



Planning Statement

Land off Hill Lane,
Markfield

Glenalmond Developments

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Prepared by:

Danyal Bazmi
BA (Hons) MSc
MRTPI

1. Introduction

- 1.1 Cerda Planning Limited has been instructed by Glenalmond Developments to prepare an outline planning application (access only) for erection of up to 67 dwellings, on Land off Hill Lane, Markfield.
- 1.2 The site is located within the administrative boundary of Hinckley and Bosworth Borough Council. The site is not allocated in the adopted Local Plan or Neighbourhood Plan.
- 1.3 This statement provides a description of the site, planning history, and the development proposals. The relevant policies of the adopted plan are set out along with other material planning considerations including the National Planning Policy Framework (NPPF) (2024).
- 1.4 The statement continues to set out the main issues and assesses how the proposal accords with the policies of the development plan and other material planning considerations, and requirements of the outline planning permission.
- 1.5 Having assessed the proposal against current local and national policies, and material planning considerations, conclusions are drawn. The conclusions indicate that the proposed development has conflicts with policies of the Development Plan due to non-allocation of this site and these matters are to be weighed in the planning balance.
- 1.6 The adopted policy is out-of-date, and the Council are presently unable to demonstrate a five-year supply of deliverable housing sites. Therefore, the planning balance is to be undertaken with the 'tilted balance' engaged. The material planning considerations and benefits of the proposals outweigh any harms and therefore the application should be granted permission without delay.
- 1.7 The rationale behind the proposal is provided in this statement and in conjunction with the other documents submitted with the application. The documents include the following:

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- Plans
 - Site Location Plan (1:1250 or 1:2500)
 - Existing Site Plan
 - Site Layout
 - Open Space Provision Plan
 - Nation Forest Green Infrastructure Plan
 - Affordable Housing Statement (part of Planning Statement)
 - Preliminary Arboricultural Impact Assessment
 - Archaeological Desk-based Assessment
 - Biodiversity Net Gain Assessment
 - Design and Access Statement
 - Flood Risk Assessment and Drainage Strategy
 - Geophysical Survey
 - Heritage Assessment
 - Landscape and Visual Impact Assessment
 - Mineral Safeguarding Assessment
 - Noise Impact Assessment
 - Planning Statement
 - Preliminary Ecological Appraisal
 - Transport Assessment
 - Travel Plan

2. Site Description

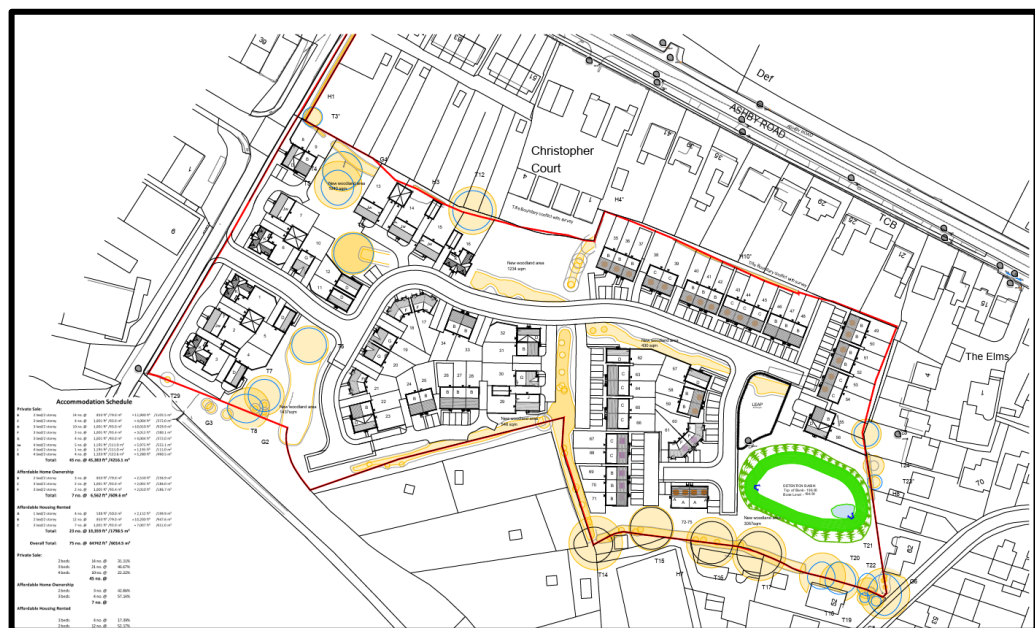
- 2.1 The site is located within Hinckley and Bosworth Borough Council as the local planning authority.
- 2.2 The application site is located on the north-western side of Markfield, approximately 350m from the designated centre of the village. The site adjoins the built-up area of Markfield to the north, east and west comprising Hill Lane employment site, houses fronting onto Ashby Road and Uplands Drive.
- 2.3 The site is 3.0 hectares in size. The site comprises a plateau on the western side and begins to slope down towards the south-western corner where it meets Uplands Drive.
- 2.4 The site is presently an undeveloped, greenfield site which has become overgrown. The site is bound by hedgerows and trees along the north, east and south boundaries with internal hedgerows running east-west and north-south dissecting the site into five parcels. The site is open to Hill Lane. The site is bound to the west and south by the residential development comprising Upland Drive, and The Elms and Ashby Road. The residential development adjoining the site comprises primarily two-storey houses of varying sizes, although there are recently constructed bungalows at Christopher Court.
- 2.5 The site is not within the village Conservation Area which is located to the east. There are no listed buildings in the vicinity of the site. The site is located within Flood Zone 1 as identified on the Environment Agency's flood maps and is not subject to notable surface water flooding constraints.
- 2.6 There are no public rights of way crossing the site although one adjoins the southwest corner but is separated from the southern boundary by paddocks and vegetation.

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- 2.7 Markfield has a range of local services and facilities, including a library, primary school, medical centre, beauty salons, hot food takeaways, hairdressers, financial advisors, hardware stores, convenience stores and a supermarket.

3. Planning History

3.1 According to the Hinckley and Bosworth Borough Council's interactive planning map. The site has the following planning history:

- Outline – Erection of up to 72 dwellings and associated infrastructure and landscaping (Outline – Access only) (Application Ref. 21/00387/OUT). Land off Hill Lane, Markfield, Leicestershire. Refused on 23.02.2022



3.2 The previous outline application was refused by Hinckley and Bosworth Borough Council for two reasons, as follows:

1. The development, due to its location in the open countryside, would be harmful to the character and appearance of the area and have an urbanising impact on the site. The proposal would have an adverse effect upon the intrinsic character and beauty of the countryside and the loss of the whole site as a green infrastructure site would cause significant harm to the network. The proposal would therefore be contrary to Policy DM4 of the Site Allocations and Development Management Plan Policies (2016),

Policies M1, M2 and M5 of the Markfield Neighbourhood Plan (2021) and this harm would significantly outweigh the benefits when considered against the Framework as a whole.

2. *The applicant has failed to adequately demonstrate that the site does not contain archaeological remains of significance and therefore the scale of harm and the effect on the significance of any non-designated heritage asset cannot be determined. The development is therefore contrary to Policy DM13 of the Site Allocations and Development Management Policies Development Plan Policies (2016) and Paragraph 194 and 195 of the National Planning Policy Framework (2021).*

3.3 The above application was submitted at a time when the Local Plan was out-of-date by virtue of being based on the former Regional Plan and having not been reviewed within 5 years of adoption as well as inability to demonstrate a five-year supply of deliverable housing and prior to the Neighbourhood Plan being made. However, due to delays with the determination, the application was ultimately determined after the Neighbourhood had been Made and Paragraph 14 of the NPPF had been engaged.

3.4 Prior to submission of this application, a pre-application enquiry was made to HBBC. The pre-app response is summarised as follows:

- The proposals do not meet the relevant criteria within Policy 1 of the MNP or DM4 of the SADMP;
- The neighbourhood plan does not contain policies and allocations to meet its identified housing requirement, therefore Paragraph 14 would not be applicable in this specific case;
- The Council are unable to demonstrate a five-year housing land supply and therefore Paragraph 11d) of the NPPF is engaged;
- The provision of market and affordable housing is likely to attribute significant positive weight

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- Final number, mix of dwellings, layout and density would be determined at Reserved Matters stage but an illustrative layout should demonstrate that a mix of types, sizes and density can be accommodated.
 - Within the revised LVIA there should be a clear focus on the rationale behind the proposed layout with respect to landscape considerations. Additionally, any landscape mitigation proposed within the indicative plans to ensure that it is carried forward at reserved matters stage.
 - Several comments on the layout were made (which have been addressed as part of this submission)

4. Details of the Proposals

- 4.1 This application seeks outline planning permission for residential development up to 67 dwellings and associated works. Access is for consideration which will be provided onto Hill Lane and all other matters reserved for future consideration. The application is accompanied by an Indicative Masterplan which is provided to demonstrate one way in which the developable areas and uses could be delivered.
- 4.2 The development would be accessed via a single vehicular access point onto Hill Lane. Hill Lane is an existing road between Ashby Road and Forest Road and currently serves to provide access to the employment site on the opposite side of Hill Lane. The proposals include the provision of a footpath along the site frontage to join Ashby Road and the Public Right of Way and car park to the south.
- 4.3 The residential development would provide up to 67 dwellings which would include the provision of policy compliant 40% affordable housing. Both the market and affordable housing mix is proposed to be dealt with at Reserved Matters stage, secured by an appropriately worded planning condition and obligation, but would be expected to achieve a mix responding to identified need within the Housing and Economic Development Needs Assessment as well as the character and context of the location.
- 4.4 The proposal follows a landscape-led approach retaining and incorporating significant green infrastructure. The developable areas of the site are a response to the existing vegetation, retained wherever reasonably practicable.
- 4.5 Surface water drainage is provided via an attenuation basin to the southeast of the layout before discharging to an existing sewer to the southeast. Similarly, a foul connection is also achievable to the southeast.
- 4.6 A LEAP is proposed to serve the development, located centrally.

5. Planning Policy Context and Housing Land Supply

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that, inter alia:

“In dealing with an application for planning permission ... the authority shall have regard to— the provisions of the development plan, so far as material to the application, (c) any other material considerations.”

- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that:

“if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

- 5.3 The National Planning Policy Framework, (NPPF) states at paragraph 2:

“Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions...”

Development Plan

- 5.4 The adopted Development Plan comprises the following documents:
- Core Strategy (Adopted December 2009)
 - Site Allocations and Development Management Policies DPD (adopted July 2016)
 - ‘Made’ Neighbourhood Plans

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- Leicestershire Minerals and Waste Plan (Adopted 2019)

5.5 In this instance, the Markfield Neighbourhood Development Plan (made 9th September 2021) is applicable.

5.6 The relevant policies of the Local Development Framework are identified below.

5.7 Core Strategy:

- Policy 7 – Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester
- Policy 15 – Affordable Housing
- Policy 16 – Housing Density, Mix and Design
- Policy 17 – Rural Needs
- Policy 19 – Green Space and Play Provision
- Policy 20 – Green Infrastructure
- Policy 24 – Sustainable Design and Technology

5.8 Site Allocations and Development Management Policies Plan Document:

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding

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- Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM13: Preserving the Borough's Archaeology
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards

5.9 Markfield Neighbourhood Plan:

- Policy M1: Countryside
- Policy M3: Landscape Character
- Policy M4: Ecology and Biodiversity
- Policy M5: Trees
- Policy M8: Electric Vehicle Chargepoints
- Policy M9: Locally Valued Heritage Assets
- Policy M10: Design
- Policy M14: Infrastructure
- Policy M15: Housing Provision
- Policy M18: Housing Mix
- Policy M20: Affordable Housing

5.10 Supplementary Planning Documents:

- Good Design Guide (2020)

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- National Design Guide (2019)
 - Landscape Character Assessment (2017)
 - Open Space and Recreation Study (2016)

Emerging Local Plan Review

- 5.11 Hinckley and Bosworth are now consulting on a further draft of the new Hinckley & Bosworth Local Plan, under Regulation 18 of the Town and Country (Local Planning) (England) Regulations 2012.
- 5.12 The latest version of the Local Plan builds on previous consultations, reflecting the feedback received and incorporating new evidence gathered since those earlier stages. A further consultation was also considered necessary following updates to the NPPF in December 2024. These changes included the revised Standard Method for calculating housing need, resulting in new targets for the borough, as well as further amendments which now must be considered.
- 5.13 This is a follow up to the previous Regulation 18 consultation held in Summer 2024, the scope of this consultation is limited to focus specifically on the new or updated elements of the Local Plan that have developed since the previous consultation. The draft Plan now includes additional proposed development sites to meet the increasing housing target.
- 5.14 The change to the Standard Method for calculating housing need initially resulted in an increase for the borough from 432 dpa to 649 dpa. The new Standard Method contains an adjustment based on local housing affordability ratios that are released annually in March. In May, new housing stock data was released which once fed into the Standard Method calculation slightly adjusted the final outcome to 663 dpa.
- 5.15 The Hinckley and Bosworth Local Development Scheme (March 2025) shows the following Key Milestones and Timescales for the Emerging Local Plan:

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- Consultation on the Scope and Issues and Options – January – February 2018 – completed
 - Public consultation on New Directions for Growth paper – January – February 2019 – completed
 - Public consultation on Draft Plan (Regulation 18) – June – August 2019 - completed
 - Public consultation on submission Draft Plan (Regulation 19) – February – March 2022 – completed
 - Continue to complete evidence – July 2024 – September 2024 – completed
 - Public consultation on further Draft Plan (Regulation 18) – July 2024 – September 2024 – completed
 - Update to evidence to reflect new NPPF/NPPG – September 2024 – December 2025 – ongoing
 - Public consultation on further Draft Plan (Regulation 18) for 6 weeks – September 2025 – October 2025 – ongoing
 - Public consultation on submission Draft Plan (Regulation 19) for 6 weeks – March – April 2026
 - Submission to Secretary of State (Regulation 22) – November 2026
 - Estimated date for examination – Early 2027
 - Programmed date for adoption – Late 2027

5.16 The relevant policies of the Reg 18 Plan should be afforded very limited weight (as prescribed by the local planning authority in their pre-application response) in decision-making due to the stage of the preparation, extent of unresolved

objections and degree of consistency with the NPPF. This is in line with Paragraph 49 of the NPPF.

Housing Land Supply Position

- 5.17 Since the NPPF changes in 2024, the Council have not released their five-year housing land supply position which reflects the new Standard Method. In the Reg 18 Plan, it is noted that the 2024 – 2025 residential land availability monitoring report is in the process of being completed.
- 5.18 The Council in its pre-application response confirmed that, with the revised housing need figure of 682 dpa from the Dec 2024 NPPF, that the Council will be unable to demonstrate a five-year housing land supply once the revised position is published.
- 5.19 The latest position was set out in the appeal decision for Land East of the Common, Barwell (appeal ref: APP/K2420/W/24/3348387), whereby at Paragraph 10, the Inspector set out the following:

"The Supplemental Statement of Common Ground sets out the parties' relative position where the Council confirms it can only demonstrate a 3.55 year supply whereas the appellant considers the supply is 3.23 years compared to the 5 year supply requirement set out in the Framework as re-issued in December 2024. Both of these calculations are based on the methodology now applying in the Framework including the application of the 5% buffer. There is therefore a material shortage at the moment in the supply of deliverable housing sites locally and which is greater than the position examined by the inspector in the 2023 appeal where HLS was agreed to be 4.76 years."

National Planning Policy Framework

- 5.20 As set out above, the National Planning Policy Framework is a material planning consideration in determining planning applications. The following chapters are relevant to this application:

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- Chapter 2 – Achieving Sustainable Development
 - Chapter 4 – Decision Making
 - Chapter 5 – Delivering a Sufficient Supply of Homes
 - Chapter 8 – Promoting Healthy and Safe Communities
 - Chapter 9 – Promoting Sustainable Transport
 - Chapter 11 – Making Effective Use of Land
 - Chapter 12 – Achieving Well-designed Places
 - Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
 - Chapter 15 – Conserving and Enhancing the Natural Environment
 - Chapter 16 – Conserving and Enhancing the Historic Environment

6. Assessment of the Proposals

6.1 Having set out a description of the site, the planning history, together with the proposed development and consideration of relevant planning policy against which to assess the proposals, the remainder of this statement considers the case for development of the site.

6.2 It is considered that the proposals raise the following matters for consideration:

- Principle of development
- Accessibility
- Affordable Housing and Housing Mix
- Landscape and Visual
- Design and Layout
- Open Space
- Highways and Access
- Arboriculture
- Heritage
- Flood Risk and Drainage
- Ecology and Biodiversity
- Noise
- Air Quality
- Sustainable Design and Technology
- Draft Heads of Terms

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- Planning Balance

6.3 These matters are dealt with in turn below.

Principle of development

6.4 The adopted Core Strategy (CS) and Site Allocations and Development Management Policies DPD (SADMP) sets out and implements the spatial strategy which seeks to focus development on larger settlements. The plan does not have a 'settlement hierarchy' policy, however policies identify levels of growth for individual settlements including Markfield, the broad settlement hierarchy is created as follows:

- The 'Main Urban Area' – comprising: Hinckley, Burbage, Barwell and Earl Shilton. Hinckley is identified as the sub-regional centre, as designated by the revoked East Midlands Regional Plan
- Key Rural Centres – Markfield, Groby, Ratby, Barlestone, Desford, Newbold Verdon, Bagworth and Thornton, Market Bosworth, Stoke Golding
- Rural Villages
- Rural Hamlets

6.5 Markfield is identified as a Key Rural Centre, second in the hierarchy. Policy 8 of the CS allocates a minimum of 80 new dwellings to the settlement, to be located within its defined settlement boundary, as set out in Policy 7.

6.6 The supporting text to Policy 7 of the Core Strategy sets out the following:

*'4.29 The focus of most new development will be in and around the Hinckley sub regional centre as this is where there is a concentration of services, where accessibility can be maximised and modal choice made available. However, the needs of rural settlements must also be taken into account to ensure they remain vibrant, mixed communities.
...*

4.31 Key Rural Centres are those 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 not only for those people who are living in the Key Rural Centres, but also the rural villages and hamlets surrounding these centres.

...

4.33 To support these Key Rural Centres, they will be the council's focus for improvements to employment, services, facilities and public transport provision. The vision for these centres is that they will become, where they are not already, the focal points for their surrounding rural communities, places where residents can fulfil their daily needs without having to travel long distances into urban areas. In particular, the linkages between these Key Rural Centres and their Rural Villages and Hamlets will be improved through investment in the green infrastructure and cycle network to enable people to walk and cycle easily to their nearest Key Rural Centre.'

- 6.7 The application site lies outside the settlement boundary of Markfield and is therefore in the 'countryside' for the purposes of the policies of the CS and SADMP. Policy DM4 of the SADMP states that development in the countryside is unsustainable unless it meets one of five criteria, as set out at parts a) to e) of the policy. In consideration of the residential development, the proposal does not meet the criteria and therefore there is conflict with Policy DM4 and, as a result, with the overall spatial strategy of the Council.
- 6.8 The Neighbourhood Development Plan includes Policy M1, which similarly to Policy DM4, sets out what development would be considered appropriate within the countryside. It is acknowledged that the proposals would conflict with both Policies M1 of the NDP and Policy DM4 of the SADMP. However, the weight to be afforded to that degree must be considered further alongside the

context of how the spatial strategy could be applied and the significant shortfall in the 5 year housing land supply position.

- 6.9 With respect to Policy DM4, when assessing the previous proposals, the case officer identified harm from the proposals being located on land designated as countryside (outside of a settlement boundary) therefore causing conflict with Policy DM4 and afford Policy DM4 significant weight. Several appeal decisions have subsequently acknowledged that the Council is reliant on sites outside of the settlement boundaries to meet their housing needs and accordingly Policy DM4 is not afforded significant weight. The weight to be afforded to Policy DM4 follows the degree of conflict with the second criteria within the policy as a framework for assessing harm, not the principle of being located within the countryside and outside a settlement boundary. This is a notable change in weight afforded to policies.
- 6.10 It is important to note that the adopted plan includes settlement boundaries as set out within the SADMP. These settlement boundaries are designed only to accommodate the out-of-date housing requirement set out within the Core Strategy and are not capable and able to meet a higher requirement or alternative sites should some of the allocations not come forwards. In light of this, the settlement boundaries can only be afforded limited weight as they reflect an out-of-date needs assessment, and constrain the ability of the local planning authority to meet its housing needs.
- 6.11 In terms of the delivery of the spatial strategy, it should be noted that even against the constrained, out of date housing requirement, the current plan is not delivering as anticipated, and it is clear that additional land release is required to meet housing need. The Council have now re-consulted the Reg 18 Plan identifying additional sites.
- 6.12 In respect of the standard method for calculating local housing need, this has increased from 433 dpa to 649 dpa as of December 2024. This represents a significant increase in need across the borough. It should be noted that when the NDP was prepared, the Neighbourhood Plan Group calculated their

housing requirement based on the population of Markfield as a percentage of the borough as a whole and then accommodating that percentage of the housing need over the plan period (which at the time was 433 dpa, and taking no account of unmet need from Leicester). With the Local Housing Need increased, clearly the NDP's calculation of housing need over the emerging Plan is out-of-date; applying the same methodology would result in a notably higher requirement; likely reflecting the additional allocations being proposed in the emerging Plan.

- 6.13 In considering the previous application, it was identified that Paragraph 14 of the NPPF was engaged; it should be noted that Paragraph 14 has been amended since the application was previously determined. However, in respect of the application of Paragraph 14, the applicant considers the following: the neighbourhood plan became part of the development plan less than five years ago and therefore criteria a) remains applicable. However, criteria b) requires the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70) and the applicant does not consider that the NDP does this for the reasons set out below.
- 6.14 It should be noted when considering the application of Paragraph 14b) that when the December 2023 iteration of the NPPF was first published on 19th December 2023 criteria b stated that plans must include *"policies and allocations to meet its identified housing requirement...where that requirement has been identified within five years or less of the date on which the decision [on a planning application] is made"* to qualify for protection. However, the following day, the Government published an updated version to remove the reference to the five-year period.
- 6.15 It is evident from the purposeful removal of the 'protection within five years' the meeting of the housing requirement can therefore be considered out of date within a five-year period, as the applicant asserts in this case. If the Government

wanted the housing requirement and policies and allocations to be protected for five-years, there would have been no reason to remove the reference.

- 6.16 In respect of Paragraph 69 of the NPPF, the current Local Plan, adopted in 2009 with a plan period of 2006-2026, is out-of-date and does not identify a housing requirement for the Neighbourhood Plan area. It does allocate a minimum of 80 homes to be delivered in Markfield, which has been met, prior to the Neighbourhood Plan being prepared. As set out above, the Reg 18 draft Local Plan seeks to allocate growth to Markfield beyond what is planned for in the Core Strategy and the NP.
- 6.17 In respect of Paragraph 70 of the NPPF, despite it advising that where it is not possible to provide a requirement figure for a neighbourhood area, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body, HBBC were unable to do and the NP Group prepared their own housing requirement figure (with the evolution of the emerging Local Plan, HBBC would now be able to provide an indicative housing requirement, which would reflect, at least, that of the Reg 18 emerging Plan).
- 6.18 Nonetheless, in accordance, Paragraph 70, a housing figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority. These three considerations are reviewed in turn below.
- 6.19 The latest evidence of local housing need – the current latest local housing need has increased to 649 dpa, significantly above the Core Strategy annual requirement and that used for the calculation of the NDP figure. This would represent a material change in the latest evidence of local housing need.
- 6.20 The population of the neighbourhood plan area – this has not been reviewed further but is highly unlikely to have materially altered since the NP was made. However, it should be noted that Glenalmond raised concerns with the

population figures used for the calculation as part of the examination (using 2017 household projects as opposed to 2014 which would align with the standard method calculation) but the Inspector accepted the population figures and there it is assumed an appeal Inspector is unlikely to challenge another Inspector's agreed position.

- 6.21 The most recently available planning strategy of the local planning authority – it should be noted that this refers to 'the most recently available planning strategy' and not the 'adopted planning strategy' or similar, and therefore this can include emerging planning strategies i.e. a Reg 18 consultation.
- 6.22 Having regards to the above three considerations, it is therefore the applicants view that whilst the neighbourhood plan contains policies and allocations to meet a housing need, this need was identified using a simplistic approach that is no longer applicable considering the Reg 18 draft Local Plan proposes further allocations to the neighbourhood plan area, and that the local housing need has significantly increased. On this basis, it is not considered that the neighbourhood plan contains policies and allocations to meet its identified housing requirement. As such, criteria b) of Paragraph 14 is not met and therefore Paragraph 14 as a whole would not be applicable.
- 6.23 In light of the above, it is the applicant's view that there were no concerns previously raised with the locational sustainability of the proposals and harm is therefore only derived by virtue of siting outside the settlement boundary in the countryside and the associated conflict with Policies DM4 of the SADMP and M1 of the NDP. As set out above, Policy DM4 should be afforded notable less weight than previously, and Policy M1 should also be afforded limited weight as the housing policies and allocations in the NDP do not meet an identified housing requirement for the Neighbourhood Plan area by virtue of material changes to the emerging Local Plan and local housing need. These were the primary considerations resulting in refusal of the application previously.
- 6.24 With regards to green infrastructure, the whole site is designated within the NDP as green infrastructure (although there is no evidence/background/technical

review as part of the plan-making process to support this). The previous case officer asserted harm by virtue of the loss of land designated as green infrastructure as a whole, but without qualitative review of the green infrastructure and what its benefits are i.e. its linear hedgerow providing a network of green infrastructure. Notwithstanding, to address this matter, the applicant has reviewed and revised the layout from the previous proposal to retain more of the existing vegetation, minimising the loss of the green infrastructure. In light of this, any harm associated with the loss of green infrastructure is reduced.

- 6.25 In the pre-application response, the Council also confirmed that whilst the local planning authority agree that whilst the neighbourhood plan contains policies and allocations to meet a housing need, this need was identified when the housing need figure was significantly lower. On this basis, it is considered that the neighbourhood plan does not contain policies and allocations to meet its identified housing requirement, therefore Paragraph 14 would not be applicable in this specific case.
- 6.26 Although there is a degree of conflict with the Development Plan, the policies of the plan are out-of-date, and the Council is unable to demonstrate a five year housing land supply plan position. Given the context, the policies should be afforded limited weight, and the tilted balance should be engaged. In the pre-application the Council advised that currently the 'titled' balance in Paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impact of doing would significantly and demonstrably outweigh the benefits.
- 6.27 Paragraph 11d) of the NPPF is engaged which sets out the following:

"11. Plans and decisions should apply a presumption in favour of sustainable development..."

For **decision-taking** this means:

a) Where there are no relevant development plan policies, or the policies which are the most important for determining the application are out-of-date⁸, granting permission unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or
- ii. Any adverse impact 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, individual or in combination.

Footnote 7 – The policies referred to are those in this Framework (rather than those in development plans) relating to: habitat sites (and those listed in paragraph 194) 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 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.”

6.28 Paragraph 11d of the NPPF is engaged and therefore permission should be granted unless i. and ii. dictate otherwise. A planning balance is undertaken further below but for the avoidance of doubt, the applicant does not consider that 11d)i) and footnote 8, which sets out the areas and assets of particular importance which provides a strong reason for refusing the development, indicate that the tilted balance should be disengaged.

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- 6.29 It is the applicant's view as set out in the Planning Balance below that the proposal would not have an adverse impact that would significant and demonstrably outweigh the benefits and therefore permission should be granted.

Accessibility

- 6.30 Policy 14 of the CS aims to deliver a well-functioning network, particularly walking and cycling routes to encourage more people out of their cars for more local routes. Policy DM17 of the SADMP states that development proposals will be supported where they: a) seek to make the best of existing public transport services and, where appropriate, provide opportunities for improving and sustaining the viability of those services; b) seek to ensure that there is convenient and safe access for walking and cycling to services and facilities; c) demonstrate that there is not a significant adverse impact upon highway safety; and in the case of development that generates significant movement; d) that the development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised; and where it can be demonstrated that the residual cumulative impacts of development on the transport network are not severe.
- 6.31 This is consistent with the NPPF which seeks, at Paragraph 115, that application for developments ensure that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.
- 6.32 The supporting Transport Assessment shows access to existing local amenities is a short walking/cycling distance. The site is located within the average walk distance of 1.36km of many local facilities within Markfield, including the Village Centre, and within a 2km walk of all facilities. A list of local facilities and their distances from the centre of the site are shown below:

Plan Number	Local Facilities	Distance
Education		
E1	Kidspace Nursery	850m
E2	Mercenfield Primary School	1.3km
E3	South Charnwood High School	2.4km
E4	Markfield Institute of Higher Education	2.6km
Healthcare		
H1	Markfield Medical Centre	1.6km
H2	Masons Chemist	1.6km
Leisure		
L1	Hill Hole Nature Reserve	380m
L2	Markfield Allotments	500m
L3	Markfield Cricket Club	500m
L4	Queens Head Pub	650m
L5	Markfield Skate Park	1.3km
Community		
C1	Saint Michael and All Angels	800m
C2	Markfield Congregational Church	900m
C3	Trinity Methodist Church	950m
C4	Markfield Library	1.2km
C5	Markfield Post Office	1.5km

C6	The Markfield Mosque	2.5km
C7	Markfield Court Retirement Village	2.6km
Retail		
R1	Central Co-op Markfield	850m
R2	Londis Convenience Store	1.5km
R3	Markfield Services	1.6km
Employment		
EMP1	Old Cliffe Hill Quarry	1.6km

- 6.33 The above demonstrates that the site is situated within a comfortable walking distance of a range of facilities in the village that new residents of the development site will be able to access by walking or cycling.
- 6.34 There are presently no footways provided on Hill Lane along the site frontage which would be rectified by the proposed development. Then a footway of 2m in width available from the Hill Lane/Ashby Road junction and continuous footway provision is then available onto the Main Street and into the Village Centre.
- 6.35 An existing PRow (Footpath R17) is located 100m south of the proposed site access at the Hill Lane Car Park, which will be accessible via the new footway to be provided along the Hill Lane frontage. This footpath route is well maintained and well used, providing a route past the Markfield Allotments and directly into the Village Centre opposite the Co-Op Food store.
- 6.36 Dropped kerb crossing facilities are located on Ashby Road, providing further connections to the surrounding facilities within the village. Further afield, a toucan crossing is located on the A50, south of the A50 Field Head roundabout providing access to the Fieldhead Hotel/Public House.

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- 6.37 On-road cycling takes place within the vicinity of the site due to the generally quiet and residential nature of the area. Hill Lane is currently subject to the national speed limit of 60mph, whilst Ashby Road is subject to a 40mph speed limit; the internal roads within Markfield, and specifically Main Street, are subject to 30mph.
- 6.38 Markfield is deemed appropriate for on-road cycling as the village is lightly trafficked and the Neighbourhood Plan specifically encourages the greater uptake of cycling within the village, as well as improved cycling storage for developments.
- 6.39 The Hinckley and Bosworth Cycle Map also identified Forest Road as a route suitable for cycling, which provides access to the traffic-free cycle route at Thornton Reservoir and National Cycle Route 63.
- 6.40 The nearest bus stops to the site are located on Ashby Road 350m to 400m from the centre of the site. Both bus stops have a shelter, with the eastbound stop having seating incorporated into the shelter; these stops serve the numbers 29/29A and 29B. The bus stops can be accessed via the footway on the southern side of the Ashby Road carriageway. The site is in a good location for new residents to access local employment, retail and leisure destinations within Leicester, and the larger towns in the area, via regular bus services.
- 6.41 Both Leicester rail station and Loughborough rail station are located 14.5km from the site, Leicester to the east, and Loughborough to the north.
- 6.42 The Transport Assessment shows that the site is readily accessible by a variety of modes of transport that have the potential to reduce reliance upon the private car.

Affordable Housing and Housing Mix

- 6.43 Core Strategy Policy 15 identifies that to support the provision of mixed, sustainable communities, a minimum of 2,090 affordable homes will be

provided in the Borough from 2006 to 2026. In Rural Areas, it is expected that 40% affordable housing will be delivered on-site.

- 6.44 The proposed development would provide a policy compliant provision of 40% on-site affordable housing, which equates to 26no. dwellings (based on a total of 67 dwellings being delivered).
- 6.45 Whilst the application is in outline form with only access for consideration, the delivery of 40% affordable housing can be secured through a S106 agreement and the mix can be secured through a provision for the submission of an affordable housing scheme at Reserved Matters stage.
- 6.46 The CS target for affordable housing delivery is 2,090 affordable homes during the plan period of 2006 to 2026, at 105 dpa. The Council's Residential Land Availability Statement 22-23 identifies that, as of 30th September 2023, a gross total of 1,813 affordable dwellings have been completed over a 17.5-year period since 2006, equating to 103.4 dpa and therefore below the CS target. In addition, the latest estimates of affordable housing need set a far higher requirement, for example 498 dpa as set out in The Leicester and Leicestershire Housing and Employment Needs Assessment, June 2022.
- 6.47 At the Brascote Lane appeal decision, the Inspector concluded that there is an acute need for affordable housing and placed substantial positive weight on this factor in terms of the benefits of delivery of those proposals, including up to 95no. affordable dwellings. Notwithstanding, the proposal seeks to deliver 26no. affordable dwellings but substantial positive weight should be given.
- 6.48 Similarly to the affordable housing mix, the market housing mix is expected to be dealt with at Reserved Matters stage and this requirement can be secured by a suitably worded planning condition. Notwithstanding, it is anticipated that the mix will be based on the latest housing mix evidence set out within the Housing and Economic Development Needs Assessment and having regard to the character, context and location of the site. The indicative site layout submitted includes a mix of dwellings sizes.

6.49 The proposals would accord with Policy 15 of the Core Strategy.

Landscape and Visual

6.50 The application is accompanied by a Landscape and Visual Impact Assessment. The assessment should be read in full but the below summarises the effects.

6.51 Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development.

6.52 The site is currently characterised by a mix of overgrown hedgerows with scattered mature trees, scrub and rough grassland. The land to the south of the site is characterised by semi-improved grassland and used for grazing. There is a degree of treescape associated with the sites setting, associated with former field boundaries, gardens and self-set groups on derelict land. However, this part of Markfield does not reflect a particularly “wooded” character unlike the landscape to the north of the A50.

6.53 The site gently slopes down from the rears of the properties on Ashby Road, with the land then rising to the south of the site up to the elevated edges of Hill Hole Quarry. Markfield extends to the south west down the localised slopes, wrapping around the foot of the hill that the quarry now forms the centre of.

6.54 The site is not publicly accessible. A footpath (ref: R17) extends to the south east of Hill Lane, wrapping around the foot of Hill Hole Quarry, and linking through to the southern parts of Markfield. The quarry forms a defensible edge to the south of the site. A network of informal footpaths run around the accessible slopes of the quarry and into part of the pit, linking through to Hill Lane, to the west.

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- 6.55 The site lies within the National Forest Designation as identified within the adopted plan. Policy 21 of the SC requires 20% of proposed development sites to be dedicated to forest green infrastructure. This 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.
- 6.56 The site is located within the "Charnwood Forest Settled Forest Hills" landscape character area (LCA).
- 6.57 It is considered that the neglected nature of the site and its townscape setting influence the susceptibility of the site's landscape character to change as a result of the type of development being proposed. The presence of residential development to the north and east ensures that this is an established land use within the immediate context of the site. The site is set lower down in the landscape than the built edge, to the north, and the elevated landscape of Hill Hole Quarry, to the south, reinforces a compartmentalised, contained character within limited intervisibility with the wider landscape setting. The existing vegetation associated with the sites boundaries is of some merit as it reinforces the compartmentalised character and contains views into the site from the localised public realm. The susceptibility of the landscape, in which the site is set, to change of the type proposed is low.
- 6.58 The overall value of the site and the landscape which it is set, is Medium/Low. It is considered that the landscape in which the site is set does not represent a "valued landscape" in the context of the NPPF.
- 6.59 In terms of sensitivity, when the judgements of susceptibility and value are considered, it is concluded that the sensitivity of the landscape in which the site is set is Medium/Low. The site is currently undeveloped, comprising an area of former pasture that has been left fallow. The sites immediate setting is characterised by residential and commercial land uses, and together with the allotments, the site and its setting have a distinct urban fringe character.

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- 6.60 The proposed layout has been carefully developed to ensure a sympathetic and appropriate layout that acknowledges its settlement edge location, respects the amenities of neighbours and provides a substantial area of forest green infrastructure (13,440 sqm / 44.5% of total site) as required by the CS.
- 6.61 It is considered that the proposals can be integrated in this location without adversely affecting the key characteristics or sensitivities and values of the receiving landscape and townscape setting. It is considered that the proposals comply with the guidelines and strategies set out within the published assessments. Whilst the proposals will result in the loss of an area of rough grassland and scrub, changing the character of the site itself, and the proposals are located within a distinctly settlement edge landscape, with commercial and residential development located to the north, east and west.
- 6.62 The proposals will not introduce any new or alien features into the landscape context and will not extend the perceived extent of Markfield within the localized landscape. The proposals will retain key trees and landscape features and include a comprehensive scheme of landscaping. As this planting establishes, it will enhance the landscaped setting of the proposals and the wider settlement. It is considered that the proposals will not give rise to any notable adverse effects and the perceived effects will reduce with time as the landscaping matures.
- 6.63 It is considered that while proposals will give rise to some moderate adverse effects at Year One, these will be highly localized and will reduce as the landscape proposals mature. The proposed built form will be visible from a number of localized viewpoints but will be seen in the context of the existing townscape setting, with the residential built form to the north and east and commercial development to the west evidence in most views. The proposals have been carefully designed to adopt a positive, outward looking layout which also retains and reinforces the vegetated character of the site and its immediate setting.

6.64 It is considered that the proposals can be integrated without notable adverse effects upon the local public right of way network or the approaches to Markfield from the south. While the proposals will be glimpsed from the top of Hill Quarry and the Altar Stones, they will not compromise the public's enjoyment of these views and will not extend the perceived presence of the settlement boundary beyond its existing extents. It is concluded that the proposals can be integrated without notable adverse effects upon the receiving visual environment.

6.65 National and local policy seek to achieve a high quality and sustainable development. It is considered that the proposals comply with the aims and objectives set out within the national and local planning policy framework from a landscape and visual perspective.

Design and Layout

6.66 The application is accompanied by a Design and Access Statement setting out the approach to the design and layout of the site. Policy 16 of the Core Strategy requires developments of 10 or more dwellings to meet a 'very good' rating (16 or more positive answers out of 20) against the Building for Life Criteria) and to achieve 30 dpa within Key Rural Centres. Policy DM10 of the SADMP seeks to secure high quality design by setting out several criteria to be met.

6.67 There are several opportunities and site constraints associated with the proposed development on the site which have been identified:

6.68 Constraints –

- Grounding rising from east to west
- Existing dwellings back onto the site at the north and eastern boundaries
- Existing trees and hedgerows throughout the site.

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- Drainage ditch traversing east to west preventing dwelling development within its margin.
 - Potential for noise from adjacent industrial buildings.
 - No development behind Christopher Court due to site levels, existing trees, and vegetation.

6.69 Opportunities –

- Make economical use of land via the application of appropriate density.
- Form an extension to the existing residential neighbourhood, meeting local housing requirements.
- Provide amenity spaces and a well connected play area.
- Retain existing trees that are more established.
- Use the existing landscaping assets that are within the boundary of the site to establish a strong setting for homes with a public realm emphasis.
- Introduce sustainable drainage supporting local wildlife and area for local play.

6.70 The area surrounding the site includes buildings which are one or two storeys with low eaves over window heads and varied roof types, with gable fronted dwellings with steeply pitched roofs. Facades are brick or stone and usually masking stone facades. Many properties front on to the edge of the pavement or have small front gardens with boundary treatments such as stone walls which add to the predominance of stone in the street scene.

6.71 The design of the scheme has builds on and has evolved since the original application and pre-application enquiry. Some of the changes included:

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- The site entrance of Hill Lane has been relocated to a more centralised location on the west boundary of the site. Thus, splitting the block structure, and removing the long linear road.
 - A more informal block structure to the north of the access road, which is more responsive to the site context and setting of the site.
 - Whilst to the south of the access road, a more well-defined block structure, which is also 'shaped' by the site constraints.
 - A strong perimeter block structure, with dwellings backing onto one another, creates a well-defined urban block within the middle of the site.
 - Dwellings have been removed from the north next to Christopher Court, due to existing vegetation and level constraints and in consideration of overlooking of existing amenity to these bungalows.
 - SuDs Drainage attenuation introduced at the lowest part of the site along with the LEAP relocated centrally within the site, which will be looked over by front of the buildings. The open space aims to provide a variety of activities and functions for the community.

6.72 The primary factor influencing the revised site layout is the landscape constraints and opportunities it presents. The retention of east-west and the north-south hedgerows, avoidance of development into the drainage ditch, retention of trees where possible and the updated SuDS features, have all helped evolve the street pattern.

6.73 Parking arrangements have been reconfigured to include additional tandem spaces where possible, reducing the dominance of parking to the street.

6.74 The proposals have followed and responded to a constraint-led approach resulting in a development that sits comfortably within the site and is capable of adhering to Policy DM10 of the SADMP.

Open Space

- 6.75 Policy 8 of the Core Strategy identifies that to support the local services and maintain rural population levels the Council will address the existing deficiencies in the quality and accessibility of green space and play provision in Markfield as detailed in the council's most up to date strategy and the Play Strategy.
- 6.76 Policy 19 of the Core Strategy identifies the following standards to be used in relation to green space and play provision to ensure residents have access to sufficient, high quality, accessible green spaces and play areas.
- Equipped Children's Play Space - A minimum of 0.15 ha/1000 population (excluding buffer zones)
 - Casual/Informal Play Space - A minimum of 0.7 ha/1000 population
 - Outdoor Sports Provision – A minimum of 1.6 ha/1000 population
 - Accessible Natural Green Space - A minimum of 2 ha/1000 population
- 6.77 The table below sets out the play and open space requirements for the development set against Policy 19, broken down into the required provision for a 67-unit residential development (based on an average of 2.4 people per dwelling (160.8 people)):
- Equipped Children's Play Space – 0.0241 ha
 - Casual/informal Play Space – 0.1125 ha
 - Outdoor Sports Provision – 0.2572 ha
 - Accessibility Natural Green Space – 0.3216 ha

Open Space Typology	Requirement (in sqm)	Proposed delivery (sqm)	Surplus/ deficit (sqm)	Comment
Equipped/Designated Children's Play Space	241	300	+59	Exceeds requirement

Casual/Informal Play Space	1,125	1,331	+206	Exceeds requirement
Outdoor Sports Provision	2,572	0	-2,572	Any deficit in this typology can be offset via contributions to enhance quality of provision elsewhere
Accessible Natural Green Space	3,216	6,713	+3,497	Significantly exceeds requirement
Total	7,154	8,344	+1,190	

6.78 Having regards to the above table it is evident that the proposals would meet and exceed requirements for equipped/designated play space, casual/informal play space and accessible natural green space. The proposal over deliver by approximately 20.6% of the open space requirements set out in Policy 19 of the CS.

6.79 Whilst there is no provision of outdoor sports provision, residents will have access to the Markfield Cricket Club which is only 500m away from the centre of the site, as well as the Markfield Skate Park which is approximately 1.3km away.

6.80 The proposal offers a variety of typologies of open space to be used by the residents throughout the layout, and provides access to all of the future occupiers. A generous amounts of natural/semi-natural green space is proposed around the plots, helping to break down the layout and provide a more landscaped approach to meet the characteristics of the village. Informal play spaces are provided to the north and east of the layout. A Local equipped area of play is located to the north of the site, allowing accessibility of all residents.

Highways and Access

6.81 The application is accompanied by a Transport Assessment and Travel Plan. The Transport Assessment should be read in full but below provides an overview of the findings.

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- 6.82 Access to the proposed development is to be provided in the form of a priority-controlled junction served from Hill Lane approximately 50m south-west of the Hill Lane/Hill Lane Close junction.
- 6.83 The site access road will be a 5.5m wide with 2m wide adjacent footways and a 6m corner radii, with the proposed road width above the absolute minimum 4.8m stated within the Leicestershire Highway Design Guide for a Residential Access Road – Secondary and Local Streets, which can accommodate 'normally no more than 150 (dwellings) from a single point of access'.
- 6.84 The internal layout of the proposed development will be designed in accordance with the guidelines of MfS, MdS2 and the Leicestershire Highway Design Guide.
- 6.85 The level of car parking provision will accord with the Off-Street Residential Car Parking Standards within the Leicestershire Highway Design Guide, with a minimum of two car parking spaces provided for up to 3-bedroom dwellings and a minimum of three car parking spaces provided for 4-bedroom dwellings.
- 6.86 In addition, a sheltered and secure cycle space will be provided per bedroom for each proposed dwelling in accordance with the Leicestershire Highway Design Guide.
- 6.87 As part of the development proposals, a 2m wide footway is proposed adjacent to the eastern side of Hill Lane between the access onto PRow Footpath R17 and the footway adjacent to the southern side of Ashby Road, east of the junction with Hill Lane. This will ensure a continuous footway link provided from the site to the centre of Markfield where the majority of the facilities are located.
- 6.88 It is proposed along Hill Lane approximately 145m south-west of the proposed site access junction, where a change in speed limit is proposed from 60mph to 40mph northeastbound, with new visual speed calming and gateway entry features proposed on Hill Lane.

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- 6.89 The assessment results demonstrate that the Hill Lane/Site Access junction will operate with significant spare capacity with negligible queues and delays during both peak hours in the 2030 Base + Committed Development + Proposed Development Scenario.
- 6.90 The assessment results demonstrate that the Ashby Road/Hill Lane junction will operate with significant spare capacity with negligible queues and delays during both peak hours in the 2030 Base + Committed Development + Proposed Development Scenario.
- 6.91 A Framework Residential Travel Plan has been produced for the development, which includes a series of deliverable initiatives to promote/incentivize the use of sustainable transport and therefore seek to deliver a reduction of 10% in single occupancy car journeys within five years of full occupation; in real terms, this would seek to reduce the car driver trips by 8.3% (10% of current 83% of single occupancy car use), down to 74.7% from 83%.
- 6.92 The proposed development would comply with Policy DM17 of the SADMP.

Arboriculture

- 6.93 This application is accompanied with a detailed tree survey and a preliminary Arboricultural Impact Assessment.
- 6.94 A breakdown of category gradings across the tree groups survey is provided below:

	Category U	Category A	Category B	Category C
Trees	1 no.	4 no.	15 no.	15 no.
Groups	-	-	1 no.	17 no.
Hedgerows	-	-	-	4 no.
Woodlands	-	-	-	-

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- 6.95 A line of mature oak trees of high arboricultural value (Category A: T14 – T17) was identified at the southern boundary of the site. These specimens are to be retained as part of the development within the landscape scheme, due to their long-term arboricultural potential and contribution to the amenity value of the site.
- 6.96 Trees of moderate arboricultural value (Category B) are denoted by a blue tree canopy outline, as illustrated on the TCP. They signify those that provide a moderate (generally unremarkable) arboricultural feature. Category B trees are considered desirable to retain as part of the development, where possible, as they include mature trees with good future potential.
- 6.97 Trees of low arboricultural value trees are denoted by a grey tree canopy outline as illustrated on the TCP. This primarily consists of self-seeded tree and outgrown hedgerows established within the site. The remaining tree cover is considered to provide limited or transient benefits which may be readily replaced in the existing context. Such trees subsequently presented a minimal constraint to proposed development from an arboricultural perspective.
- 6.98 One tree has been identified in such a condition that it cannot realistically be retained as a living tree in the existing context (Category U).
- 6.99 There are no trees on the site which are designated with Tree Preservation Orders or ancient woodland. The nearest Tree Preservation Order listed lies approximately 30m south of the site boundary, at a residential property off Upland Drive (TPO No. 90/0007/TPORD).
- 6.100 For avoidance of doubt, the site layout at present is indicative and may be subjective to change in the reserved matters stage. However, an initial appraisal of expected arboricultural impacts, the trees anticipated to be retained or removed for the development can be seen below:

Category Grading	Tree Numbers	Description of Loss
Category U	T26	Collapsed oak tree requires removed to facilitate the proposed residential development area.
Category A	None	
Category B	T20, T21	Removal of one mature field maple (T20) and one mature English oak (T21) to facilitate and drainage outfall connection in the southeastern corner of the site.
	T1, T2, T10, T11, T22, T27, T28, T30, T31, T32, T33, T34, T35, G5, G7, G11, G14	These trees are primarily comprised of self-seeded saplings and outgrown hedgerow species considered to be of low

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- 6.101 No Category A trees require removal to facilitate the proposed scheme, and these will be retained at the site boundaries. Most of the Category B trees will be retained, including those at the boundaries and within the internal hedgerow network.
- 6.102 The site layout has been designed to retain the main network of tree groups/hedgerows within the site. These will be retained within the semi-natural greenspaces as shown on the site layout.
- 6.103 A proposed drainage outfall requires the removal of two Category B trees and one Category C tree. The location of the outfall has been optimised to reduce impacts to trees whilst working within the constraints of land ownership and third-party land. The loss of the two trees is considered unavoidable to make the drainage connect offsite. The remaining outfall route has been aligned to avoid impacts towards other Category B trees (trees T18 and T19) Category A trees (trees T17 and T16), including TPAs. Two early mature Swedish Whitebeam trees (G8) will be retained to keep a degree of screening at this part of the boundary between the site and third party land.

Heritage

- 6.104 The application is accompanied by a Heritage Statement as well as a Desk-based Archaeological Assessment.

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- 6.105 Policy DM11 of the SADMP states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. DM12 of the SADMP states that all development proposals affecting heritage assets and their setting will be expected to secure their continued protection or enhancement, contribute to the distinctiveness of the areas in which they are located and contribute to the wider vibrancy of the borough.
- 6.106 There are no built heritage assets located within the site. The shed located within the north-eastern part of the site is of no heritage significance and is not considered further.
- 6.107 Within a 1km search area of the site, there are six Listed Buildings, one Conservation Area and sixteen monuments recorded on the Leicestershire HER.
- 6.108 With regard to the Council's pre-application advice and due to their proximity to the site, it is considered that the following built heritage assets have the potential to be affected by the proposed development of the site and require further assessment:
- Church of St Michael (Grade II* Listed Building, NHLE: 1320243)
 - The Old Rectory (Grade II Listed Building, NHLE: 1115798); and
 - Markfield Conservation Area (designated 1979)
- 6.109 The Council Houses, Ashby Road are located circa 90m to the north of the site and are identified as non-designated heritage assets in the draft Neighbourhood Plan. It is considered that their heritage significance is primarily vested in the architectural value of their built form which allows for an appreciation of their role in the social history and development of the village in the 1920s. They drive no contribution from their wider setting to the south and the site is considered to form a neutral element of their setting. As the proposed development will be in-keeping with the residential character already

established within their settings, they will not be harmed by the development and are not considered further.

6.110 There is no inter-visibility between the site and the other built heritage assets identified within the search area due to the distance between them and the intervening built development, vegetation and changes in topography. There is also no evidence of a historic functional association between them and the site. As such, the site is not considered to form part of their settings and the development of the site will have no impact on their respective significance. They are not assessed further.

6.111 Below is the assessment of significance and impact of the built heritage assets which would be impacted by the development:

Church of St Mitchal. Grade II* Listed Building

6.112 The site does not form part of the setting of the Church of St Michael. The proposed development of the site will be in-keeping with the residential character already established within this area of Markfield and it will be experienced in conjunction with the existing adjacent housing. As such, the proposed development of the site will cause no harm to the significance of the Church of St Michael.

The Old Rectory. Grade II Listed Building

6.113 The site does not form part of the setting of The Old Rectory. The proposed development of the site will be experienced as an extension of the housing already present to the north-west of The Old Rectory and will not appear as in incongruous addition. As such, the proposed development of the site will cause no harm to the significance of The Old Rectory.

Markfield Conservation Area

6.114 The site has been assessed as a neutral element of the wider setting of the Conservation Area. whilst its immediate undeveloped setting to the north of

Hillside positively contributes to its significance, the location of the site beyond this area means there will be no impact on the present contribution of this part of its setting and the ability to experience the Conservation Area within it. The site has also been established to provide no contribution to the northern part of the Conservation Area at the junction of Ashby Road, Leicester Road and Main Street.

- 6.115 Due to the topographical changes and the intervening vegetation to the north of the Conservation Area from Hillside, any visibility of the proposed development will be experienced distantly and as part of glimpsed views. Additionally, in views to the west from the junction of Ashby Road, Leicester Road and Main Street, where the proposed housing within the site may be visible it will be viewed in conjunction with the existing built development and will not be experienced as an incongruous addition.
- 6.116 It is therefore considered that whilst the proposed development of the site may result in a negligible visual change within some distant, limited views from the Conservation Area, the development would not appear as an incongruous or harmful addition and will maintain its present neutral role within the Conservation Area's setting.
- 6.117 Additionally, there are no designated heritage assets recorded within the study site in the HER and based on the archaeological date including 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. It is, however, clear that limited archaeological field work has been carried out in the vicinity of the site and whilst the site's potential is assessed as low/negligible, this is qualified by the limitations of the understanding of the study area.
- 6.118 A geophysical survey has been submitted which supports the findings of the desk-based assessment.
- 6.119 The proposed development of the site is therefore in accordance with the statutory duties of Section 66 of the 1990 Act as there is no impact of any Listed

Building and their setting are preserved, and Section 72 is not relevant as this only applies to development within a Conservation Area. With regard to the NPPF, the development of the site is in accordance with Section 16 and local policies DM11 and DM12 which require that new development minimises or avoids impacts on heritage assets. The scheme is also compliant with Policy M9 of the Neighbourhood Plan.

Flood Risk and Drainage

- 6.120 The application is accompanied by a Flood Risk Assessment and drainage strategy.
- 6.121 The topography survey shows that the site has a noticeable gradient that falls from the western boundary adjacent to Hil Lane down towards the south-east site corner. There is a total level difference between the highest and lowest parts of the site of approximately 13m. The highest elevation is located in the north-west site corner at 205.95m AOD, whilst the lowest portion of the site is in the south-east adjacent to Upland Drive at 192.85m AOD.
- 6.122 The site is greenfield and is not currently served by a formal drainage network for surface water runoff. It is believed that runoff generated onsite drains via a combination of slow infiltration into the underlying soils and overland flow to the south-west and south-east respectively, following the natural gradient of the surrounding land.
- 6.123 The development is located within Flood Zone 1; the development is deemed appropriate in regard to fluvial flood risk. The flood map for planning also demonstrates that the majority of the site is located within an area considered to possess a very low chance of pluvial flooding. This is with the exception of low-high chance pluvial flood extents located within; a central region of the site, on land associated with a minor watercourse, and the south-western corner of the site, on land associated with a topographical low spot.

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- 6.124 All development has been located within areas considered to possess a low chance of surface water flooding, this is with the exception of an area of highway and associated parking areas which are required to cross the low-high chance surface water flood risk extents associated with the minor watercourse which flows in an easterly direction through a central region of the site.
- 6.125 The proposed attenuation basin will be located within the south-eastern extents of the site, to suit the topography and development proposals. The basin will temporarily store and retreat surface water runoff before outfalling at the restricted discharge rate of 4.2l/s. the proposed discharge rate provides a 20% betterment upon the existing QBAR greenfield runoff rate, this in line with local policy.
- 6.126 The proposed attenuation basin has been sized for all storm events up to and including a 1 in 100-year+40% storm event. The basin has been modelled with a submerged outfall; this is to ensure that the proposed system would continue to operate efficiently should the proposed drainage connections surcharge.
- 6.127 The preliminary design for the proposed attenuation basin is a feature that possesses a 1.5m depth, inclusive of a 300m freeboard, and a required storage volume of approximately 1300m³ and a NET storage volume of approximately 1700m³.
- 6.128 To further enhance the treatment train onsite street trees, with attenuative pits are to be sited adjacent to the internal highway, pervious surfacing is also proposed within the proposed parking bays. The inclusion of these additional SuDS will provide an element of surface water treatment upstream of the proposed attenuation basin and will help to intercept the first 5mm of rainfall produced within onsite.
- 6.129 Foul effluent shall be drained via a gravity conveyed foul network which will discharge into the existing public foul sewer within Upland Drive, via a new connection which will be made into manhole 8401. This shall be subject to the

submission of a Section 106 application and/or S98 requisition application, as required to Severn Trent for approval prior to the commencement of onsite work.

6.130 The proposed development would comply with Policy DM7 of the SADMP.

Ecology and Biodiversity

6.131 The application is accompanied by an Ecological Impact Assessment and Biodiversity Net Gain Assessment.

6.132 The site is approximately 3 ha and is dominated by bramble scrub, along with areas of other neutral and modified grassland with hedgerows and lines of trees throughout the site boundaries and in the interior of the site.

6.133 The loss of habitats required to facilitate the development on site will be compensated for through the creation of new habitat including tree, native hedgerow, and native scrub planting, areas of grassland creation including areas managed for biodiversity, and ecologically designed sustainable drainage (SuDS) features.

6.134 The site supports an assemblage of bats considered to be of local ecological importance, badgers, and has potential for birds and common amphibians. Reptile surveys were undertaken but they were found to be likely absent from the site. Opportunities to enhance the site for a wide variety of protected and priority species are incorporated into the proposed habitat creation scheme including ecologically functional Sustainable Drainage System (SuDS), grassland creation and tree planting, and through the provision of bat and bird boxes as well as hibernacula and refugia. Species specific enhancements will be detailed in an Ecological Enhancement Plan (EEP).

6.135 The Statutory Biodiversity Metric calculated that the proposed development would result in a total net biodiversity unit change of -5.21 habitat units equating to a -35.72 net loss; and +1.58 hedgerow units equating to a +14.54% net gain.

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- 6.136 The applicant would therefore make a financial contribution to a third-party provider to secure off-site habitat units, to compensate for the deficit in habitat units, ensure a 10% uplift on baseline habitat values and meet the trading rules. 6.67 habitat units would be required through an off-site provider for the scheme to achieve a 10% biodiversity net gain and meet the trading rules. Evidence of this agreement, and how it will contribute to a 10% BNG can be conditioned through a pre-commencement BNG plan, which illustrates how this agreement, in tandem with habitat creation proposals, delivers an uplift in baseline habitat units.
- 6.137 Two statutory designated sites: Ulverscroft Valley and Billa Barra Hill LNR were assessed. No impacts are anticipated due to the nature of the proposals, twelve non-statutory sites were assessed, and no impacts are anticipated as a result of development, as long as the standard best practice is followed to control impacts via air, run-off, and other pollutants. These are to be incorporated into a CEMP. No recreational impacts are anticipated due to recreational design incorporated into the masterplan, as well as within the LWS and nature reserved in proximity to the site.
- 6.138 One tree (T26) and two small buildings are being lost to development that will require updated survey as part of a bat mitigation strategy pre-commencement. Other trees identified with bat roost potential of PRF-I will require inspection prior to felling. Potential adverse impacts during the operational phase of the development should be mitigated through an appropriately designed lighting strategy.
- 6.139 In anticipation of the implementation of any necessary mitigation, the proposed development will be compliant with relevant planning policies including Local Core Policy 21: National Forest, Policy DM6 and Policy DM4 of the Markfield Neighbourhood Plan, as well as relevant legislation with regards to ecology.

Noise

6.140 The application is accompanied by a Noise Assessment Report.

6.141 The assessment considers the potential noise impacts of the proposed residential development, including the construction and operational phases.

6.142 In respect of the construction phase, overall, it is anticipated that although the main construction phases may be audible at times, they will result in no more than a minor adverse impact, only during the daytime, it should be noted that this effect will only be temporary, whilst the construction phase(s) are moving forward. A CEMP can be conditioned to ensure appropriate measures are in place.

6.143 In respect of the operational phase, there are sources of noise from traffic and the nearby commercial premises. These result in instances of noise levels that exceed recommended noise levels without mitigation. Therefore, mitigation measures will likely need to be considered at the detailed design stage but these are not considered a barrier to development. The noise assessment provides some possible mitigation measures which could be implemented into the scheme at a later stage, which are broken down into 3 key themes:

- Mitigation for Residential Properties
 - The design has included a setback from the site boundary for the properties closest to the northwestern site boundary, and to provide the external amenity areas to the rear of the dwellings to shield these area from noise. The wider strategy tries to reduce gaps between the houses to reduce the permeability of the site to noise.
 - The mitigation strategy will also include additional boundary treatments round the individual dwellings, such as garden fencing and internal orientation of the habitable area to place non habitable area in on the facades that face the site boundary. Where required façade enhancements such as glazing and acoustic vents can also be provided.
- Mitigation Against Industrial Noise

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- With the inclusion of boundary mitigations, the predicted sound levels within the site are reduced and achieve the assessment criteria.
 - Mitigation for External Amenity Areas
 - At the detailed design stage measures such as layout design, locating gardens in areas that are shielded by the structure and boundary treatments will reduce the propagation of sound into the site and further reduce the amenity noise levels.

Mineral Safeguarding

- 6.144 The application is accompanied by a Mineral Assessment Report.
- 6.145 The site is located within a Mineral Consultation Area relating to igneous rock. Based on geological mapping information and BGS publications, there is no evidence of a commercially viable mineral resource for igneous rock beneath the site.
- 6.146 Even if extract were viable, residential properties from the northern, eastern and south-eastern site boundaries and the environmental impacts of opencast extraction in close proximity to residential properties would be unacceptable.
- 6.147 On this basis, it is considered that any proposed development would not lead to needless sterilisation of mineral resources.
- 6.148 Based on the above assessment, it is considered that the site meets the criteria set out in Policy M11 for non-mineral development to be acceptable in a Mineral Safeguarding Area.

Sustainable Design and Technology

- 6.149 The requirements set out within Core Strategy policy 24: Sustainable Design and Technology require residential developments to meet identified standards. The

standards set out within the policy are out-of-date and have been superseded by new building regulations as referred to above.

- 6.150 Policy DM10 of the Site Allocations and Development Management Policies DPD requires development to maximise opportunities for the conservation of energy and resources through design, layout, orientation and construction.
- 6.151 Sustainable design, energy efficiency, and the reduction of carbon emissions is an important part of the design. It is critical that at all stages of design and construction, the proposal takes account of the use of sustainable materials, construction methods, the need for energy conservation and recycling.
- 6.152 Embodied carbon, environmental targets and benchmarks are important to set targets against environmental conditions. For example, daylighting, climate, shading, precipitation, landscape, ecology risk of flooding and topography are all considered during the process.
- 6.153 The proposal will conserve retain where possible to do the trees and hedgerows, additional planting to encourage biodiversity, and use of water conservation by using Sustainable Drainage Systems (SuDs) such as the attenuation basin. A fabric first approach to sustainable construction, the use of air source heat pumps instead of gas boilers, offering a significant reduction in carbon emissions utilizing a renewable, natural source of heat-air. Incorporating renewable technology such as Solar PV panels, and integrated EV chargers to support electric vehicles.
- 6.154 With the proposals being designed to meet and/or exceed building regulations, the proposals will comply with Core Strategy Policy 24 and are capable of complying with the requirements of Policy DM10, as will be demonstrated at Reserved Matters/Detailed Design Stage.

Draft Heads of Terms

- 6.155 This section identifies the anticipated s106 Agreement draft Heads of Terms, potentially required to mitigate the effects of the proposed development. Any

planning obligations will be the subject of discussions during the determination of the application and assessment of compliance with the relevant tests as set out at paragraph 58 of the NPPF and in accordance with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 requiring that obligations are: 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.

- Affordable Housing - 40% affordable housing to be delivered on-site
- Waste Management Facilities
- Libraries Contribution to Markfield Library
- Primary Education Contribution – Mercenfield Primary School
- Secondary Education Contribution – South Charnwood High School -
- Post 16 Education Contribution – Brookvale Groby Learning Campus
- Health – financial contribution towards construction of medical facilities.
- Highways Contribution
- Open space – provision and maintenance of open space

Planning Balance

- 6.156 This section sets out the benefits and harms of the proposed development and then continues to undertake a planning balance, with the application of the 'titled balance' in accordance with Paragraph 11d) of the NPPF.
- 6.157 In considering harms and policy conflicts, as well as benefits, the report for the previous application offers a helpful starting point. Paragraph 9.6 of the report identifies compliance with policies, which would remain unchanged, stating:

'The proposals are in accordance (some subject to conditions/contributions) with Policies 15, 16, 19 and 20 of the Core Strategy, Policies M4, M5, M8, M9, M10, M14, M15, M18 and M20 of the Markfield Neighbourhood Plan and Policies DM3, DM6, DM7, DM10, DM11, DM12, DM17 and DM18 of the Site Allocations and Development Management DPD.'

6.158 9.7 – 9.10 goes onto note the following:

- Conflict with CS Policy 12 and Policy DM4 of the SADMP, due to its siting outside settlement boundary, afforded significant weight.
- Moderate landscape harm and as well as siting outside settlement boundary caused conflict with Policies M1 and M2 of the NDP.
- Loss of green infrastructure causing conflict with M3, afforded significant weight.
- Loss of agricultural land, although not best and most versatile, loss not weighing significantly against the proposals.

6.159 In response and on reconsideration of the above harms, the following is applicable, as set out above:

- There should be limited weight afforded to CS Policy 12 and DM4 of the SADMP as a result of the siting the countryside and therefore this harm is lesser than previously assessed.
- Moderate landscape harm does not cause conflict with Policy DM4 of the SADMP and therefore there is no policy conflict where previously asserted.
- There remains conflicts with Policy M1 of the NDP but this must be considered in the context of the Neighbourhood Plan being out-of-date as it does not meet its identified housing requirement by virtue of the extended plan period, latest planning strategy requiring greater levels

of housing at Markfield, and the local housing need for the borough having increased, affecting the calculation of the NDP group used for calculating their housing need out-of-date. In light of this, M1 should be afforded limited weight and Paragraph 14 of the NPPF is not engaged as criteria b is not met.

- The extent of loss of green infrastructure has been notably reduced, particularly existing vegetation which creates the network of green infrastructure. Whilst some harm may still remain, this would be less than previously.

6.160 To be considered against these harms, the officer's report previously noted the following benefits at paragraph 9.11 – 9.15, summarised as follows:

- Delivery of market and affordable homes – being afforded significant weight
- Economic benefits through construction and resident expenditure to local services
- Delivery of dwellings being a significant social benefit. Provision of open space delivering a moderate social benefit.
- Some environmental benefits through planting, open space, and SUDs.

6.161 In addition to the above, it should be noted that the scheme includes creation of a footpath along Hill Lane which could be used recreationally to link Ashby Road to the PRow to the south of the site. This is a commonly used route where residents are presently having to walk in the carriageway. This was identified as something sought by the community in the Neighbourhood Plan questionnaires.

6.162 Clearly the above benefits cumulatively are significant; delivery of market housing alone is a significant benefit. It was previously considered that these benefits were outweighed by the harms, however, having regard to the above

and lesser harms and weight to be afforded, the harms would not outweigh the benefits, let alone significantly and demonstrably, and the proposals should be supported.

6.163 Having set out the benefits and harms, the planning balance is set out below. For the reasons set out within the Principle of Development section, the balance is undertaken in accordance with Paragraph 11d) of the NPPF which sets out for the presumption in favour of sustainable development for decision-making as:

'd) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance⁷ 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 combination⁹ .'

6.164 There are no policies within the Framework that protect area or assets of particular importance which provide a strong reason for refusing the development proposed. Therefore, the titled balance is not disengaged by Paragraph 11)d)i).

6.165 Turning to Paragraph 11)d)ii), the benefits and harms of the proposals have been set out above. The benefits of the development are numerous and significant. Against this, there are four instances of harm, none of which,

individually and/or cumulatively, are considered to amount to significant harm. In light of this, it can only be concluded that the adverse impacts of allowing development, clearly, would not significantly and demonstrably outweigh the benefits

6.166 Considering the above, planning permission should be granted without delay.

7. Conclusions

- 7.1 Cerda Planning Limited has been instructed by Glenalmond Developments to prepare an outline planning application (access only) for erection of 67 dwellings, together with landscaping, open space, infrastructure and other associated works, on Land off Hill Lane, Markfield.
- 7.2 The application site is located outside of but adjacent to the settlement boundary of Markfield which is identified in the Local Plan as a Key Rural Centre, the second tier in the settlement hierarchy and a sustainable location for residential development where residents can meet their day-to-day needs without having to travel long distances into urban areas.
- 7.3 The adopted Local Plan is out of date, the Council are presently reliant on unallocated sites outside of settlement boundaries to try to meet their housing need, and notwithstanding, are presently estimated to be unable to demonstrate a five-year supply of deliverable housing sites against local housing need, with no short-term plan-led solution. In light of this, the presumption in favour of sustainable development as set out at Paragraph 11d) is engaged.
- 7.4 As demonstrated through the submission, there are no policies within the Framework that protect areas or assets of particular importance which provide a strong reason for refusing the development proposed and therefore the presumption is not disengaged by 11)d)i).
- 7.5 The benefits of the development are numerous and significant. Against this, there are four instances of harm, none of which, individually and/or cumulatively, are considered to amount to significant harm. In light of this, it can only be concluded that the adverse impacts of allowing the development, clearly, would not significantly and demonstrably outweigh the benefits
- 7.6 Considering the above, planning permission should be granted without delay.