

Proof Of Evidence Summary.

Evidence of Clare Clarke BA (Hons) MA MRTPI

In Respect of Land North of Barkby Road, Syston.
On behalf of Taylor Wimpey UK Ltd.

Date: 24 October 2023 | Pegasus Ref: P20-3155

Appeal Ref: APP/X2410/W/23/3325902 | LPA Ref: P/21/2639/2

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1. Introduction

- 1.1. My name is Clare Elizabeth Clarke. I am an Associate Planner at Pegasus Group, a development consultancy with offices throughout the country. I hold a Bachelor of Arts Degree with Honours in Geography from Leicester University and a Master of Arts in Town Planning from University of Central England (now Birmingham City University). I am a Member of the Royal Town Planning Institute.
- 1.2. The evidence I have prepared and provide to this Inquiry on behalf of Taylor Wimpey UK Ltd is true and given in accordance with the code of conduct of the Royal Town Planning Institute and I can confirm that the opinions expressed are my true and professional opinions.

2. The Development Plan and the NPPF

- 2.1. The proposed development is in compliance with the majority of the relevant policies in the adopted Development Plan including Core Strategy Policy DS1 (Development Strategy), DS3 (Strategic Housing Needs), DS17 (Sustainable Travel) and DS18 (The Local and Strategic Road Network). The proposals do, however, breach the significantly out of date saved Local Plan policies relating the limits to development and countryside (ST/2, CT/1 and CT/2) and the Minerals and Waste Local Plan Policy M11 (Safeguarding of Mineral Resources).
- 2.2. It is a matter of common ground, however, that the policies most important to the appeal proposal are out of date and accordingly, the tilted balance set out in Paragraph 11 (d) of the Framework's presumption in favour of sustainable development is engaged. For decision-taking this means that planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 2.3. Charnwood Borough Council are unable to demonstrate a five year supply of deliverable housing land, with the latest update identifying a supply of 4.27 years at 1st April 2023 (CD10.02). This is a substantial shortfall of 1,161 homes over the next five years 2023–2028.
- 2.4. The site is in a sustainable location and included in the emerging and advanced Local Plan as a draft allocation, reference H3: Land North of Barkby Road for 195 homes (CD7.01 and CD7.02). The Local Plan is at Examination with a post hearing consultation currently underway and it is anticipated that it will be adopted in 2024.

3. Withdrawn Reasons for Refusal

- 3.1. An appeal against non-determination was submitted in July 2023, and to inform the Council's Statement of Case, the application was reported to plans committee on 17th August 2023.
- 3.2. The Plans Committee Members resolved that, had they had the opportunity to determine the application they would have refused planning permission for the reasons presented in the Officers report at 11.1, CD4.01, and summarised below with a summary of my evidence for each one:

The proposed development being outside the limits to development for Syston

The evidence presented in the full proof outlines that the proposed development is a breach of the Borough of Charnwood Countryside saved policies; however these policies no longer reflect the position on the ground or take account of an up-to-date assessment of need and the council cannot demonstrate a five year supply of deliverable housing land. The Borough of Charnwood Local Plan saved policies ST/2, CT/1 and CT/2 are therefore substantially out of date and the confliction with policy is therefore attributed limited weight.

The proposed development is within a Mineral Safeguarding Area

The site is within Minerals Safeguarding Area and the application was not supported by a Minerals Assessment, contrary to Minerals and Waste Local Plan Policy M11. The site has however been assessed as part of the Local Plan process and this assessment considered the need to avoid unnecessary sterilisation and balanced the impact on mineral areas with other factors to identify allocation sites. The council found as part of the Local Plan process that the benefits of this site across a range of sustainability criteria outweighed the impacts on minerals. This confliction with policy is therefore attributed limited weight.

Insufficient levels of archaeological investigation

It was common ground that trial trenching should be undertaken. An Archaeological Evaluation Report was submitted on 6th October 2023 (CD2.19) and a final report on the 23rd October 2023 (CD2.20). The final report concludes that the heritage interest identified can be properly safeguarded by attaching a condition to any consent granted requiring the archaeological excavation and recording and therefore the appeal proposal accords with Policy CS14.

Failure to agree Planning obligations with Leicestershire County Council in relation to Highways and Sustainable Travel

In relation to Policy CS17 and the requirement for new or enhanced bus services where new development is more than 400m from an existing bus stop is to be met through a contribution towards highway mitigation to be secured through the Section 106 Agreement which can be used to improve the bus service and highway capacity, in accordance with Policy CS17 and CS24.

Lack of Section 106 Agreement

A Draft Section 106 has been prepared and is being negotiated with the Borough and County Council.

- 3.3. On 12th September 2023 the Council published a delegated decision by the Head of Planning and Growth (CD4.04) which withdrew all of the Reasons for Refusal in relation to the appeal site on the basis of the Highway Authority response received on the day of Committee.
- 3.4. The Updated Statement of Common Ground (CD9.08) confirms that the outstanding matters on planning obligations in relation to highway mitigation have since been agreed. There now only remains the matter of the affordable housing tenure mix and in particular

the role of First Homes, as a matter of disagreement but which the Appellant and Council are continuing to work to resolve.

4. Planning Balance

- 4.1. It is common ground that the tilted balance set out in the Framework's presumption in favour of sustainable development at paragraph 11 (d) (ii) is engaged on two counts. Firstly, as some of the most important policies with respect to the supply of housing, and relevant to the appeal, are out of date. Secondly, the Council is unable to demonstrate a five-year supply of deliverable housing land.

Benefits of the Development

Social Benefits

- 4.2. This development would deliver substantial social benefits. It will make a significant contribution to housing supply and towards meeting the immediate housing needs arising within the Borough, and in the context of a significant shortfall in deliverable housing land.
- 4.3. It will provide a mix of market properties, 30% affordable homes, and deliver housing in a sustainable location, contributing toward highway improvements.

Economic Benefits

- 4.4. There are a number of economic benefits created by the scheme that include construction related economic benefits, employment opportunities, household expenditure and contributions to council tax.

Environmental Benefits

- 4.5. The scheme makes efficient use the land whilst providing environmental benefits incorporated into the significant areas of open space within the proposed layout, including retaining and strengthening existing hedgerows where possible and providing new habitats and achieving a net gain beyond the upcoming requirement for 10%.

Adverse Impacts

- 4.6. The proposal breaches limits to development and encroaches into the Countryside, as defined by the substantially out of date Saved Borough of Charnwood Local Plan policies adopted in 2004.
- 4.7. In relation to the Mineral Safeguarding Area conflict, the site has been assessed through the Local Plan process and the Council have found that the benefits of this site across a range of sustainability criteria outweighed the mineral impact.
- 4.8. The proposed development would result in a degree of landscape change within the immediate context of the site. However, the Landscape and Visual Appraisal (CD1.19) of the site found that the impacts would be localised and that proposed development is entirely consistent with the settlement edge landscape character and would not therefore result in any contraventions with local planning policy.

- 4.9. The potential to harm archaeology on the site has been mitigated by site investigations and can be further mitigated through the proposed condition.
- 4.10. Whilst the proposed development would result in increased vehicular movements, the Transport Assessment found that there are no material impacts arising in the context of the operation of the highway network, highway safety or residential amenity. The proposed development therefore has no material harm on the highway which needs to be considered in the planning balance.

5. Conclusion

- 5.1. The appeal proposal is located east of the sustainable settlement of Syston, adjacent to the limits of development identified in the substantially out of date saved policies of the Borough of Charnwood Local Plan.
- 5.2. In the circumstances of this appeal, paragraph 11 (d) of the NPPF is engaged.
- 5.3. I believe that the appeal proposal represents sustainable development where the limited adverse impacts identified fall substantially short of significantly and demonstrably outweighing the benefits of the scheme when assessed against the NPPF and the Development Plan.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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