



# Planning Statement

**Land East of Ratby Lane, Markfield**

Prepared by Fisher German LLP on Behalf of  
Taylor Wimpey Strategic Land

**Project Title:**

Land East of Ratby Lane, Markfield

**Prepared on behalf of:**

Taylor Wimpey Strategic Land

**Agent:**

John Nicol MRTPI

**Address:**

Fisher German LLP  
The Estates Office  
Norman Court  
Ashby-de-la-Zouch  
Leicestershire  
LE65 2UZ

---

## Professional memberships and accreditations

---



Fisher German LLP is a limited liability partnership.

Registered in England and Wales. Registered Number: OC317554. Registered Office: The Head Office, Ivanhoe Office Park, Ivanhoe Park Way, Ashby-de-la-Zouch, Leicestershire, England, LE65 2AB. A list of members' is available for inspection at Head Office.

## Contents

1.	Executive Summary.....	1
2.	Introduction .....	3
3.	Site and Surrounding Area .....	6
4.	The Proposed Development.....	9
5.	Planning Policy Context .....	13
6.	Planning Assessment .....	27
7.	Conclusion.....	49

# 1. Executive Summary

1.1 This Planning Statement has been prepared on behalf of Taylor Wimpey UK Limited in relation to Land East of Ratby Lane, Markfield. The planning application seeks outline planning permission for the erection of up to 135 dwellings, with all matters reserved except for access.

1.2 The description of development is proposed as follows:

"Outline planning application with all matters except access reserved, for the erection of up to 135 dwellings, amenity space, areas for outdoor play, landscaping and all associated infrastructure."

1.3 The planning application also seeks outline planning permission for a significant corridor of publicly accessible open space to the south of the site, immediately north of an area of existing woodland to the south. This area will also extend along the east and western boundaries of the site.

1.4 The area of open space will accommodate large SuDS ponds, drainage infrastructure, an area of outdoor play, a new footpath and landscaping. Exact details relating to the appearance, layout, amount and scale of development, as well as landscaping within the site, are to be the subject of subsequent reserved matters approval.

1.5 The applicant is committed to the delivery of a high-quality residential development with up to 40% of the development comprising affordable housing, with a tenure mix to be agreed with the Local Planning Authority.

1.6 Markfield is identified as a Key Rural Centre in the emerging Local Plan (as well as the adopted Core Strategy), as such it is an area which benefits from a range of facilities and services, and good public transport links which would benefit the residents of a future development on the site. As a consequence of this the site is identified as an allocation in the emerging Local Plan for 130 dwellings (Policy SP02 Development Strategy (2c)). This planning application seeks to deliver much needed development in line with the emerging Plan.

1.7 Ahead of the emerging Plan progressing to adoption, and on the basis that the extant Development Plan's housing policies are acknowledged to be out of date, through both the age of the plan and compliance of policies with the NPPF, as well as the five year housing land supply position of just 3.55 years, the presumption in favour of sustainable development therefore applies. In accordance with Paragraph 11 of the National Planning Policy Framework ("NPPF"), this means planning 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 taken as a whole.

- 1.8 As demonstrated in this Planning Statement below, and the evidence supporting this planning application, the proposed development can be delivered without delay or any significant adverse impacts. The development will deliver a highly sustainable residential development with positive social, economic and environmental benefits, whilst also assisting the HBBC in increasing the supply and delivery of housing in future years.
- 1.9 The report concludes that the scheme can be delivered without unacceptable impact, and any adverse impacts of granting planning permission will not significantly and demonstrably outweigh the benefits which will be delivered as a result of the new housing proposed.
- 1.10 It should also be noted that HBBC have confirmed the proposed development is not considered to result in the likelihood of significant environmental effects and therefore was not considered to comprise EIA Development, nor requiring the submission of an Environmental Statement to support this application. HBBC's reference is: 25/00392/EAS.

## 2. Introduction

2.1 This Planning Statement has been prepared on behalf of Taylor Wimpey Strategic Land in relation to Land East of Ratby Lane, Markfield. The planning application seeks outline planning permission for the erection of up to 135 dwellings.

2.2 All matters are reserved except the site's proposed vehicular access from Ratby Lane. Details relating to the appearance, layout, amount and scale of development, as well as landscaping within the site, are to be the subject of subsequent reserved matters approval.

2.3 A suite of design and technical reports have been submitted in support of this planning application, in line with the Council's local validation list. The documents include:

Document Name	Prepared By	Reference
<b>Plans for Determination</b>		
Site Location Plan	CSA	CSA/2550/122 Rev: H
Site Access Arrangements (set out within the TA)	DTA	22052-01H
Proposed Site Access General Arrangement	DTA	22052-01 Rev: H
S106 Red Line Plan	CSA	Csa/2550/133
<b>Plans for Illustrative Purposes Only</b>		
Illustrative Masterplan	CSA	CSA/2550/118 Rev: O
Landscape Strategy	CSA	CSA/2550/128 Rev: B
Flood Risk Assessment and Surface Water Drainage Strategy	Travis Barker	21067 Rev: H
<b>Documents and Reports</b>		
Design and Access Statement	CSA	2550/08/D
Landscape and Visual Impact Assessment	Layton Place	R002d_2220
EcIA	CSA	CSA/2550/01 Rev:B
Biodiversity Net Gain Assessment: Design Stage	CSA	CSA/2550/06 Rev: E

BNG Metric	CSA	Rev D (24/06/25)
Arboricultural Impact Assessment	Barton Hyett Associates	4237 Rev: D
Archaeological Desk-Based Assessment	RPS	794-PLN-HER-01595 Version: 5
Geophysical Survey	RPS	J7860
Geo-Environmental Report	RSK	301538
Transport Assessment and Road Safety Audit	DTA	SJT/TM 22052-03d
Travel Plan	DTA	TM/KH 22052-04a
Air Quality Assessment	BWB	MFL-BWB-XX-ZZ-LA-RP-0001-AQA Rev: P02
Noise Report	BWB	255390 Rev: P02
Statement of Community Involvement	devcomms	devcomms, May 2025
Utility Assessment	MEC	29638-UTIL-0702 Rev A
Agricultural Land Classification Report	Kernon	KCC3798

2.4 This Planning Statement sets out the background relevant to the determination of application, by describing the site and its general locality, before setting out details of the proposed development. The Statement goes on to provide an overview of the planning policy context against which the development must be assessed, followed by a detailed consideration of the development proposals against the policy context and all other relevant material considerations.

2.5 The Statement concludes that the benefits to be delivered by the development will substantially outweigh any potential residual impacts. It is considered that there are compelling grounds to grant planning permission for the proposed development, including, but not limited to:

- Construction of additional housing to significantly boost HBBC's supply of both market and affordable housing;
- Provide a broad mix of housing types and sizes for first-time buyers, families, the elderly and downsizers;
- Provide new areas of open space which will accommodate children's play and a new recreational route;
- At least 10% Biodiversity Net Gain above the baseline unit value;
- Sustainable Urban Drainage systems that ensure the site drains appropriately and does not increase the risk of flooding on site, or elsewhere;

- A comprehensive landscaping scheme which will assist the site's ability to blend into the woodland and wider open countryside to the southeast;
- Direct and indirect construction employment generated during the construction period;
- HBBC Council Tax payments; and
- Benefit to businesses within the village from additional resident spend to support and sustain the existing services and facilities within Markfield. Please see Section 6 of this Report for further details.

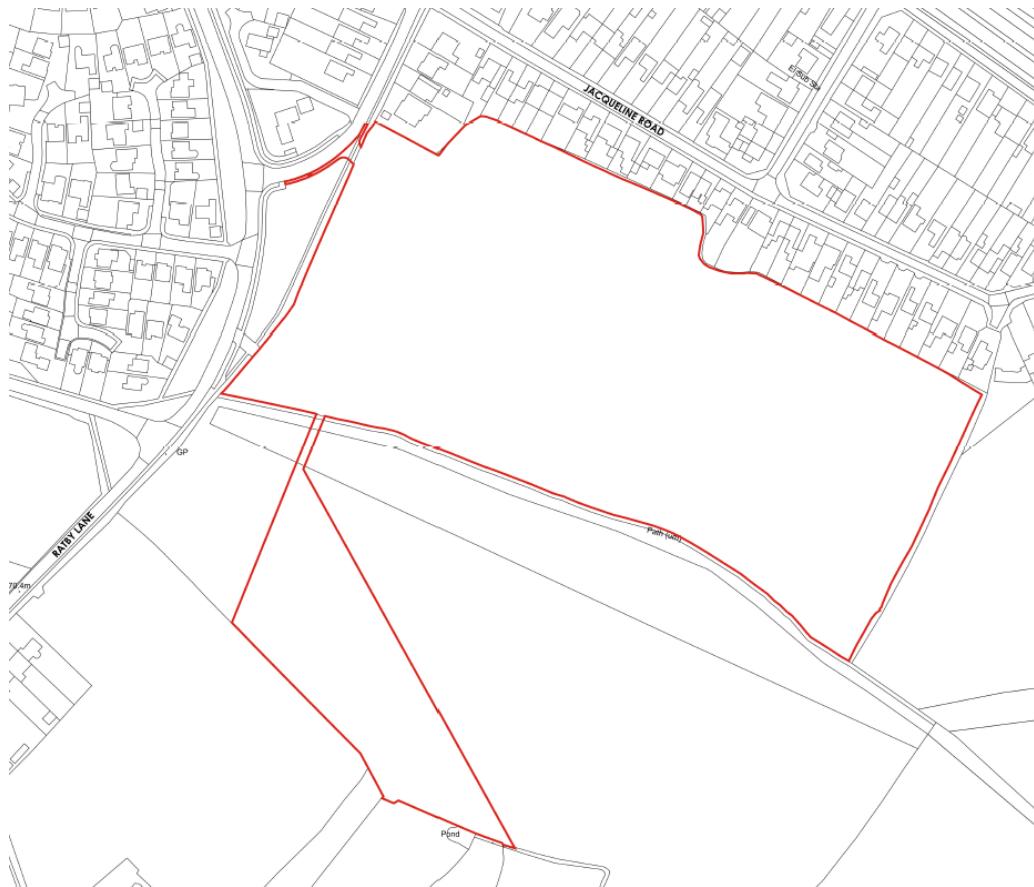
## 3. Site and Surrounding Area

### The Site and Surrounding Context

3.1 The site is located immediately beyond the southeastern edge of Markfield, immediately south of its settlement boundary, and measures approximately 6.39 hectares in size. It comprises a single agricultural field which is bound by a mixture of fencing, hedgerow and established mature trees. Existing woodland lies to the immediate south and east of the site, with a smaller area of existing woodland located beyond the western boundary, south of the proposed access with Ratby Lane. Existing residential development associated with the built-up area of Markfield lies to the north and west. The site is understood to slope broadly southwards from its northern boundary.

3.2 Ratby Lane passes the site to the west and facilitates easy access to the A50 and the village of Markfield to the northwest.

3.3 The site can be seen, in the context of its immediate surroundings, outlined in red below in Figure 1. The red line also extends south-eastwards, accommodating and indicating the route of the site's drainage proposal, discharging into an outfall at approximate Grid Reference: SK 49696 09261.



*Figure 1: Site Location*

- 3.4 Markfield is identified as a sustainable Key Rural Centre in the emerging Local Plan, as well as the extant Core Strategy. The site is within a short walking distance to Markfield village centre (15-minute walking distance). The village centre is well established and offers a range of local amenities such as a primary school, medical centre, convenience store, pubs, restaurants, places of worship and public open spaces.
- 3.5 The nearest bus stop is located immediately east of the site off Ratby Lane. This offers connections to Coalville and Castle Donington. Alternative bus stops in the village centre offer connections to Leicester City Centre and Swadlincote. The A50 is located to the north of the site and provides connectivity to Junction 22 of the M1 to the north, and Leicester City Centre to the south. The site is also within very close proximity to East Midlands Airport (15-minute driving distance).
- 3.6 The only listed heritage asset within a 500m radius of the proposed site is the grade II listed 'Field Head Farmhouse', located approximately 430m north. However, between the proposed site and this nearest asset is located the intervening eastern extent of Markfield.
- 3.7 The site is not subject to any statutory environmental designations. Online records confirm trees on, and within the immediate vicinity of the site, are not protected by Tree Preservation Orders.
- 3.8 The site is located within Flood Risk Zone 1, associated with the lowest probability of flooding from rivers. An area comprising a small pocket of a 1:30 chance of surface water flooding is located just north of the site's southern boundary with a small pocket of 1:100 located to the site's northeastern corner. A corridor of 1:1,000 chance of surface water flooding is located just inside the site's western boundary.
- 3.9 A Public Right of Way ("PRoW") runs along the southern boundary of the site and through the woodland belt. This is proposed to be retained as part of the development.

#### **Planning History**

- 3.10 The site has been subject to an outline planning application for 140 dwellings (Ref: 15/00889/OUT). This application was submitted in August 2015 and refused at Planning Committee in March 2016 at a time when HBBC were able to demonstrate a five-year housing land supply.
- 3.11 As mentioned above, the site is now a draft allocation within the emerging Local Plan, and HBBC are unable to demonstrate a sufficient supply of housing land and have seen their Local Housing Need rise by 217 homes per annum following the updated Standard Methodology. The aforementioned presumption in favour of development is therefore engaged (NPPF 11d).

- 3.12 Furthermore, HBBC accept that regardless of the five-year land supply (or housing delivery test) position, the housing policies within the Plan are out of date, as they focus on the delivery of a lower housing requirement than required by the current standard methodology.
- 3.13 For the reasons outlined above, and detailed below, it is considered the development can deliver a sustainable and high quality development, meeting the varied needs of its future residents, and work toward making up the now higher Housing Need in the area. It is for this reason, as detailed below, that it is considered the planning policy context in the area has changed and the proposal brought forward via this planning application should be viewed differently.

## 4. The Proposed Development

- 4.1 Outline planning consent is sought for residential development of up to 135 dwellings on land to the east of Ratby Lane, Markfield. All matters other than access are reserved for future consideration. Details relating to the appearance, layout, scale, and landscaping within the site are to be the subject of subsequent reserved matters approval.
- 4.2 The application is accompanied by a Illustrative Masterplan which demonstrates how the site can accommodate five distinct development parcels comprising up to 135 new dwellings, of which up to 40% will be affordable, and a policy compliant housing mix.
- 4.3 The Plan presents the layout, and how it will successfully integrate into its surroundings, both in terms of the existing important features of the site and how the development will integrate into the wider area. Key features of the proposed development include:
  - 135 dwellings, including a mixture of dwelling types and sizes, ranging from bungalows to family homes;
  - Vehicular access from Ratby Lane via a new priority junction in the northwest corner of the site;
  - Provision of significant public open space to the south of the proposed layout, extending along the site's east and west boundaries;
  - This open space will also accommodate new recreational routes, along which will be located an outdoor play area;
  - Drainage infrastructure and two large SuDS features (attenuation ponds);
  - Enhanced native landscaping planting throughout the site to enable it to better blend into the surrounding landscape, but to provide sufficient screening where required; and
  - A sensitive edge created along the boundary with rear-facing properties along Jacqueline Road with the opportunity to locate bungalows along this built edge to both respect the privacy and amenity of existing residents, but to also mirror the built form along the southern side of Jacqueline Road.
- 4.4 The Illustrative Masterplan, which takes into consideration good urban design principles, is submitted for illustrative purposes to demonstrate how the site can accommodate the principle of the residential development presented on the above drawings, and detailed within this Statement.

- 4.5 The development will provide a mix of dwelling types and sizes, with the potential to include bungalows. The development will also include a policy compliant level of affordable housing to contribute towards the need for affordable housing in Markfield and the Borough as a whole.
- 4.6 The submitted Design and Access Statement explains how the design approach carefully considers the site's edge-of-settlement location, expanding the built-up area in a way that enhances the surrounding environment. The proposal thoughtfully respects the local architectural style and location within the wider National Forest area, as reflected in Markfield and its neighbouring areas.
- 4.7 The Design and Access Statement sets out the vision and framework for proposal. It describes the relationship between the development and its context, demonstrating the qualities of the proposal and how it can develop over time.
- 4.8 The principles outlined in the DAS will help create a strong local identity. The development will reflect local materials and typical dwelling sizes, while establishing a distinctive sense of place that complements the landscape and physical context of the site.
- 4.9 The illustrative layouts, images, and supporting information in this DAS are intended to guide the detailed design process at the reserved matters stage, ensuring a high quality development is proposed to HBBC from start to finish.

#### **Pre-Application**

- 4.10 The proposed development has been subject to formal pre-application consultation with HBBC, received on the 21st of November 2023 (reference: 23/10154/PREMAJ), as well as Leicestershire County Council as Local Highway Authority ("LHA").
- 4.11 The LHA outlined that the previous refusal on site was not based on an issue with its impact on highway safety. They request that the Ratby Lane access should mirror that proposed as part of the previous application on the site, as they found this acceptable. They also requested further consideration was given to the inclusion of a pedestrian crossing to ensure the safety of pedestrians when leaving/ travelling to the site on foot. They also set out the further details they would like to see as part of the evidence base for this application, setting out how the existing PRoW would be dealt with as a result of the development. The comments also set out the LHA's expectations in terms of what should be included and assessed as part of the TA and Travel Plan, accompanying this application. As requested by the LHA, a Stage 1 Road Safety Audit has been undertaken for the site access proposals (Appendix F of the TA).
- 4.12 The proposal put forward as part of this application brings forward the same access arrangement as that proposed previously. The further pre-application requests made by the LHA have also been

incorporated into the proposal and TA where appropriate. It is therefore understood the LHA will have no objection to the proposal, as was the case for the 2016 refusal.

- 4.13 In preparing the TA for this scheme, David Tucker Associates ("DTA") have liaised with Leicestershire Highways and provided a Scoping Note (Appendix B of the TA). A response has been provided and the details incorporated into the TA. The TA confirms that a review of the most recent five-year personal injury collision data for the adjacent highway network has been undertaken and does not highlight any existing safety issues that would need to be mitigated as part of the development proposals.
- 4.14 Moving to landscape, it is noted that in the pre-application response the Case Officer is of the opinion that the scheme could only be considered as compliant with Policy DM4 ([Safeguarding the Countryside and Settlement Separation](#)) of the Site Allocations & Development Management Policies Development Plan Document ("SADMP") if any effects/ harm of the development on the landscape were less than moderate. They also state that the site would be a reasonable site to be considered for future residential development.
- 4.15 However, as pointed out in the Landscape and Visual Impact Assessment ("LVIA") submitted in support of this application, there is no methodology or defined thresholds for calculating when an effect is moderate. The assessment within the LVIA therefore uses the effect threshold of significant as to whether an effect will result in any adverse impacts, or not.
- 4.16 The pre-application response also sets out that the scheme should not have adverse impacts on existing residents who live around the site. The LVIA assessed the sensitivity of different locations around the site which may have more potential for visual effects as a result of the development. The focus of these more sensitive residents was a select number of properties along Jacqueline Road.
- 4.17 The LVIA sets out, and as is shown on the submitted Landscape Strategy plan, strategic planting which is proposed in and around the site to ensure areas for potential effects on existing residents are mitigated as far as possible, but to also assist the scheme's ability to blend into the wider area surrounding the site, particularly to the east and south. The LVIA concludes that, with the above mitigation strategy and others throughout the LVIA, that adverse impacts on existing residents can be mitigated.
- 4.18 The DAS also sets out that the development of the site offers an opportunity to incorporate the existing landscape features into the landscape strategy, enhancing these elements. This approach will acknowledge the landscape character and seek to avoid or minimise potential impacts on the wider area.

4.19 It is therefore considered that the points summarised above from the Council's pre-application response, as well as the other requests and recommendations, have been visibly applied to the scheme. Whilst this scheme seeks outline consent for the principle of the site accommodating a future residential development and all other matters (except for access) are reserved for consideration at a later date, the Council's views set out in the pre-application response can be seen to have been incorporated into the proposed development.

### **Consultation**

4.20 In addition to the pre-application advice received from HBBC, the local community and interested stakeholder have been engaged with to inform them on the proposed development proposals. The consultation undertaken to date comprises:

- An in-person Community Consultation event held on the 3<sup>rd</sup> of March 2025 for local political members, Groby and Markfield Parish Councils and the public;
- Consultation leaflet mailed to the catchment presented in Appendix C of the SCI (995 addresses);
- An advert in the Markfield Herald;
- An advert in the Groby Spotlight; and
- A consultation webpage ([www.taylorwimpeymarkfield.co.uk](http://www.taylorwimpeymarkfield.co.uk)).

4.21 Matters relating to the consultation and the responses received are fully detailed in the submitted Statement of Community Involvement ("SCI") which can be reviewed to gain greater detail on the findings of the consultation to date.

4.22 In summary, a total of 26 unique pieces of feedback were received, which highlights a range of views and priorities.

4.23 The feedback received indicated clear support for elements of the scheme, including support for the delivery of more affordable homes and bungalows, along with the proposed public open space areas. Comments were raised throughout relating to traffic, road safety and local infrastructure capacity. 70% of respondents indicated a desire to be updated on the site's progress, with some residents verbally indicating a desire to purchase a property.

4.24 This consultation process and the feedback gathered has provided valuable insight into the priorities, views and primary issues of the local community and stakeholders.

## 5. Planning Policy Context

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Hinckley and Bosworth Borough, material to this proposal comprises:

- Core Strategy Development Plan Document ("DPD") (Adopted December 2009);
- Site Allocations & Development Management Policies DPD ("SADMP") (Adopted July 2016); and
- Leicestershire Minerals and Waste Local Plan (Adopted September 2019).

5.2 The Core Strategy DPD 2006-2026 predates the publication of the NPPF (both in its previous and 2024 form). The Plan's housing requirement is therefore considered as out of date. Where a housing requirement is over five years old, the standard methodology for assessing local housing need must be used in establishing the housing requirement. This also impacts policies which seek to deliver the now outdated housing requirement.

5.3 Since the introduction of the 2024 NPPF and the new Standard Method for calculating Local Housing Need, Hinckley and Bosworth Borough have seen their need rise by 217 dwellings per year. This has resulted in HBBC no longer being able to demonstrate a 5 year supply of new housing land (at just 3.55 year supply), and therefore paragraph 11(d) of the NPPF is engaged.

5.4 This is a point recognised and accepted by HBBC in numerous planning application committee reports, including the May 2025 committee report (paragraph 8.12-8.20), that states:

*"For decision taking, a 5yr housing land supply is a material consideration in all relevant applications for dwellings in the Borough. In accordance with paragraph 11d) of the NPPF, the Council should grant permission for housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.*

*[...]*

*Therefore, currently the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.*

[...]

*The Barlestorne Neighbourhood Plan was made in June 2022, and a lot has changed since the making of this plan, locally, regionally, and nationally. The NPPF has been updated (as of Dec 2024) this has consequences for the borough's standard method calculation; as a result of this, our housing requirement has increased, and the planning policy team are working on the calculations presently. Leicester City's ongoing Local Plan examination and issues with unmet needs have had an impact on the progression of the Local Plan and an impact on our overall housing figures. In addition, the allocations in the Barlestorne Neighbourhood Plan were based on a housing figure derived from an external piece of evidence dated 2019 and population apportionment, rather than an indicative figure given to them by the LPA based on the local strategy for growth or other relevant evidence. The plan also has a plan period of 2020 – 2039, whereas the proposed new Local Plan has a plan period of 2020 – 2045. As a result, the Council considers that the Barlestorne Neighbourhood Plan does not sufficiently fulfil paragraph 14b of the NPPF".*

- 5.5 It is therefore incumbent on HBBC to consider the second criterion of Paragraph 11(d) of the NPPF (with the acknowledgement that Paragraph 14 cannot be utilised) and whether any adverse impacts in approving the application would significantly and demonstrably outweigh the benefits, with significant housing supply posing a significant benefit of the scheme.
- 5.6 HBBC have also acknowledged that their policies relating to the supply of housing are out of date, as evidenced by the Council's Opening Statement for Appeal reference: APP/K2420/W/23/3332401 (Land adjacent to Lockey Farm, Hunts Lane, Desford, Leicestershire LE9 9LJ). Within the Statement, it is stated that Paragraph 11(d) of the NPPF is triggered:

*"It is common ground that the development plan is somewhat elderly and its plan period expires in March 2026. The NPPF becomes a material consideration of some importance. In this case the "tilted balance" in NPPF11 (d)ii is engaged. This is because the basket of 'most important policies' for determining the appeal is accepted to be out-of-date and there is no policy in the NPPF that gives rise to a "clear reason for refusing the development proposed". The appeal site is outside the settlement boundary of Desford. But the Council accepts that this boundary was set against the background of the 'requirement' for development in the then RSS, to the end of the plan period in 2016, and without regard to an up-to-date assessment of need and the common ground between planning authorities in Leicester and Leicestershire . HBBC has recently committed to accepting an additional 102 dpa in the period 2020 to 2041 towards unmet need in Leicester. This is one of the reasons why it is repeating both a Reg 18 and Reg 19 consultations in the plan-making process. The current settlement boundaries are therefore out-of-date. "*

5.7 Further to the above, the emerging Local Plan identifies the application site as an allocation for 130 dwellings.

**Core Strategy DPD (Adopted December 2009)**

5.8 The Core Strategy DPD provides the overarching spatial strategy and vision for the development of the District up to 2026. The Plan contains a number of strategic policies to guide planning applications and subsequent development plan documents. Those policies which are considered most relevant to the determination of this application are discussed in turn below, including to what extent they can be afforded weight. Whilst the Plan is not time-expired, it is necessary to consider each policy in respect of its consistency with the NPPF and to what extent it could frustrate more up to date housing requirements.

5.9 The Core Strategy sets out at Table 1 that the current housing requirement is 9,000 dwellings over the period 2006-2026. This equates to 450 dwellings per annum, over the Plan period.

5.10 The Core Strategy identifies Markfield as a 'Key Rural Centre'. The Core Strategy sets out that Key Rural Centres are "*villages that have populations over 1500 people, have a primary school, local shop, post office, GP, community/leisure facilities, employment and a 6 day a week bus service (hourly). Key Rural Centres that provide localised provision of facilities permit access by foot, cycle and local bus and can minimise car journeys*".

5.11 **Policy 7: Key Rural Centres** sets out that to support the Key Rural Centres and ensure they can provide key services to their rural hinterland HBBC will:

- Support housing development within settlement boundaries that provides a mix of housing types and tenures as detailed in Policy 15 and Policy 16.
- Support development under Policy 17: Local Needs

5.12 As set out above, HBBC's housing policies (including the element of this policy which only allows housing within settlement boundaries) is now out of date. The remainder of the policy is however considered consistent with the aims and direction of the Framework and thus can be afforded some weight.

5.13 **Policy 8: Key Rural Centres Relating to Leicester** sets out settlement specific policies for a number of Key Rural Centres which are located on the edge of the Leicester Principal Urban Area and primarily relate to Leicester due to their proximity. In respect of Markfield, HBBC set out that to support the local services in Markfield and ensure local people have access to a range of housing, HBBC will:

- Allocate land for the development of a minimum of 80 new homes. Developers will be required to demonstrate that the number, type and mix of housing proposed will meet the needs of Markfield, having regard for the latest Housing Market Assessment and local housing needs surveys.
- Support additional employment provision to meet local needs in line with Policy 7.
- Address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Markfield.
- Implement the strategic green infrastructure network detailed in Policy 20.
- Support proposals that contribute to the delivery of the National Forest Strategy in line with Policy 21.
- Deliver safe cycle routes as detailed in Policy 14, in particular between Markfield and South Charnwood High School as well as the Bardon Industrial Estate.
- Protect open space linkages to the west which are of importance to the context of the village.
- Support the expansion of the local supermarket to provide more choice for local people, including an increase in car parking.
- Support the attraction of knowledge based services to support the Markfield Institute of Higher Education which is linked to Loughborough University.
- Support improvement in the quality of the following facilities: Markfield Community and Sports Centre and Mayflower Close and Alter Stones outdoor facilities.
- Support proposals that contribute to the delivery of the Charnwood Forest Regional Park in line with Policy 22.
- Support measures to reduce the noise and air pollution currently experienced by the village due to its proximity to the M1.
- Require new development to respect the character and appearance of the Markfield Conservation Area.

5.14 Whilst this policy can still be afforded weight in the determination of planning applications, the target of 80 dwellings for the village is clearly now out of date as this relates to the outdated housing requirement.

5.15 **Policy 15: Affordable Housing** sets out that the affordable housing target in the rural areas (including Markfield) is 40% on sites of 4 dwellings or more. The tenure mix for all sites is 75% social rent and 25% intermediate housing. These figures may be negotiated on a site by site basis, taking into account identified local need, existing provision, characteristics of the site and viability.

5.16 **Policy 16: Housing Density, Mix and Design** states that HBBC require a mix of housing types and tenures on all sites of 10 or more dwellings, taking into account the type of provision that is likely to be required. All proposals are required to meet a 'very good' rating (16 or more positive answers out of

20) against the Building for Life Criteria, unless it can be demonstrated that this is not viable on the particular site. Proposals for new residential development will be required to meet a minimum net density of at least 30 dwellings per hectare within and adjoining the Key Rural Centres. In exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable.

5.17 **Policy 17: Rural Needs** sets out that in Key Rural Centres, small scale developments that meet a 'local need' either through Local Choice or a Rural Exceptions Site, will be permitted subject to a number of criteria being met.

5.18 **Policy 19: Green Space and Play Provision** sets the standards in relation to the level of green space and play provision in the Borough to ensure all residents have access to sufficient, high quality, accessible green spaces and play areas.

5.19 **Policy 21: National Forest** states that new developments within the National Forest will be required to reflect the Forest context in their accompanying landscape proposals. Developments shall provide on-site or nearby landscaping that meets the National Forest development planting guidelines. Landscaping will generally involve woodland planting but can also include creation and management of other appropriate habitats, open space provision and the provision of new recreational facilities. The appropriate mix of landscaping features will depend upon the setting and the opportunities that the site presents.

5.20 **Policy 22: Charnwood Forest** states that proposals within Charnwood Forest will be supported that provide access to and from the rural areas into and within the regional park by non-vehicular means, provided that they:

- Retain local character and complement the local landscape
- Enhance open spaces, including the treatment of built edges
- Enhance woodland and habitat provision and connectivity

5.21 **Policy 24: Sustainable Design and Technology** states that residential development in Rural Centres will be expected to meet the sustainability targets set out in Building a Greener Future. The level is to be met will be set at time of determination of detailed planning permission or reserved matters.

#### **Site Allocations & Development Management Policies Ddevelopment Plan Document (Adopted July 2016)**

5.22 The Allocations & Development Management DPD (SADMP) sets out detailed policies and allocations to deliver the requirements of the Core Strategy (2009), up to 2026. This includes detailed local allocations and site-specific policies to set the localised framework for delivery of new developments.

The policies which are considered most relevant to the determination of this application are discussed in turn below.

- 5.23 A detailed Policies Map has been prepared alongside the SADMP. The Markfield inset map shows the application site as being outside of, but adjacent to the Settlement Boundary for Markfield and is therefore within the countryside. The site is not subject to any specific designations.
- 5.24 The Hinckley and Bosworth Core Strategy requires land to be allocated in Markfield for a minimum of 80 houses however the SADMP states that as of 1 September 2014 the residual minimum housing requirement had been met and as such no sites were required to be allocated for further residential development. As detailed previously, the Housing Requirement within the existing Development Plan is out of date.
- 5.25 **Policy DM1: Presumption in Favour of Sustainable Development** repeats the wording of Paragraph 11 of the NPPF.
- 5.26 **Policy DM3: Infrastructure and Delivery** outlines that where development will create a need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly or indirectly through the appropriate funding mechanism.
- 5.27 **Policy DM4: Safeguarding the Countryside and Settlement Separation** states that the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to state that development in the countryside will only be considered sustainable where:
  - It is for outdoor sport and recreation purposes; 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; or
  - It relates to the provision of stand-alone renewable energy developments; or
  - It relates to the provision of accommodation for a rural worker.
- 5.28 HBBC have previously acknowledged this policy is out of date, due to the Housing Requirement within the existing Development Plan being out of date.
- 5.29 **Policy DM6: Enhancement of Biodiversity and Geological Interest** sets out that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value, including proposals for their long-term future management. Major development in particular, must include measures to deliver biodiversity gains through opportunities to restore,

enhance and create valuable habitats, ecological networks and ecosystem services. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.

5.30 **Policy DM7: Preventing Pollution and Flooding** states that adverse impacts from pollution and flooding will be prevented by ensuring that development proposals demonstrate that:

- It will not adversely impact the water quality, ecological value or drainage function of water bodies in the borough;
- Appropriate containment solutions for oils, fuels and chemicals are provided;
- All reasonable steps are taken through design, siting and technological solutions to ensure the abatement of obtrusive light to avoid sky glow, glare and light intrusion;
- It would not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity;
- Appropriate remediation of contaminated land in line with minimum national standards is undertaken;
- It will not contribute to poor air quality;
- It will not result in land instability or further intensify existing unstable land; and
- The development doesn't create or exacerbate flooding by being located away from areas of flood risk unless adequately mitigated against in line with National Policy.

5.31 **Policy DM10: Development and Design** sets out that developments will be permitted providing that the following criteria are met:

- 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, air quality (including odour), noise, vibration and visual intrusion;
- The amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site;
- It complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features;
- The use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the local area generally;
- It incorporates a high standard of landscaping where this would add to the quality of the design and siting;
- It maximises opportunities for the conservation of energy and resources through design, layout, orientation and construction in line with Core Strategy Policy 24;

- Where parking is to be provided charging points for electric or low emission vehicles are included where feasible;
- An appropriate Sustainable Drainage Scheme is submitted to and approved by the relevant Authority. Schemes should incorporate wildlife areas, ponds, swales and permeable paving where appropriate;
- It maximises natural surveillance and incorporates the principles of Secured by Design and has considered the incorporation of fire safety measures.

5.32 **Policy DM13: Preserving the Borough's Archaeology** states where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.

5.33 **Policy DM17: Highways and Transportation** outlines that development proposals will be supported where they:

- Seek to make the best use of existing public transport services and, where appropriate, provide opportunities for improving and sustaining the viability of those services;
- Seek to ensure that there is convenient and safe access for walking and cycling to services and facilities;
- Demonstrate that there is not a significant adverse impact upon highway safety; and in the case of development that generates significant movement;
- That the development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised;
- Where it can be demonstrated that the residual cumulative impacts of development on the transport network are not severe.

5.34 **Policy DM18: Vehicle Parking Standards** states that all proposals for new development will be required to provide an appropriate level of parking provision, justified by an assessment of the site's location, housing proposed and availability of other modes of transport.

### **Emerging Planning Policy**

5.35 HBBC are working on a new Local Plan with the latest consultation (Regulation 18) having taken place in July-September 2024.

5.36 The Regulation 18 draft Local Plan (July 2024) makes provision for 13,862 dwellings during the period 2020-2041, however the Plan acknowledged that further sites are required to meet the, then currently identified Local Housing Need and contribution to Leicester City's unmet need and confirmed that the Regulation 19 plan will include additional allocations for 514 dwellings.

5.37 The Regulation 18 draft Local Plan (July 2024) identifies the application site as an allocation for 130 homes (**Policy SP02 2c iv.**).

5.38 The intention was to then publish a Regulation 19 Local Plan, however HBBC published an updated Local Development Scheme in March 2025 which updates the Local Plan preparation timetable in response to the increased Local Housing Need. This outlines that the Council will be updating the supporting evidence base to reflect the new NPPF and NPPG between September 2024 and December 2025. It states that there will be a further Regulation 18 public consultation on a draft plan in September/October 2025 followed by Regulation 19 in March-April 2026.

5.39 The Council states that “*additional housing sites would need to be identified over and above those identified in the 2024 Regulation 18 consultation.*” It is also set out that the additional Regulation 18 consultation is being undertaken to allow the Council to ensure that the plan reflected any new requirements in the new (December 2024) NPPF and NPPG. It is also necessary for the Council to review and update the plan period to accommodate these changes and ensure at least a 15 year time horizon for the Plan at the point of adoption. The LDS currently anticipates that adoption will occur in late 2027. A 15 year post adoption plan would mean extending the plan period at least 2 years.

5.40 Given the site has already been identified as a residential allocation, and that further housing will need to now be identified, it is considered that the Markfield site will remain in future iterations of the Plan.

#### **Leicestershire Minerals and Waste Local Plan (Adopted September 2019)**

5.41 Within Figure HK1 of the Mineral and Waste Safeguarding Document (S4/2015), it is understood a northern portion of the site is within a Mineral Safeguarding Area for Igneous Rock. However, due to the proximity of the site to existing residential properties, it is considered very unlikely that the site would ever be brought forward in the future to be used for the extraction of the resource. Because of this, it is not considered necessary to assess the status of the mineral resource below the site in further detail to support this outline planning application.

#### **Groby Neighbourhood Plan**

5.42 The proposed development site lies in the parish of Groby. The Groby Neighbourhood Plan Area was designated in March 2021. The site is located to the northeast of the neighbourhood plan area. However, the Groby Neighbourhood Plan is at early stages of development and so there are no policies material to the determination of this planning application.

#### **National Planning Policy Framework, December 2024**

5.43 The 2024 NPPF sets that the purpose of the planning system is to contribute to the achievement of sustainable development.

***Achieving Sustainable Development***

5.44 Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and to be pursued in mutually supportive ways. The first objective, an economic objective, seeks to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth. Secondly, the social objective supports strong, vibrant and healthy communities, by ensuring that a sufficient range of homes can be provided to meet the needs of present and future generations. Thirdly, the environmental objective of the planning system is to contribute to protecting and enhancing our natural, built and historic environment.

5.45 At the heart of the Framework is a presumption in favour of sustainable development. The Framework in paragraph 11 states "***plans and decisions should apply a presumption in favour of sustainable development***".

5.46 As paragraph 11 goes on to state, for decision-taking this means:

"c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies for the supply of land are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

5.47 Footnote 7 of the Framework sets out that the protected areas referred in (i) above include "Habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change".

5.48 Footnote 8 of the Framework explains that policies most important for determining the application are out-of-date where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery

Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

5.49 **Footnote 9** explains the policies referred to in Paragraph d) ii) are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.

5.50 **Paragraph 13** states that “Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies”.

- a) “the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70)."

#### ***Decision-Making***

5.51 **Paragraph 39** of the Framework states that Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.

5.52 **At paragraph 48**, the NPPF also emphasises that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 12 sets out that this applies only wherein the development plan is up to date. Paragraph 231 sets out that the policies within the Framework are material considerations which should be taken into account in dealing with applications.

5.53 **Paragraph 48** also sets out that decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

5.54 With regards to planning conditions and obligations, the Framework at **paragraph 56** is clear that “Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition”. Paragraph 57 states that, planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

5.55 **Paragraph 58** states that planning obligations must only be sought where they meet all of the following tests:

- a) *"necessary to make the development acceptable in planning terms;*
- b) *directly related to the development; and*
- c) *fairly and reasonably related in scale and kind to the development"*

#### ***Delivering a Sufficient Supply of Homes***

5.56 **Paragraph 61** emphasises that it is the Government's objective to significantly boost the supply of homes. Consequently, "it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

#### ***Promoting Healthy and Safe Communities***

5.57 This section of the NPPF sets out a number of principles to ensure that planning policies and decisions aim to achieve healthy, inclusive and safe places.

#### ***Promoting Sustainable Transport***

5.58 The NPPF states that transport issues should be considered from the earliest stages of development proposals. In considering development proposals, **paragraph 115** states that it should be ensured that:

- a) *"sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;"*
- b) *safe and suitable access to the site can be achieved for all users;*
- c) *the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision led approach".*

5.59 **Paragraph 116** states 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 following mitigation would be severe, taking into account all reasonable future scenarios".

#### ***Achieving well-designed places***

5.60 The NPPF notes that good design is a key aspect of sustainable development because it "creates better places in which to live and work and helps make development acceptable to communities".

**Paragraph 135** states that policies and decisions should ensure developments will meet several criteria, including that they function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history including surrounding built environment and landscape, establish a strong sense of place and optimise the potential of the site to accommodate, sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible.

#### ***Meeting the Challenge of Climate Change, Flooding and Coastal Change***

5.61 This section of the NPPF sets out ways in which planning can support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It also highlights that planning should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

#### ***Conserving and Enhancing the Natural Environment***

5.62 **Paragraph 187** of the Framework sets out a number of ways in which planning policies and decisions should contribute to and enhance the natural and local environment.

5.63 When determining applications, **paragraph 193** states that local planning authorities should apply the following principles:

- a) *"if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."*

***Implementation***

5.64 **Annex 1** of the Framework confirms that the policies within it are material considerations which should be taken into account in dealing with applications from the day of its publication. It also notes that "Plans may also need to be revised to reflect policy changes which this Framework has made."

5.65 **Paragraph 232** states that existing policies in Local Plans should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to them, according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

**National Planning Practice Guidance (NPPG)**

5.66 This online Guidance was launched in November 2016. The NPPG is not intended to make any changes to the Framework but seeks to bring together planning practice guidance for England, previously published only in separate documents, in an accessible and usable way. The NPPG is a live document and is updated regularly.

5.67 **Paragraph 002** of the PPG relating to Planning Obligations (published 19/05/2016, updated 01/09/2019) sets out that planning obligations assist in "mitigating the impact of unacceptable development to make it acceptable in planning terms". Additionally, it states that, "planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms". They must be:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development"*

## 6. Planning Assessment

6.1 The description of development for which outline planning consent is sought is:

"Outline planning application with all matters except access reserved, for the erection of up to 135 dwellings, amenity space, areas for outdoor play, landscaping and all associated infrastructure."

6.2 This section of the Statement considers the key issues in relation to this proposal which indicate whether planning permission should be granted. These are as follows:

- Principle of Development
- Benefits
- Design
- Landscape
- Ecology
- Biodiversity Net Gain
- Arboriculture
- Heritage and Archaeology
- Highway and Access
- Flood Risk and Drainage
- Noise
- Air Quality
- Energy
- Utilities

### Principle of Development

6.3 As set out above, Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Hinckley and Bosworth is the Core Strategy (Adopted 2009) and the Site Allocations & Development Management Policies DPD (SADMP) (Adopted 2016).

6.4 The NPPF is material to the determination of this planning application. To ensure that sustainable development is pursued in a positive way, it contains a presumption in favour of sustainable development at its heart. Paragraph 11 requires that plans and decisions should "apply a presumption in favour of sustainable development". For decision making, this means that where the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) *"the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".*

6.5 Footnote 7 to paragraph 11 sets out what specific designations qualify as protected areas or assets. The application site is not protected by any specific designations which would warrant protection under footnote 7 of the Framework, meaning the first criteria is not applicable. The second criteria requires the decision maker to apply a planning balance, but the test is weighted towards approval, as in order to refuse the application, HBBC must demonstrate that the approval would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole.

6.6 The Core Strategy 2006-2026 predates the publication of the NPPF. The Plan's housing requirement is therefore considered as out of date. Where a housing requirement is over five years old, the standard methodology for assessing local housing need must be used in establishing the housing requirement. This also impacts policies which seek to deliver the now outdated housing requirement.

6.7 As outlined above, since the new Local Housing Need has been calculated using the new standard method, there is a current significant need for further housing in the area, and an insufficient supply of land to accommodate such development. This point is one HBBC have acknowledged and published, as outlined above in reference to the May 2025 Committee Report. The sustainable proposal is therefore considered to be associated with significant benefit, in that it provides up to 135 new homes without giving rise to any adverse impacts on the site or wider area.

6.8 It is therefore incumbent on HBBC to consider the second criterion of Paragraph 11(d) of the NPPF and whether any adverse impacts in approving the application would significantly and demonstrably outweigh this benefit, in addition to the other benefits attributed to the proposal, outlined within this Statement.

6.9 Markfield is acknowledged to be a sustainable settlement, and Hinckley and Bosworth's Core Strategy Policy 7 identifies the settlement as a Key Rural Centre. Key Rural Centres are sustainable locations for new development and qualify as such due to having populations of over 1,500 people and a wide range of local services and facilities. However, part of Policy 7 restricts new housing development to only land within settlement boundaries. As this element of the policy controls the location of housing based on an outdated housing requirement, and is now out of date, it cannot be afforded weight in the determination of this application.

6.10 Another policy important for the determination of this application is SADMP Policy DM4: Safeguarding the Countryside and Settlement Separation. This policy restricts housing development in the countryside (outside of defined settlement boundaries) to a select number of uses, not including residential. However, as this policy is also tied to the delivery of the Core Strategy housing requirement, it is also out of date and cannot be afforded weight in the determination of this application.

6.11 Delivery in the rural areas is essential for ensuring the continued vitality of settlements. The Country Land and Business Association report 'Strong Foundations: Meeting Rural Needs'<sup>1</sup> outlines the significant issues for rural communities when described as unsustainable by development plan documents, unduly restricting their growth. The lack of affordable or entry level housing means younger people are often unable to find local accommodation, forcing them to move away from their homes to find suitable accommodation. Moreover, the lack of new development including bungalows or other dwellings suitable for downsizing means many older people who wish to remain in their home villages will have no suitable options to downsize and as such will instead remain over occupying larger family homes.

6.12 Markfield is one of HBBC's most sustainable rural settlements, only behind the urban areas of Hinckley, Burbage and Earl Shilton and Barwell, thereby forming a significant part of the settlement hierarchy for Hinckley and Bosworth. As discussed above, the unmet need arising from Leicester City will need to be accommodated across the housing market area and will trickle down to Key Rural Centres such as Markfield.

6.13 HBBC states in the most recent LDS that they will need to find additional sites to accommodate the additional housing. Whilst some of the development is likely to be focused in and around Hinckley, the needs of rural settlements must also be considered to ensure they remain vibrant, mixed communities. As such it is anticipated that growth will be distributed to Key Rural Centres such as Markfield.

6.14 The NPPF is clear that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly, consequently assisting to ensure a five year land supply is demonstrated. Paragraph 69 of the NPPF sets out that to promote the development of a good mix of sites, local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes. This medium sized site can be brought forward quickly, likely having construction work complete within four years<sup>2</sup>, contributing to the five-year

---

<sup>1</sup> <https://www.cla.org.uk/strongfoundations>

<sup>2</sup> [https://lchfields.uk/media/w3wjmw0/start-to-finish-3\\_how-quickly-do-large-scale-housing-sites-deliver.pdf](https://lchfields.uk/media/w3wjmw0/start-to-finish-3_how-quickly-do-large-scale-housing-sites-deliver.pdf)

housing land supply and the Borough and Parish requirements. Accordingly, significant weight should be afforded to the development of this medium size site.

6.15 As set out above, on the basis that the Development Plan's housing policies are acknowledged to be out of date, the presumption in favour of sustainable development is engaged. The benefits to be delivered by the development, as outline below, will substantially outweigh any potential residual impacts.

#### **Scheme Benefits**

6.16 The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner. We consider that the site and proposals are in accordance with the NPPF's aim of sustainable growth and significantly boosting the supply of homes in the area. The following Economic, Social and Environmental benefits will be delivered from the proposed residential development.

#### **Economic Benefits**

6.17 The economic benefits of the proposed development would be considerable. The development of up to 135 dwellings will make a contribution towards meeting local housing need and demand but will also make a valuable contribution to the local viability and vitality of Markfield, and Groby, as a sustainable and balanced community.

6.18 The development will deliver economic benefits as summarised below:

- **A Boost to the Local Economy** - The construction activities associated with the development will represent an investment in the local area and will create a level of employment equivalent to 148 year long full time jobs in the short term. This is understood to employ 43 construction jobs and 48 indirect jobs per year of construction;
- Once occupied, the development will house economically active residents who will contribute towards annual household, retail, leisure and services expenditure in the locality;
- The scheme is also understood at this stage to create over £3.5 million as a direct result of the construction phase of the development and almost £6 million in indirect and induced added value figures, per year;
- The development is also considered to result in just under £1 million associated with new residents moving in and settling into their new homes and over £3.5 million a year thereafter;
- This spending is understood to support around 23 full time jobs in the local area;

- **New Homes Bonus** – The new dwellings will also provide Council Tax receipts to HBBC, along with New Homes Bonus (over £1 million) which provides a much-needed source of funding for HBBC to spend as it sees fit on the delivery of its services;
- It is understood that such Council Tax payments will result in an annual income in excess of £225,000;
- **Buying and Selling New Homes** – There is an economic benefit through the buying and selling of new homes. There are parties involved in all stages of the process which involves financial transactions e.g. sales agents, solicitors, banks. This in itself increases economic activity. In addition, new residents would purchase things like furniture and white goods which assists the local economy;
- **Financial Contributions for Associated Infrastructure** – The development will deliver specific funding towards additional facilities in line with the planning policy and commensurate with the scale of the proposed development and local capacity;
- **Other** – Other contributions may be identified through the planning consultation process, and subject to meeting the appropriate tests of relevance, necessity and reasonableness, consideration will be given to their inclusion;
- **It is understood such contributions will result in payments in excess of £1.4 million to HBBC.**

6.19 These benefits of the proposed development contribute to the economic role of sustainable development defined within the NPPF, contributing to a strong, responsive and competitive economy. These are a further significant benefit to the proposed development.

### **Social Benefits**

6.20 The social benefits associated with the proposed development are multiple-faceted and include:

- **Location** – The site adjoins the settlement of Markfield and is within a short walking distance of a range of services and facilities. The village centre is well established and offers a range of local amenities such as a primary school, medical centre, convenience store, pubs, restaurants, places of worship and public open spaces. There are also a number of educational facilities within the village including a nursery and a primary school. South Charnwood High School is a 5 minute drive from the proposed development. Markfield Community and Sports centre offers a comprehensive range of social and sporting events including outdoor sporting facilities and a youth club. The new residents will support and help sustain local services and facilities, contributing to the creation of sustainable communities. In addition, the location of the proposed development, immediately adjacent to an established residential area, will ensure the creation of an integrated community.
- **Open Space** – A key feature of the proposed development is the creation of 1.71 ha of new public open space (“POS”) within the site which will include native planting, a LEAP and

recreational footpath. In addition to meeting the needs arising from the occupiers of the proposed development, the new POS will provide an accessible resource for existing residents in the local area. Development will be set back from the existing road frontage to create a small 'green' alongside Ratby Lane. This POS acts as an area of landscape buffering which will soften the appearance of the development, reflect the existing townscape character within Markfield, and to create a sense of arrival into the new development.

- **Sustainable Transport** – The site is located within walking distance of facilities within the village, further supporting active lifestyles and encouraging an alternative to the car. The nearest bus stop is located immediately east of the site off Ratby Lane. This offers connections to Coalville and Castle Donington. Alternative bus stops in the village centre offer connections to Leicester City Centre and Swadlincote. The A50 is located to the north of the site and provides connectivity to Junction 22 of the M1 to the north and Leicester City Centre to the south. The site is also within very close proximity to East Midlands Airport (15-minute driving distance).
- **Supply of Market Housing** – The proposed development will make a positive contribution to the supply and delivery of market housing. The site is available and deliverable and makes a short term contribution to housing supply. The development will provide additional housing in one of the most sustainable Key Service Centres. Whilst the exact mix and type of housing to be provided will be considered in greater detail during subsequent reserved matters applications, it is considered this development will comprise a mix of tenures in line with local planning policy requirements, perfect for first time buyers, small families, and those looking to downsize. The delivery of houses in this location will enable the younger generation to have the opportunity to remain in their local rural community with quality sustainable and affordable homes located within a sensitively designed setting.
- **The delivery of new market housing** – at a time when HBBC's housing policies are out of date and are unable to demonstrate a robust housing land supply, should be afforded significant weight, particularly as this site has the potential to deliver quickly having regard for the lack of constraints.
- **Delivery of Affordable Housing** – Delivery of much needed local affordable housing in accordance with HBBC's policy requirements. The affordable homes proposed will contribute positively to addressing the shortfall in affordable housing within the district. This is a tangible benefit and merits significant weight.

### **Environmental Benefits**

6.21 This planning statement and the supporting technical documents which accompany the application explain how environmental factors have been taken into account to ensure a sustainable development is achieved. Mitigation has been included within the scheme to ensure conservation and enhancement of key features:

- **High Quality Sustainable Design** – The proposed development represents a high quality and sustainable development that responds positively to its built and natural setting;
- **Protection and Enhancement of Existing Landscape Features** – The proposed development will create new landscape features and enhance the existing demonstrating environmental and biodiversity benefits. There is ample opportunity on the site to plant new trees as part of the landscape plan and site boundaries can be enhanced by additional tree and hedge planting, particularly toward the north and east of the site where the boundary is alongside existing residential gardens. The proposed development will retain and reinforce the majority of the existing trees onsite including the landscape buffer along the existing road frontage. The attenuation ponds in the southern parts of the site have been designed to be sinuous and organic in shape to work in cumulation with the POS and new native woodland planting to reinforce the existing woodland along the southern boundary. Such features will also work toward the scheme's BNG provision;
- **Flood Risk and Drainage** – A full flood risk assessment has been undertaken demonstrating no increased risk of flooding will arise from the development. The planning application is also supported by a drainage strategy which presents a Sustainable Urban Drainage System ("SuDS"), including an attenuation pond, proposed as part of the development;
- **Protection and Enhancement of Existing Biodiversity Habitats** – The layout shown within the Illustrative Masterplan has been informed by the recommendations of the Ecological Impact Assessment. The biodiversity impact assessment calculation provides a quantitative assessment of losses or gains in biodiversity and demonstrates the development's ability to deliver at least a 10% gain in biodiversity on the site;
- In addition, and of significant value, will be new native woodland and tree planting along the southern boundaries of the site. The SuDS features also present permanent water and, together with the associated native vegetation planting, will create valuable on-site habitats; and
- **Mitigate Climate Change** – The proposed development will seek to mitigate climate change through reducing CO2 emissions by building new homes in a sustainable and accessible location, thus reducing the reliance to travel by private car. In terms of resilience to climate change impacts, the scheme has been designed to take this into account, notably through the provision of a drainage strategy as described above and detailed within the Flood Risk Assessment.

6.22 In summary, the benefits of the scheme are significant and include the sustainable delivery of open market and affordable housing in a high-quality and sustainable development. Other benefits include local investment, the creation of new POS and support for local services and facilities, which should be given significant weight.

6.23 Potential impacts of the scheme are negligible, and mitigation measures are proposed to ensure that any impact can be appropriately mitigated, avoiding adverse impacts. The Illustrative Masterplan is based on a detailed understanding of the site and its surroundings and is informed by a comprehensive suite of technical assessments, which ensure that the design is robust and deliverable. This is discussed in greater detail below.

### **Technical Assessments**

6.24 A number of detailed technical assessments, surveys and reports have been commissioned to inform the proposed development, as listed in Section 2 of this Statement. The outputs of these reports, including any required mitigation measures, have been summarised below. For further information on any of these topics, please refer to the full reports directly.

### **Design**

6.25 The Design and Access Statement (“DAS”) submitted in support of this application details the design considerations that have guided and formed the development proposed as part of this application.

6.26 This application is for outline purposes only. Therefore, matters such as layout, appearance, landscaping and scale are to be determined at a later stage through a reserved matters application. Notwithstanding this, the submitted DAS demonstrates how a high-quality residential scheme could be delivered on site, taking into account these detailed matters.

6.27 An illustrative masterplan has been prepared which demonstrates that a residential development of up to 135 dwellings can be successfully accommodated on the site in a manner that respects its unique constraints and opportunities and delivers a high-quality environment for residents. The site layout ensures a development is presented to HBBC which respects the edge of settlement location, with development parcels located to the north and middle section of the site, with a significant area of open space created in the southern most portion to assist with the site's ability to blend into the wider landscape to the south and southeast.

6.28 To respect the existing built form along Jacqueline Road, development parcel beyond the site's northern boundary will likely comprise bungalows. This will both assist the development's ability to blend into the area and existing residential street to the north, but also avoid the potential for adverse impacts on residents on the south of Jacqueline Road. For a visual example of this, please see Section B-BB and C-CC on Page 48 of the DAS.

6.29 An area of open space will also be created along the site's western boundary to respect the existing area of open space beyond the site's western boundary, east of Ratby Lane. The spine road, and internal access roads, are also considered to respect the existing form of the wider area. HBBC,

through the pre-application response, have shown a particular interest in the scheme's impact on the existing area and its residents. Reference is made to Adopted SADMP Policy DM10, setting out the proposal must have regard to scale, layout, density, mass, design, materials and architectural features.

6.30 The submitted DAS presents the development across two distinct character types (see the below Figure 2), with the remaining land within the site comprising the 1.64ha of open space provision. These areas comprise Character Area 1 (Spine Street) ("CA1") and Character Area 2 (woodland edge) ("CA2").



*Figure 2 – Character Areas*

6.31 Development within CA1 will accommodate higher densities to that within CA2 to ensure the development blends into the existing built form to the north. Properties in this area will comprise features such as street facing frontages and mainly two stories (other than those in proximity to Jacqueline Road), establishing a strong sense of enclosure and visual rhythm. The Spine street will feature a well-defined public realm, including footways and grass verges with street trees to one side of the road.

- 6.32 CA2 will accommodate characteristics such as homes set back from the street, with front garden located in between. This will soften the built edge and begin to introduce the more open and rural nature of the development with views out into the public open space to the south, and wider landscape beyond.
- 6.33 Whilst matters such as layout, density, mass and scale are reserved for consideration at a later stage, the density of the proposed development has been sensitively guided to ensure it is appropriate for the proposed location. The DAS sets out that the layout of the development will be most dense toward the northern part of the site (CA1) and get less dense within CA2. The average density of the proposed development will be 37 dwellings per hectare ("dph"). It is proposed that such a density will make an efficient use of the available land within the site, making a strong contribution toward the newly understood need within the area, whilst not over-developing the site and having adverse impacts on it, and the wider surrounding area.
- 6.34 Aspects of the proposal such as housing type and size will also be guided by features such as the site's topography, demonstrating a thoroughly considered and logical approach to the site's design proposed at this stage.
- 6.35 For further detail on the design of the development, please see the DAS submitted in support of this application and the Masterplan. However, for the reasons outlined above, it is considered the design of the development will not give rise to any unacceptable level of harm which would outweigh the significant benefit afforded to the delivery of new housing in the area. The proposed development is therefore considered to be in accordance with Policy DM10 and DM4 of the SADMP.

#### **Landscape and Visual Impact**

- 6.36 The Landscape and Visual Impact Assessment ("LVIA") notes that the site is designated within Charnwood Forest within the HBBC Landscape Character Assessment. The Charnwood Forest Landscape Assessment (2019) identifies that the site lies at the most westerly edge of the landscape character area classified as Area 5: Groby Estate Woodland, which is a discreet parcel of land predominantly comprising a mature estate landscape with grassland, ancient woodland and former quarrying and large waterbodies. The site lies beyond the woodland and it is the only field which abuts Markfield's settlement edge. Field observations indicate that there is a degree of inconsistency between the description of the character area and the character of the application site.
- 6.37 The LVIA acknowledges that any development of greenfield locations for new housing will give rise to landscape and visual change. The fact that change will occur is not in itself harmful or adverse, such change has created the existing settlements and street scenes that are valued by communities and the people that already live in them. It is inevitable that the most appropriate location for new homes,

of the scale required, will be in the 'open countryside', abutting settlements across the district. This is a matter which HBBC has explored in order to direct growth to the most appropriate locations on the edge of Markfield. In this instance, the majority of the application site has been identified by HBBC as a suitable and appropriate location for new housing.

6.38 The locational benefits of the site can be summarised as:

- Located abutting the settlement edge, utilising the existing infrastructure;
- Outside any national statutorily designated landscape;
- Not within or near other designated landscapes, such as Ancient Woodland or Registered Historic Parks and Gardens;
- Not within or adjacent to a Conservation Area; and
- Not within an NPPF 'valued landscape.'

#### **Significance of landscape effects**

6.39 In terms of the significance of landscape effects, the LVIA sets out that during the construction phase of the development programme, there will be continuous change to the landscape (in terms of both construction on site and construction movements in the local area). It is generally recognised that this is the most disruptive phase of development. To mitigate such impacts, existing vegetation on site will be retained as far as is practicable to ensure that the site, and the construction activities within, is screened as far as possible. The work will also be carried out in strict accordance with a Construction Management Plan, which will be produced to evidence and inform a future reserved Matters application.

6.40 The permanent (post implementation and establishment of the landscape measures – year 5 onwards) significant landscape effects identified by this assessment process relate to:

- Changes to the landscape character of the area;
- Beneficial addition to the landscape through the proposed provision of SuDS on site; and
- Creation of a new footpath network throughout the open space proposed by the site.

6.41 The landscape effects will be localised and not experienced beyond the application site and local landscape.

6.42 The effect on the character of the site, through the development of the settlement expansion, is balanced against the creation of a character of townscape which draws from and complements the local context. Furthermore, the new settlement edge provides opportunity for enhanced landscape features and greater public access.

### **Significance of visual effects**

6.43 Turning to the significance of visual effects, during the construction phase of the development programme there will be continuous change to the views experienced by residents and those moving around the area. It is generally recognised that this is the most disruptive phase of development. The views will include incongruent elements, such as scaffolding, construction vehicles and plant. The viewers will experience frequent change on a daily basis; however, the duration of this change during the construction phase is temporary and short- term, not understood to continue for more than four years once granted planning permission.

6.44 The degree of change diminishes with distance, so the greatest effects are experienced from those places in close proximity to the application site.

6.45 Significant, adverse, and permanent visual effects will occur in respect of those residents adjoining or in close proximity to the site.

6.46 Furthermore, it is noted that reason 2 for the Outline scheme refused in 2016 on the site (15/00889/OUT) was that the considered associated landscape harm associated with the development was not considered to be outweighed by its merit. The scheme was therefore considered to be contrary to the Policies NE5 and RES5 of the then Adopted Plan.

6.47 As set out above, and within the summary of the pre-application enquiry, it is not considered the scheme would result in a level of landscape effect which would be considered significant, and therefore have the potential to result in adverse impacts. This is assessed in detail within the LVIA which, along with the Landscape Strategy Plan, sets out how areas where there is an increased potential for impacts will see appropriate mitigation implemented.

6.48 It should also be noticed that, whilst it is acknowledged above the inability to demonstrate a 5 year supply of housing land has resulted in the Council's housing policies being considered out of date and Paragraph 11 of the NPPF being triggered, it also results in the most important policies for determining a planning application to be out of date (in accordance with Paragraph 11(d), Footnote 8 of the NPPF).

6.49 Therefore, whilst it is acknowledged that the previous references to Policies from the now superseded 2001 Local Plan are no longer material considerations, the above part of the NPPF suggests that should landscape be viewed as a reason to view this application negatively, those associated Adopted Policies would therefore be considered to be some of the 'most important for determining the application' and as a result of the 5YHLS position, are out of date and cannot be a material reason to assess the application unfavourably.

6.50 However, regardless of the above situation, the information above, and detailed within the LVIA and Landscape Strategy are considered to demonstrate how the scheme can be brought forward without adverse impacts on the landscape of the site, or surrounding area, in accordance with Policies 21 and 22 of the Core Strategy and Policies DM4 and DM10 of the SADMP.

### **Ecology**

6.51 An Ecological Impact Assessment ("EcIA") was undertaken by CSA Environmental in February 2024. As part of this EcIA, a desk study and extended Phase 1 Habitat survey of the site were undertaken in April 2021. An updated Habitat Classification survey was undertaken in April 2023.

6.52 The EcIA confirms that the site is within the Impact Risk Zone for the statutorily designated Groby Pool and Woods SSSI, located approximately 2.13km southeast of the site. The EcIA acknowledges that the proposed development could result in a higher number of the public visiting the SSSI. However, to mitigate this impact, the EcIA recommends that areas of publicly accessible open space are provided by the development to offer alternative walking routes. As set out above, the proposed development incorporates a significant area of open space into its proposed layout, which will be accessed and used via the proposed new footpath.

6.53 The EcIA also states that western and southern parts of the site are designated as Markfield, Groby, Ratby and Green Lane Hedgerow Potential Local Wildlife site and comprise intact, native hedgerow features. The EcIA sets out how adverse impacts on this can be avoided, which largely comprises ensuring that important features of the potential LWS, such as native hedgerows, are retained throughout the development, however, the drainage outfall proposed will result in the removal of some existing trees and hedgerow to ensure it appropriately serves the development. Whilst unfortunate, it is considered any associated impacts will be fully mitigated by the associated proposed hedgerow and tree planting, detailed on the Landscape Strategy Plan

6.54 The EcIA also confirms that the site is considered to be able to deliver at least a 10% gain in Biodiversity, above the calculated pre-development baseline.

6.55 The EcIA also sets out how the proposed development is considered to avoid adverse impacts on fauna as a result of the development.

### **Bats**

6.56 In terms of bats, the EcIA sets out that habitats suitable for foraging area present on site. The report goes on to state to avoid these impacts, the landscape features surrounding the site, along its boundaries, should be retained. It should also be ensured that lighting proposed as part of the development does not spill onto these areas.

6.57 Whilst this application seeks permission for the outline principle of developing the site for future houses, and the LPA's approval of the layout is not sought at this stage, it is considered the above mitigation measures are perfectly achievable as part of a future layout, brought forward as part of a Reserved Matters application.

### **Birds**

6.58 The EclA sets out the times of the year, and measures, which should be implemented into the works on site, to avoid adverse impacts on birds. Such measures will be implemented into the works on site, should planning permission be granted.

### **Great Crested Newts**

6.59 The EclA found that there were terrestrial habitats within the site, notably the arable field margins, woodland and hedgerow bases, which could be suitable to support dispersal, refuge and foraging by great crested newts. In addition, local records indicate the presence of this species in the local landscape. Further survey work has found a low population of great crested newts to be present within ponds c. 25m from the site boundary.

6.60 The applicant team are currently in discussions with Leicestershire County Council's District Level Licensing, working in collaboration with Natural England. Due to the identified presence of Great Crested Newts in one of the surveyed ponds, a Licence will be sought from Natural England to ensure any potential impact on the species is appropriately mitigated.

### **Badger**

6.61 A single suspected sett entrance was identified along the eastern boundary of the site in April 2021. An update badger survey was undertaken in April 2023 (see EclA Appendix H and F), with the entrance still present but appearing less active on account of vegetation over the hole.

6.62 Prior to the work commencing on site, further Badger surveys will be undertaken to confirm if badger are present on the site, and to recommend suitable mitigation measures to ensure the development does not result in adverse impacts on the species.

### **Biodiversity Net Gain**

6.63 The EclA recommends the following areas as opportunities to enhance ecology as a direct result of the development:

- Provision of new aquatic habitat creation to provide new habitat opportunities, including for amphibians such as great crested newts, which are known to be present in the locality;

- Opportunity to create dedicated wildlife enhancement areas in the south-east and south-west of the site adjacent to woodland areas, to include graded habitat edges, grassland under less intensive management regimes and habitat features such as log piles and aquatic features;
- Enhancement of existing hedgerows through infill planting and provision of buffer zones to maintain and strengthen connectivity and wildlife dispersal opportunities across the site and with green infrastructure assets in the wider landscape;
- Incorporation of native plants and those of wildlife importance in to landscaping scheme to provide foraging opportunities for birds, invertebrates and bats;
- Provision of new bat roosting opportunities within new buildings and retained mature trees;
- Provision of bird nesting opportunities within new buildings and retained mature trees; and
- Provision of hedgehog gaps in new fencing to promote habitat connectivity across and within the site.

6.64 The EcIA concludes, stating "*No overriding ecological constraints to development have been identified subject to the implementation of appropriate mitigation measures in respect of confirmed ecological constraints, and further recommended survey work*". It is therefore considered that the proposed development can be brought forward in accordance with Policies 21 and 22 of the Core Strategy and Policy DM6 of the SADMP.

6.65 The BNG Design Stage Assessment sets out that the proposal will achieve a 33% gain in hedgerow units. However, the Report notes that a 10% gain in habitat units is not achievable on site and will therefore need to secure the units to constitute a 10% gain in habitats units offsite, through an appropriate legal mechanism. Such an approach is considered appropriate for the outline planning application, with details such as layout and landscaping reserved for consideration at a later date.

6.66 For further detail on how the BNG provision associated with the proposal will be achieved, please see the submitted BNG Assessment: Desing Stage report and BNG Metric.

### **Arboriculture**

6.67 The vast majority of trees within the site will not be removed as a result of the development. However, to create the outfall, some trees will have to be removed. The vast majority of hedgerow on site will be retained, and enhanced, to ensure the scheme assimilates well into its immediate and wider surroundings. The Arboricultural Impact Assessment ("AIA") submitted in support of this application details the areas where existing vegetation will have to be removed. The AIA also confirms that no trees within the site are covered by a Tree Preservation Order.

6.68 The Landscaping Strategy sets out that "*A variety of planting across the new residential area will achieve a high-quality landscape design and help to integrate the new development into the existing landscape framework. The proposed planting will reflect the character of the area and provide an*

*attractive place to live while softening the built form throughout the development and its surroundings”.*

- 6.69 Small areas of hedgerow require removal to facilitate the proposed site access, pumping station access, drainage outfall route and to appropriate route the proposed new footpath. However, the impact from small areas of lost vegetation will be completely mitigated by the vast amount of landscape planting and enhancement proposed.
- 6.70 Therefore, the scheme is considered to result in no adverse impacts as a result of its effect on existing vegetation. Most existing vegetation on site will be retained and where the small areas of hedgerow require removal, as set out above, this is considered to be sufficiently offset by the comprehensive landscape enhancement planting proposed, as set out in the Landscape Strategy. The development would therefore be considered in compliance with Policies 21 and 22 of the Local Plan.

#### **Heritage and Archaeology**

- 6.71 As stated above, the only listed heritage asset within a 500m radius of the proposed site is the 'Field Head Farmhouse', located approximately 430m north of the site. No adverse impacts are considered to be had on this asset as a result of the development, mainly due to the proximity of the asset to the site and the existing built-up intervening southeastern edge of Markfield. Based on the site and surrounding area's context, the site is not considered to have the potential for any adverse impacts on any other listed heritage assets.
- 6.72 In terms of archaeology, the application is supported by Archaeological Desk Based Assessment ("ADBA"). This Assessment found that:

*"The HER records that the southern boundary of the study site forms the northern extent of the Post-Medieval deer park of Groby Park. A site visit revealed that no upstanding remains of the park pale survive within the study site. The geophysical survey of the site did not identify any features potentially relating to the park boundary and it would seem likely that, should any formal boundary ever had existed, it lies beyond the limits of the study site. Consequently, development within the study site will not impact upon the significance of this asset.*

*Based on the geophysical survey, archaeological data and LiDAR for the site and the surrounding area, the site is considered to have a low/negligible potential for significant (i.e. non-agricultural) remains of all periods. If any remains were present they are likely to be of local interest and would be significant for their archaeological interest and potential to contribute to relevant research agendas. The constructional techniques employed in modern*

*development are such that any buried archaeological remains now present on the study site will not survive the development process.*

*A pre-application enquiry was submitted by the client (23/10154/PREMAJ – dated 21st November 2023). The Senior Planning Archaeologist's consultee response noted that although the available evidence indicates a low potential for archaeological remains, the topography enhances the potential for Prehistoric remains within the site. Therefore, a programme of archaeological mitigation ('including an initial phase of exploratory trial trenching, followed, as necessary by intrusive and non- intrusive investigation and recording') should be conditioned to the planning consent".*

- 6.73 It is therefore considered that the proposed development can be brought forward without adverse impacts on both built and potential underground heritage.
- 6.74 Within the Report, it is outlined that the County Council's archaeologist would like to see further archaeological investigatory work (an initial phase of exploratory trial trenching, followed, as necessary by intrusive and non- intrusive investigation and recording) conditioned as part of a future planning permission.
- 6.75 Therefore, as the proposed development is understood to be brought forward without adverse impacts on archaeology, subject to the further work agreed with Leicestershire County Council's Archaeologist not identifying any un-mitigatable impact, the proposal can therefore be considered to be in accordance with Policy DM13 of the SADMP.

### **Highways and Access**

- 6.76 A TA has been undertaken by DTA to review the transport implications of the proposed development. In preparing the TA for this scheme, DTA have liaised with Leicestershire Highways and provided a Scoping Note. A response has been provided and the details incorporated into Appendix B of the TA. As set out in the pre-application response (set out in Appendix B), the LHA requested that the access proposal mirrors that which was proposed as part of the application non the site refused in 2016, as they considered this appropriate and acceptable. The TA includes points which were requested by the LHA within their pre-application response.
- 6.77 Within the TA (Drawing: 22052-04), two proposed pedestrian crossing points are presented across Ratby Lane, southwest of the proposed site access, to increase the safety at which pedestrians can travel from and reach the proposed development by foot. However, this part of the proposal will be enjoyed by, and increase the safety of, the existing residents in the area as well.

6.78 The TA discusses the existing highway network and the accessibility of the site in line with local and national policy, which demonstrates that the site is well located with good foot/cycle connectivity.

6.79 The closest bus stops to the site are located on London Road (approximately 270m from the proposed site access) and the A50 (approximately 300m from the proposed site access). The bus stops on London Road are served by the 125 (Leicester to Castle Donnington). The bus stops on the A50 are served by the 29, 29A and X29 services (Leicester/ to Swadlincote, with the X29 going via Coalville).

6.80 Accordingly, whilst there are no bus services operating along Ratby Lane, it is considered that the existing bus service provision in the vicinity of the proposed development, with frequent buses servicing key destinations in the local area and beyond, demonstrates the site is well located with good public transport connectivity.

6.81 Access to education, food retail, healthcare and employment is considered, demonstrating that the site is considered to be well located in terms of accessibility to local facilities.

6.82 The TA confirms that a review of the most recent five-year personal injury collision data for the adjacent highway network has been undertaken and does not highlight any existing safety issues that would need to be mitigated as part of the development proposals.

6.83 In terms of the development proposals, access to the site will be via a T-junction with Ratby Lane which was previously submitted as part of application 15/00889/OUT. Visibility splays of 2.4m x 46.1m and 44.2m are shown within the TA for the signposted 30mph speed limit, confirming they can be achieved from the proposed site access and exceed requirements based on the speed data collected.

6.84 Pedestrian and cycle access will be taken from Ratby Lane via the proposed vehicular access point. Please see the Proposed Site Access General Arrangement (22052-01 Rev: H) for further detail on this access.

6.85 To assess the potential traffic movements from the development, trip rate data has been received from Leicestershire Highways. The proposed development is predicted to generate in the order of 102 two-way vehicle movements in the AM peak and 101 two-way vehicle movements in the PM peak.

6.86 For further detail on how the proposed development may impact the local highway network, and commentary on the access provision proposed as part of the Outline proposal, can be found in the submitted TA and TP.

6.87 The submitted TA concludes that the Assessment “*demonstrates that the proposed development will have no material residual adverse impact on the safety or operation of the local highway network. It further concludes that the development is in full accordance with the transport policy tests for new developments as set out in the National Planning Policy Framework*”. It is therefore considered that the proposal is considered to be in compliance with Policy DM17 of the SADMP and although the exact details confirming accordance with Policy DM18 will come as part of a future Reserved Matters application, for the purposes of assessing the principle of the site accommodating the proposed development, the current proposal is not considered to conflict with Policy DM18.

### **Flood Risk and Drainage**

6.88 A Flood Risk Assessment (“FRA”) has been undertaken by Travis Baker. This concluded that the proposed development is at a low risk of flooding from tidal, fluvial, overland flow, drainage flooding, groundwater flooding and flooding from artificial sources. Under normal circumstances the site is at low risk of flooding as having a less than 1 in 1,000 annual probability of river or sea flooding in any year (<0.1%).

6.89 As is presented on the submitted Site Location Plan, the area of the site accommodating the proposed outfall location has been extended to allow flexibility for the exact location to be finalised through the Reserved Matters application. This will ensure that, should outline consent be granted, the finalised drainage proposal will be the most suitable for both the development and watercourse.

6.90 The FRA also explains why the proposed development does not need to carry out the Sequential Test. This is due to the proposal’s understood classification of a ‘More Vulnerable’ type of development which, in Flood Risk 1, would not require the Sequential Test to be carried out. Please see the Table at Paragraph 3.2.3 of the FRA for further detail.

6.91 The site falls significantly from northeast to southwest. The lowest levels are found on the southwestern boundary of the site. There is an ordinary watercourse located approximately 160m to the south of the site. This flows west to east. The surface water is proposed to be discharged into this watercourse following ground infiltration investigations which demonstrated infiltration is not feasible. The outfall location proposed at this stage can be seen within the submitted Drainage Strategy (21067, 003).

6.92 The new development shall ensure that development run-off into the existing watercourse downstream shall not exceed existing greenfield run-off rates. As such, the drainage strategy includes for a sustainable urban drainage system, including drainage basins to the south of the development (in the lowest part of the site) which will form an integral part of the development’s green infrastructure, promoting local ecology and biodiversity and provide a distinctive character to the

development. These basins will then follow the proposed drain route south and discharge into the aforementioned water course.

- 6.93 Surface levels shall be designed to ensure that run-off is not directed toward properties or off site in the event that the drainage system fails or its design capacity is exceeded. Exceedance flows shall be directed toward the attenuation features at the natural low points of the site, ensuring that the flood volumes generated by critical storm events for the 1 in 100 year return period, plus climate change allowance shall be retained on site and not impose a flood risk to any property.
- 6.94 In terms foul drainage, all new properties will be drained to the existing Severn Trent sewer network. Please see the submitted Foul Sewer Point of Connection drawing (Severn Trent Water, April 2025).
- 6.95 It is considered that the proposed development will not result in any detrimental impact onto the existing surrounding properties. The report goes on to conclude that it is considered that the proposed development will not increase the risk of flooding on the site, or elsewhere. The proposal is therefore considered to be in compliance with Policy DM7 of the SADMP.

#### **Noise**

- 6.96 The Noise Assessment submitted in support of this application sets out that the vast majority of the dwellings on site will experience no adverse noise impacts, in that the level of noise experienced will be below the acceptable level set out within British Standard 8233.
- 6.97 It acknowledges that properties located closest to Ratby Lane will experience a higher level of noise from the highway, which will marginally exceed the aforementioned level. To mitigate this and ensure adverse impacts are not experienced by future residents, the Assessment sets out a scheme of insulating glazing and an associated ventilation strategy which will ensure that any potentially higher noise level so not adversely impacts residents. As the scheme is seeking outline consent, with all matters expect access reserved for consideration at a later stage, the recommendations set out within the Report supporting this application will be revised to reflect a future, more detailed layout.
- 6.98 The Assessment therefore concludes that the site can accommodate a residential development in which no future residents would experience adverse impacts related to noise. The proposal is therefore considered to be in compliance with Policy 8 of the Adopted Core Strategy and Policies DM7 and DM10 of the SADMP

#### **Air Quality**

6.99 The site is located south east of Ratby Lane, and is set back from the A50 Leicester Road which are considered be the major emission sources in the vicinity of the site. The M1 Motorway is also located 1.4km to the south west of the site.

6.100 The site is not located within or in close proximity to an Air Quality Management Area, indicating that air pollutant concentrations in the area have been below the current relevant air quality objectives in recent years. Furthermore, local monitoring undertaken by the Hinckley and Bosworth Borough and predicted background concentrations provided by Defra indicate that current baseline concentrations of pollutants close to the site are likely to be below the current relevant air quality objectives.

6.101 The proposed development will introduce sensitive locations of human exposure which may experience impacts as a result of existing concentrations of air pollutants. As described above, predicted background concentrations and baseline monitoring data in the local area for recent years indicate that pollutant concentrations within the development locale are unlikely to exceed the relevant air quality objectives across the site. However, from an air quality perspective, it is advisable that the most sensitive parts of the development (i.e. the proposed residences) be set back as far as practicable from major emission sources such as the A50 Leicester Road, where possible. The latest Illustrative Masterplan suggests that the proposed residential areas will be set back at a minimum distance of 150m of the A50 which is positive and welcomed from an air quality perspective.

6.102 Furthermore, from an air quality perspective, it is recommended that the development incorporate embedded mitigation measures that are likely to be beneficial for air quality, such as electric vehicle charging points, cycle storage spaces and a fully electric energy strategy, that does not include any form of on-site combustion plant. Sustainable transport modes are also likely to be encouraged.

6.103 Overall, there are not anticipated to be any significant air quality constraints associated with the site. However, any potential significant effects during the operational phase of the proposed development will be determined through the detailed atmospheric dispersion modelling undertaken as part of the air quality assessment and appropriate measures to minimise emissions will be recommended where required.

### **Energy**

6.104 The Energy Statement submitted in support of this application demonstrates that the proposed enhanced fabric specification and the installation of Air Source Heat Pumps (or equivalent technology) on the proposed dwellings are expected to reduce Carbon emissions on site by an average of 65.77% above current Building Regulation requirements. In addition, the sanitaryware specification will seek to achieve a daily water usage of less than 110 litres per person per day, in line with the understanding of the new local planning policy (Emerging Plan Policy SP32 from the previous Reg 19 Plan).

6.105 Thermal elements of the development will be significantly improved beyond than the requirements of Building Regulations and sustainable measures are proposed that are in line with the NPPF HBBC's is Adopted development plan, which emphasise sustainable development, energy efficiency, reduction in carbon emissions and the use of renewable technologies.

### **Utilities**

6.106 The submitted Utility Assessment states that Severn Trent Water, Cadent Gas, National Grid Energy Transmission, Openreach and Virgin Media. Such consultation has ensured that, if approved, the proposed development will be brought forward without adverse impacts on the associated utility networks the aforementioned bodies operate.

6.107 The Assessment also summarises the conclusions of the consultation to date. This outlines that there is sufficient capacity within the local water network to connect the proposed development. The same was found in conversation with Cadent Gas and National Grid. Openreach have confirmed that they will connect all the new houses to their network, free of charge.

### **Agricultural Land Classification**

6.108 The site predominantly (92%) comprises land with an Agricultural Land Classification ("ALC") as 3a. In accordance with the NPPF, such a ALC grade would constitute the Best and Most Versatile ("BMV") agricultural land.

6.109 Therefore, as is detailed within the Report, an assessment into the economic benefits of the existing land to be carried out to ascertain if less valuable agricultural land should accommodate the proposed development. However, whilst there is understood to be no definition of what constitute significant development in this context, it is understood from the NPPF than development over 20ha should be assessed. As the proposed development is well under 20ha in area, it is not considered this comprises significant development and therefore no further assessment is understood to be required, other than that set out in the ALC Report.

## 7. Conclusion

7.1 This Planning Statement has been prepared in support of an outline planning application for up to 135 dwellings with associated landscaping, open space, drainage infrastructure and associated works (all matters reserved except access on Land East of Ratby Lane, Markfield).

7.2 The current housing policies in the extant development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure using the standard methodology. Furthermore, HBBC are unable to demonstrate a five-year housing land supply. The application of NPPF paragraph 11(d) therefore applies and applications for sustainable development must be approved unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.3 The site has been identified as an allocation in the emerging Local Plan for 130 dwellings. Indeed, Markfield is acknowledged to be a one of HBBC's most sustainable rural settlements, only behind the urban areas of Hinckley, Burbage and Earl Shilton and Barwell, thereby forming a significant part of the settlement hierarchy for Hinckley and Bosworth, and thus is suitable and capable of accommodating sustainable development, hence the allocation having been identified.

7.4 The proposed development will deliver a highly sustainable residential development with positive social, economic and environmental benefits, whilst also assisting HBBC in boosting the supply of housing and the delivery of housing in future years. By approving the development proposed, a development will be brought forward which contributes towards sustaining and increasing the vitality and viability of the local services and facilities, thus contributing towards creating and maintaining a sustainable and balanced community and promoting a strong local economy.

7.5 As expanded on in Section 6 above, the scheme will deliver a number of benefits for the future and existing local community, which will include:

- The delivery of up to 135 new homes which will significantly boost the local housing land supply and serve to safeguard future housing delivery;
- The delivery of this site will have significant benefits including the delivery of affordable housing provision in line with relevant planning policy;
- Similarly, there will also be social benefits through the delivery of a mix of tenures and housing types enabling residents to move into new dwellings which better reflects their personal

situation. This includes new family housing, allowing people to move up the property ladder, new housing suitable for downsizing and much needed new affordable housing;

- Further social benefits for both existing and future residents include the provision of new public open space, including an equipped play area and recreational routes.;
- The protection and enhancement of existing landscape and biodiversity habitats;
- A net gain in the site's biodiversity, delivering a gain of at least 10% above the pre-development baseline; and
- A boost to the local economy through employment and training opportunities during construction, increased spend from local residents in the local economy following completion, together with the delivery of New Homes Bonus.

7.6 This Statement and the technical reports submitted with this application confirm that the potential impacts of granting planning permission for the proposed development will not significantly and demonstrably outweigh the significant benefits which will be delivered as a result of the new housing proposed. The proposals are therefore considered to constitute sustainable development and should be approved without delay in accordance with paragraph 11 of the NPPF, subject to the imposition of appropriate conditions and a S106 obligation.

7.7 The application is supported by various detailed reports and surveys which consider the proposed development's impact on the site and its surroundings. All of these reports and surveys conclude that the proposal can be comfortably assimilated into its surroundings without any significant adverse impacts. Furthermore, there are no technical considerations or complications in respect of land ownership which would delay the delivery of the site or undermine its viability.

7.8 We therefore urge you to approve this planning application without delay.