

**Planning, Design and Access Statement in
Relation to the Erection of Employment Units
(Use Classes E(g)(i), E(g)(ii), B2 & B8)**

Land West of Cliffe Lane, Markfield

November 2023

Proposed Employment Units – Land West of Cliffe Lane, Markfield

Project	Land West of Cliffe Lane, Markfield
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1 Introduction

- 1.1 JMI Planning is a Midlands based town planning consultancy. Its directors are chartered town planners with over 30 years' combined experience in both the public and private sector.
- 1.2 The author of this appraisal, Jon Imber, has worked as both a development control and forward planning officer in local government, and more recently as a senior planning consultant in the private sector. He has extensive knowledge of the planning system and experience of the appeals process. He is a member of the Royal Town Planning Institute.
- 1.3 This statement is to be read in conjunction with the illustrative plans and drawings prepared by Urban Designs Ltd, and the following specialist reports:-
 - Arboricultural Impact Assessment prepared by SP Tree Consultancy
 - Ecological Assessment prepared by FaunaForest
 - Flood Risk Assessment prepared by RAB
 - Transport Statement prepared by Edwards & Edwards

2 Site and Planning History

- 2.1 The site consists of an 'L' shaped parcel of grazing land on the edge of the settlement of Markfield. The site extends to approximately 6 hectares.
- 2.2 The land is currently vacant. It was last used for agricultural purposes.
- 2.3 The site lies adjacent to Junction 22 of the M1 Motorway. Surrounding uses include a partially closed Motorway services and residential properties to the north, a quarry to the south, agricultural land to the west and a paintball site to the west.

- 2.4 The site is enclosed by mature hedgerows interspersed with trees, some of which are subject to preservation orders. There is a woodland buffer across the western site boundary. The site is relatively flat.
- 2.5 There are currently two means of access to the site. There is a gated farm track which emerges onto the A511 to the north, and a more substantial access onto Cliffe Lane to the west.
- 2.6 The site has no recent planning history of relevance to the proposals. The site does not lie within a Conservation Area and is remote from any listed buildings.
- 2.7 The site and its surroundings are shown on the following photograph.



Figure 1 - Aerial photograph of site

3 The Proposed Development

- 3.1 The applicants currently operate a storage and distribution enterprise in the area. They have outgrown their current premises and require more storage space.
- 3.2 The site is of limited agricultural value, and is well located relative to the strategic highway network and the applicant's headquarters at Bardon. It would therefore appear a suitable location to meet the applicant's needs for additional storage space.
- 3.3 They have also received expressions of interest from other local firms seeking to relocate, and have identified a need for some smaller starter units in the area. The additional storage space required by the applicants would leave some developable space on the site suitable to accommodate these units.
- 3.4 It is therefore proposed to develop the site by the erection of non-strategic employment units. The application is submitted in outline, with all matters reserved except for means of access. It should be noted that the precise layout of the proposed units and their scale and appearance are reserved for later approval, meaning that this application is concerned solely with the principle of employment development on the site together with the means of access to the site.
- 3.5 The illustrative plan which accompanies the application shows how approximately 10,500m² of employment floorspace, split between three larger units and three smaller starter units could be accommodated on the site.
- 3.6 It is anticipated that the proposed units would be portal framed structures finished in profile sheet cladding. Whilst detailed designs have yet to be prepared, it is anticipated that they would have a contemporary character and appearance and

would be no more than 15 metres high.

3.5 The site would be accessed off Cliffe Lane.

3.6 The proposals have been designed to retain protected trees and the hedgerows on the site so far as possible. Whilst details of landscaping are reserved for subsequent approval it is anticipated that there would be further planting, particularly across the A511 frontage. This would help to assimilate the development into its surroundings and would provide biodiversity enhancement.

4 Planning Policy Context

National Planning Policy Framework

4.1 Paragraph 2 of the NPPF states that *“applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”*.

4.2 Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. It explains that in the context of decision taking, this means approving proposals that accord with the development plan without delay.

4.3 Paragraph 12 confirms that the presumption in favour of sustainable development established by the Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with an up-to-date local plan should not usually be granted planning permission, and decisions that depart from an up-to date development plan should

only be taken if material considerations in a particular case indicate that the plan should not be followed.

- 4.4 Paragraph 81 of the NPPF states that *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”*
- 4.5 Paragraph 84 of the NPPF states that planning should support the sustainable growth and expansion of all types of business and enterprise in rural areas. It also encourages the development and diversification of agricultural and other land-based rural businesses.
- 4.6 Paragraph 174 of the NPPF states that planning decisions should protect valued landscapes and recognise the intrinsic character and beauty of the countryside.

[Hinckley and Bosworth Core Strategy \(2009\)](#)

4.7 *“Policy 7: Key Rural Centres*

To support the Key Rural Centres and ensure they can provide key services to their rural hinterland, the council will:

- *Support housing development within settlement boundaries that provides a mix of housing types and tenures as detailed in Policy 15 and Policy 16.*
- *Support development under Policy 17: Local Needs.*
- *Ensure there is a range of employment opportunities within the Key Rural Centres. To support this, the enhancement of allocated employment sites in the*

Key Rural Centres will be supported, as will the development of employment uses including home working within the settlement boundary.

- *Support new retail development to meet local need within defined local centre boundaries in the Key Rural Centres providing it will have no detrimental impact on the Hinckley town centre.*
- *Resist the loss of local shops and facilities in Key Rural Centres unless it is demonstrated that the business or facilities can no longer operate in a viable manner. Initiatives to establish local stores and facilities will be supported.*
- *Require transport improvements in line with Policy 14.*
- *Support the development of the tourism industry in line with Policy 23.*
- *Require development to be of the highest environmental standards in line with Policy 24.”*

- 4.8 Policy 8 of the Core Strategy states that in Markfield the Council will “*Support additional employment provision to meet local needs in line with Policy 7*”.

[Hinckley and Bosworth Site Allocations and Development Management Policies DPD \(2016\)](#)

- 4.9 Paragraph 5.32 of the SADMP states “*The Core Strategy requires a range of employment opportunities within Markfield with support for additional provision. The existing Markfield Industrial Estate is identified through the Employment Land and Premises Review and safeguarded through Policy DM19. Additional employment provision will be supported in line with Policy DM20.*”

4.10 **“DM4 Safeguarding the Countryside and Settlement Separation**

To protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:

- a) *It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or*
- b) *The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or diversification of rural businesses; or*
- c) *It significantly contributes to economic growth, job creation and/or*
- d) *It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or*
- e) *It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation. and:*
 - i) *It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and*
 - ii) *It does not undermine the physical and perceived separation and open character between settlements; and*
 - iii) *It does not create or exacerbate ribbon development;*
 - iv) *If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and*
 - v) *If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.”*

4.11 **“Policy DM10**

Development and Design

Developments will be permitted providing that the following requirements are met:

- a) *It would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion;*
- b) *The amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site;*
- c) *It complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features;*

- d) The use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the local area generally;*
- e) It incorporates a high standard of landscaping where this would add to the quality of the design and siting;*
- f) It maximises opportunities for the conservation of energy and resources through design, layout, orientation and construction in line with Core Strategy Policy 24;*
- g) Where parking is to be provided charging points for electric or low emission vehicles are included where feasible;*
- h) An appropriate Sustainable Drainage Scheme is submitted to and approved by the relevant Authority. Schemes should incorporate wildlife areas, ponds, swales and permeable paving where appropriate;*
- i) It maximises natural surveillance and incorporates the principles of Secured by Design and has considered the incorporation of fire safety measures.*

In exceptional circumstances where outstanding, innovative design is demonstrated (particularly where high levels of sustainability are an integral feature), applications will be considered favourably, even where this may result in some limited conflict with the above criteria”.

4.12 “DM20 Provision of Employment Sites

The development of new employment sites for B1, B2 and B8 uses outside of allocated employment areas will be supported where they stand within settlement boundaries or on previously developed land.

Proposals which stand outside the settlement boundary and on Greenfield sites will only be found acceptable where it is demonstrated that there are no suitable alternative sites identified sequentially in the following locations:

- a) Within settlement boundaries;*

- b) On previously developed land;*
- c) Adjacent to existing employment areas;*
- d) Adjacent to settlement boundaries.*

Non-ancillary B1(a) office development is considered a Main Town Centre use and as such is excluded from the provisions of this policy and should be considered under Policy DM21: Locating Sustainable Town Centre Uses.”

Emerging Local Plan

- 4.13 The Development Plan is moving towards the end of its plan period of 2026, and the Council is currently in the process of reviewing it. In November 2021 the Council considered a report which recommended allocating the application for employment development as part of a wider site (LPR 32). However, the pre-submission version of the Emerging Local Plan released in February 2023 did not propose that the site be allocated. The applicant has made representations to the local plan review challenging this approach.

5 Planning Considerations

Principle of Development

- 5.1 The site lies outside of any limits to development identified within the Development Plan. Policy DM4 of the SADMP is therefore of relevance.
- 5.2 Policy DM4 seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside by safeguarding it against unsustainable development. The policy goes on to set out specific categories of development

considered sustainable within the countryside. Proposals falling within one or more of these categories are then assessed against five further criteria.

- 5.4 One of the categories of development which Policy DM4 establishes is acceptable in principle outside of settlement boundaries is that which *“significantly contributes to economic growth, job creation and/or diversification of rural businesses”*.
- 5.5 The proposals would deliver three medium sized non-strategic employment units and three smaller started units. The medium sized units would accommodate local companies seeking additional space or needing to relocate, and the starter units would be suitable for new ventures or SMEs. Paragraph 10.25 of the Hinckley and Bosworth Employment Land and Premises Study confirms that *“Demand remains strong for small-midsized industrial properties of up to 1000 sqm to meet local business needs, and units up to 500 sqm for new businesses. Anything greater than 9000 sqm in size will likely serve the strategic market and can take time to let.”*
- 5.6 Paragraph 6.5 of the Hinckley and Bosworth Employment Land and Premises Study identifies that *“there is a lack of local land options across Hinckley, Barwell and Earl Shilton settlements, as well as on the M1 Corridor and across much of the rural area of the Borough”*. Paragraph 11.25 of the Study recommends that *“the Borough Council consider some additional allocations, of an indeterminate amount, to meet purely local needs, even though this will exceed overall OAN”*. The application site forms part of a wider parcel (LPR32) which the Study recommends be considered for allocation within the Local Plan as a *“high priority”*, on the basis that *“The proposal sits in a very strong location immediately off the M1, which would likely be very attractive to developers and occupiers. The proximity to the A511 means the potential site/area would link very well to the existing employment cluster of Bardon, a focus for developer activity and market interest. The proposal itself is for a large employment area which would, under the masterplan at least, would see the*

potential site/area deliver premises in a range of sizes, including smaller B1(c)/B2/B8 options which are identified as being in short supply”.

- 5.7 The proposals would therefore secure the ongoing viability of three established local companies, and would provide smaller units of less than 500m² to meet a strong demand as identified by the Employment Land and Premises Study. In doing so the proposals would facilitate significant economic growth and job creation. The proposals therefore fall within the scope of development acceptable in principle within the countryside as set out by Policy DM4 and fall to be considered against the five detailed criteria laid out in the second part of the policy. These criteria are considered in turn below.
- 5.8 Criterion (i) requires that development “*does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside*”. Although designated as such for the purposes of planning policy, the site does not have the intrinsic character or beauty of open countryside. It is poor quality grazing land heavily influenced by neighbouring development including the services, quarry and M1 motorway.
- 5.9 There are no specific landscape designations affecting the site, and this is not a valued landscape as protected by Paragraph 170 of the Framework. The Council’s Landscape Character Assessment SPD identifies the site as lying within the Charnwood Forest Landscape Character Area. The assessment acknowledges that the concentration of quarrying and industrial areas in the north-western part of this area (which is where the site is located) results in urban influences. The proposed development would not therefore appear alien or out of keeping in this context.

- 5.10 The proposals would not therefore have a significant adverse impact upon the intrinsic value, beauty, open character and landscape character of the countryside. The proposals therefore accord with Criterion (i) of Policy DM4.
- 5.11 Criterion (ii) of Policy DM4 requires that development “*does not undermine the physical and perceived separation and open character between settlements*”. The site does not directly adjoin the settlements of Markfield or Stanton under Bardon and would not result in coalescence. The site is a well enclosed gap between existing residential development and a service station to the north and a quarry to the south. Its development would not unacceptably impinge upon an otherwise open landscape and as such there is no conflict with Criterion (ii) of Policy DM4.
- 5.12 Criterion (iii) of Policy DM4 requires that proposals do “*not create or exacerbate ribbon development*”. The two frontages of the site remain undeveloped, with buildings set behind existing trees, buildings or landscaping. The proposals do not therefore result in ribbon development and as such comply with Criterion (iii) of Policy DM4.
- 5.13 The application site does not lie within a Green Wedge and as such Criterion (iv) of Policy DM4 is not relevant in this instance.
- 5.14 Criterion (v) of Policy DM4 requires that development contributes towards the National Forest Strategy. The proposals involve minimal tree loss and whilst details of landscaping are a reserved matter, there is scope for tree planting to be incorporated within the scheme, in particular across the A511 frontage where it would further screen the proposals. Compliance with the National Forest Strategy can therefore be secured resulting in no conflict with Criterion (v) of Policy DM4.

- 5.15 The proposals are therefore fully compliant with Policy DM4 of the Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document.
- 5.16 Policy DM20 of the SADMP sets out a sequential approach to assessing employment proposals on greenfield sites outside of existing settlement boundaries.
- 5.17 A desk-based search of sites available within and adjacent to the Markfield and Stanton under Bardon Settlement Boundary, brownfield sites within Markfield and Stanton under Bardon and sites on the edge of existing employment areas in Markfield and Stanton under Bardon has been undertaken. Sites within these locations were assessed to establish whether they are available and suitable to accommodate the development proposals of three medium sized employment units and three smaller starter units.
- 5.18 A search of sites currently being marketed revealed that there are no available sites within the or adjacent to the settlement boundaries of Markfield or Stanton under Bardon. The nearest brownfield site available is in Coalville, and at 0.5 acres is too small to accommodate the proposed development. There were no sites available adjacent to the existing employment allocations in Markfield or Barson.
- 5.19 Outline planning permission for B2 and B8 units at Wood Farm, Bardon was granted on appeal in November 2021 (PINS reference APP/K2420/W/21/3279939). A subsequent application for the approval of reserved matters was approved by the Borough Council in June 2023 (LPA reference 23/00080/REM). The reserved matters approval authorises the erection of two units, one of which has a floorspace of 49,972m² and the other 38,406m². These are far larger strategic scale employment units which would not meet the same local needs catered for by the applicant's proposals.

- 5.20 Outline planning permission was granted for a 5,000m² employment unit at Shaw Lane, Markfield (LPA reference 18/00658/HYB). The unit is restricted by condition to use by Upton Steel and as such cannot meet the needs catered for by the applicant's proposals.
- 5.21 There are no other extant planning permissions for employment development within or close to Markfield or Stanton under Bardon.
- 5.22 There are no sequentially preferable sites which could meet the need for local small and medium scale employment units catered for by the proposals, and no extant planning permissions for units which could meet that need. The proposals therefore satisfy Policy DM20 of the SADMP.
- 5.23 The proposals would deliver economic growth to which Paragraph 81 of the NPPF prescribes significant weight in the overall planning balance.
- 5.24 The broad principle of development is therefore in accordance with Policies DM4 and DM20 of the Hinckley and Bosworth Site Allocations and Development Management Policies and the National Planning Policy Framework.

Visual Impact

- 5.25 The application site is well related to existing built development. It sits between an area of housing development and an existing Motorway service station and a quarry. The proposed development would therefore be viewed in the context of existing built development rather than appearing isolated or unduly prominent.

- 5.26 Views across the site are filtered by an established area of woodland across the Cliffe Lane frontage and a belt of trees across the southern boundary. There is an area of woodland on the site and the hedgerows which cross it are interspersed with protected trees. The woodland areas and the vast majority of the trees and hedgerows on the site are to be retained, helping to assimilate the proposals into their landscape context and ensuring that they will not appear unduly prominent.
- 5.27 It is anticipated that the tallest of the units would be no greater than 15 metres high. It is estimated that the trees across the southern and eastern boundaries are of similar height. The proposed starter units would be far lower and are unlikely to be readily visible from public vantage points outside of the application site.
- 5.28 Whilst detailed designs of the proposed units are yet to be prepared, it is anticipated that they would have an interesting contemporary form as shown on the illustrative visualisations. It is anticipated that the form of the buildings will reflect their function. As set out in Paragraph 5.9 above, commercial buildings are prevalent within the landscape setting and as such the proposals would not appear alien or out of keeping with their context.

Impact upon Residential Amenity

- 5.29 The nearest residential properties to the application site are those fronting Little Shaw Lane to the north, and Lilac Cottage on Cliffe Lane to the south-east.
- 5.30 The properties along Little Shaw Lane lie over 165 metres from the nearest proposed building, and Lilac Cottage lies over 200 metres from the nearest building. The proposals are therefore sufficiently distant from residential properties to avoid causing an unacceptable reduction in daylight, privacy or an overbearing effect.

- 5.31 There are several existing sources of noise established in the area, including the A511 and M1 Motorway and the neighbouring paintball site. The proposals would not therefore introduce a non-conforming use into an otherwise tranquil area. Given the separation between the proposed units and existing residential properties it is not considered that the proposals would result in unacceptable levels of noise or disturbance.
- 5.32 The proposals would not therefore detrimentally affect the amenities enjoyed by the occupiers of nearby dwellings.

Impact upon Highway Safety

- 5.33 Paragraph 111 of the NPPF states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 5.34 The proposals involve improving the existing site access onto Cliffe Lane to make it suitable to accommodate the proposed development. The access onto the A511 would be retained for pedestrians, cyclists and emergency use only. It is not proposed to service the site directly from the A511.
- 5.35 Cliffe Lane is subject to the National Speed Limit, but vehicle speeds appear markedly lower. The Transport Assessment submitted as part of the application concludes that there is adequate visibility in both directions at the point of access and that the proposals will not therefore compromise highway safety.
- 5.36 The site benefits from excellent access to the strategic highway network. Vehicles would only need to utilise a short stretch of Cliffe Lane between the site access and the A511/M1 junction. This stretch of Cliffe Lane features two lanes demarcated by

a central white line and kerbs. It is wide enough for two vehicles to pass. Cliffe Lane is comfortably capable of accommodating traffic, including HGVs, associated with the proposed development.

- 5.36 The proposals incorporate off-street parking provision and servicing space for each of the proposed units commensurate with their scale and function.
- 5.37 There is a bus stop on the A511 frontage served by frequent buses connecting Leicester and Coalville. Buses run approximately half hourly, seven days a week. The journey time to Leicester is approximately 40 minutes and the journey time to Coalville is approximately 15 minutes. Future employees would therefore have a viable alternative to the private car for commuting.
- 5.38 The proposals will not therefore prejudice the safe or efficient use of the highway network.

Flood Risk

- 5.39 The application site lies within Flood Zone 1 where there is a less than 1 in 1000 annual probability of fluvial flooding. Flood risk is not therefore a constraint to development in this instance.
- 5.40 The application is accompanied by a Flood Risk Assessment and Drainage Strategy which demonstrate that surface water runoff can be satisfactorily attenuated on site. The proposals will not therefor exacerbate the risk of flooding off site.

Impact on Ecology

- 5.41 Paragraph 180 of the National Planning Policy Framework states *“if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”*.
- 5.42 The application is accompanied by an ecological assessment, which sets out measures to mitigate harm to protected species or their habitat. The proposals will not affect designated sites.
- 5.43 The ecological assessment includes a calculation of Biodiversity Net Gain.
- 5.44 The proposals will not therefore result in harm to biodiversity and as such comply with Paragraph 180 of the National Planning Policy Framework

Loss of Agricultural Land

- 5.45 Paragraph 174 of the National Planning Policy Framework states that the decision making process should take account of the economic benefits of the best and most versatile agricultural land.
- 5.46 The application site is classified as Grade 3 agricultural land by DEFRA mapping. It is a modest parcel which appears to be of limited agricultural value and is far more likely to fall within Grade 3b than 3a. The proposals will not therefore result in the loss of the best and most versatile agricultural land.

Impact on Trees

- 5.47 The application is accompanied by an arboricultural assessment which concludes that the trees to be removed to facilitate the proposed development are Category C specimens, the loss of which is adequately compensated for through the new tree planting proposed.

6 Conclusions

- 6.1 The application proposes the development of the site to create Class E, B2 and B8 units.
- 6.2 The proposals would help to address a shortfall in non-strategic employment land across the district and would deliver local and national economic benefits, including the creation of new jobs, to which Paragraph 81 of the NPPF prescribes significant weight in the overall planning balance.
- 6.3 The site is sustainably located where it is accessible by a choice of means of transport, including sustainable modes. It benefits from safe and convenient access to the strategic highway network.
- 6.4 The proposals would not detrimentally affect the amenities enjoyed by the occupiers of nearby residential properties.
- 6.5 The site is well located relative to existing and built form. The proposals would not appear alien or unduly prominent and are an appropriate response to their context in visual terms. The proposals would not harm the character or appearance of their surroundings.

- 6.6 The proposals would not compromise the safe or efficient use of the highway network.
- 6.7 The proposals would not be at unacceptable risk of flooding, and would not exacerbate flood risk in the surrounding area.
- 6.8 The proposals would not harm protected species or their habitat, and would not involve the loss of significant trees or the best and most versatile agricultural land. The proposals would deliver a net gain in biodiversity through increased landscaping and planting.
- 6.9 The broad principle of development is therefore supported by local and national policies, including Policies DM4 and DM20 of the Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document and Paragraph 81 of the National Planning Policy Framework. There are no technical barriers to consent being granted in this instance.
- 6.10 In accordance with the presumption in favour of sustainable development it is therefore respectfully requested that planning permission be granted in this instance.