-T-004 rev P1 shows details of the proposed access, including visibility splays and a new section of footway along Iveshead Road, which would link to the existing footway network. In the interests of safety for all road users, a condition requiring that the implementation of these measures full prior to first occupancy of the development is necessary. A condition requiring that details of the internal access road be agreed and implemented before any of the houses are occupied is needed to ensure a satisfactory and safe development.
69. Pre-commencement conditions requiring the submission and approval of a Construction Traffic Management Plan and Construction Environmental Management Plan are necessary in the interests of highway safety; to prevent any increase in flood risk during construction and to safeguard water quality and biodiversity, including nearby designated nature conservation sites.
70. Conditions requiring details of foul and surface water drainage across the site are also required, to safeguard the quality of local water courses and avoid any increase to local flood risk. Conditions ensuring the retention and protection of existing trees and hedgerows in and around the site are required to help integrate the development into the surrounding area, and to safeguard the character of the area and biodiversity.

71. Layout and landscaping are matters reserved for future determination, and conditions specifying the required provision of open space and woodland planting are needed to satisfy the requirements of Core Strategy Policy CS15, and to meet the National Forest planting guidelines, as set out in Core Strategy Policy CS12.
72. A further condition is needed which specifies the landscaping details which will be required as part of any future reserved matters application, to ensure a satisfactory appearance to the development. To secure the long term management and maintenance of open spaces and landscaping features, the submission and implementation of a Landscape Management Plan is required to ensure that appropriate arrangements are in place. Finally, a condition requiring submission and implementation of an Ecological Management Plan is required to safeguard wildlife and provide for biodiversity net gain, in accordance with the principles contained in the submitted Ecological Assessment (Tyler Grange December 2020).

Conclusion

73. Overall, I find that the development's adverse effects would not significantly and demonstrably outweigh the benefits of providing additional housing in this location, when assessed against policies in the Framework as a whole.
74. Although there would be conflict with the development plan taken as a whole, this would be outweighed by the presumption in favour of sustainable development. As there are no other considerations which alter this finding, the appeal should succeed.

R Morgan

INSPECTOR

Schedule of Conditions

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 2) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans, but only in respect of those matters not reserved for later approval:
 - L01 - Site location plan
 - Sk-T-004 Rev P1 – proposed site access
- 4) No dwelling shall be occupied until the access arrangements shown on drawing Sk-T-004 Rev P1 have been implemented in full. Visibility splays shall thereafter be permanently maintained, and shall remain free of any structure, erection or vegetation exceeding 0.6 metres in height.
- 5) Notwithstanding any illustrative material provided, the access road serving the development shall be designed and constructed in accordance with the standards of Leicestershire County Council Highway Authority, to include suitable traffic calming measures if required.

No house shall be occupied until the access road has been constructed in accordance with details which have previously been approved in writing by the local planning authority. The access road shall thereafter be permanently so maintained.

- 6) No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall provide for:
 - Details of the routing of construction traffic to and from the site;
 - the parking of vehicles of site operatives and visitors;
 - wheel washing facilities; and
 - a timetable for implementation

The approved Construction Traffic Management Plan shall be adhered to throughout the construction period for the development.

- 7) No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall provide for:
 - the management of surface water on site during all stages of construction; and
 - precautionary methods to avoid harm to biodiversity during construction, including protected species and nearby designated wildlife sites, in accordance with the recommendations contained in the submitted Ecological Assessment (Tyler Grange December 2020)

The approved Construction Environmental Management Plan shall be adhered to throughout the construction period for the development.

- 8) No development shall take place until details of a surface water drainage scheme have been submitted to, and approved in writing by, the local planning authority. The surface water drainage scheme shall be informed by infiltration testing which shall first have been carried out (or suitable evidence provided to preclude testing), to confirm or otherwise the suitability of the site for the use of infiltration as a drainage element.

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

- 9) No development shall take place until a scheme for foul water drainage has been submitted to, and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the dwellings
- 10) The existing trees within the site, as indicated on the Tree Constraints Plan in the submitted Preliminary Arboricultural Impact Assessment, shall be retained and protected, and shall not be felled, lopped, topped or uprooted. Any of the existing trees which are removed, die, are severely damaged or become seriously diseased shall be replaced with trees of a size and species previously agreed in writing by the local planning authority within one year of the date of any such loss, for a period of 5 years from the date development begins.
- 11) No development, including site works, shall begin until each tree to be retained has been protected in a manner which shall have first been agreed in writing by the local planning authority. Each tree shall be protected in the agreed manner for the duration of building operations on the site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored on it. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.
- 12) The hedgerows around the site shall be retained, protected (except for access requirements) and maintained in accordance with a Hedgerow Management Plan to be submitted to and agreed in writing by the local planning authority prior to the commencement of development.
- 13) Details submitted pursuant to condition 2 shall provide for at least 0.48ha of woodland planting within the perimeter of the site, to meet the National Forest planting guidelines.
- 14) Details submitted pursuant to condition 2 shall include the following minimum amounts and typologies of on-site open space:
- 0.04ha multi-function green space;
 - 0.24ha natural and semi-natural open space; and
 - 0.06ha amenity green space.
- 15) Details of landscaping required to be submitted pursuant to condition 2 shall include the following details:
- i) the treatment proposed for all ground surfaces, including hard surfaces;

- ii) planting schedules across the site, including species, sizes, numbers and densities of plants and trees;
- iii) finished levels or contours within any landscaped areas;
- iv) existing and proposed ground levels, and finished floor levels of all buildings relative to the proposed ground levels;
- v) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure;
- vi) functional services above and below ground within landscaped areas; and
- vii) all existing trees, hedges and other landscape features, indicating clearly any to be removed.

The landscaping works shall be carried out in accordance with the approved details in accordance with an agreed implementation plan.

- 16) Prior to the occupation of any dwelling a Landscape Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include long term design objectives, management responsibilities and maintenance schedules for all public open spaces, ecological areas and surface water drainage systems. The approved Plan shall then be fully implemented.
- 17) No development shall take place until an Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall incorporate the recommendations of the submitted Ecological Assessment (Tyler Grange December 2020) and shall include:
 - Measures to maximise the biodiversity of newly created habitats and demonstrate their ability to support protected and priority species, including demonstrating biodiversity new gains
 - Details of the location, number and design of nesting bird boxes, bat boxes and invertebrate hibernacula to be incorporated into the development.

The approved Ecological Management Plan shall then be fully implemented in accordance with an agreed timetable.