

Item No. 1

Application Reference Number P/11/1583/2

Application Type:	Outline	Date Valid:	07/07/2011
Applicant:	Bloor Homes Ltd.		
Proposal:	Site for the erection of 75 dwellings with associated garages, landscaping, infrastructure and public open space, and access from Iveshead Road, with 4 plots accessed from Brick Kiln Lane.		
Location:	Land off Iveshead Road, Shepshed, Leicestershire.		
Parish:	Shepshed	Ward:	Shepshed West
Case Officer:	Peter Blitz	Tel No:	01509 634738

Description of the Application

The site lies to the south of the Ashby Road which runs through the town, on the edge of the present built limits between the existing residential areas on Iveshead road and Brick Kiln Lane, and southwards to the edge of the designated area of Charnwood Forest, as shown on the proposals map of the Charnwood Local Plan.

The site would have a frontage to Iveshead Road where access would be obtained. It has a short frontage to Brick Kiln Lane. The site is generally flat, agricultural land divided into two main parcels by hedgerows containing a few trees. The larger parcel is cultivated and the smaller parcel is currently a small rough pasture, although this appears to have been cultivated in the past. The land to the south of the site begins to rise into the forest area and is generally open land divided by hedgerows. To the north is paddock land which falls towards a recent new area of woodland provided by the new residential development to the north. The northern boundary of the site lies along a local ridgeline which runs into Scouthouse Hill, which is a local high point. This boundary is prominent in views from the site and is also visible in longer views from the north and the south. To the east and west are the gardens to existing residential properties. These tend to be of reasonable length and the overall impact of these properties is low key in landscape terms. A public footpath runs east to west through the site linking Iveshead Road (via Jolly Farmers Lane) and Brick Kiln Lane.

The application is for outline permission, with only the details of the access for full approval at this stage. The application anticipates some 70 – 75 dwellings, incorporating a mix of detached, semi-detached and terraced units. An illustrative layout has been submitted and this shows an area of new woodland on the southern edge of the development and the retention of the footpath. A play area and storm water retention space is also included. The illustrative layout shows four dwellings fronting onto and taking access from Brick Kiln Lane.

The development would be accessed via a new mini-roundabout on Iveshead Road at the point where a small lane called Iveshead Lane meets the main road. The design would entail deflections of the main carriageway and stop-lines for each arm of the roundabout. There would not be a need for the extensive removal of hedgerows that accompanies T-junctions, as originally proposed. The development would bring forward additional traffic speed management measures including traffic activated speed warning signs for southbound traffic and a range of new speed signs with 100yd and 200yd countdown warning signs and a gateway “dragons teeth” calming feature for northbound traffic.

The application is accompanied by a number of documents:

- A Design and Access Statement with an illustrative master plan
- A supplement to the Design and Access statement with a revised master plan
- A Flood Risk Assessment
- A Planning Statement
- A Landscape and Visual Appraisal
- An Ecological Appraisal
- A Consultation Statement
- An Arboricultural Assessment
- A Transport Assessment with a Technical Appendix
- A Draft Travel Plan, and
- An Archaeological Desk Based Assessment

These documents can be viewed in full on the web site, but the following is, of necessity for this report, a very brief summary of the documents.

The Design and Access Statement, which has been revised following discussion of the issues of highway safety and landscape character raised by consultees, sets out the principles of the layout of the development and the distribution of open spaces and woodland and the retention of the footpath through the site. The statement introduces the mini-roundabout junction solution and incorporates feature buildings at the entry to the site to create an entry to the town that is more characteristic of Charnwood Forest villages. It contains an illustrative master plan and design precedents to show these principles and a visual representation of the sort of character the development would have at the entry to the town.

The Flood Risk Assessment, revised to deal with concerns expressed by the Environment Agency, presents a body of evidence to demonstrate that all foul water flow could be discharged to the existing foul sewerage system in Iveshead Road. It concludes that soakaways and filtration drainage is not a viable option and that discharge to the local ditch network, even with on site attenuation, is not practical. It is therefore proposed to drain to the existing storm sewer in Iveshead Road, with on-site storage in the form of an open dry pond and oversized pipe work to deal with storm surges. Floor levels would be set 150mm above existing ground levels.

The Planning Statement sets out the details of the proposal, the regional and local policy framework, and government policy guidance. It confirms that the applicant is in control of the whole site. The applicant is a locally based, national house builder with no funding or capacity constraints and if permission is granted the site would be brought forward as quickly as possible. As such the site is deliverable and would make a valuable contribution to the shortfall in housing land provision. It deals with the principle of the development, the compliance with the development Plan, the 5-year housing supply situation, the suitability of the site, its environmental sustainability, and the design and layout of the proposal.

It concludes that there is a pressing need for new housing and that the development would accord with emerging housing objectives. It meets the tests in PPG3 as to its suitability, availability and achievability and would be close to employment and the A512 public transport corridor. The development would be of a high quality dealing with highway safety issues and would integrate with the present built form of the town. The development would be an opportunity to provide affordable housing. It would accord with the government's presumption in favour of sustainable development

The Landscape and Visual Appraisal records that the immediate area is mainly residential in character and that the settlement pattern in the surrounding area beyond Shepshed is one of scattered farms and dwellings. Pastoral farming is a main land use and local stone in buildings and walls is a distinctive feature of the area. The Appraisal examines views of the site from a number of locations. There are long views of the site from Iveshead Road looking north and from Iveshead Lane to the east and closer views from Brick Kiln Lane to the west and from the footpath through the site. From these directions the development would have impact but this would be mitigated by tree planting on the southern boundary of the site, careful control over materials, open space along the line of the footpath and by introducing a gateway feature on the entry to the town and the site on Iveshead Road. From other viewpoints the development would have limited impact.

An Ecological Appraisal submitted with the original application provides details of the survey work that was done and the methods for assessment. It identifies the limitations of the work due to the times of the year and the access granted for survey work on land outside the applicant's control. It records 8 statutory designated sites within 2km, the nearest of which is Morley Quarry 300m to the east and some 20 sites of local importance, the nearest of which is 250m to the north east near to Morley Quarry. The application site is of limited botanical interest. No record of badger or bat activity was recorded initially, although a small population of great crested newts was identified in an adjacent garden pond. The Appraisal was updated in December 2011 to show that there was some badger activity on the site boundaries but no setts. The update referred to changes to the development design as shown on a revised master plan, which is described later in this report.

The Appraisal concluded that mitigation for the impact on protected species could be provided in the open space areas of the development including the new woodland, the open drainage basin and along the footpath through the site. It is claimed that this would be an enhancement in that these areas are currently cultivated land of no value to protected species. The mitigation would be put in place before the development commences, and it is accepted that licences from English Nature would be required.

The Consultation Statement records the meetings and events held to publicise the development, including a public exhibition at the Town Council offices in May 2011 attended by some 100 people who submitted some 60 items of written feedback. The key feedback issues were about the principle of the development, the site access, access to services and facilities, the environmental impact, the design and the visual impact.

The Arboricultural Assessment assesses the condition of the trees on the site and in adjoining garden areas. None of the trees surveyed were in such poor condition that requires removal. About half were of low quality and value and half were of moderate quality and value. All of the trees could be accommodated within a development for around 75 dwellings. New tree planting could be incorporated in a new development.

The Transport Assessment (with its Technical Appendix), including a supplementary report, looks in detail at all aspects of the development and its impact on the road network, and supports its conclusions with a significant body of technical evidence. It recites the policy background, both national and local, and refers to the recommended criteria for walking and cycling to local facilities of 2km and 5km respectively. It examines the local highway network, existing traffic flows, traffic speeds, traffic capacity and safety at road junctions, the implications for the development on trip generation, traffic management on Iveshead Road and future traffic flows. It records the current accident record for the area around the site for the period Jan 2006 to February 2011, which shows 1 "slight" injury accident on Iveshead Road in 2008 and 3 "slight" injury accidents at the junction with Ashby Road. One slight injury accident occurred on Ashby Road. None of the accidents involved vehicle movements at housing access road junctions.

The assessment concludes that the development would generate a modest increase in trip making, that the access would be in accordance with normal standards, that a package of traffic management measures would improve overall safety and that the road network, particularly the junction of Iveshead road and Ashby Road would not be overwhelmed.

The Travel Plan indicates that the developer will supply each new household with a Travel Pack containing information on how to make journeys by foot, cycle and using public transport. It would set targets for the reduction in the number of trips made by motor vehicles as opposed to more sustainable modes (the modal split), and surveys would be undertaken to review progress on this and to introduce measures to improve the use of sustainable transport.

The Archaeological Desk Based Assessment examines the archaeological and historical record of the site and its surroundings. It has been produced from a desk-based assessment and a geophysical survey.

The developer has submitted a Heads of Terms for a Section 106 Agreement that indicates an intention to contribute to the provision of 30% of the dwellings as affordable housing, by making provision for the maintenance of the proposed public open space, and the provision of travel plan measures and road improvements.

The developer has indicated that, in terms of a build out period, there would be an approximate 6 month lead in time from commencement to completion of the show complex, following which he would expect to complete the site in 30 months i.e. 3 years in total. However, if the market improves he would expect to deliver 40 plots a year off a site such as this, so the build period could reduce to 2 and a half years. Following discussion with the case officer, he has indicated that it would be helpful in terms of the delivery of the development, if the period within which development should be commenced from the date of the approval of the last reserved matter be 18 rather than 12 months. There are a number of related procedures that would need to have been concluded before development could commence, such as obtaining a great crested newt licence, contracting with an affordable housing provider, completing relevant agreements with highways and water authorities, valuing and purchasing the land, obtaining building regulations approval etc. Obtaining a newt license and carrying out necessary search / translocation / exclusion works are seasonally sensitive and as such he would need the security of having two possible slots, in case the development is held up by other matters.

Development Plan Policies and other material considerations

The relevant part of the Development Plan for Charnwood is made up by the Regional Strategy (The East Midlands Regional Plan) and the saved policies of the Charnwood Borough Local Plan. The Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined having regard to Development Plan policies unless material considerations indicate otherwise.

East Midlands Regional Plan 2009

Accordingly, as a result of the Cala homes decision, when making decisions on planning applications in Charnwood, the Council will be required to give weight to policies contained in the Regional Plan. The Regional Plan will remain in place until such time as statutory provisions to abolish Regional Strategies in the Localism Act are brought into effect. The consultation process to instigate these changes ended on 20th January 2012 with abolition likely to occur following the legal challenge period later in 2012.

The Regional Plan is therefore, for now, part of the statutory Development Plan which the Council must have regard to in the determination of this

planning application. This means that the Council will need to continue to plan for housing delivery through the original targets identified in that Plan. The evidence base that supported the Regional Plan will remain a material consideration that can carry some weight in decision making.

Policy 3 Distribution of New Development

Development should be distributed on the following basis:

- a) New development will be concentrated primarily in Principal Urban Areas (Leicester).
- c) Appropriate development of a lesser scale should be located in the Sub-Regional Centres (Loughborough)
- d) The development needs of other settlements and rural areas should also be provided for. New development in these areas should contribute to:
 - a. Maintaining the distinctive character and vitality of rural communities;
 - b. Shortening journeys and facilitating access to jobs and services;
 - c. Strengthening rural enterprise and linkages between settlements and their hinterlands; and
 - d. Respecting the quality of tranquillity where that is recognized in planning documents;

In assessing the suitability of sites for development, priority should be given to making best use of previously developed land and vacant or under-used buildings in urban or other sustainable locations, contributing to the achievement of a regional target of 60% of additional dwellings on previously developed land or through conversions.

Policy 12 Development in the Three Cities Sub Area

Development should support the continued growth and regeneration of Derby, Leicester and Nottingham. This will be achieved by ensuring that the agreed Growth Point Programme of delivery for the 3 Cities and 3 Counties is achieved both in overall numbers of dwellings and agreed phasing. Outside Derby, Leicester and Nottingham, employment and housing should be located in the adjoining settlements.

Policy 13a Regional Housing provision

The total housing provision for Charnwood is 790 per annum and total housing provision for 2006-2026 is 15,800. 330 of Charnwood's annual provision of 790 should be within or adjoining the PUA.

Borough of Charnwood Local Plan

Policy ST/1 of the Plan seeks to promote the beneficial use of all vacant, derelict and underused land; identify sufficient housing land; identify sufficient employment land, primarily through the retention and extension where appropriate of existing employment areas; and sustain and enhance the role of Loughborough as the principal centre within the Borough for shopping and allied services.

Policy ST/2 indicates that built development will be confined to allocated sites and other land within the Limits to Development identified on the Proposals Map, subject to the specific exceptions set out in this Plan.

Policy ST/3 says that when granting planning permission for new development which would not be acceptable without reasonably related infrastructure or community facilities, the Borough Council will seek to secure their provision by entering into a legal agreement with the owners, applicants or developers involved.

Policy H/2 sets out a list of greenfield sites allocated for new housing and ancillary development.

Policy H/5 indicates that the Council will seek an element of affordable housing on all unallocated sites that come forward for housing development, provided the site is close to a range of services and facilities, the provision would not prejudice other planning objectives and there is a range and mix of house types.

Policy H/16 expects all new housing developments to achieve high standards of design and layout. On allocated sites and within the Primarily Residential Areas defined on the Proposals Map. Planning permission will be granted for residential purposes (Class C3) provided the design and layout meet specified criteria, such as respecting the character and appearance of the locality.

Policies RT/3 – RT5 set standards for the provision of play and recreation spaces in new development.

Policy RT/12 indicates that areas of open space for recreation, amenity, structural landscaping and natural green space will be required in association with new development.

Policy TR/1 seeks to ensure that development is not granted which results in serious congestion on the main traffic routes through the Borough, or otherwise prejudice the ability to provide for safe and efficient movement of traffic.

Policy TR/6 indicates that developments which would result in unsafe and unsatisfactory operation of the highway system or have a significant impact on the environment will not be permitted, unless measures are proposed to overcome any harmful effects.

Policy TR/18 seeks to set the maximum standards by which development should provide for off street car parking dependent on floorspace or dwelling numbers.

Policy CT/1 states that development within the countryside will be strictly controlled. Planning permission will be granted for the re-use and adaptation of rural buildings for uses suitable in scale and nature, and small-scale new

built development, where there would not be a significant adverse environmental impact and the proposal would:

- 1) be essential for the efficient long-term operation of agriculture, horticulture or forestry; or
- 2) facilitate the diversification of the rural economy; or
- 3) improve facilities for recreation or leisure uses; or
- 4) implement strategically important schemes for mineral related uses, transport, infrastructure and for public services or utilities.

In all cases it should be demonstrated that the proposed development could not reasonably be located within or adjacent to an existing settlement.

Policy CT/2 states that in areas defined as Countryside, developments acceptable in principle will be permitted where it would not harm the character and appearance of the countryside and provided it could safeguard its historic, nature conservation, amenity and other local interests.

Policy CT/20 says that when granting permission for development in the national Forest the planning authority will ensure that there is no conflict with restraint policies to safeguard restraint policies, that design will reflect local architecture and the setting of the site, require woodland planting and public access links compatible with the scale and type of development.

Policy EV/43 calls for works of public art to be provided as an integral part of new major development, where it can be readily seen by the public.

Other Policies

National Planning Policy

Planning Policy Statement 1 - Principles of Sustainable Development

This sets out the government's overarching planning policies on the delivery of sustainable development through the planning system by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources;
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

It reiterates that, where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

The guidance states that planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental

quality through positive policies on issues such as design, conservation and the provision of public open space. There is an emphasis on good design, which should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. High quality and inclusive design should be the aim of all those involved in the development process. Although the appearance and architecture of individual buildings are clearly factors in achieving these objectives, securing high quality and inclusive design goes far beyond aesthetic considerations. Good design should:

- address the connections between people and places by considering the needs of people to access jobs and key services;
- be integrated into the existing urban form and the natural and built environments;
- be an integral part of the process for ensuring successful, safe and inclusive villages, towns and cities;
- create an environment where everyone can access and benefit from the full range of opportunities available to members of society; and,
- consider the direct and indirect impacts on the natural environment.

Planning Policy Statement 3: Housing

Paragraph 71 states that where local planning authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in the PPS, or where there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in PPS3 including the considerations in paragraph 69. Paragraph 69 states that in deciding planning applications, Local Planning Authorities should have regard to:

- achieving high quality housing.
- ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- the suitability of a site for housing, including its environmental sustainability.
- using land effectively and efficiently.
- ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

Paragraph 72 states that Local Planning Authorities should not refuse applications solely on the grounds of prematurity. Paragraph 54 states that, to be considered deliverable, sites should, at the point of adoption of the relevant Local Development Document be available, suitable and achievable.

Planning Policy Statement 4: Planning for Sustainable Economic Growth

Policy EC6.2 (b) states that in rural areas, local planning authorities should identify local service centres (which might be a country town, a single large village or a group of villages) and locate most new development in or on the edge of existing settlements where employment, housing (including affordable housing), services and other facilities can be provided close together.

Planning Policy Statement 7- Sustainable Development in Rural Areas

This sets out the key principles of raising the quality of life in rural areas, and to encourage a more sustainable use of land, and to diversify and promote growth in rural areas. Development should be focused in or next to existing towns and villages.

Decisions on development proposals should be based on sustainable development principles, ensuring an integrated approach to the consideration of:

- social inclusion, recognising the needs of everyone;
- effective protection and enhancement of the environment;
- prudent use of natural resources; and
- the maintenance of high and stable levels of economic growth and employment.

Accessibility should be a key consideration in all development decisions. Most developments which are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking and cycling. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled. The Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. Priority should be given to the re-use of previously-developed ('Brownfield') sites in preference to the development of Greenfield sites, except in cases where there are no Brownfield sites available, or these Brownfield sites perform so poorly in terms of sustainability considerations (for example, in their remoteness from settlements and services) in comparison with Greenfield sites.

Planning Policy Statement 9 - Biodiversity and Geological Conservation

This sets out the statutory framework to safeguard natural heritage. The Habitats Directive is European legislation which requires member states to take measures to maintain and restore natural habitats. The PPS emphasises that the national wildlife heritage is not confined to designated sites. It is stated that statutory and non-statutory sites, together with countryside features which provide wildlife corridors, links or stepping stones from one habitat to another, all help to form a network necessary to ensure the maintenance of the current range and diversity of flora fauna and land form features and the survival of important species.

Planning Policy Guidance 13 - Transport

For new developments, PPG13 suggests that maximum levels of car parking provision should be set for broad land-use classes and locations, but it is unlikely to be appropriate, in future, for development to be provided with as many car parking spaces as there are employees. In this way, reduced levels of parking will act as a demand management tool as part of package of measures designed to influence and encourage more sustainable travel behaviour. Housing development should be located wherever possible so as to provide a choice of means of travel to other facilities and where there is a range of transport provision. The overall strategy should be to avoid significant incremental expansion of housing in villages where there is a likelihood of predominantly car commuting to urban centres and where travel needs are unlikely to be well served by public transport.

The PPG advises that walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly those under 2 km. Cycling has the potential to substitute for short car trips, particularly those under 5km.

National Planning Policy Framework: Consultation Draft.

This is a consultative document that will carry limited weight at present, but still needs to be considered. It incorporates the presumption in favour of sustainable development that is central to the policy approach in the Framework, as it sets the tone of the Government's overall stance and operates within and through the other policies in the document. Its stated purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers.

It does this by placing increased emphasis on the importance of meeting development needs through development plans, on the need to approve proposals quickly where they are in line with those plans; and on the role of the Framework as a basis for decisions where plans are not an adequate basis for deciding applications.

It requires local councils to allocate an additional 20% of sites against their five year housing requirement. The Government's policy objective is that local councils should plan to meet their full requirement for housing and ensure there is choice and competition in the land market to facilitate the delivery of homes on the ground. The preferred option is that local councils identify additional 'deliverable' sites for housing. The proposal is for this to be a minimum additional 20 per cent on top of current five year land supply. For example, in the first five years, local councils should identify sites to meet at least 120% of the annual housing requirement.

Charnwood's Supplementary Planning Documents

Leading in Design (SPD) seeks to encourage, promote and inspire higher design standards in new development throughout Charnwood and, amongst other things, at Appendix 4, sets out Space Standards for Residential Development.

Affordable Housing (SPD) clarifies the Local Plan policies on affordable housing and increases the proportion of affordable homes the Council will seek on a new housing scheme to a minimum of 30%. It sets clear guidelines about how the Council will determine the type and tenure of dwellings as well as their design and layout.

Developer Contributions (SPD) sets out the circumstances that might lead to a need to require a contribution to the provision of infrastructure, community services or other facilities. However, recent appeal decisions have confirmed that Inspectors will not support obligations (even if agreed by the appellant) unless the planning authority can demonstrate that they are specifically related to the proposed development. Regulation 122 of the CIL Regulations introduced on the 6th April 2010 prescribes the limitations on the use of planning obligations. Accordingly it is unlawful for a planning obligation to be taken into account when determining a planning application for a development that does not meet all of the following tests:-

1. It is necessary to make the development acceptable in planning terms.
2. It is directly related to the development.
3. It is fairly and reasonably related in scale and kind to the development.

The advice is that local planning authorities should ensure that the policy tests are set out in the committee or delegated reports where a section 106 agreement is to be negotiated. The obligations should be reasoned in the reports in light of the tests and clear advice that if the contributions do not satisfy the tests, that no weight should be attributed to them in the decision making process. There is a substantial risk that a decision to grant planning permission could be challenged as being unlawful if the planning authority cannot demonstrate that the tests have been met.

The Local Development Framework

The Council is in the process of preparing a Core Strategy for the Borough. In October 2008 the Council published the Core Strategy Further Consultation document and this set out a proposed approach to development in rural areas. This consultation document identified Loughborough and Shepshed as a new sub-regional centre and promoted sustainable urban extensions as a way of dealing with housing need. No further progress with the Core Strategy in terms of identification of sites suitable for meeting future housing need was made at that time, but work on a Core Strategy has been renewed and a consultation draft is expected to emerge in the summer 2012. It is not anticipated that the broad strategy as set out in 2008 will change markedly. Whilst it is important to emphasise that the Core Strategy has limited weight at

this stage in its preparation, the evidence base used to inform the preparation of the consultation document is a material consideration.

Settlement Hierarchy

As part of the work to provide an evidence base for the Core strategy, the Council undertook an exercise in 2007, updated in 2009, designed to identify those settlements in the Borough which might form the basis of a sustainable pattern of new development for the future. A review of the ranges of services and community facilities in each settlement led to the development of a hierarchy of settlements that could be applied in the context of policy 3 of the Regional Plan. Whilst the hierarchy carries limited weight, the data that supported it is still relevant and material.

Strategic Housing and Land Availability Assessment (SHLAA)

This sets out the possible locations for new housing developments. This is a policy neutral document and considers the theoretical potential of sites. It does not form part of the Development Plan and forms part of the evidence base informing the preparation of the Core Strategy only. The site is one included in the SHLAA as having no fundamental physical characteristics that would prevent development. Inclusion in the SHLAA does not pre-suppose that permission should be granted.

Other Material Considerations

The development has been considered in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, and it has been concluded that this is a proposal that would not be likely to have significant effects on the environment, within the meaning of the Regulations, given the scale and type of development and the location of the site on the edge of the settlement of Shepshed and adjacent to existing housing. Accordingly the planning application for this development does not to be accompanied by an Environmental Statement.

The Crime and Disorder Act 1998 places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of this planning application.

In March 2011, the government published its Planning for Growth statement which sets out steps that the government expects local planning authorities to take with immediate effect. These included the promotion of sustainable economic growth, to plan positively for new development, to deal favourably with applications that comply with up-to-date plans and national planning policies and to approve them where plans are out of date. Housing should be facilitated on a flexible and responsive supply of land. The statement indicates that the Secretary of State for Communities and Local Government will attach significant weight to the need for economic growth and employment in determining applications that come before him.

In 2008, the County Council, with financial support from the National Forest, East Midlands Development Agency and the East Midlands Regional Assembly, published the Charnwood Forest Landscape Character Assessment (CFLCA), which provides a detailed study of the landscape of the area and focuses on the southern fringe of Shepshed. It divides the Forest into seven Character Areas and the application site falls within the Charley Character Area, the key characteristics of which are its rolling land form, rocky outcrops, pockets of heathland, heavily wooded slopes and pastoral farming, with rough grazing in large fields. Built form is generally sparse. Settlements on the fringes of the character area appear indistinct due to mature woodlands on higher ground. For the area south of the Ashby Road in Shepshed, it records the presence of the residential areas. It recommends the creation and enhancement of the gateways to the town and the retention of views from the south and south west fringes of the town towards the higher ground. The urban edge should be softened with woodland, and boundary hedges should be reinstated.

The County Highway Authority has adopted a Design Guide for new development which contains, in Section DG6 : Public Transport, advice that pedestrian access to bus routes should generally, in urban areas, be a maximum of 400m and desirably no more than 250m. In rural areas the walking distance should not be more than 800m.

Relevant Planning History

There is no relevant planning history for the site itself.

Responses of Statutory Consultees

The Highway Authority

There has been considerable discussion between the applicant and the Highway Authority. The Authority has now confirmed that it is of the view that the applicant has failed to demonstrate that an appropriate and safe vehicular access would be provided to the proposed development and the proposal, if permitted, would consequently result in an unacceptable form of development and could lead to dangers for road users. The Authority advises that the applicant's consultants have recently submitted a stage 1 safety audit in respect of the proposed mini roundabout access. The stage 1 safety audit identifies problems and makes recommendations. For example it is recommended for problem 3.1 that consideration be given to "extending the 30mph speed limit further to the south, although this may be difficult to enforce and may not be supported by the Authorities". This last statement is true and the relocation of the speed limit cannot be guaranteed. It is considered that the 85%ile speeds are high and it is not felt that the measures proposed and recommendations made in the safety audit report are in themselves sufficient to reduce vehicle speeds to an acceptable level. The details submitted do not demonstrate with sufficient clarity that heavy goods vehicles could satisfactorily negotiate the mini-roundabout at the entry to the

site. The proposed access arrangement is therefore not acceptable and if implemented would be hazardous to road safety.

The Highway Authority also indicates that assessments of capacity at this junction show that there is some impact at this junction, but it is considered that the computerised system that maximises the efficiency of the traffic lights in relation to demand at that junction could be re-validated upon completion of the development, if it were to be permitted, and a contribution of £2500 would therefore be appropriate if the development was granted permission.

The County Council's Passenger Transport Unit comments that the four nearest bus stops, the pair at the Brick Kiln Lane junction and the pair nearest to the Iveshead Road junction do not benefit from raised kerbs and timetable cases and contributions are therefore sought toward improvements. To comply with Government guidance in PPG13, PPS1 and circular 05/05 the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use:-

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £50.18 per pack).
- 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); 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 (can be supplied through LCC at (average) £331.20 per pass - NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).
- Improvements to 4 nearest bus stops including raised and dropped kerbs to allow level access) to support modern bus fleets with low floor capabilities - at £3108.00 per stop.
- Information display cases - at £138.00 per display.

The Highway Authority also expresses concern about the sustainability of this site. There are no bus services serving the site or in close proximity to the site. The bus stops on Ashby Road near the Iveshead Road junction are some 800 metres away from the site (although the stops at the Brick Kiln lane junction are some 650 metres away). Apart from the nearby Public House, there are no other services near the site and the services in Shepshed are further away. The nearest schools are more than 2km away. It is recognised however, that employment sites are nearer although these are located to the north of Ashby Road. The Planning Authority may wish to consider the issue of sustainability when determining the planning application.

The Highway Authority concludes, however, by advising that it would look at the application favourably if more robust and appropriate proposals were put forward to reduce 85%ile vehicle speeds to an acceptable level in the northbound direction along Iveshead Road near the proposed access.

The Environment Agency does not object to the development on flood risk grounds. It recommends conditions to be attached to any permission.

Severn Trent Water does not object to the application provided the details of drainage are agreed before the development commences. It confirms that the water treatment work has more than sufficient capacity and that any re-inforcement of foul sewerage can be agreed and implemented under its own legislation.

The Shepshed Town Council objects on the grounds that:

- The site is a greenfield site
- The development would encroach on the Charnwood Forest.
- Iveshead Road is unsuitable for additional traffic especially because of congestion for emergency vehicles.
- The existing estates are prone to flooding.
- Drainage is a concern.
- The site is too far from social and community facilities and the site is unsuitable for affordable housing for this reason.
- Emergency off Brick Kiln Lane is unacceptable.
- Hedgerows would be removed with the loss of wildlife.

The Town Council has confirmed that it supports the recommendation to refuse permission from the County Highway Authority and reiterates its view that the site is not in a sustainable location.

The Town Council asks to be consulted about the terms of a Section 106 agreement, should permission be granted.

Other Responses

The Primary Care Trust identifies a need for the reinforcement of healthcare provision at the GP practise at Leicester Road and requests a financial contribution of £33,423.

Western Power Distribution has no objection to the development, although it draws attention to the fact that it has equipment within the site boundaries.

The Constabulary's Architectural Liaison Officer advises that crime levels in the area are generally low and makes recommendations on aspects of the layout of the development. He has no objection.

The County Council has requested contributions to library services. There is no request for contributions to education or for civic amenity sites, as local schools and the local civic amenity site have spare capacity.

The Council's Environmental Health Manger has no objection but recommends conditions to be attached to any permission relating to nuisance from the construction works.

The Friends of Charnwood Forest objects to the proposal. It has worked to establish the first landscape Character Area for the Forest and to create a Forest boundary. The site is within the boundary and should be protected. Any new development needed should go to the north of the town.

The Loughborough and District Cycle Users Campaign expresses the view that the site is badly situated for sustainable travel being so far from the town centre. Bus stops are more than the recommended 400m away. The site is within cycling distance, but the return journey would be uphill. Measures should be taken to enforce traffic speeds. Cycle access from Brick Kiln Lane would be desirable, but the route then along Ashby Road would be undesirable.

The National Forest Company supports the woodland planting along the southern edge of the site. The retention of the footpath is also supported. It wishes to see the potential for woodland footpath links to be created north and south to adjacent land.

The LCC Rights of Way Officer is pleased to see the retention of the footpath link. He recommends that improvements be made to its width and to the signage of the facility.

The Council's Senior Ecologist advises that the site layout shown on the Revised Site Development Framework Plan provides better habitat connectivity along both east-west and north-south axes than previously proposed, and this should enable species, including the great crested newt, to commute and disperse. It will be important for the final layout to retain the open space elements and swales shown along the eastern boundaries, next to dwellings off Jolly Farmers Lane, the small area next to the bend in main access road and along the retained footpath. The layout would be further enhanced with a wider belt of open space along the northern boundary and a section of public open space along the west end of the southern boundary to complement the proposed area of woodland open space along this boundary.

The Additional Ecological Statement includes development design recommendations, which include the provisions of swales, seeding of the swales, provision of culvert pipe beneath the roads, offset gully pots and dropped kerbs, raised tables within the roads, construction of 4 hibernacula and provision of wildlife habitats. These principles are acceptable but the precise details (based on these principles) will need to be agreed with the Local Planning Authority at the reserved matters stage.

If planning permission is granted, conditions should be attached that ensure that:

- the site layout is broadly in accordance with the Revised Site Development Framework Plan (showing proposed open space areas, swales, drainage basin and woodland planting), with enhanced open space provision along the northern and south-western boundaries.
- development is in full accordance with the principles contained in the

Additional Ecological Statement ref 4665/KG dated 13 December 2011.

- special landscape conditions are imposed to include the recommendations of the Additional Ecological Statement ref 4665/KG dated 13 December 2011.
- a Wildlife Management Plan of the open spaces/ swales / drainage basin / woodland areas is agreed and implemented, and
- the existing ash tree and hedgerows are retained and protected.

Because of the presence of great crested newts in close proximity to the development site, the applicant must obtain a licence from Natural England, in line with the Conservation of Habitats and Species Regulations 2010, prior to the commencement of development work on site.

Local Reaction

There were some 69 letters from residents of the area representing 62 properties, in relation to the original submission. The issues raised by them are set out in the summary below, broadly in descending order of the frequency with which the issues are raised.

- Extra traffic introduced onto Iveshead road would cause danger to highway users because of the speed of traffic entering downhill into the town from a brow of the nearby hill, and because of nearby junctions and accesses. There would be congestion caused and additional pollution from the new traffic.
- The site is a long way from local amenities, services and employment, and the lack of a nearby bus service will necessitate the use of the private car, which is unsustainable.
- The development would involve the loss of a rural, Greenfield site, which some describe as Green Belt.
- The site lies on the edge of Charnwood Forest and the National Forest and as such the development would have a seriously detrimental effect on the character of the landscape of the Area of Particularly Attractive Countryside.
- The development would involve the loss of valuable agricultural land which has provided food for the local area.
- There is no need for further housing here. There are new dwellings as yet unoccupied in the locality and many older unoccupied dwellings and the development is therefore not needed.
- The areas of Jolly Farmers Lane and Moscow Lane are already subject to occasional flash floods and the development could make this situation worse if its drainage is not adequate. Recent new development has raised the water table, putting the area at a greater risk of flooding.
- The new junction with Iveshead road would be unsafe because of the narrow footpaths in the area and the lack of visibility and because it would clash with the access to Iveshead Lane opposite, which would make it difficult for horse users of the lane.

- The development would cause the loss of rural amenities and have a detrimental visual impact, particularly from the southern approach to the town on Iveshead Road.
- Brownfield sites should be used before Greenfield sites. There are sites in Shepshed that should be developed first, e.g. the car auction site on Charnwood Road.
- The application involves more houses than was the case when the pre-application exhibition was held in the town. If this is due to the need to provide affordable housing, this is the wrong place for affordable housing because of the distance from local services and amenities.
- The four houses proposed on Brick Kiln Lane would cause additional traffic and congestion at the junction of the Lane with Ashby Road. The Lane has no footpaths.
- The site is in open countryside.
- Iveshead Road is used as a “rat run” to avoid traffic light junctions on Ashby Road and already creates congestion on the highway. Emergency vehicles also use the route and may be impeded by that congestion.
- The site is too far away from schools and therefore all school trips would be by car, which is unsustainable.
- Public transport is distant from the site and would not be used, which make the site unsustainable.
- The development would cause additional noise and disturbance for local residents.
- The site is at the doorway into the National Forest and as such should be protected.
- The development would have a detrimental effect on wildlife in the hedges that run through and around the site.
- Local community facilities could not cope with the extra demand for services that the development would cause.
- The houses would be out of style with the area because they would not have the variety that exists immediately around.
- The development would create a precedent for other sites to be developed and discourage the development of brownfield sites.
- Low cost housing should not be provided on the site because of the distance from local facilities.
- The development would contain no bungalows. To have all houses would be overbearing on the landscape and out of character with the immediate area.
- The development would have a detrimental effect on local wildlife, particularly on bats, badgers, birds and great crested newts, which inhabit the area.
- The development would cause loss of privacy for existing residents.
- The footpath through the development would not have priority for pedestrians, as a present.
- The development would cause light pollution generated by street lighting and the lighting of individual properties.
- The development would not improve the character of the area.

- Parking problems would be created in Iveshead Road and on the housing roads, because there would not be sufficient for each dwelling. A local example of this is quoted by one correspondent.
- There should be larger houses in the scheme.
- The town centre should be improved first to provide services and facilities.
- The A512 Ashby Road does not have the capacity to cater for the traffic from the development.
- There have been refusals of permission for individual dwellings on nearby sites that indicate that this application should be refused.
- The Jolly Farmers Lane junction with Iveshead Road is inadequate in terms of visibility. The existing (retained) footpath would continue to use this route.
- There would be inadequate electricity supply
- The site should not have been included in the Council's Strategic Housing Land Availability Assessment. Other sites in the assessment would become vulnerable.
- There should be a local referendum on whether the site should be developed. The Borough Council should listen to local people.
- The traffic assessment figures in the applicant's submission are suspect.
- Schools in the area have insufficient capacity.
- The development would increase crime in the area.

Since the submission of the revised details, some 22 further letters have been received, many in response to the revisions, which included the mini-roundabout junction to the access road. The responses often re-state objections previously made but also include:-

- objections to the new access design on the basis that it would be unsafe and would cause more accidents. It would not cater for emergency vehicles.
- the visualisation of the access submitted by the applicant is misleading because it does not show all the dwellings in the development.
- there are no bungalows in the development.
- the revised plan is a public relations exercise.
- the development should incorporate rain water harvesting and other eco-friendly measures to reduce flood risk.

One resident has submitted a challenge to the technical evidence in relation to the provision of a mini-roundabout, stating that it would contravene the recommendations in the Dept. of Transport Technical Document 54/07. The highway authority has been asked for its reaction to this letter.

One resident has submitted copies of correspondence with Nicky Morgan MP who provided them with copies of her correspondence with DCLG on the issue of the Draft National Planning Policy Framework and a copy of her speech in the House of Commons on the subject. These expressed concern about the application of a presumption in favour of sustainable development, the need to involve communities in planning decisions, the need for an

explanation of the intended relationship between neighbourhood and local plans, and a better understanding of what sustainable development actually means. The MP has not commented on the current proposal.

Two residents have responded to the views expressed by the Building for Life Assessor. They say that the design is at too early a stage to be assessed, and that the material produced by the developer so far is merely a public relations exercise. They reiterate their concerns about the sustainability of the location and indicate that they very strongly disagree with the views on the subject expressed by consultees that the site would be sustainable. They express concern that there are differing views in the responses from the different sections of the Borough Council which have been consulted, describing some of them as biased.

Consideration of the Planning Issues

The issues for consideration fall into the following broad categories:-

- The Principle of Development
- The Need for the Development
- The Delivery of the Development
- The Sustainability of the Development
- Impact on Highway Safety
- Landscape Impact
- Character and Design
- Impact on Residential Amenity
- Impact on Wildlife and Protected Species
- Drainage

The Principle of Development

Members will be familiar with the issues surrounding the granting of permission for sites beyond the limits to development and outside sites allocated for development in the adopted Local Plan. When seen in the light of the adopted Local Plan, the development of this site would be contrary to the development plan. However, weight must be given to the material considerations that comprise the revised guidance in PPS3, and the current position regarding the supply of housing land in Charnwood. National guidance advises against resistance to sustainable development outside the scope of current development plans on the basis that giving permission would be premature to the emerging new Local Development Framework. Evidence from appeal decisions (for example at Stanage Road, Sileby) indicates that Inspectors apply considerable weight to the PPS3 housing supply situation in reaching their decisions.

The Need for the Development

PPS3 gives clear advice to planning authorities as to the importance that is placed on being able to demonstrate the existence of a 5 year supply of

developable land. The Draft National Planning Policy Framework, whilst endorsing the need for development to be sustainable, continues that theme and imposes a stricter regime that requires, in effect, a 6 year supply.

Charnwood's current position is shown in the following table

Charnwood Borough Housing Supply Estimate 31st December 2011				
		Charnwood Total	PUA⁽¹⁾	Non-PUA
a	Regional Plan Housing Requirement (2006-2026)	15,800 790 per annum	6,600 330 per annum	9,200 460 per annum
b	Completions (2006-2011)	3,810	685	3,125
c	Expected Completions (2011-12)	605	108	497
d	Completions 06-11 and Expected Completions 11-12(b + c)	4,415	793	3,622
e	Residual Requirement 2012-2026 (a – d). (11,385 \ 14 years = 813)	11,385 813 per annum	5,807 415 per annum	5,578 398 per annum
f	Requirement for 5 years 2012-2017, (5x 813 or 415 or 398).	4,065	2,075	1,990
g	Expected supply of deliverable sites (planning permissions likely to be built 2012 -2017)	2,262	447	1,815
h	Surplus over requirement (g - f)	-1,803	-1,628	-175
i	Number of years supply (g divided by 813 or 415 or 398).	2.78 years	1.08 years	4.56 years

Notes:

1. The PUA is defined in Policy Three Cities SRS 1 of the adopted Regional Plan (2009). In Charnwood Borough, Birstall, Thurmaston and a small part of Glenfield fall within the PUA.

This table represents the current 5 year supply situation, but does not anticipate the change that will happen in April 2012, when the next year's land supply requirement will be factored in, or the additional 20% that may emerge with the National Planning Policy Framework.

The Delivery of the Development

The developer has confirmed that he has control over the whole site and that he has the capacity to build the development out so that the granting of a

permission to address the shortage of housing land would be justified. His view about the delivery of the development is set out above.

Discussion has been initiated with the developer about the delivery of the affordable housing that needs to be an essential part of the scheme. There has been concern for some time about a flat development in the middle of the town that has been substantially built but not occupied, the development company having, it is understood, gone into liquidation. The affairs of the company are understood to be in the hands of the receiver. A number of residents have referred to this in their representations. It was thought to be appropriate to see if a development on the application site could be used to “unlock” this development and, in the process use it to provide a portion of the affordable housing. The development is required to make available 5 units as affordable units already. In simple terms, if an agreement can be reached with the parties concerned, the proportion of the town centre development this is affordable would be increased, possibly in the form of the rented element, leaving the remainder to be provided on the application site. The applicant is willing to pursue this approach, but clearly needs to know if his development on the application site will be permitted or not. If it is, then this approach can be taken forward further. A Section 106 agreement would be the vehicle to deliver this.

The Sustainability of the Development

Sustainability falls to be judged against the housing strategy the Council has, the location of the site in question, the quality of the development, its use of resources in terms of materials and in terms of making the best use of community resources and its performance in energy saving and energy consumption.

The 2008 LDF Core Strategy consultation report put forward a sustainable strategy of directing development to the principal urban area of the Borough, i.e. the Leicester City fringes in the first instance, then at a new sub-regional centre based on a Loughborough/Shepshed conurbation, and then in smaller settlements that have a degree of measurable sustainability based on the capacity of local services. As part of the work to underpin this strategy, a hierarchy of other settlements was prepared which gave effect to the sequential approach. In this hierarchy of sustainable settlements, Shepshed came second only to Loughborough, in terms of the range and amount of services and facilities available. Due to delays in the LDF process, a number of proposals have been considered in those other settlements in the upper range of sustainability in the hierarchy, and judgements have been made to grant permission. As yet no permissions have been granted in the most sustainable locations, as defined by the hierarchy. Of itself, this is not a reason to grant permission here, but the permissions that have been granted are material considerations for this decision.

The Council has granted permissions in Hathern (2), Sileby (1 and a permission granted on appeal in Sileby), in Anstey, in Rothley (2) and in Quorn. In terms of distances from primary school facilities the application site

performs very slightly worse (2.0km) than the sites at Quorn and Rothley (1.9km and 1.8km respectively) and more significantly worse than the remaining sites. In terms of middle and upper school services, however, the site performs well (2.7km) against (4.5km at Manor Holt, Rothley and 5.5km/6.9km at Stanage Road, Sileby). For local shopping it perform less well (1.6km), but for main shopping it is generally closer (2.2km against 3.5km for Meynell Road, Quorn and 3.6km at Shepshed Road, Hathern). For closeness to a main bus service (0.6km) it compares to one of the sites at Sileby (0.6km) and one at Rothley (0.8km), but worse than at the other sites. For medical facilities (2.0) it is equal to one of the Rothley sites, the other sites performing better. For allocated employment sites (0.6km) and a petrol station (0.9km) the application site scores very well against the other sites (2.0km – 3.2km), and for walking distance to a public house it is the closest.

The Appeal Inspector reporting on the Stanage Road Sileby appeal stated that, the Local Plan planned for a period that expired in 2006 and the Council accepts that it is unable to meet a significant proportion of anticipated housing need on sites within the existing urban frameworks or on previously developed land. There is therefore a need for some development to take place outside of the Limits of Development as historically defined and in the identified countryside, if Charnwood is to make provision for its future housing requirements. Such development, wherever it was to occur, would affect the character and appearance of the countryside. These considerations reduce the weight that should be given to the Local Plan designation and its allied policy. Furthermore, he said, at paragraph 8, Planning Policy Statement 7 emphasises the government's planning objectives for housing as set out in Planning Policy Statement 3: *Housing*, saying that it is essential to meet identified housing needs and to focus most additional housing on identified service centres. Sileby and Shepshed are identified service centres and the appeal site and the current application site is on its edge.

The point should be made that distance is not the only factor that is exercised in making choices as to where to obtain local services. Personal preferences and the sharing of trips for a variety of purposes exert considerable influence on these choices and thereby the sustainability of the site, and this must influence the judgement about the importance of distance as a measure of sustainability. The frequency of the use of the service that requires a trip to be made is also part of the judgment.

It is the merits of the application that need to be instrumental in the decision, but it is worth noting that, as sites close to services and facilities become used, suitable sites will be further away, particularly in smaller settlements where duplicating the facilities will rarely be justified. In larger settlements like Loughborough and Shepshed, peripheral sites are by definition likely to be further from centrally provided services.

This is an application for outline permission and therefore to a large extent the quality of the development can only be judged by the expressions of intent in the Design and Access Statement and the other accompanying documents. The expectations are dealt with in sections below. The Statement would

provide a basis for judgements about the development at the detailed (Reserved Matters) stages of the process

Impact on Highway Safety

This is the issue most often referred to in letters from local residents. The issue is whether on balance the development would cause material harm to highway safety, a judgment that must be made in the light of the current situation. A decision on the application can only be made on the basis of evidence of harm that would be caused by the development. The Highway Authority has formed the view based on the considerable body of evidence submitted and by applying its own expertise that the development would be likely to generate a worse situation and therefore it recommends refusal of permission on the grounds of the safety of the proposed junction, and this forms the basis of the recommendation below.

The Highway Authority's briefly expressed views about the sustainability of the site are noted and this is dealt with in more detail elsewhere in this report. The Highway Authority has not recommended refusal of permission on this ground. It does make recommendations about additional works to support public transport and sustainable travel, which would need to be captured by a Section 106 Agreement, if planning permission were to be granted.

Landscape Impact

It is acknowledged that the site borders the area of Charnwood Forest as shown in the adopted Local Plan, although it is not in it. The site lies in an area covered by the 2008 Landscape Appraisal. The Charnwood Forest Regional Park is not an entity recognised in adopted or draft planning policy, as such.

The site forms a tranche of open agricultural land divided by low hedges which have occasional hedgerow trees in them. A hedge and tree line borders Iveshead Road to the south, but there are extensive views of this open site from the road, with the low key benign backdrop of the residential areas between Iveshead Road and Brick Kiln Lane. It is a managed landscape formed largely from its cultivation. The northern boundary, which is visible from the footpath, does have the remnants of a dry stone boundary wall. This northern boundary represents a slight ridge before the land falls again to the north to the more recent development on Abbey Close. The buildings around the site do not exhibit appearances that are characteristic of Charnwood Forest. Having said that there can be no doubt that the openness of this land is seen as an amenity of considerable value by local residents.

The development would have a marked impact on this southern edge of the settlement. In its early years it would be very noticeable, as the woodland planned for the southern edge would take time to mature. However this is the case wherever new development is designed to have new structural landscaping. The issue is whether the managed character of this landscaped edge of the settlement is of such value as to make the process of new

landscape screening unacceptable here, whereas elsewhere it has been accepted. In the longer term the edge of the settlement would be better screened than it is now, with a small woodland that can be designed in the Charnwood Forest idiom.

In landscape terms, Shepshed is constrained on all sides by Charnwood Forest and National Forest designations to the south and west, often right up to the limits to development, by washland constraints to the north and west, and by separation from the M1 motorway to the east.

Topographical/landscape considerations make development to the west problematic as well. The application site is not the subject of these designations, although it is adjacent to the Forest designation as designated in the adopted local plan. The developer has sought to recognise the recommendations in the appraisal and has incorporated woodland planting on the southern edge of the development and has indicated a willingness to create a gateway of distinctive Forest character on the main road into the town

Character and Design

The surrounding housing development does not exhibit any particular characteristics that need to be recognised in the new development. It an eclectic mix of largely 20th century suburban development. The area of the Forest near to the site equally does not exhibit landscape characteristics that have made the Forest so distinctive. Only the hedgerows, manicured to the needs of agriculture, remain as landscape features. Otherwise the land is the lower slopes of the higher ground to the south where the more distinctive Forest landscape character becomes more established. The full details of the design of the development has yet to emerge, but the Design and Access Statement does indicate an intention to try to introduce development on the fringes that would introduce more distinctively “Forest” designs, use of materials and landscape details. The illustration of the character of the development around the new access demonstrates the approach to achieve this. The details will need to be the subject of further discussion and a desire to make it as authentic as a new development can reasonably be. The roadside location and the close proximity of the Jolly Farmer pub, one of the older buildings in the area, would maximise the benefit of the effort put into this.

Impact on Residential Amenity

There will clearly be an impact on the amenities of local residents. There would be additional traffic on Iveshead Road and to a small degree from the 4 houses proposed on Brick Kiln Lane. Views of the open countryside would be lost for some. There would be more pedestrian movement around the area. The issue is whether this could form the basis of a sustainable reason to refuse planning permission. These are impacts that occur with all new development, wherever it is located. The buildings in the development would be unlikely to be so close to nearby dwellings so as to cause unreasonable degrees of overlooking or over-dominance, judged in the context of current

design standards. To a considerable degree this would be an issue at the detailed planning stage.

Impact on Wildlife and Protected Species

The views of the Council's senior ecologist set out above are the result of discussion with the applicant's ecological consultant and changes to the layout of the development made by the applicant. With the measures that have now been included, her recommendation is that permission can be granted without serious harm to the ecological interest and she recommends a range of conditions which will give the mechanism whereby that interest can be protected.

Drainage

Concerns have been expressed about drainage, but consultations with Severn Trent Water and with the Environment Agency have not revealed any evidence to suppose that the development would inevitably make the local situation worse. Storm water discharges would be to the existing surface water sewer in Iveshead Road, via a sustainable drainage system that stores water on site at times of heavy rain and meters it slowly to the local drainage system to prevent surcharging. This is a well tried method of drainage. The direction of storm flows from the land would be likely to be reduced by the on-site drainage to piped systems that would be installed. Foul drainage would be to existing systems which Severn Trent Water has confirmed has the capacity to deal with it. If upgrading of the foul system is required, Severn Trent Water would have a responsibility to do this.

Developer Contributions

The application has identified the need for a number of measures to be taken to control aspects of the development and to deal with support for community facilities and services, should permission be granted. They have been discussed with the applicant and can be summarised as follows:

1. A contribution of £33,423 towards the reinforcement of healthcare provision in the town. This is pursuant to Policy ST/3 and the representations received from the PCT.
2. A contribution of £49,500 to support the provision of youth adult recreation in the town, in lieu of on-site provision, pursuant to Policy RT/4.
3. The provision of affordable housing by either (a) the provision on site of 21 dwellings as affordable housing (15 for social rent and 6 for other tenures as may be agreed); or (b) the provision of a commuted sum for the provision of rented affordable housing off site and the provision of 6 units for other tenures on site. This pursuant to policy H/5.
4. A contribution towards the reinforcement of library media provision in the town. This is pursuant to policy ST/3 and the consultation response from the LCC.

5. The provision of off-site highway improvements on Iveshead Road to regulate traffic speeds. This is pursuant to policy TR/6.
6. The provision of the cost of off-site foul sewerage reinforcement, in the event that it is needed to bring forward the commencement of the development in accordance with the terms of the planning permission, in the absence of STW resources at the appropriate time.
7. The operation of a travel plan to encourage the use of non-car modes of transportation by residents of the development. This is pursuant to policy TR/6 and the advice from the Highway Authority
8. The provision of a work(s) of art as part of the development. This is pursuant to policy EV/43.

Consideration of Local Opinion

The letters and other material submitted by local residents have been considered carefully. Many of the issues have been dealt with in detail in this report. The concerns about highway safety have been taken into account and the narrative evidence is now reflected in highway authority opinion and the recommendation reflects this. The landscape issues raised rightly expound on the merits of Charnwood Forest, but the site itself exhibits little of this at present and the development would be a way of establishing an edge to the town that exhibits far more of the Forest character to mitigate the impact of the development. The issues of drainage have been answered as a result the responses from the responsible statutory consultees. The sustainability of the site is a matter of judgement. The item sets out the view of the Head of Planning and Regeneration, but it is acknowledged that other views are taken. It is a matter of the wider policy context, the supporting evidence and the need to make consistent decisions on applications for edge of settlement release sites. The existence of empty properties in the locality is not a conclusive indication of the level of need for housing. There is always a percentage of housing that is unoccupied at any one time and the estimates of housing need take account of this. The case for a demonstrable need has been established by decisions taken elsewhere, by appeal decisions and by regular monitoring of the supply of new housing against currently adopted targets. Shortages in a range of local services have been addressed and the main need is for healthcare provision, which could be made a requirement of the development. Local schools have sufficient capacity, according to the Local Education Authority. The wildlife impact has been assessed alongside the views expressed locally and the conclusion reached that this could be mitigated by careful control over the layout and design of the development. The development would no doubt have an impact on the residential amenities of the area, but there is no substantial evidence to indicate that, for this site, this would be any more than is usual with new residential development on an edge of settlement site, the like of which has been permitted in other settlements. Whilst the views of local residents are understood, it is not thought that they could form the basis of sustainable reasons for refusal, other than as recommended below.

Conclusions

The central issue is the need to balance the requirement to make land available for new housing, as set out in PPS3 and other government statements against the considerations of impact on the landscape, highway safety and the other factors discussed above, including the views of the local community. The issue is whether this is a suitable site for development in the long term and whether the development would be sufficiently sustainable, taking into account the status that Shepshed has as a settlement in the Borough in current development plan policy and that which is emerging, and having regard for the decisions that have already been made which have also balanced these issues in other settlements, which in current policy terms are attributed with being generally less sustainable than Shepshed.

At the current time there is still, based on very recent analysis, an identifiable shortage measured against the 5 year, PPS3 target and certainly against the additional 20% target in the draft National Planning Policy Framework. Whilst this is only a consultative document, the indications are that it is likely that it will progress quickly to adoption and that, whilst there have been well publicised debates about the presumption in favour of development there has not been any serious challenge to the existence of the need for more housing and the need for the land for this to be in sustainable locations. The emerging Core Strategy will need to encompass these themes. Appeal decisions, including those in Charnwood, reveal the considerable weight that appeal inspectors are placing on the need for a supply of housing land, including, in the case of the Stanage Road appeal, against landscape considerations. It is concluded that the need for housing remains a consideration of very significant weight.

There will clearly be some landscape impact arising from a development on the application site. However the site is not in Charnwood Forest, it borders it, and the characteristics of the site, although of value as open countryside, owe little to vernacular Charnwood Forest characteristics. The indications in the submitted details is that landscape mitigation with a tract of woodland and other open spaces and a carefully considered streetscape/architectural approach at the entry to the development would, in the longer term, result in an edge to the town that reflects more faithfully, the character of the Forest than is the case at present. This clear delimitation of a characterful forest edge to the settlement could then be sustained against pressure to extend the town further south. An objection on landscape impact grounds would be difficult to sustain.

There is a judgement to be made about the sustainability of the location and the issues have been rehearsed above. In terms of the distance of the site from some local services and facilities, the site performs well in some respects and less well in others. Set against the full range, as applied to the sites where planning permission has been granted, the site performs averagely. It is however, adjacent to the second largest settlement in the Borough, which has been recognised as a sustainable location in work that has been done as part of the preparation for the Local Development Framework. It would result in the take up of spare capacity in education provision and therefore be sustainable, although other sites currently

proposed could also do this. The larger settlements in the Borough are generally considered to be the most sustainable, although this does mean that development on the edges of them is likely to be further from centrally provided services. It is often the case that not all land around the periphery of a sustainable settlement has the potential to accommodate development without conflicting with some environmental or other constraint. Overall it is concluded that the evidence points to the proposal being part of a generally sustainable pattern of development and that it would be difficult to demonstrate at appeal that, overall, this was not the case.

However the recommendation of the Highway Authority remains and needs to be fully weighed against the other material considerations. It would be clearly unacceptable for the access to the development to be unsafe. Any merit the development would have in being able to bring forward highway safety improvements, which might otherwise be a matter to weigh against the intentions of development plan policy, is compromised.

It is concluded, therefore, that planning permission should be refused.

RECOMMENDATION

That planning permission is refused for the following reasons:

1. The Local Planning Authority is of the view that the proposed access arrangement is not acceptable and if implemented would be hazardous to road safety. The applicant has failed to demonstrate, notwithstanding the amended design of the access, and the submission of a Stage 1 Safety Audit, that the proposed vehicular access and the accompanying traffic management measures would reduce 85 percentile speeds on Iveshead Road to an acceptable level for the safe operation of the proposed access, or create sufficient space for the satisfactory manoeuvring of heavy goods vehicles through the junction. As such the development, if permitted, would result in an unacceptable development which would lead to unwarranted dangers for all road users and, thereby, be contrary to the intentions of saved policy TR/6 of the adopted Borough of Charnwood Local Plan.

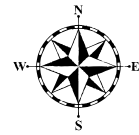
2. The Local Planning Authority is of the view that the development, as indicated in the submitted Design and Access Statement, and in the supplement received by the authority on the 11th December, would make too little provision for the provision of an open space/landscape treatment of the northern boundary of the site and that, as a consequence, the development would be unduly prominent in views from the north and south, to the detriment of the visual amenities of the area and in conflict with the intentions of policies EV/1 and H/16 of the adopted Borough of Charnwood Local Plan.

3. Policy ST/3 of the Borough of Charnwood Local Plan indicates that developers should contribute to the cost of infrastructure and facilities required to support development. This is in accordance with advice contained in Circular 05/2005 which has in part subsequently been given legislative

effect in the Community Infrastructure Levy Regulations 2010 (as amended). Contributions to highway improvements, public transport, library facilities, health facilities, youth/adult recreation provision, are required, along with the provision of affordable housing at a rate of 30% of the total number of dwellings, which would need to be secured by a Section 106 Agreement. At the time of the decision of the application, no completed agreement under Section 106 of the Town and Country Planning Act is in existence. The proposal is therefore lacking in the provision of these facilities that would have been secured through the contributions. The development could not be controlled by conditions to deliver these facilities and, therefore, in the absence of a mechanism that secures appropriate contributions to mitigate the harm to the provision of infrastructure the development would place unacceptable burdens on the provision of public facilities in these areas and would not, therefore, fulfil the requirements of saved Policies ST/3, H/5, TR/6, RT/4 and RT/5 of the Adopted Borough of Charnwood Local Plan.



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Application No: P/11/1583/2
Location: Land off Iveshead Road, Shepshed
Scale: 1:5000

