

Planning Committee 23 February 2016
Report of the Chief Planning and Development Officer



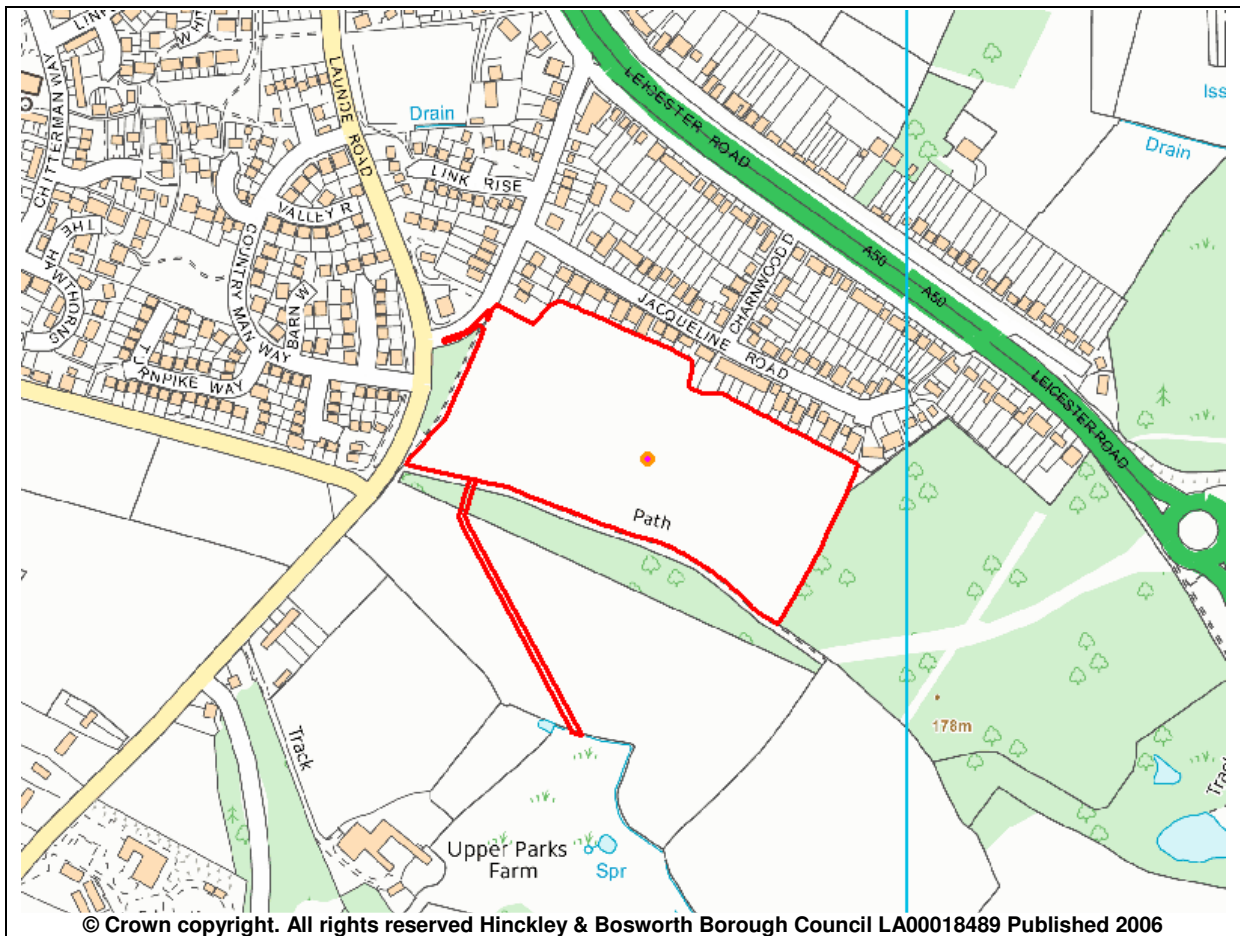
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 15/00889/OUT
Applicant: Taylor Wimpey UK Ltd
Ward: Markfield Stanton & Fieldhead

Site: Land South Of Jacqueline Road Field Head

Proposal: Residential development of up to 140 dwellings and associated
infrastructure (outline - access only)



1. Recommendations

1.1. **Refuse planning permission** subject to the reasons outlined in section 10 of this report.

2. Planning Application Description

2.1. This is an outline application for the erection of up to 140 dwellings at land south of Jacqueline Road, Markfield. All matters are reserved with the exception of access which is for consideration.

- 2.2 Access to the site is to be taken directly from Ratby Lane to the west of the application site. Indicative plans illustrate a mix of residential units concentrated to the north of the site informal open space, allotments, and children's play space to the south of the application site, providing links into an existing footpath which bounds the application site along its southern boundary. Provision would be made within the site for SuDs (sustainable urban drainage system) including a balancing pond.
- 2.3 The application proposes 40% affordable housing, which would be distributed across the development.

3. Description of the Site and Surrounding Area

- 3.1 The site is currently agricultural land, bordered by the rear of dwellings along Jacqueline Road to the north, and Ratby Road and Launde Way to the west. To the south of the application site is a well defined belt of woodland, an existing footpath also runs adjacent to the south boundary through the belt of woodland. This extends to the woodland area which borders the east of the application. The application site generally fall to the south west and defined by mature hedgerows and woodland planting to the east, south and west.
- 3.2 The centre of Markfield is located approximately 900 metres from the site.
- 3.3 The site fall outside of, but adjacent to, the settlement boundary of Markfield and Field Head, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001). The boundary is unchanged in the emerging Site Allocations and Development Management Policies Development Plan Document (2014) which is currently out for consultation on the proposed main modifications following examination in public.

4. Relevant Planning History

15/00393/SCOPE	Proposed development of up to 140 new homes on land to South of Jacqueline Road	Screening opinion – EIA not required	21.04.2015
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5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. 71 letters of objection were received from neighbouring properties raising the following issues:-
1. The proposed access point is unsafe
 2. Ratby Lane is heavily used as a short cut by vehicles that exit the A50 to avoid using Field head Roundabout and this proposal would exacerbate traffic
 3. Existing infrastructure can not cope with additional pressure, schools in Markfield are at capacity in addition to the Doctors surgery

4. Impact on ecology
5. The application site is not an allocated site and the Borough Council has a 5 year housing land supply
6. The application is situated outside the settlement boundary and in the open countryside
7. Markfield and Field Head has exceed the 80 dwellings target set in the Core Strategy
8. There has been a number of road safety incidents close to the proposed site access
9. The proposal is situated within the Charnwood and National Forest and therefore should be protected
10. Field Head is a hamlet, and the proposal for 140 dwellings would change the character and identity
11. The proposal would result in an increase in cars parking within the surrounding areas causing congestion
12. High house prices would not help the young people who want to stay in the village
13. Loss of wildlife on the site
14. Proposed drainage mitigation would not overcome historic flooding on the land
15. Development would result in an increase in crime
16. Large number of Brownfield sites within Leicester that should be developed first
17. Payable rates would go to Groby parish council when the facilities of Markfield would be the ones most impacted upon
18. The existing footpath to the south of the site, is well used by walkers
19. The proposed development would not relate to Launde Road, as it would be physically cut off, no direct links accesses planned between the existing and proposed
20. The proposed pedestrian refuge within Launde Road would be insufficient, and is still likely to result in Launde Road being a barrier
21. The proposed development will be reliant on cars, given the distance from the centre of Markfield and facilities
22. As the residential mix is unknown true forecasting of car numbers can not be accurately calculated
23. There are a number of unrecorded accidents within the vicinity which are not referred to within the supporting documents
24. Allotments proposed are in the wrong location
25. The proposed access would be provided on land which is not owned by the applicant
26. The development would be incongruous
27. The development would result in loss of light and overshadowing to Jacqueline Road
28. The proposed access to the site would have a detrimental impact on the surrounding neighbouring properties
29. Close to merging with Ratby and Groby, given the erosion of the surrounding countryside
30. Loss of views.

6. Consultation

- 6.1. No objection subject to conditions has been received from:-

Leicestershire County Council (Lead Local Flood Authority)
 Leicestershire County Council (Highways)
 Leicestershire County Council (Ecology)
 Leicestershire County Council (Archaeology)

Environmental Health (Pollution)
Environmental Health (Land Drainage)
Head of Street Scene Services (Waste Minimisation)
National Forest Commission
Environment Agency
Severn Trent Water Limited

6.2. As a result of the Developer Contribution consultation, the following requests have been received:-

Director of Children and Young Peoples Services (Education) requests £919,129.34
Director of Environment and Transport (Waste) £9,153.00
Leicestershire County Council (Highways) £30,330.00
Leicestershire Police £47,503.00
NHS England (Central Midlands) £70,925.58

6.3. Councillor Lay has objected on the following grounds:-

1. The application is situated outside the established settlement boundary and within the open countryside
2. The settlement boundary defines the essential character of the local area
3. The open countryside takes the form of attractive pasture land situated within the Charnwood and National Forest
4. The economic gain does not outweigh the preservation of the essential characteristics of the local area
5. Local Plan Policies promotes the importance the protection of the open countryside
6. Hinckley and Bosworth Borough Council has a 5 year housing land supply
7. There are significant highway issues, and the access as shown in unviable as the applicant is unable to deliver this due to land ownership
8. Access onto Ratby Lane is difficult due to the high volume of traffic
9. The proposed development would not be sustainable
10. There are already existing capacity issues at the Primary School and the Doctors Surgery, which are increasing due to demand
11. The primary school occupies a constrained site and could not be expanded via Section 106
12. The Doctors Surgery occupies a constrained site, and would not be able to expand
13. The housing needs for the local community have already been met
14. The proposal would have a detrimental impact to the residential amenity to the south of Jacqueline Road
15. Firm public opinion against the application, undermines the community in a detrimental way.

6.4. Markfield and Groby Parish Council have raised the following objections:-

1. The site is outside of the defined settlement boundary
2. The proposal is contrary to Both Local and National Policies and emerging Policies set out in the Site Allocations and Policies DPD
3. The proposed site can not be considered as sustainable
4. The development would not contribute significantly to the Markfield economy
5. The individual character of the village should be maintained and the rural vista should be protected to meet the leisure and recreational needs of the community

6. Residents feel strongly that the existing settlement boundary should be maintained and the remaining green fields around the village should be retained
7. The proposed development would result in an adverse urbanising effect on the landscape resulting in harm to the intrinsic character and beauty of the countryside contrary to the requirement of Saved Policy NE5 of the Local Plan and Paragraph 17 of the NPPF
8. The strategies as set out in the Landscape Character Assessment suggest that the local distinctiveness of Field Head and Markfield should be protected
9. The proposed access is not implementable as the ownership of the land is within Groby Parish Council.

7. Policy

7.1. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

7.2. Local Plan 2006 – 2026: Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester
- Policy 12: Rural Villages
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 21: National Forest
- Policy 22: Charnwood Forest

7.3. Hinckley and Bosworth Local Plan (2001)

- Policy BE1: Design and Siting of Development
- Policy BE16: Archaeological Investigation and Recording
- Policy RES5: Residential Proposals on Unallocated Sites
- Policy NE5: Development within the Countryside
- Policy NE12: Landscaping Schemes
- Policy T5: Highway Design and Vehicle Parking Standards
- Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities
- Policy REC1: Development of Recreation Sites
- Policy REC2: New Residential Development – Outdoor Open Space Provision for Formal Recreation
- Policy REC3: New Residential Development – Outdoor Play Space for Children

7.4. Emerging Site Allocations and Development Management Policies DPD Submission Version (Dec 2014)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM13: Preserving the Boroughs Archaeology
- Policy DM17: Highway Design
- Policy DM18: Vehicle Parking Standards

- 7.5. Other relevant guidance
- New Residential Development SPG
 - Play and Open Space SPD
 - Affordable Housing SPD

8. Appraisal

8.1 Key Issues

- Assessment against strategic planning policies
- Character and impacts on the countryside
- Siting, Design and Layout
- Affordable Housing
- Highway considerations
- Residential amenity
- Infrastructure obligations
- Drainage and flood risk
- Archaeology
- Ecology
- Pollution
- Other matters

Assessment against strategic planning policies

- 8.2 Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking and that it is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the saved policies of the Local Plan (2001).
- 8.3 At the heart of the NPPF is a presumption in favour of sustainable development. There are three dimensions to this, economic, social and environmental which give rise to the need for the planning system to perform a number of roles. These roles are mutually dependent; therefore to achieve sustainable development, such gains should be sought jointly and simultaneously through the planning system.
- 8.4 Paragraph 14 of the NPPF sets out that to deliver the presumption in favour of sustainable development, for decision taking this means:
- Approving development proposals which accord with the development plan without delay, and
 - Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or
 - specific policies in the NPPF indicate development should be restricted.

Core Strategy

- 8.5 The Core Strategy seeks to provide the strategic direction of future housing and employment growth, setting out the vision, objectives and spatial strategy for the Borough. Policy 8 of the Core Strategy provides the overarching policy for Key Rural Centres Relating to Leicester. Specifically it seeks to allocate land for the

development of a minimum of 80 new homes in Markfield. The Core Strategy supports housing developments that provide a mix of housing types and tenure as set out in Policies 15 and 16. It is acknowledged that this is a minimum figure, however, since the adoption of the Core Strategy this figure has been significantly exceeded by 120 dwellings in the settlement of Markfield.

- 8.6 This proposal would significantly exceed the minimum 80 new homes identified by Policy 8 of the Core Strategy, and whilst this policy is expressed as a minimum, it does not direct limitless growth to the settlement. The Core Strategy sets out a clear hierarchy of settlements based upon their sustainability. This scheme proposes up to 140 dwellings which if permitted would result in 340 dwellings over the allocated amount of 80 dwellings which was identified to meet the housing need of this settlement. This would not accord with the spatial distribution of growth as set out in the Core Strategy which promotes residential development in the more sustainable locations around the Sub Regional Centre, such as Hinckley, Earl Shilton, Barwell and Burbage where there is appropriate infrastructure and services in place.

The emerging Site Allocations and Development Management Policies Development Plan Document (DPD)

- 8.7 The emerging Site Allocations and Development Management Policies DPD, has been submitted to the Secretary of State and has been through the examination in public which took place at the end of September 2015, and is currently out for consultation on the final main modifications. Given that the DPD has been submitted to the Secretary of State and has been through an examination in public, the DPD is considered to be at an advanced stage and constitutes a material consideration that carries weight in regard to the determination of this application.
- 8.8 The main modifications which are currently out for consultation allocate no further sites for residential development in Markfield or the borough over those already identified to be allocated within the published submission version of the document.
- 8.9 The residual housing requirement within Markfield has been met and exceeded therefore within the emerging Site Allocations and Development Management Policies DPD no further sites have been allocated for residential development.

Housing Land Supply

- 8.10 Paragraph 47 of the NPPF states that local authorities should identify and update annually a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements. They should also provide an additional buffer of 5% (moved forward from later in the Plan period) to ensure choice and competition in the market for land.
- 8.11 As of 1 October 2015 the Council has a five year supply of housing sites, based on the 'Sedgefield' method of calculation (which proposes that any shortfall should be made up throughout the term of the Plan and a 5% buffer). Therefore the housing supply policies as set out in the Core Strategy and in particular Policy 8 in this instance are considered to be up-to-date.
- 8.12 Whilst the Council currently has a five year supply of housing sites, in the context of Paragraph 14 of the NPPF, planning applications for new housing development must be considered in the context of the presumption in favour of sustainable development to help contribute to maintaining the supply of housing.

Local Plan Policy

- 8.13 The site lies outside of the current settlement boundary of Field Head and Markfield, as defined on the proposals map of the adopted 2001 Local Plan and is therefore within an area designated as countryside. Saved Local Plan Policies NE5 and RES5 therefore apply. The site also remains outside the settlement boundary and within the countryside within the emerging Site Allocations and Development Management DPD, which will replace the existing saved policies within the Local Plan.
- 8.14 Both Saved Policies NE5 and RES5 of the adopted Local Plan seek to protect the countryside for its own sake and state that planning permission will only be granted for development subject to certain criteria. The criteria do not include residential development. Policies RES5 and NE5 seek to guide development to appropriate; sustainable locations, and ordinarily, residential development would normally be restricted outside of settlement boundaries in the countryside. Policy DM4 of the emerging Site Allocations and Development Management Policies DPD also seeks to guide and manage appropriate development in countryside locations outside of the settlement boundaries. Policy DM4 provides only to grant permission subject to certain criteria.
- 8.15 In addition the application site being situated outside the settlement boundary as defined on the proposals map of the adopted 2001 Local Plan and the emerging Site Allocations DPD (2014), the site is located the National and Charnwood Forest. It is an area which is distinctive for its rugged upland landscape. Policy 21 and Policy 22 of the adopted Core Strategy seeks to retain local character of the Charnwood Forest, and the enhancing and increasing of woodland cover within the National Forest. The proposal would result in further erosion of this local character and landscape.

The Planning Balance

- 8.16 There are three core strands underpinning the presumption in favour of sustainable development as set out within the NPPF which give rise to the need for planning to perform a number of roles. These considerations are economic, social and environmental. Paragraph 8 of the NPPF sets out that these roles should not be undertaken in isolation because they are mutually dependent. Therefore these roles need to be balanced and a cost benefit analysis undertaken to determine whether a development is considered to be sustainable. The NPPF defines the three dimensions of sustainable development as follows:-

Economic

- 8.17 It is acknowledged that the proposed scheme would contribute towards the wider economy, through construction related employment and the purchasing of materials and services.

Social

- 8.18 The scheme provides for a mix of both market and affordable housing, which is appraised below, appealing to a wider spectrum within the local market and appealing to groups who may have otherwise been excluded from the locality. There is a range in the type, mix and design of the dwellings. However as identified the housing need for the village (to sustain the existing facilities and services) has been met and exceeded and therefore an additional 140 dwellings would not be sustainable in social terms.

Environmental

- 8.19 The site falls within the countryside, where residential development is restricted by Saved Local Plan Policies NE5 and RES5, and Policy DM4 of the emerging Site Allocations and Policies DPD. Accordingly harm to the countryside must be balanced against the benefits of the scheme.
- 8.20 The site comprises a single arable unit, with no built development on site. The hedgerows which surround the site, provide character to the area and a wildlife habitat. The development would result in the loss of an agricultural field and the introduction of urban built development would be out of keeping with the current character of the rural edge to the village. The site would extend beyond the current build line of Ratby Lane and would result the further erosion of the countryside. The proposal would therefore not be sustainable from an environmental perspective.

Summary

- 8.21 The proposal would result in the loss of an area of greenfield, agricultural land. This land acts as a landscape buffer for the settlement of Field Head and Markfield, and between the settlements of Markfield and Groby which would conflict with Saved Policies NE5 and RES5 of the adopted Local Plan, and Policy DM4 of the emerging Site Allocations and Policies DPD. Markfield has met and exceeded its minimum housing numbers in accordance with Core Strategy Policy 8. The Council are able to demonstrate and maintain a five year housing land supply and, as such the second in Paragraph 49 of the NPPF would not be engaged and within the planning balance it is considered that the social and economic benefits in delivering new housing would not be outweighed by the loss of the greenfield site and its landscape setting which would conflict with the environmental strand of sustainability.

Character and Impact on the Countryside

- 8.22 As discussed above the site in policy terms lies outside of the defined settlement boundary for Field Head and Markfield and is therefore within an area designated as countryside. Paragraph 17 of the NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside. Paragraph 109 states that the planning system should protect and enhance valued landscapes.
- 8.23 The design criteria i-iv within Saved Policy NE5 of the Local Plan remain relevant to development within the countryside. The policy states that development will only be permitted where the following criteria are met:-
- a) it does not have an adverse effect on the appearance or character of the landscape
 - b) it is in keeping with the scale and character of existing buildings and the general surroundings
 - c) where necessary it is effectively screened by landscaping or other methods
 - d) the proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.
- 8.24 Policy DM4 of the emerging Site Allocations and Development Management DPD also seeks to resist unsustainable development within countryside locations and seeks to ensure proposals reflect the surrounding character of the countryside, and protect its intrinsic value, beauty and open character.

- 8.25 Criteria i - iii of saved Policy NE5, constitutes design criteria which seeks to ensure that new development in the countryside does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of existing buildings and the general surrounds, and where necessary is effectively screened. Criteria g and h of Policy DM4 of the emerging Site Allocations and Development Management DPD also seeks to ensure that proposals do not have a significant adverse effect on the intrinsic value, beauty or open character of the countryside; and do not undermine the physical and perceived separation and open character between settlements.
- 8.26 Paragraph 109 of the NPPF states that the natural and local environment should be enhanced, by protecting and enhancing valued landscapes, geological conservation interests and soils.
- 8.27 Within the Landscape Character Assessment 2006, Markfield is identified as one of the highest villages in Leicestershire. Originally a small linear agricultural settlement, the village had more than doubled its sized by the late 20th Century, expanding predominately towards the east, where the village continued to development with the construction of dwellings off London Road during the 1980s and 90s, creating a second village centre with local amenities being provided on Chitternman Way. Markfield and Field Head are defined as being within Charnwood Fringe Character Area, this area's key characteristics include medium to small sized field pattern interspersed with large areas of woodland cover. Diverse land uses which relate to the varied geology, which is dominated by pasture and woodland with quarries, pools and outcrops.
- 8.28 The site comprises a single parcel of agricultural land, with an area of 5.38 hectares, situated to the south eastern edge of the existing built form, with the existing built up areas of the village immediately abutting the site to the north and west of the site. Defining the application sites southern boundary is a belt of woodland trees which encloses the application site and connects into the adjacent woodland which runs adjacent the eastern boundary of the site.
- 8.29 Historically the settlement was of linear formation, however post war housing estates saw development to the west of Ratby Lane; Launde Road; Chitternman Way and Countryman and towards the east Jacqueline Road, which have altered the development pattern. The application site would back onto the rear of Jacqueline Road and to the west of Launde Way.
- 8.30 The site falls slightly generally to the south, with the lowest point situated within the south western corner of the application site. The application site would be situated to the south of Jacqueline Road, and is well contained with surrounding mature landscape features which limit views from the east, and south. Notwithstanding that the site is to an extent physically and visually constrained, the proposal would introduce built form in an otherwise undeveloped landscape which is characteristic of this area of Leicestershire, and would result in the unnecessary erosion this countryside pattern.
- 8.31 The indicative details seek to retain and enhance the existing vegetation and tree planting along the southern and eastern boundaries of the site, with the creation of a green corridor providing a landscape edge to the development. This seeks to provide potential links between the proposed and existing public footpath situated along the south boundary of the site, as well as providing landscaped areas within the site. The application proposal also seeks to provide allotments within the south east corner of the site. The indicative layout suggests that the development would back onto the

existing built form along Jacqueline Road, with a primary street through the development accessed off Ratby Lane, connecting to a number secondary roads, with areas of new public open space situated along the southern edge of the application site taking advantage of the existing mature vegetation along this edge.

- 8.32 The proposal would result in a degree of conflict with criterion (a) of Saved Policy NE5 of the Local Plan in so far as the development would have an adverse effect on the appearance and character of the landscape in this location by introducing built residential development into an area of current open countryside which contributes to the setting of Markfield. Therefore when considering the environmental dimension to sustainability as set out in the NPPF the proposal would result in harm to the landscape setting of Field Head and Markfield by eroding the amount of open countryside to the south of the village.
- 8.33 The surrounding residential properties vary in terms of their scale and design, although the density of development is relatively low, with most dwellings occupying large plots. Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and requires at least 30 dwellings to the hectare to be achieved within rural areas unless individual site characteristics indicate otherwise.
- 8.34 Currently the site contributes to the rural character of the village. The proposal would introduce built development which extends further south, resulting in an encroachment into the open countryside undermining rural edge and character of Markfield and Field Head. It is therefore considered that this proposal would result in harm to the rural character of the village, resulting in the introduction of urban form into the countryside which is contrary to saved Policies NE5 of the Local Plan and Policy DM4 of the emerging Site Allocations and Development Management Policies DPD.

Siting, Design and Layout

- 8.35 Saved Policy BE1 (criterion a) of the Local Plan and Policy DM10 of the emerging Site Allocations and Development Plans DPD seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Furthermore, one of the core planning principles of the NPPF is to secure a high quality of design in development.
- 8.36 The detailed design, siting, appearance and layout of the scheme are reserved matters however from the indicative masterplan submitted a well designed development laid out to minimise impact on the character of the surrounding area and existing pattern of residential development to the north east could be achieved. Open space and landscaping would be carefully considered as part of any reserved matters submission to ensure that the development would assimilate into its surroundings.
- 8.37 Notwithstanding the issues raised above, subject to the detailed layout proposed at the reserved matters stage, it is considered that layout could be achieved that would result in a high quality form of development that would accord with Policy BE1 (criterion a) of the Local Plan, Policy DM10 of the emerging Site Allocations and Development Management DPD and the NPPF.

Affordable Housing

- 8.38 In rural areas, Policy 15 of the Core Strategy requires that 40% of the dwellings should be for affordable housing. Of these properties, 75% should be for social rent and 25% for intermediate tenure. The scheme proposes 140 dwellings resulting in a requirement for 56 of those proposed to be affordable.
- 8.39 There is a recognised need for affordable housing in this area. Such provision would need to be secured by way of a S106 agreement with a clause to ensure that applicants for affordable housing had a local connection to the parish of Markfield and Field Head in the first instance and in the second instance the borough of Hinckley and Bosworth.
- 8.40 In accordance with the Affordable Housing SPD the affordable housing would be required to be spread across the site in clusters to ensure a balanced and appropriate mix of market and affordable housing.
- 8.41 There is a demand in Markfield and Field Head for affordable properties. The applicant is proposing to deliver 40% affordable housing which meets the requirement as set out in Policy 15 of the Core Strategy.

Impacts upon Residential Amenity

- 8.42 In respect of criterion (i) of Saved Local Plan Policy BE1, as appearance, layout and scale are not for consideration at this time, impacts in terms of privacy, overshadowing and the development being of an overbearing form can not be comprehensively considered at this stage.
- 8.43 The nearest residential dwellings adjoining the site are located to the north east along Jacqueline Road. The rear gardens of those properties would back directly onto the site. The detailed design and layout of dwellings would be considered carefully at the reserved matters stage to ensure the dwellings proposed would not directly overlook or impact upon the amenity of neighbouring dwellings.
- 8.44 No 39 Ratby Lane would be positioned adjacent to the proposed development and access which would serve the proposed dwellings. The proposed access would be positioned approximately 13 metres to the south of this properties boundary southern boundary. Given the proposed distance between this dwelling and the proposed access it is not considered that this would result in a significant degree of noise or disturbance to the amenity of No. 39 Ratby Lane.
- 8.45 Subject to further details, it is considered that the development would be in accordance with Saved Policy BE1 (criterion i) of the Local Plan and would not have a significant detrimental impact upon residential amenity.

Highway Considerations

- 8.46 Policies T5 and BE1 (criterion g) of the Local Plan seek to ensure that new developments have adequate visibility, parking and turning facilities and that the highway design standards within the Leicestershire County Council's "Highways Requirements for Development" are achieved.
- 8.47 Chapter 4 of the NPPF promotes sustainable transport. Paragraph 34 suggests that developments which generate significant vehicle movements should be located where the need to travel would be minimised and the use of sustainable transport

modes could be maximised and Paragraphs 37 and 38 recognise and promote the benefits of mixed used developments.

- 8.48 Given the scale of this proposal, it has been accompanied by a Transport Statement. This has taken account of existing traffic conditions, accessibility, and sustainable modes of transport, accident records and vehicular impacts.
- 8.49 The illustrative masterplan shows 140 dwellings served by one primary road with three interconnecting roads. The layout of the development has been examined in detail to demonstrate that the road layout would be achievable.
- 8.50 Vehicular access would be from Ratby Lane, which is a 5.5 metre wide adopted residential road, with pedestrian footpath on both sides, these dimensions would be carried into the development, giving a 5.5 metre wide carriageway, with footways on both sides. The existing Ratby Lane carriage way would be widened on the western side to allow for a 2 metre by 5.6 metre pedestrian refuge island, providing a new pedestrian crossing point to the existing footpath situated to the south of the application site.
- 8.51 Ratby Lane, enters onto Launde Road, which is subject to a 40 mph speed limit through the village, and there is good visibility available with no recorded injury accidents within the last 5 years, as such there is no evidence to suggest additional traffic using this junction would cause safety concerns. Furthermore it is considered that the proposed pedestrian refuge to be constructed to the south of this junction would also act to reduce speeds.
- 8.52 Although there has been a number of recorded injury accidents at the Field Head roundabout within the last 5 years (7 slight, 1 serious), Leicestershire County Council conclude that there is no evidence to suggest that the additional traffic from the development would create any safety concerns.
- 8.53 In terms of the highway capacity, Fieldhead roundabout operates at present in some arms in the peak am and pm hours at capacity. It is forecast that in 2020 with additional background traffic growth the roundabout would operate in excess of capacity. Whilst it is accepted that the impact of this proposal would contribute to an the existing queuing along the A50 in particular, given the existing congested nature of the roundabout it is not considered that the development would result in severe (see paragraph 32 of the NPPF).
- 8.54 In summary, Leicestershire County Council (Highways) has no objection subject to the imposition of planning conditions. On this basis, the scheme is considered to be in accordance with Saved Policy T5 of the Local Plan and guidance contained within the NPPF. The development is not considered to result in a severe highway impact in accordance with Paragraph 32 of the NPPF.

Infrastructure Obligations

- 8.55 The requirement for developer contributions must be considered against the statutory requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). CIL (Regulation 122) requires that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related to the development and fairly reasonably related in scale and kind to the development proposed. The following requests have been received:-

Education

- 8.56 Leicestershire County Council considers the proposed development is of a scale and size which would have an impact on local school provision. The site is within the catchment of Markfield Mercenfield Primary School, which would have a deficit of 58 pupil places if this proposal was implemented, 34 pupil places are predicted to be generated by this development. There are currently no pupil places which are funded by Section 106 agreements from other developments in the area. There are no other primary schools within a two mile walking distance of the development. The proposed development would result in the generation of the 34 pupil places which can not be accommodated at nearby schools. A contribution has therefore been requested for £406,426.74 based on Department for Education cost multipliers on a formula basis. The contribution would be used to address existing capacity issues created by the proposed development. The request is considered to be directly, fairly and reasonably related in scale and kind to the development proposed and would be spent within 5 year of receipt of the final payment.
- 8.57 A Secondary School contribution request of £423,307.71 has been made for Markfield South Charnwood High School. The school has a net capacity of 669 and 817 pupils are projected on roll should this development proceed; a deficit of 148 pupil places (of which 124 are existing and 24 are created by this development). There are currently no pupils at this school being funded from Section 106 agreements for other developments in this area. There are no other high schools within a three mile walking distance of the site. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at South Charnwood High School.
- 8.58 A Post 16 sector contribution request of £89,294.90 has been made for Groby Community College. The College has a net capacity of 311 and 385 pupils are projected on roll including the demand created by this scheme. Severn pupil places are being funded at this school from S106 agreement for other developments in this area which reduces the total deficit for this school to 62. 5 would be created by this development.
- 8.59 It is therefore considered that the education contribution is required for a planning purpose, it is necessary, directly related and reasonably related to the development in scale and kind to the proposal in accordance with the CIL Regulations, and a contribution is justified in this instance.

Libraries

- 8.60 No contribution is sought from Leicestershire County Council

Health

- 8.61 It is considered that the development would result in an additional 339 patients to the local health centre. The local health centre is Markfield GP Practice located on Chitterman Way, Markfield. The surgery currently is at capacity and an increase in GP sessions would be required. It is considered that 339 patients would result in additional 8.91 hours per week for consulting rooms and 2.37 hours per week for treatment rooms. Contributions are requested towards the extension of the surgery and improved facilities. The calculation is based upon typical size of surgery projects and the numbers of new expected patients. A total of £70,925.58 is requested.

- 8.62 It is considered that this contribution is necessary, is fairly and reasonably related in scale and kind to the development proposed using Department for Health cost multipliers and is essential to relieve the impact of the development on health provision locally and provide for capacity to deal with the increased population that would arise as a result of this development.

Civic Amenity

- 8.63 A contribution request has been made from Leicestershire County Council Environmental Services for £9,153 for enhancing the waste facilities at Coalville Civic Amenity Site. It is estimated that there would be an additional 38 tonnes (approx.) of waste generated by the development and given the total waste collected is 5,898 tonnes per annum, it would be difficult to argue that a contribution is necessary or fairly related to this development as the impact from this development would be minimal.

Play and Open Space

- 8.64 Policy 19 of the Core Strategy and Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update). Policies IMP1 and REC3 of the adopted Local Plan and the Play and Open Space SPD require new residential development to contribute towards the provision and maintenance of public play and open space facilities for children. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. The request for any developer must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 8.65 The site is located within 1km of Mayflower Close which is categorised within the Green Space Strategy as a neighbourhood open space for outdoor sport. Saved Policy REC2 applies which states a capital contribution of £586.80 is required per dwelling as set out in the Play and Open Space SPD. This is split out at £322.80 capital and £264.00 maintenance for a 10 year period. For 140 dwellings this would total £82,152.
- 8.66 The indicative site plan illustrates that the development would provide the following play and open space facilities and green infrastructure:- 590 square metres of equipped play space, 1000 square metres of allotments, 8400 square metres of informal play space and landscaping
- 8.67 The onsite play and open space would be required to be maintained in perpetuity. The developer is required to fund the maintenance over a 20 year period when the land is to be transferred over to the Parish Council or Borough Council; otherwise the developer may retain the public space in private ownership and maintain it accordingly. Should the developer wish the Parish Council or Borough Council to maintain this open space then the maintenance contribution for the equipped play space would be £595.90 per dwelling as set out in the Play and Open Space SPD. For 140 dwellings this would total £83,426.00. The maintenance contribution for the informal on-site play and open space would be £636.00 per dwelling, which would total £89,040.00 for 140 dwellings. These amounts are as set out in the Play & Open Space SPD. Onsite provision for allotments is also proposed and the maintenance

contribution for the Allotments would be £94.28 per dwelling as set out in the Play and Open Space SPD, for 140 dwellings this would total £13,199.20

- 8.68 Contributions would be secured through the S106 Agreement if the applicant elects for the Borough Council or Parish Council to adopt any play and open space. Alternatively the applicant may wish to secure the maintenance of the play and open space through a management company. It is considered that the play and open space contribution is necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this case. Accordingly the scheme would meet the requirements of Policy 19 of the Core Strategy, Saved Policies REC2 and REC3 Local Plan and the Play and Open Space SPD.
- 8.69 Contributions would be secured through the S106 Agreement if the applicant elects for the Borough Council or Parish Council to adopt any play and open space. Alternatively the applicant may wish to secure the maintenance of the play and open space through a management company.

Police

- 8.70 Leicestershire Police has provided detailed justification for a S106 request of £47,503. This would be split into £5291 for start up equipment for a new police officer that would be required as a result of the development, £3,063.00 towards associated vehicle costs, £294.00 towards additional radio call capacity, £154.00 towards Police National Database additions, £337.00 towards additional call handling, £2,055.00 towards ANPR cameras, £375.00 towards mobile CCTV equipment, £35,204.00 towards additional premises and £280.00 towards hub equipment for officers.
- 8.71 It is considered that this infrastructure is necessary, is fairly and reasonably related in scale and kind to the development proposed and required for the prevention of crime and to create safer communities.

Transport

- 8.72 A request has been made from Leicestershire County Council (Highways) for Travel Packs (£52.85 per pack) to inform new residents from first occupation what sustainable travel choices are in the surrounding area. Bus passes at two per dwelling for a six month period are required to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. The Travel Packs are to be funded by the developer with two application forms for bus passes at £350.00 per pass.
- 8.73 Improvements are sought for the nearest bus stops on Ratby Lane or Launde Road (to provide bus shelters) at £4,908.00 per stop, and £3263.00 per bus stop to improve accessibility capabilities, including raised and dropped kerbs allowing level access. A contribution of £8,760.00 towards Real Time Information systems to assist in improving and providing attractive public transport choices. A contribution of £6000 is also sought to enable Leicestershire County Council to co-ordinate and audit Travel Plan performance and necessitate its enforcement. It is considered that the request is directly, fairly and reasonably related in scale and kind to the development proposed.

National Forest

- 8.74 The application site extends to 5.4ha therefore, as required by Core Strategy Policy 21, the development would be required to incorporate 20% woodland planting and landscaping. This would equate to 1.08ha in this instance.
- 8.75 There is adequate space within the areas of informal play space and landscaping to deliver this requirement. The National Forest Company has therefore suggested that a condition be imposed to ensure that at reserved matters stage, the identified requirement for woodland planting is illustrated on the proposed plans. This requested is considered to be directly, fairly and reasonably related in scale and kind to the development proposed and will therefore be requested.

Drainage and Flood Risk

- 8.76 Saved Policy NE14 of the Local Plan and Policy DM7 of the emerging Site Allocations and Development Management Policies DPD states that development proposals should provide satisfactory surface water and foul water measures. In addition the NPPF sets out at Paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 8.77 The application has been accompanied by a Flood Risk Assessment and the scheme has been considered by Severn Trent Water and Leicestershire County Council (Drainage).
- 8.78 Leicestershire County Council (Flood Risk) have raised no objection to the proposed development subject to conditions relating to surface water and the utilisation of Sustainable drainage techniques.
- 8.79 The scheme seeks to provide an area of 3400 square metres for a Sustainable Urban Drainage feature situated towards the south west corner of the site. This area would be required to be maintained by the developer thereafter once provided; a scheme to ensure its maintenance would be secured through a Section 106 agreement. Based on this and the conditions recommended by the Leicestershire County Council (Drainage) that have been imposed to provide satisfactory mitigation, it is considered that the development proposed would not lead to flood risk and would be in accordance with the requirements of the NPPF.
- 8.80 Severn Trent Water has raised no objection to the proposal subject to a scheme for surface water drainage and foul water being submitted prior to the commencement of development. It is not considered that the proposal would lead to harm to the quality of groundwater from surface or foul water in accordance with Saved Policy NE14 of the Local Plan.

Archaeology

- 8.81 The application has been accompanied by an Archaeological Survey in conformity with Saved Policy BE14 of the Local Plan and Policy DM13 of the emerging Site Allocations and Development Management DPD. Paragraph 128 of the NPPF states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

- 8.82 Following the submission of a desk based assessment and a geophysical survey, combine to indicate that the site possesses a significant archaeological interest, however as yet the site investigation has failed to clarify the extent and character of any archaeological remains. Given the indication that the proposal is likely to have an impact upon any heritage asset, Leicestershire County Council (Archaeology) recommend the imposition of conditions should development be granted, securing a Written Scheme of Investigation and a robust programme of archaeological mitigation.
- 8.83 It is therefore considered that based on conditions the proposal is in accordance with Saved Policies BE14 and BE16 of the Local Plan, Policy DM13 of the emerging Site Allocations and Development Management DPD and the NPPF insofar as it relates to the protection of heritage assets.

Pollution

- 8.84 Saved Policy NE2 and Policy DM7 of the emerging Site Allocations and Development Management DPD seeks to prevent the risk of pollution through development. This is supported by Paragraph 120 of the NPPF which states to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location.
- 8.85 Environmental Health (Pollution) has raised no objection to the proposal subject to conditions relating to a scheme of investigation for any possible land contamination on the site being carried out prior to the commencement of development.
- 8.86 Subject to those conditions it is not considered that the proposed development would lead to an issue with contaminated land and would be in accordance with Saved Policy NE17 of the Local Plan and Paragraph 120 of the NPPF.

Ecology

- 8.87 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment including securing biodiversity enhancements where possible.
- 8.88 The application has been accompanied by an Ecology Report. The content of this has been considered by Leicestershire County Council (Ecology). It has been commented that there is a small population of great crested newts situated to the south of the application site; however given the distance from the application site it is sufficient enough that the development would not have an impact upon them. Whilst there have been no habitats of note within the main body of the site, the hedgerow to the south is species rich, however given the development proposed a buffer zone of open space along this south edge LCC Ecology raise no objection to the proposal subject to conditions, which relate to a biodiversity management plan for all retained and created habitats. Accordingly, subject to conditions the development would be in accordance with intentions of the NPPF and would contribute to securing biodiversity enhancements where possible.

Other Matters

- 8.89 Objections have been received in respect of the land ownership of the area proposed for the access, and the land being in the ownership of Groby Parish Council. Whilst issues concerning land ownership are not material planning considerations, the

matter has been raised and investigated. Leicestershire County Council (Highways) have confirmed that although Groby Parish Council have registered land that includes public highway, this would be irrelevant as highway rights take precedence over ownership. It is on this basis that it is considered that the proposed access is deliverable within the adopted highway land.

9. Conclusion

- 9.1 In conclusion, the development would significantly exceed the housing requirement for Markfield as set out in Policy 8 of the Core Strategy. The council is currently able to demonstrate a five year supply of housing land. Whilst the proposal would bring some social and economic benefits through the supply of housing it is not considered to outweigh the harm to the landscape setting of the village by developing a greenfield site outside of the settlement boundary within the National and Charnwood Forests. This would conflict with the environmental strand of sustainability resulting in harm.
- 9.2 For the above reasons it is recommended that permission is refused. In reaching this recommendation the views and concerns raised by local residents have been carefully considered and taken into account.

10. Recommendation

10.1 Refuse planning permission

- 10.2 In dealing with the application, through ongoing negotiation the local planning authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

10.3 Reasons

1. The site lies outside the settlement boundary for Markfield and Field Head where policies NE5 and RES5 of the Hinckley and Bosworth Local Plan (2001) and Policy DM4 of the emerging Site Allocations and Management Policies DPD restricts new residential development. The proposal would lead to an unsustainable landscape impact contrary to Policy NE5 of the Local Plan and Policy DM4 of the emerging Site Allocations and Development Management DPD and the environmental dimension of sustainable development as set out in the National Planning Policy Framework. The proposal would also cause detriment to the character of the designated National and Charnwood Forests contrary to Policies 21 and 22 of the Hinckley and Bosworth Core Strategy 2009.