

Delegated Report

Planning Ref: 24/00040/OUT
Ward: Ratby, Bagworth and Thornton



Hinckley & Bosworth
Borough Council

Site: 193 Shaw Lane, Markfield

Proposal: Outline planning permission for the erection of up to 4 dwellings (some matters reserved except for access and layout) following the demolition of existing commercial buildings

Recommendations

- 1.1. **Grant planning permission** for the reasons at the end of this report.

Planning application description

- 2.1. The application seeks outline planning permission for the erection of up to 4 dwellings (All matters reserved except for access and layout) following the demolition of existing commercial buildings on Shaw Lane, Markfield. Only access & layout are sought for approval within this outline application and all other matters are reserved.
- 2.2. The indicative plans demonstrate a mix of house types being 2/3 bed and 4+ bed dwellings in a courtyard style layout to appear more agrarian visually than 4 detached dwellings. Although appearance and scale is not being assessed in this outline application the proposed dwellings would be a mixture of single / one and a half or 2 storey dwellings in a joined up footprint. The courtyard built form is located on the footprint of previously developed land but has been repositioned slightly further south to that previously relayed at the pre-application stage.
- 2.3. The area of the site is 0.29ha. Plot 1 gross external area would be 198sqm. Plot 2 gross external area would be 54sqm. Plot 3 gross external area would be 54sqm. Plot 4 gross external area would be 147sqm which would bring the total external area to a total of 453sqm. The total being demolished would be 461 sqm.
- 2.4. The finished appearance of the properties will be dealt with during the reserved matters stage of the application. The design and access statement submitted with this application states that high quality materials will be utilised which will reflect the character of the local area.
- 2.5. In terms of landscaping, proposed planting has been incorporated to screen the development from neighbours to the north & there is a new native hedgerow proposed for the western boundary and private amenity spaces with scope to include further biodiversity enhancement.
- 2.6. Access would be from Shaw Lane which is approx. 50m to the north. 10 parking spaces have been incorporated within the proposed layout.
- 2.7. Pre-application advice was sought for 4 dwellings via application, 23/10039/PREHMO. The pre-application response concluded with '*The application site is in an unsustainable location outside any settlement boundary in the countryside remote from everyday services and facilities and the back-land nature*

of the scheme would not complement the prevailing frontage development along Shaw Lane. Notwithstanding this, there may be some merit in the social, economic and significant environmental benefits that could arise from a small scale residential scheme on this previously developed brownfield site. This includes a social benefit from the provision of 4 new dwellings to the housing supply, a small economic benefit from the construction of the development and its future occupation and a more significant environmental benefit from remediating and enhancing the visual appearance of this brownfield site (subject to detailed plans), although this would be tempered by the deviation from the existing layout of surrounding development. Notwithstanding the benefits, in this case the conflict with policies DM4 and DM10 of the SADMP is likely to be given significant weight. In addition, in accordance with paragraph 14 of the NPPF, at present the conflict with policies M1, M10 and M17 of the MNP would be given significant weight and based on the information to date is likely to significantly and demonstrably outweigh the benefits of this small scale residential scheme. In order to be supported, any application submitted should clearly and satisfactorily demonstrate that the benefits outweigh the harm'.

- 2.8. The pre app response also included in the body of the report- *'The development of the site for new dwellings would clearly change the commercial character of the site and subject to satisfactory design, appearance and landscaping could result in an enhancement of the site in comparison to its current condition, although, this could be achieved irrespective of its use for residential development should the owner so wish' & 'Notwithstanding its location in the countryside, by virtue of the position of the site to the rear of existing dwellings and the presence on this previously developed site of mature hedgerows and occasional trees, a small scale residential development is considered unlikely to have any significant adverse impacts on the open, verdant character and appearance of the surrounding landscape'.*
- 2.9. For the current outline application the applicants have incorporated the advice provided in the Pre-App by adding trees to the northern boundary, adding native hedgerow to the western boundary, moving the proposed development a bit more to the south to make room for the additional trees, improving the size of amenity space for Units 2 & 3 and taking steps to ensure the proposed is compliant with the Councils adopted Good Design Guide and the guidance offered for backland development.
- 2.10. A Bat survey, an ecology survey and a Biodiversity impact assessment have also been submitted with the application

Description of the site and surrounding area

- 3.1. The application site is located approx. 2km north-west of the settlement boundary of Markfield, measuring approximately 0.29ha (60m long, 50m wide). The application site also falls outside of the Markfield Neighbourhood Plan Boundary. The site is approx. 50m to the south of Shaw Lane which forms a ribbon of linear development consisting of mostly 2 storey terraced properties with long narrow rear gardens. The site is bound by open countryside on all sides apart from the residential Shaw Lane. An existing track located between properties 193 & 195 Shaw Lane provides access to the site from Shaw Lane.
- 3.2. The site has been run as a haulage yard since the 1980s and consists of a large area of hardstanding with a range of commercial buildings. It was known as D M Haulage and ran 5 heavy good vehicles and two trailers as corroborated by the goods vehicle operator licence submitted with the application. The business

employed four fulltime workers. The owner of the site Mr Derek Moore passed away on October 12th 2021. The workshop buildings associated paraphernalia and inspection pits have all remained in situ but are in a dilapidated state. The site is accessed via an existing access from Shaw Lane which was widened to facilitate the safe movement of lorries during its use as a haulage yard. Though the site is located outside the adopted settlement boundary, its physical appearance and previous use constitute it as previously developed land.

- 3.3. The eastern half of the site consists of a number of dilapidated, workshop type buildings and open sided barn type structures with associated areas of hard standing. The western half of the site consist of unmanaged vegetation. Immediately to the north of the proposed site lie the rear garden boundaries of the existing properties fronting Shaw Lane. Immediately south of the proposed site lie a number of pastoral fields defined by mature mixed species hedgerows with occasional hedgerow trees.
- 3.4. Prior to the sites use as a haulage yard the site was in agricultural use.
- 3.5. Within a short walking distance from the site (circa 25 metres from the application site entrance) there is a bus stop which is accessible by a public walkway opposite 183 Shaw Lane. This serves the No 29, 29a 29b, x29 and runs hourly between Swadlincote, Ashby and Leicester.

4. Relevant planning history

- 4.1. The application site has no relevant planning history

5. Publicity

- 5.1. No letters of representation have been received.

6. Consultation

- 6.1. Markfield Parish Council – No comment received
LCC Highway Authority – No objection subject to conditions
HBBC Archaeology – No objection
HBBC Waste – No objection subject to a condition.
HBBC Drainage – No objection subject to a condition
HBBC Environmental Services – No objection subject to a condition
Environment Agency – No comments

7.0 Policy

- 7.1. Core Strategy (2009)
 - Policy 7: Key Rural Centres
 - Policy 16: Housing Density, Mix and Design

- 7.2. Site Allocations and Development Management Policies DPD (SADMP) (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy 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)
 - National Design Guide (2019)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - Highway Design Guide
 - National Design Guide (2019)
- 7.6. Markfield Neighbourhood Plan
- Policy M1- Countryside
 - Policy M2- Landscape Character
 - Policy M10- Design

8. Appraisal

- 8.1. It is considered that the key issues in the determination of this application are:
- Principle of Development
 - Design and Impact upon the Character of the Area
 - Impact upon residential amenity
 - Highway Safety

Principle of Development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2023)) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted 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.
- 8.4. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.5. According to paragraph 14 of the NPPF, in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse

impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided that a number of criteria apply. One of these criteria is that the Neighbourhood Plan became part of the development plan two years or less before the date on which the decision is made. In this case, as the neighbourhood plan was made in September 2021, it is now more than two years old and therefore paragraph 14 does not apply.

- 8.6. The current Development Plan consists of the adopted Core Strategy (2009), the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and Markfield Neighbourhood Plan. 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.
- 8.7. Footnote 8 of Paragraph 11 of the NPPF states that the housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites. Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 1st April 2022. Due to this and the change in the housing figures required for the Borough, Paragraph 11(d) of the NPPF is triggered.
- 8.8. Therefore, this application should be determined in accordance with Paragraph 11(d) of the NPPF, whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This is weighed in the balance of the merits of the application when considered with the policies in the SADMP and the Core Strategy, which are attributed significant weight in accordance with Paragraph 219 of the NPPF as they are consistent with the NPPF. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.9. Paragraph 123 of the NPPF states that, "Planning policies should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions."
- 8.10. Paragraph 124 of the NPPF states that Planning policies and decisions should: "c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land."
- 8.11. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 180(b) specifically highlights that this should be achieved by, "Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services."
- 8.12. As set out above the site lies outside of the settlement boundary for the village. Therefore, the site lies within the countryside and Policy DM4 of the SADMP is applicable. Policy DM4 states that that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
 - It is for outdoor sport or recreation purposes, and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or

- The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- It relates to the provision of stand-alone renewable energy developments; or
- It relates to the provision of accommodation for a rural worker; And
- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
- It does not undermine the physical and perceived separation and open character between settlements; and
- It does not create or exacerbate ribbon development

- 8.13. The application site lies outside of the identified settlement boundary of Markfield and does not fall within the Markfield Neighbourhood Plan (MNP) settlement boundary. Policy M1 of the MNP states that the following type of development will be supported in countryside locations where development that is otherwise in accordance with: national policies; or strategic planning policies or allocations; or with the other policies of the Neighbourhood Plan. Policy M17 of the MNP supports new housing development within the settlement boundary. The purpose of these policies is to protect the intrinsic beauty, open character, and landscape character of the countryside.
- 8.14. The proposed development does not fall within any category of sustainable development that is considered acceptable in the countryside. The proposal is not supported in principle by Policy DM4 of the SADMP or Policy M1 or M17 of the MNP.
- 8.15. Notwithstanding this, it is acknowledged that the application site is located close to other residential properties along Shaw Lane and is not considered to be in an isolated location. Nevertheless, policies restricting development outside of settlements still apply, even when the proposed development is not isolated, an assessment must be made on whether a location is or could be made locationally sustainable in terms of access to sustainable transport modes for everyday services/employment. In this case, future users would have access to a bus stop on Shaw Lane which could provide a reasonably regular service to Coalville, Leicester and surrounding villages/services. There is also a footpath along Shaw Lane whereby future occupiers could access services at the Flying Horse roundabout such as the pub and garages with basic shopping facilities within 800m walking distance. The Bardon Hill employment site is located further at approximately 1km to the west along Shaw Lane and could provide employment opportunities. With regards to the likelihood of future occupiers walking/cycling along Shaw Lane the attractiveness of this is likely to be limited owing to the busy and fast nature of the road and lengthy unlit sections of the footpath. In this respect whilst some options for sustainable transport modes exist which temper the harm attributed to the sites unsustainable location to some degree, the site's access to a genuine choice of sustainable transport modes is still limited.
- 8.16. Overall, the application site falls outside of any identified settlement boundary, where new, unrestricted residential development is not considered sustainable development in principle. The development does not comply with any of the requirements of Policy DM4 of the SADMP and Policies M1 and M17 of the MNP. Although there is clear conflict with the spatial policies of the development plan paragraph 11(d) of the NPPF is engaged and therefore a 'tilted balance' assessment must be made. This must take into account all materials considerations and any harm arising from the conflict with Policies DM4, M1 and M17 must therefore be weighed in the planning balance

along with the detailed assessment of the other relevant planning considerations in this case. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area

- 8.17. Policy DM4 of the adopted SADMP requires that development does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; does not undermine the physical or perceived separation and open character between settlements and does not create or exacerbate ribbon development. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.18. Policy M10 of the adopted MNP generally reflects the aims of Policy DM10 with regards to development being in keeping with the surrounding scale, form and character of its surroundings. Policy M2 of the MNP states that development should be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape character area. Policy M2 identifies an important long view from Billa Barra Hill from which the site may be visible and should be taken into consideration.
- 8.19. The appearance of the proposal is a reserved matter; therefore, this application is assessed via the indicative submitted plans which indicate the scale and layout.
- 8.20. The development proposals would change the character of the site from a collection of derelict commercial buildings and hard standing to that of a residential development retaining a similar quantum of built form.
- 8.21. The Baseline Landscape and Visual Appraisal of the proposed development site did not identify any designated sites deemed sensitive to the proposed development. The character of the proposed site is judged to have a low susceptibility to change and a low value.
- 8.22. The siting of the dwellings represents the redevelopment of a dilapidated brownfield site no longer in use to the rear of Shaw Lane. Shaw Lane has a tight urban grain with access to the site coming from a gap in the built form on Shaw Lane. Nevertheless, the proposal would be largely screened from public views by the mature vegetation to the front & side of the site.
- 8.23. This vegetation positively contributes to the character of the area and its retention and improvement through additional planting is considered to have a positive impact on the character of the street scene. It is expected that the trees and hedgerow shall be retained when details of landscaping are submitted with a subsequent reserved matters approval. The proposed courtyard development has been designed to enhance the site with modern dwellings built in an agrarian style whilst utilising existing and propose vegetation to seclude the new housing further from existing neighbours. Though the development is only outline for access and layout to be determined, the finished dwellings will look to incorporate high quality materials which will reflect the best of local architecture.

- 8.24. The development is located in an area which already has urban characteristics, given the existing development & adjoining road networks. There would be no effect on the physical and perceived separation and open character between settlements. The existing visual appearance of the site is poor, whilst the proposed development (subject to detail at reserved matters stage) would enhance the visual appearance of the site. An agrarian type development of the layout and scale layout proposed would be acceptable for this countryside location and it is recommended that this design ethos is carried forward to future submissions.
- 8.25. To summarise, the indicative scale and massing of the development is considered to be acceptable within the character of the street scene as most of the proposed would be screened by mature vegetation. The proposed would redevelop a dilapidated site, improving its visual appearance and vegetation along its boundaries. Given the above, the development is considered to result in an acceptable impact upon the intrinsic value, beauty, open character and landscape character of the open countryside, which is in compliant with, Policies DM4 and DM10 of the SADMP, Sections 12 and 15 of the NPPF, and the Good Design Guide. Furthermore the enhancements to the appearance of the site is judged to be a positive benefit to the scheme to consider in the planning balance.

Residential Amenity

- 8.26. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.27. The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.28. There are residential properties adjacent, however the layout has been devised to ensure there is no overlooking or negative impact on the nearby dwellings. The redevelopment of the site from a haulage yard to residential is more in keeping with the neighbouring uses and would be less intrusive in terms of noise, vibration, and visual intrusion.
- 8.29. No activities have been identified in the vicinity of the site which would affect the occupiers of the proposed development. The new dwellings will be constructed of materials that reflect the best of the local distinctive character. Buffer planting with a proposed rich species and native hedgerow has been incorporated into the scheme. During the construction phase, suitable design and construction methods will be incorporated where feasible. EV charging points will be incorporated for each dwelling. The courtyard layout promotes natural surveillance and fire safety measures will be taken account of at the full application stage.
- 8.30. Therefore, it is considered that the development does not result in any loss of light or overshadowing impacts for any adjacent property. Furthermore, the development is considered to have potential to be constructed without having a significant adverse

impact to neighbouring residential amenity in relation to overlooking and loss of privacy impacts.

- 8.31. The proposal is also considered to provide adequate amenity space with each rear garden area with internal space satisfying national standards for residential usage. Furthermore there would be amenity benefits attributed from the cessation of the haulage use in this location.
- 8.32. With the imposition of conditions, the proposal is considered to meet policies DM10(a) and (b) of the SADMP, the Good Design Guide SPD and national policy in the NPPF regarding neighbouring and occupier amenity.

Impact upon highway safety

- 8.33. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.34. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.35. Paragraph 115 of the NPPF (2023) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 116(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.36. The proposed dwelling would be accessed via the existing access which currently serves Shaw Lane and the previous haulage business.
- 8.37. The Applicant is proposing to utilise the existing access onto Shaw Lane. The application seeks the demolition of the existing commercial buildings and the erection of two x 3 bed dwellings and two x four bed dwellings.
- 8.38. The site operated as a haulage yard from the 1980's until 2021. The LHA have reviewed the drawing titled 'Proposed Site', received by the LPA on 15 January 2024 and make the following comments. The LHA finds the access accords with Figure DG17 of Part 3 of the Leicestershire Highway Design Guide (LHDG), in terms of effective access width and distance behind the public highway. Whilst the Applicant has not provided any detailed pedestrian or vehicular visibility splay drawings, the LHA have taken the following into consideration:
- The extant use of the site;
 - The proposals removing the requirement for large slow moving vehicles accessing and egressing the site; and
 - It could not be reasonably demonstrated the proposals would lead to an intensification of use of the access over the extant use of the site. As such, the LHA

consider it would be unreasonable to request this information in these site specific circumstances.

- 8.38 Given the above, the LHA consider the access arrangements acceptable. The LHA has assessed its Personal Injury Collision (PIC) database and find there have been no recorded PICs along the entire length of the Shaw Lane service road in the last five years. The LHA would not expect the proposals to introduce any new highway safety issues that would be contrary to the National Planning Policy Framework (December 2023). Having reviewed 'Proposed Site', received by the LPA on 15 January 2024, the LHA finds the proposals accord with Paragraphs 3.151 (quantum of off-street car parking), 3.165 (parking space dimensions) and Figure DG13 (on-site turning).
- 8.39 Due consideration should be given to waste collection provision; refuse vehicles are unlikely to access the site given that it is located more than 25m from the highway boundary and via a private drive. The Applicant should be aware, any bin collection point should not be located within the visibility splays. However, this is not a material consideration for the LHA.
- 8.39. In terms of the locational sustainability of the site, it is acknowledged that the proposed dwelling would be located more than 800m from Markfield and would therefore not be considered 'walkable' in accordance with the Manual for Streets. However, as outlined above there are some basic services within 800m albeit on an unlit and undesirable stretch of parvment. Whilst it is acknowledged that the 4 dwellings would not be a walkable distance to local amenities and services, the addition of 4 dwelling in this area would not represent a significant adverse impact in terms of allowing additional dwellings which would be dependent on private motor vehicles for travel. Whilst most local amenities and services are more than 800m from the proposed dwelling, options for sustainable transport methods are still present as outlined above.
- 8.40. Therefore, it is considered that the proposal complies with policy DM17 of the SADMP and would create an acceptable impact on highway safety and the road network in accordance with Policy DM18 of the SADMP and the LHDG.

Flood Risk & Drainage

- 8.30 Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.31 Paragraph 173 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.32 The site lies within Flood Zone 1 of the Environment Agency Flood Maps and is minor development. Part of the site is shown to be at low risk of surface water flooding. HBBC Drainage raises no objection, and it is considered that given the circumstances surface water drainage can be adequately dealt with via the suggested condition should permission be granted. Subject to this condition the

development is considered to be acceptable with respect to flooding and surface water runoff issues and satisfies Policy DM7 of the SADMP and the NPPF.

Ecology, Biodiversity and Trees

- 8.33 Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value. The policy states that on-site features should be retained, buffered and managed favourably.
- 8.34 Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services which includes trees.
- 8.35 Whilst the courtyard built form is located on the footprint of previously developed land it has been repositioned further south to that previously relayed at the pre-application stage so as to incorporate woodland to the north of the site to effectively screen the development from the adjoining properties on Shaw Lane. This would improve the current situation with a brownfield site currently clearly visible to adjoining properties. Also native species rich hedgerow has also been included to the western boundary of the proposed garden boundaries. This would create a natural screen to views looking easterly towards the site.
- 8.35 None of the trees on the site are protected. Any prospective reserved matters scheme would be expected to provide compensatory planting and a full landscaping scheme which could mitigate this loss. The Landscape and Ecological Management Plan (LEMP) shall include the following details: A) description and evaluation of the features to be created/managed B) aims and objectives of management C) appropriate management options for achieving aims and objectives D) prescriptions for management actions E) work schedule F) species/seed mixes to be planted/sown G) ongoing monitoring and remedial measures.
- 8.36 County Ecology have no objections to the proposal. There is no evidence of protected species and as it currently stands with the indicative site plan, biodiversity net gain will be achieved.
- 8.37 In summary, subject to conditions, the proposed development would not adversely impact upon the habitat of protected species and subject to provision of biodiversity net gain complies with Policy DM6 of the SADMP. Net gain is not currently a mandatory requirement nor required within policy DM6 for minor development, thus the biodiversity gains are judged to be a benefit.

Other Issues

- 8.38. Archaeology – the County considers that the interests of the archaeology warrant no further archaeological action.

Planning Balance

- 8.41. The Council cannot demonstrate a five-year housing land supply and therefore, in accordance with paragraph 11(d) of the NPPF permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF when taken as a whole.
- 8.42. The scale of the dwellings is considered acceptable, and the utilisation of the existing access would ensure that the hedgerow & trees along the northern boundary of the

site is retained which helps to preserve the character of the street scene. The proposal re-uses brownfield land, and would improve the visual appearance of the site for both nearby residents and the general visual amenity of the countryside (subject to further detail at reserved matters stage). This enhancement to the character of the area is attributed modest positive weight owing to the small scale of the site and lack of visibility from the public realm.

- 8.43. There would be some social benefits resulting from the proposal such as the provision of 4 dwellings and economic benefits associated with the construction of the dwellings and the future occupants' use of local businesses and services. Owing to the quantum of development the social and economic benefits are attributed only limited positive weight.
- 8.44. Subject to further consideration and the imposition of conditions, the development would bring forward biodiversity net gain, although in the absence of full details and acknowledging the scale of the site this is attributed limited positive weight.
- 8.45. Further limited benefits can be attributed to the cessation of the haulage business and its replacement with residential development which is more appropriate for this residential setting and likely to be a benefit in terms of noise and disturbance.
- 8.46. Whilst it is acknowledged that the dwellings would not be a walkable distance to local amenities and services, the addition of 4 dwellings in this area would not represent a significant adverse impact in terms of allowing additional dwellings which would be dependent on private motor vehicles for travel, this is therefore attributed only limited negative weight.
- 8.47. The application site falls outside the settlement boundary of Markfield, and the development does not comply with any of the requirements of Policy DM4 of the SADMP and policies M1 and M17 of the MNP. However, given the nature of the proposal being the redevelopment of a brownfield site in a semi-urban location which is well screened from public vantage points, the development is not considered to adversely impact on the intrinsic value, beauty, open character, and landscape character of the countryside and in fact some benefit is attributed to the re-use and improvement of this brownfield site. So whilst in conflict with the aims of the spatial strategy the conflict with Policy DM4, M1 and M17 is therefore given limited negative weight as limited-no adverse harm has been identified as a result of the conflict in this case.
- 8.48. Overall, on balance, it is considered that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, and the provision of 4 additional dwellings and the associated social and economic benefits outweighs the harm identified.

9. Equality implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Recommendation

10.1. Grant planning permission subject to conditions outlined below:

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall be commenced until details of the appearance, landscape and scale of the development (hereafter called the reserved matters) have been submitted in writing to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved reserved matters.

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

3. No part of the development hereby permitted shall be occupied until such time as the access arrangements, parking and turning facilities shown on Proposed Site Plan, received by the LPA on 15 January 2024 have been implemented in full and kept available for such use in perpetuity.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, and 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 general highway safety and in accordance with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

4. The development hereby permitted shall not exceed four dwellings in total and shall be carried out in complete accordance with the submitted application details, as follows:
- Site Location received on 15/01/2024
 - Proposed Site Plan received on 15/01/2024

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).

5. No development shall take place until a scheme that makes adequate provision for waste and recycling storage of containers and collection across the site has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

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).

6. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. 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 to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. Development shall not begin until surface water drainage details, incorporating sustainable drainage principles (SuDS) have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

9. The first reserved matters application shall be accompanied by a Landscape and Ecological Management Plan (LEMP). The LEMP shall include the following details:
 - a) description and evaluation of the features to be created/managed
 - b) aims and objectives of management
 - c) appropriate management options for achieving aims and objectives
 - d) prescriptions for management actions
 - e) work schedule
 - f) species/seed mixes to be planted/sown
 - g) ongoing monitoring and remedial measures

The Landscape and Ecological Management Plan shall be broadly in accordance with the 'DEFRA Biodiversity Impact Assessment' by Heatons submitted on 15th January 2024.

Reason: To ensure that the development provide biodiversity enhancement in accordance with the submitted details, Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework (2023).

Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141
2. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
3. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending upon ground strata permeability. On low-permeability sites, water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet. (See Environment Agency guidance on the permeable surfacing of front gardens).
4. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
5. In relation to conditions 5 and 6 advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.