

Item No. 3

Application Reference Number P/20/1952/2

Application Type:	Full	Date Valid:	15 th March 2021
Applicant:	Fort Estates		
Proposal:	Full planning application for the development of 25 dwellings (Partial redesign of layout and house types approved under reserved matters application P/17/0246, with addition of 4 plots (37 total))		
Location:	Land at Oakley Road & Hallamford Road Shepshed LE12 9AU		
Parish:	Shepshed	Ward:	Shepshed
Case Officer:	Mohammed Akram	Tel No:	07595464216

Background

This application has been brought to plans committee as it relates to a major housing development, outside current limits to development and is considered a departure from the Development Plan as it is recommended for approval.

Description of the application

Outline planning permission with access only was granted under application ref: P/13/1838/2 for the erection of 33no. residential dwellinghouses associated works subject to conditions and completion of a Section 106 Legal Agreement to secure affordable housing, education, open space, community and infrastructure benefits. The original s.106 Legal Agreement secured 30% affordable housing (75% affordable rent & 25% Shared ownership). The outline approval was granted with decision issued in November 2015.

In 2017, approval was granted under application ref: P/17/0246/2 for Reserved Matters for layout, landscaping, scale and appearance. The development approved has been implemented with the access road (central spine) from Oakley Road constructed/ laid out and a total of 12no. dwellings constructed (11no. occupied) on site. There have been various applications made to discharge conditions attached to both Outline and Reserved Matters permissions (ref: P/13/1838/2 and P/17/0246/2).

This current full planning application seeks permission for the erection of 25no. dwellings (Use Class C3) on the remainder of the site (the western section). This application coincides with the unimplemented section of the site and would result in a partial re-design of the layout approved under Outline and Reserved Matters permissions (ref: P/13/1828/2 and P/17/0246/2), where development has not taken place. The current application would result in the addition of 4 plots/ units to the previously approved and implemented planning consents (Overall total of 37 units on site). The submitted Proposed Site Layout (Rev E) clearly illustrates which units have been erected and that land is outlined in blue.

The comparison between the approved scheme under Outline/ Reserved Matters and this current full planning application would result with the following housing mix/ additional units:

- Plot 23 (Approved plans) - Removal of large 4-bed detached dwelling with garage (house type 1625) with replacement of 2no. smaller three-bed detached dwellings (house type 1388) on Plot 22-23 as per current site layout plan.
- Plot 22 & 19 (Approved plans)– Change of house type for 4-bed dwelling (House type no. 1033 replaced with no. 1924) for Plots 18 & 20 as per current site layout plan.
- Plot 16 (Approved plans) - Removal of 4-bed dwelling with garage (House type 1625) with two smaller 3 & 4-bed detached dwellings with garages (House type 1275 & 1405) on Plot 14 & 15 as per current layout plan
- Plot 16 & 17 (Approved Plans) – Installation of new garage and modification to parking layout
- Plots 14 and 15 (Approved Plans) - Removal of 2no. large 4-bed dwellings with garages (House types 1625 and 1575) with 4no. smaller three-bed semi-detached dwellings and modification to parking layout (House type 900) on Plots 10-13 on current site layout plan.
- Plots 9-13 (Approved plans) – Layout changes to re-site dwellings, parking layout and extension of planting verge along central spine road (now plots 6-9 on the current site layout plan)
- Plots 4-5 (Approved plans) – 2 no. pairs of semi-detached dwellings (House type 2B(R) and 3B(R)) to 4no. terrace block (House type 2B(R) and 3B(R)) with modification to parking layout and creation of landscaped area along central spine road

The following supporting documents/ plans have been submitted for this application:

- Design and Access Statement
- Material Schedule
- Land contamination report
- Construction method statement
- Transport Assessment
- Ecology correspondence/ addendum
- Arboricultural Method Statement/ Tree protection plan

Description of the site

The application site is located in open countryside immediately outside and adjacent to the Limits to Development for Shepshed, which is defined by the Charnwood Core Strategy Policies map (2011-2028), immediately bordering the current extent of built development on the east side of Oakley Road. It is bordered to the southwest by Hallamford Road, a “sunken lane” with an enclosed character, where there is also a broad dense hedgerow/tree belt within the application site boundary. The site falls from east to west from Oakley Road down to the Black Brook which flows in a south to north direction. The land immediately adjacent to Black Brook has been excluded from the application site but remains within the applicant’s ownership. The application site is situated within Flood Zone 1 and the land adjacent to Black Brook (outside the application site) is within Flood Zones 2 and 3.

The site was previously used as equestrian land comprising a paddock, with a stable block surrounding a courtyard and a manège area located towards the southeast boundary. There

is extant permission for this site with Outline and Reserved Matters planning consents (ref: P/13/1838/2 & P/17/0246/2) implemented for residential development with access road and 12no. dwellings built out (11 occupied) as detailed above. The total site area is approximately 1.63 ha, with 0.51ha of this area already developed under Reserved Matters application P/17/0246/2. Although emerging Charnwood Local Plan (2021-2037) currently carries limited weight, the emerging policies map includes the site within the settlement boundary of Shepshed. Sites adjoining the application site to the north/ northwest and southwest are proposed Housing Allocations (HA32, HA33, HA34 & HA35) in the emerging Local Plan.

The surrounding area to the northeast and southeast is residential in character. The site is also located within 600m of Shepshed town centre.

Development Plan Policies

Charnwood Local Plan 2011-2028 Core Strategy (November 2015)

Development Plan policies relevant to the determination of this planning application are set out below:

- Policy CS1 Development Strategy
- Policy CS2 High Quality Design
- Policy CS3 Strategic Housing Needs
- Policy CS11 Landscape and Countryside
- Policy CS12 Green Infrastructure
- Policy CS13 Biodiversity and Geodiversity
- Policy CS14 Heritage
- Policy CS15 Open Spaces, Sport and Recreation
- Policy CS16 Sustainable Construction and Energy
- Policy CS17 Sustainable Travel
- Policy CS18 The Local and Strategic Road Network
- Policy CS24 Delivering Infrastructure
- Policy CS25 Presumption in favour of sustainable development

Borough of Charnwood Local Plan (saved policies) (adopted 12 January 2004)

The saved policies of the Local Plan (2004) are still considered to be consistent with the aims and objectives of the NPPF and the more recently adopted Core Strategy and therefore carry significant weight. In relation to this proposal the relevant ones are:

- ST/2 (Limits to development)
- CT/1 General principles for Areas of Countryside, Green wedges, and local separation)
- CT/2 (Development in the Countryside)
- EV/1 (Design)
- TR/18 (Parking provision in new development)

The Charnwood Local Plan: Pre-submission Draft (July 2021) 2021-37

The emerging Local Plan was submitted for examination in December 2021. It sets out the Council's strategic and detailed policies for the plan period 2021-37. A number of hearing

sessions have been held on some matters in June 2022. An adjournment of hearing sessions is underway to address the specific matter of Leicester’s unmet need. Following the further consideration of this issue by the Council and the Planning Inspectorate it is expected that hearing sessions will resume later this year. At this stage the emerging Local Plan is given limited weight.

Other Material Considerations

- The National Planning Policy Framework (2021)
- National Planning Practice Guidance (PPG) (2014 as amended)
- The National Design Guide (2019)
- Department for Communities and Local Government – Technical Housing Standards – nationally described space standard (March 2015)
- Leicestershire County Council Local Transport Plan (LTP)
- Leicestershire Minerals and Waste Local Plan to 2031 (2019)
- Leicestershire Housing and Economic Needs Assessment (HENA) – 2021
- Charnwood Design SPD (2020)
- The Leicestershire Highways Design Guide (2018)
- Shepshed Town Centre Master Plan & Delivery Framework (May 2013) – The Framework includes development sites to the northeast but does not include the application site
- The Crime and Disorder Act 1998
- Conservation of Habitat and Species Regulations 2010 (as amended)
- Equality Act 2010

Relevant Planning History

Reference	Description	Decision & Date
P/13/1838/2	Site for the erection of 33 dwellings with associated infrastructure	Granted subject to conditions and completion of S.106 Legal Agreement. 09/11/2015
P/17/0246/2	Erection of 33 dwellings (Reserved Matters – Outline application P/13/1838/2 refers)	Approved subject to conditions. 23/08/2017
P/17/1990/2	Discharge of condition 5 & 6 of P/13/1838/2 regarding trees, hedges and construction method statement	Approve – 09/03/2018
P/17/2038/2	Discharge of condition of P/17/0246/2 regarding materials	Approve – 07/03/2018
P/17/2063/2	Discharge of condition 7 & 9, 10, 11, 13, 15 and 16 of P/13/1838/2 regarding proposed levels and drainage, contamination, landscaping, biodiversity, archaeological interest and site works respectively.	Part approve – Condition 7 & 15

		Part refuse – Condition 9, 10, 11, 13 & 16 06/03/2018
P/18/0624/2	Discharge of condition 14 of P/13/1838/2 regarding Public Art	Granted – 07/01/2019
P/18/1361/2	Discharge of condition 10 and 16 of P/13/1838/2 regarding ground investigation and access arrangements	Granted – 18/09/2018
P/18/2350/2	Discharge of condition 9, 11 and 13 of P/13/1838/2 regarding surface water drainage, landscaping, green infrastructure	Refused – 14/01/2019
P/19/0183/2	Discharge of condition 9 of P/13/1838/2 relating to the surface water drainage system	Refused – 19/03/2019
P/19/0373/2	Discharge of condition 3 of P/17/0246/2 relating to details of Northern boundary treatment including pedestrian link	Granted – 09/05/2019
P/19/0375/2	Discharge of condition 11 and 13 of P/13/1838/2 relating to Landscaping layout and Green infrastructure	Refused – 04/04/2019
P/19/0886/2	Discharge of condition 9 of P/13/1838/2 relating to surface water drainage	Refused – 13/06/2019
P/19/0887/2	Discharge of condition 11 of P/13/1838/2 relating to landscaping layout	Refused - 18/06/2019
P/20/0037/2	Discharge of condition 13 of P/13/1838/2	Refused -05/03/2020
P/22/1392/2	Discharge of condition 9 of P/13/1838/2	Approved

Responses of Consultees & Other Comments Received

<u>Consultees</u>	
<u>From</u>	<u>Comments</u>
Leicestershire County Council Local Highways Authority	No objections subject to conditions. They have also requested the following contributions: a) <i>Travel Packs (£52.85 per pack)</i> b) <i>Six-month bus passes, two per dwelling (£360.00 per pass)</i>
<u>Charnwood Borough Council Housing Strategy & Support</u>	10 affordable units from previous application – P17/0246/2 included in this application. A further unit would be required to meet the contribution for the additional 4 units
<u>Charnwood Borough Council Ecology Officer</u>	No objections.
<u>Leicestershire County Council as Local Lead Flood Authority</u>	No objections.

<u>Charnwood Borough Council Environmental Protection Officer</u>	No objections subject to conditions.
Environment Agency	No comments as there are no environmental constraints associated with the application site which fall within the remit of the Environment Agency.
<u>Charnwood Borough Council Open Spaces</u>	No objections in respect of the 4 additional dwellings. Off-site contribution for £7,165 needs to be provided towards provision for Natural/Semi-Natural Open Space, Children's Play, Young People's Provision, Outdoor Sport and £452 for allotments.
Leicestershire County Council Developer Contribution	£36,521.60 towards improvement, remodelling or enhancement existing facilities at primary education provision and capacity at St. Botolph's Primary and St. Ives Secondary School, or any other school within the locality. £171.00 towards improving capacity at Shepshed Household Waste and Recycling Centre
Site and press notice displayed. Neighbours & Ward Councillors consulted.	
Councillor Radford raised concerns in relation to LCC Highway comments as there is no mention of a raised area at the access junction, which was approved as a condition for the original application.	
Shepshed Town Council raised following comments/ concerns: <ul style="list-style-type: none"> • Number of affordable dwellings should increase to 11 to meet 30% criteria • Additional run-off from Ticklow Lane development (rear of Westroyd) needs to be taken into account and review carried out of environmental effect on Blackbrook by LCC LLFA • Raised platform as required by planning condition has not been carried out prior to occupation and needs to be addressed 	
Neighbours	
From	Comments
Two letters of objections received from neighbours	<ul style="list-style-type: none"> • The site is within flood plain and would cause further issues to existing properties • Why anyone would apply and why would Council allow development on flood plain • The site was previously designated and should remain as countryside • Increase of plot numbers would place more properties at risk of flooding • Increased traffic • The approved number of dwellings (33) should remain and object to 4 additional units • Highway safety as the new access has created a crossroads with New Walk

Consideration of the Planning Issues

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015) and those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy.

The plans are over 5 years old, and it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. Other than those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national guidance and as such there is no reason for them to be given reduced weight. As the Core strategy is now five years old, the LPA cannot currently demonstrate a 5-year supply of housing land (3.04 years at 31/3/22) and, as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight. The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits for planning permission to be refused.

Part i) of NPPF paragraph 11 d) sets out that where there are NPPF policies that protect areas or assets this can be a clear reason to refuse an application. These are set out in footnote 7 and are generally nationally designated areas such as SSSI's, designated Local Green Space, AONBs and designated heritage assets. In this case, the site is not in an area specifically protected by the NPPF such that the NPPF's presumption in favour of sustainable development (paragraph 11d(ii)) and the 'tilted balance' applies.

The main issues are considered to be:

- Principle of development / Fallback position
- Housing mix
- Design/ character and visual impact
- Ecology and biodiversity
- Impact on residential amenity
- Highway Matters
- Flooding and drainage
- Archaeology
- Planning Obligations/ S106 Contributions

Principle of the Development

The application site is located outside but adjacent to the Limits to Development for settlement of Shepshed, as established under “saved” Policy ST/2 of the Borough of Charnwood Local Plan 1991-2026. For land outside these Development Limits policies CT/1 and CT/2 apply, which seek to control development in the countryside outside of a relatively narrow set of criteria.

Since the outline planning application P/13/1838/2 was considered, the Core Strategy has been adopted and the new NPPF (2021) has been published.

Policy CS1 of the Core Strategy, outlines the development strategy for the borough and the distribution of sustainable growth. Within the settlement hierarchy, Shepshed and Loughborough are defined as large settlements in the borough with good access to jobs, services and facilities and public transport to meet the day to day needs of its residents. The proposal would not conflict with Core Strategy CS1 which seeks to encourage new residential development within and adjoining Shepshed as it is the second largest settlement in the borough.

The policies identified in this section are those that are the most important for establishing whether development of the site is acceptable in principle. The proposal would result in the provision of 25no. dwellinghouses (4 additional units compared to the extant permission) at a time when there is not a five-year supply of housing. Given the current lack of a 5-year supply of housing land, the above housing supply policies must be considered out of date and the weight that can be ascribed to them would be reduced. In these circumstances, the presumption in favour of sustainable development requires an assessment to be made as to whether there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits of the proposal. The application site is considered as a sustainable location for development being within walking distances to public transport routes, Shepshed town centre, schools and other services.

The site is proposed within Shepshed settlement boundary in the emerging Local Plan. This identification follows from the evidence base that has supported the development of the emerging Local Plan. Whilst not a decisive factor, it is a material consideration in the determination of the planning application that the Council has considered the site as a suitable location for housing growth. As noted above, the emerging Local Plan carries limited weight at the current time.

The implemented permission on the site is a material consideration. The development of the site for housing was considered acceptable in principle under the previous approved applications and the fallback position is a relevant consideration in this instance. In terms of considering the fall-back, it is considered significant weight can be given to the fallback position as there is likelihood and a real prospect of the development occurring. The existing planning permissions have been implemented on site, and it is not constrained by a timescale associated with the development commencing as discussed below.

The approved residential permissions under Outline and Reserved matters comprises 33no. dwellings with associated works on the application site. There are 12no. dwellings built (11 occupied) with the access road also constructed on site. The current proposal would result in development of the remaining part of the site for 25no. dwellinghouses, which would result in net increase of 4no. dwellings on site compared to previous extant permissions.

In conclusion, there is a greater than theoretical possibility that the remaining part of the approved development might take place. Consequently, the fallback position attracts significant weight as a material consideration in favour of the proposal. Accordingly, the proposal is considered acceptable in principle in accordance with policy CS1 and CS25 of Charnwood Core Strategy and would again be considered within the overall planning balance for the proposal.

Affordable housing and housing mix

Policy CS3 relates to affordable housing on major development sites of 10 or more units. The policy requires an appropriate level of affordable homes and a mix of type, tenure and size of home having regard to housing need and character of the area. Policy CS3 seeks 20% affordable homes across the site and also a mix of type, tenure and size of home to meet local needs in Shepshed. The level of affordable housing provision on site (10 units) was secured through the S.106 Legal agreement under original outline application ref: P/13/1838/2.

The extant planning permission and signed S106 agreement secured 30% affordable housing on the site. The current policy requirement of 20% for Shepshed is therefore lower.

A representation has been received from Shepshed Town Council and consultation response from CBC Affordable Housing Strategy in relation to the number of affordable units and should increase to 11 units on site. In terms of whether affordable housing units complies with the relevant policy of Core Strategy, on a simple mathematical comparison, table 1 below assesses the previous approved scheme, what can be delivered through development for the full number of units compared with what has been implemented/ built on site and the number of units proposed as part of this current application:

Table 1: Consideration of affordable housing provision

Planning consents/ overall units	Percentage (%) to total units	Affordable units
Original Planning Consent P/13/1838/2 & S.106 Legal Agreement	30% of 33 units	10 units
Overall units that can be delivered on site (existing and proposed) - 37 units in accordance with current Policy CS3 of Charnwood Core Strategy	20% of 37 units	7.4 units
Number of units built/ occupied/ Proposed		
	Percentage (%) to total units	Affordable units required on site
12no. built/ occupied units for implemented consent: P/13/1838/2 & P/17/0246/2	30% of 12 units	4 units
Proposed development under current application – 25 units under Policy CS3 of Charnwood Core Strategy	20% of 25 units	5 units
Total Affordable units		9 units

As highlighted above in the table, the best outcome under current policy CS3 would be 9no. affordable housing units taking into account of what has actually been built/ occupied and what is proposed as part of this current application. Although, there would be over-provision

of one affordable housing unit on site, the fallback position would be material consideration in this instance. The agreed S.106 Agreement for extant Outline permission secured 10no. affordable housing units on site. There would be no net loss in affordable housing units as the applicant has agreed to provide a total of 10no. affordable housing units as per planning obligation requirement for S.106 Agreement for extant Outline consent.

The mix proposed for open market housing units in respect of this full application for 25 units is set out below, and considered against the latest needs assessment (HENA 2022):

Table 2: Proposed open market housing mix

Size of Units	Market Dwellings	Market Percentage	HENA %	Deficit/ Surplus
1 Bed	0	0%	5%	Deficit 5%
2 Bed	4	26.66%	30%	Deficit 3.33%
3 Bed	4	26.66%	45%	Deficit 18.44%
4 Bed	7	46.67%	20%	Surplus 26.67%
Total	15	100%	100%	

Whilst the mix of open market housing proposed does not strictly accord with HENA, this needs to be considered in association with previous approvals on site and policy CS3, which requires that regard be given to the character of the area. It is considered that the proposed open market housing mix is acceptable on account of the site's location and that the mix represents the right balance between meeting identified needs and respecting the character, density, and pattern of development in the surrounding area.

The mix proposed for affordable housing in respect of this full application for 25 units are set out below:

Table 3: Proposed affordable housing mix

Size of Units	Affordable Dwellings	Affordable Housing Percentage	HENA%	Deficit/ Surplus
1 Bed	4	40%	35%	Surplus 5%
2 Bed	4	40%	35%	Surplus 5%
3 Bed	2	20%	25%	Deficit 5%
4 Bed	0	0%	5%	Deficit 5%
Total	15	100%	10	

The Section 106 agreement for the outline planning permission prescribes housing mix with regards to the type of tenure and type of affordable housing. There would be no changes to proposed tenure mix, which would comprise a mix of two shared ownership and eight affordable rent units to accord with approved Outline/ Reserved Matters consents and S.106 Agreement. The mix of one, two and three-bed units would accord with the previous approvals and the S.106 Legal Agreement. In terms of the location, the 10no. affordable

housing units would be provided in three blocks of flats, terrace, semi-detached dwellings on a private drive accessed from the central spine road, which would accord with the approved plans for extant Reserved Matters permission. Consequently, the proposal would comply with policy CS3 of Charnwood Core Strategy (2011-2028).

Design and impact on the character and appearance of the area

Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved policy EV/1 supports development that is of a design, scale, layout, and mass compatible with the locality and uses materials appropriate to the locality.

The previous layout of the site was defined by a central spine road, which is dictated by the narrow elongated shape of the site and the steepness of the levels with a series of private drives to serve dwellings off the spine road. The previous consents have been implemented with the spine road and two private drives constructed with 12no. dwellings built (11 occupied) along the Oakley Road frontage and the northern part of spine road.

This current proposal would result in 25no. dwellings, which again would be served from the central spine road up to the cul-de-sac with a series of private drives. In respect to scale, the proposal consists of a mix of 1, 2, 3 and 4 bed terrace, semi-detached and detached dwellings of two storeys in height. It is considered that the scale and mix of house type would be consistent with the extant permission and are considered acceptable and would fully respect the character of the surrounding area.

In terms of appearance, the different house types feature a mixture of front gabled end and pitched roofs. Detailing is provided on dwellings across the site to include decorative brick dentil course, brick headers, stone or brick sills, window design, pitch roof canopies and roof line of the dwellings. There are variations in facing materials to include render on some of the properties within the site. The materials are similar in appearance to what has been built on site and other properties in the surrounding area, which would help assimilate into the area and help create a 'sense of place'. The proposed mix would ensure variety and visual interest across the development site. A compliance condition for materials would ensure high quality of design of the scheme is delivered throughout on site.

The major difference for this current application compared to the previous extant permission is the layout re-design to sub-divide/ re-position the plots, substitution of house type, parking areas and/ or garages to certain plots resulting in 4no. additional dwellings on site. The main vehicular and pedestrian access arrangement to the site would continue to remain from the central spine road via Oakley Road. The car parking is proposed in a driveway arrangement either to the sides or frontage (some with garages). It is considered that the proposed layout is acceptable with a good level of permeability. It is considered that the alteration to the layout to include additional units and changes in house type would not have any significant impact on the overall character of the wider development or Long Meadow Lane.

Consequently, it is considered that the detailed design and appearance of the proposed development is acceptable and accord with policies CS2, CS11 and CS13 of the Core Strategy, Saved policy EV/1 of Local Plan, Design SPD and the NPPF.

Impact on residential amenity

Saved policy EV/1 of Local Plan and CS2 of Core Strategy require high quality design that does not impact on the amenity of adjacent properties or create poor standards of amenity for future occupiers. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity is achieved.

In respect to internal site arrangement, there are changes in house type, plot layout, addition of 4 units, removal/ erection of garage(s), modify parking layout etc. on site. The proposed development would comply with the minimum separation distances as laid out within Design Guide SPD. The proposal would also not impact on the amenity of existing residential occupiers within the immediate vicinity of the site.

The proposed changes in house type would result in replacement of some of the larger dwellings (some with garages) with smaller 3-bed family dwellings, with private amenity or communal area provided to each of the plots. The proposed gross internal floor area of the dwellings would comply with Nationally Described Spacing Standards with the exception of 2-bed affordable unit, where there is marginal shortfall of 5sq. m to the gross internal floor area of 70sq. m. The floor plans have also been provided with essential furniture with circulation space annotated, which demonstrates that adequate residential amenity would be achieved for prospective occupiers. The proposal would provide an acceptable private amenity space to the rear of dwellings or communal amenity area for recreational and functional activities.

Given the garden sizes, separation distances and orientation of some of the dwellings, it is considered appropriate to remove permitted development rights for extensions and alterations to certain plots on site. A condition to secure this removal has been recommended to be attached to any approval.

Consequently, the proposal would accord with policy CS2 of the Core Strategy, Saved policy EV/1 of Local Plan and Design SPD.

Impact on highway safety

Policy CS2 seeks well designed streets and spaces that are easy to navigate with safe public spaces and policy TR/18 seeks to ensure appropriate levels of parking are provided. Policies CS17 and CS18 of the Core Strategy and Policy TR/18 of the Local Plan state that the applicants need to demonstrate sustainable travel options and demonstrate that a safe and suitable access can be provided.

Supporting statements have confirmed that the access road has been constructed/ laid out to serve 33no. dwellings as per previously approved and implemented consent. A total of 12no. dwellings have been built on site. The highway (spine road) would be privately owned and managed. LCC Highways would not adopt it due to the steepness of the sloping site not meeting the required standards.

All of the dwellings would be served by a central spine road through a series of shared driveways with very few properties having direct access to the central spine road. The LCC Highway Authority have assessed the proposal and raised no objection to the proposed development and are satisfied that neither a Stage 1 Road Safety Audit or revised trip rates

are required. With regards to the Construction Management Plan, this demonstrates wheel washing and contractor parking but no timetable for construction works on site. The LHA officers are satisfied that the scheme is acceptable subject to imposition of a number of conditions to include a construction management plan. With the conditions, the proposal would comply with relevant policies CS2 of Charnwood Core Strategy and policy TR18 Of Local Plan.

Concerns have been raised by neighbours on highway safety grounds in relation to the new access that has created a crossroads with New Walk. The access was considered acceptable and determined as part of Outline consent ref: P/13/1838/2, where Local Highways Authority raised no objections on highway safety grounds.

Concerns have been raised by the Parish Council and neighbours in relation to the raised junction plateaux traffic calming feature at the junction of application site, Oakley Road, Belton Road and Ticklow Lane. In order to be consistent with previous approvals, the access would be conditioned to ensure that it is implemented in accordance to approved details. It is also worth noting that the raised junction plateaux would involve works on public highway, which would be subject to separate agreement such as S.278 etc. covered under the Highways Act.

Impact on landscaping, ecology & biodiversity

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats.

The impact on open countryside and landscape impact were considered acceptable under the approved outline consent. A landscaping scheme was previously agreed as part of the Reserved Matters consent, which shows planted verges, hedgerows/ trees/ shrubs, a retained hedgerow along Hallamford Road and an open space area of over 400sq. m provided on site.

The proposed development with changes to layout, house types, additional units etc. would make use of similar developable area as it would result in sub-division of plots as previous approved with no additional land take. The proposed development would not deliver a net gain in biodiversity on site. The application is therefore contrary to Policy 13 of the Core Strategy. However, the fallback position is a material consideration. The proposed landscaping scheme shows a modest improvement to include a swale, extended planting verges/ creation of landscaped area (e.g. proposed plots 4-7 & plot 9), hedgerows/ trees, shrubs planting. The proposal would also continue to retain hedgerow/ trees around perimeters such as along Hallamford Road. Therefore, the proposed scheme would deliver landscaping scheme and biodiversity over and above what was granted under extant permission. CBC Landscape and Ecologist have raised no objections subject to imposition of conditions in relation to landscaping scheme and landscape management plan. This would again be considered within the overall planning balance for the proposal.

The application is supported by Arboricultural Method Statement and tree protection plan. A compliance condition would be imposed to ensure the existing hedges and trees on the site or adjoining it are protected during the course of any construction works. The landscaping scheme also shows trees and hedgerow to be retained within the development and as part of the detailed design of the development and this can be secured by condition.

Consequently, the proposal, subject to imposition of a condition, would comply with policy CS2 and CS11 of Charnwood Core Strategy (2011-2028) and Saved policy EV/1 of Local Plan and NPPF.

Impact on Land Contamination

CBC Environmental Health have reviewed the Environmental Assessment and are satisfied that no remedial actions are necessary on site with respect to human health. However, the assessment does highlight that further gas monitoring is required and further supporting information has been provided and agreed as part of discharge of condition ref: P/18/1361/2 for a basic gas protection measure incorporated into the construction of the building(s). CBC Environmental Health have raised no objections and are satisfied that site remediation is not required as there have been previous ground investigations undertaken at the site. A precautionary condition is recommended to secure that a revised remediation strategy need to be submitted and agreed for any unsuspected contamination during development that were not previously identified within the assessment. Consequently, the proposal would comply with policy CS16 of Charnwood Core Strategy (2011-2028) and NPPF.

Impact on Flood Risk and Drainage

Policy CS16 of the Core Strategy seeks to ensure that new development is not at risk of flooding and that it does not cause flood risk elsewhere. Concerns have been raised by neighbours regarding flooding and the impact this development would have on the local flooding problems in the future for existing and future residential properties. The application site is situated within Flood Zone 1. The land adjoining Black Brook is situated within Flood Zone 2 & 3 and is outside of application site.

Under the previous consents granted, a number of pre-commencement conditions were attached with regards to surface water drainage, foul waste and surface water drainage and compliance condition in relation to implementation of Flood Risk Assessment. There have been numerous applications to clear outstanding details reserved by these conditions, where Severn Trent, LCC LLFA and Environment Agency were satisfied with condition details submitted and were formally discharged. The only difference between previous implemented consents and current application includes changes to house type, modification to parking layout and 4 additional units, where overall developable area stays the same as plots would be subdivided to accommodate any additional dwellings on site. The revised landscape plan also shows inclusion of a swale.

The Lead Local Flooding Authority (LLFA), having initially sought some clarification, has raised no objection to the proposal. The proposal would limit surface water into the Black Brook at 5l/s. The LLFA are satisfied and raise no concerns in relation to surface water or other drainage or flooding issues subject to a compliance condition for the development to be carried in accordance with approved details. Consequently, the proposal is considered acceptable having regard to Policy CS16 of Charnwood Core Strategy and NPPF.

Impact on Archaeology

There was requirement by Condition 15 of the outline permission for submission of an archaeological scheme, which was submitted as part of the Reserved Matters and a condition discharge application for the Outline permission. The details were considered

acceptable and approved as part of Reserved Matters ref: P/17/0246/2 and formally discharged under a condition application ref: P/17/2063/2. Consequently, the proposal would comply with CS14 of Charnwood Core Strategy and NPPF.

Sustainable construction and energy efficiency

Supporting statements have confirmed that sustainable construction and energy efficiency will be incorporated into the design and promotion of high standards measures would be integral to the proposed development. The best practice measures would include efficient heating systems, layout design optimizing passive solar gain with double/ triple glazing, improved insulation, low energy lighting, reduction of waste during construction with sustainable source for supply etc. Other options include use of local supply chain, recycling, SuDS etc. Consequently, the proposal in the interest of air quality, construction and climate change would comply with policy CS16 of Charnwood Core Strategy and NPPF.

Planning Obligations/ S.106 Agreement

Infrastructure Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy require the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. As set out within related legislation such requests must be necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind.

The following obligations are sought for this development:

	P/13/1838/2 S106 Agreement obligations to be secured:	Additional requirement for application P/20/1952/2 in addition to that previously secured through P/13/1838/2:
Affordable housing	30% of dwellings to be affordable housing with 75% Affordable Rent & 25% Shared Ownership (30% of 33 dwellings = 10 affordable houses)	
Highways	£5,600 - Bus Pass Contribution (6 months bus passes) £3,263 - Bus Stop Contribution £120 - Information Display Case Contribution at the nearest bus stop to the development £2,920 - Real Time Information Board	£211.40 Travel Packs £2,880 Six-month bus passes

	Contribution at the nearest bus stop serving the development £52.85 - Travel Pack Contribution per dwelling	
Civic Amenity	£1,367 - Civic Amenity Contribution	£171 towards improving capacity at Shepshed Household Waste Recycling Centre
Education	£5,692.40 per dwelling towards provision, improvement, remodelling or enhancement of education facilities at Primary, Higher and Upper school	£36,521.60 towards primary and secondary school provision in the area
Healthcare	£285.12 per dwelling towards improved healthcare care facilities at Field Practice and Leicester Road Surgery	
Libraries	£1,740 towards improvements to library facilities within Shepshed	
Off-site Open Space Contribution	£1,066 per dwelling for the provision of off-site child's formal play space £706 per dwelling for the provision of off-site youth and adult play facilities	£1,373 Provision for outdoor sport facilities £3,816 Provision for young people £909 Natural and semi-natural open space £1,067 Children's Play £452 Allotments
Open Space	400sq. m to be provided on-site	
Open Space Maintenance Contribution	£68,939 per hectare of Open Space provided for the maintenance of the Open Space	

A Section 106 is required to secure all obligations identified above including those which are secured through the P/13/1838/2 for this application. All obligations identified are considered to be CIL compliant as they are necessary to meet the needs and mitigate the impacts of the development. There are no viability issues raised with the contributions sought as part of S.106 agreement agreed with the applicant.

Conclusion

Overall, the proposals have been carefully assessed against the comments and consultation responses received and the policies of the Development Plan and the National Planning Policy Framework.

The application site is located outside but adjacent to the Limits to Development for the town of Shepshed, within the open countryside. Whilst the proposed development would be contrary with the relevant provisions of saved Policies ST/2, CT/1 and CT/2 of the Borough of Charnwood Local Plan, policy CS1 is by far the most important policy in the determination of this application as it seeks to encourage new residential development within and adjoining Shepshed as it is the second largest settlement in the borough. The application site is sustainably located on the edge of Shepshed, and future residents of the proposed development would have access to the range of facilities and services and access to good transport links available within the town.

Given the current lack of a 5-year supply of housing land, the above housing supply policies must be considered out of date and the weight that can be ascribed to them would be reduced. CS1 is given significant weight as it reflects a sustainable strategy for growth at Shepshed and accords with the NPPF. There is also a realistic fallback position as the site benefits from extant planning permission, where 12no. units and access road of total 33no. units have been built and the proposal for 25no. units (4 additional) would make more effective and efficient use of the land to increase housing supply at a time where there is a Borough wide housing shortfall and the Council can demonstrate only 3.04 years housing land supply. The extant permission is given significant weight as a material consideration in favour of the development. The benefits of housing provision are afforded significant positive weight.

It is considered that the proposed amendments/ re-design to layout, sub-division/ addition of 4 units (25 units overall), changes to house type etc. are considered acceptable in terms of design and character and would not impact on the amenity of existing or future residential occupiers. The proposal is also considered acceptable as the benefits of providing additional residential units and fallback position under extant permission together with modest landscape improvement would outweigh any impact on ecology and biodiversity. There are no technical constraints relating to land contamination, arboriculture, flood risk/drainage and highways that cannot be mitigated or otherwise be compensated for.

The impacts of the proposed development on local infrastructure can either be offset within the application site or otherwise secured via commuted payments to improved facilities in the area.

With regards to affordable housing, there would be over-provision of one affordable housing unit. However, the fallback position would be material consideration and there would be no net loss with planning obligation to secure 10 no. affordable units on site as per extant permission and S.106 Agreement.

In conclusion, it is considered that there are no impacts of the development of this site that cannot be mitigated and that would be so significant and demonstrably harmful as to outweigh the benefits of providing the required housing land (including affordable units) in a sustainable location. The benefits of the development include the contribution of the proposal to the Council's housing land supply deficit and deliverability, the sustainable location, affordable housing provision, community and other infrastructure provision and contribution to the local economy. The application should therefore be supported subject to appropriate conditions being imposed and additional contributions being secured to support local infrastructure as part of S.106 Legal Agreement.

RECOMMENDATION A:

That authority is given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into an agreement under section 106 of the Town and Country Planning Act 1990 to secure improvements, on terms to be finalised by the parties, as set out below:

	P/13/1838/2 S106 Agreement obligations to be secured through this application:	Obligations to be secured in addition to that previously secured through P/13/1838/2:
Affordable housing	30% of dwellings to be affordable housing with 75% Affordable Rent & 25% Shared Ownership (30% of 33 dwellings = 10 affordable houses)	
Highways	£5,600 - Bus Pass Contribution (6 months bus passes) £3,263 - Bus Stop Contribution £120 - Information Display Case Contribution at the nearest bus stop to the development £2,920 – Real Time Information Board Contribution at the nearest bus stop serving the development £52.85 - Travel Pack Contribution per dwelling	£211.40 Travel Packs £2,880 Six-month bus passes
Civic Amenity	£1,367 - Civic Amenity Contribution	£171 towards improving capacity at Shepshed Household Waste Recycling Centre
Education	£5,692.40 per dwelling towards provision, improvement, remodelling or enhancement of education facilities at Primary, Higher and Upper school	£36,521.60 towards primary and secondary school provision in the area
Healthcare	£285.12 per dwelling towards improved healthcare care facilities at Field Practice and Leicester Road Surgery	
Libraries	£1,740 towards improvements to library facilities within Shepshed	

Off-site Open Space Contribution	£1,066 per dwelling for the provision of off-site child's formal play space £706 per dwelling for the provision of off-site youth and adult play facilities	£1,373 Provision for outdoor sport facilities £3,816 Provision for young people £909 Natural and semi-natural open space £1,067 Children's Play £452 Allotments
Open Space	400sq. m to be provided on-site	
Open Space Maintenance Contribution	£68,939 per hectare of Open Space provided for the maintenance of the Open Space	

RECOMMENDATION B:

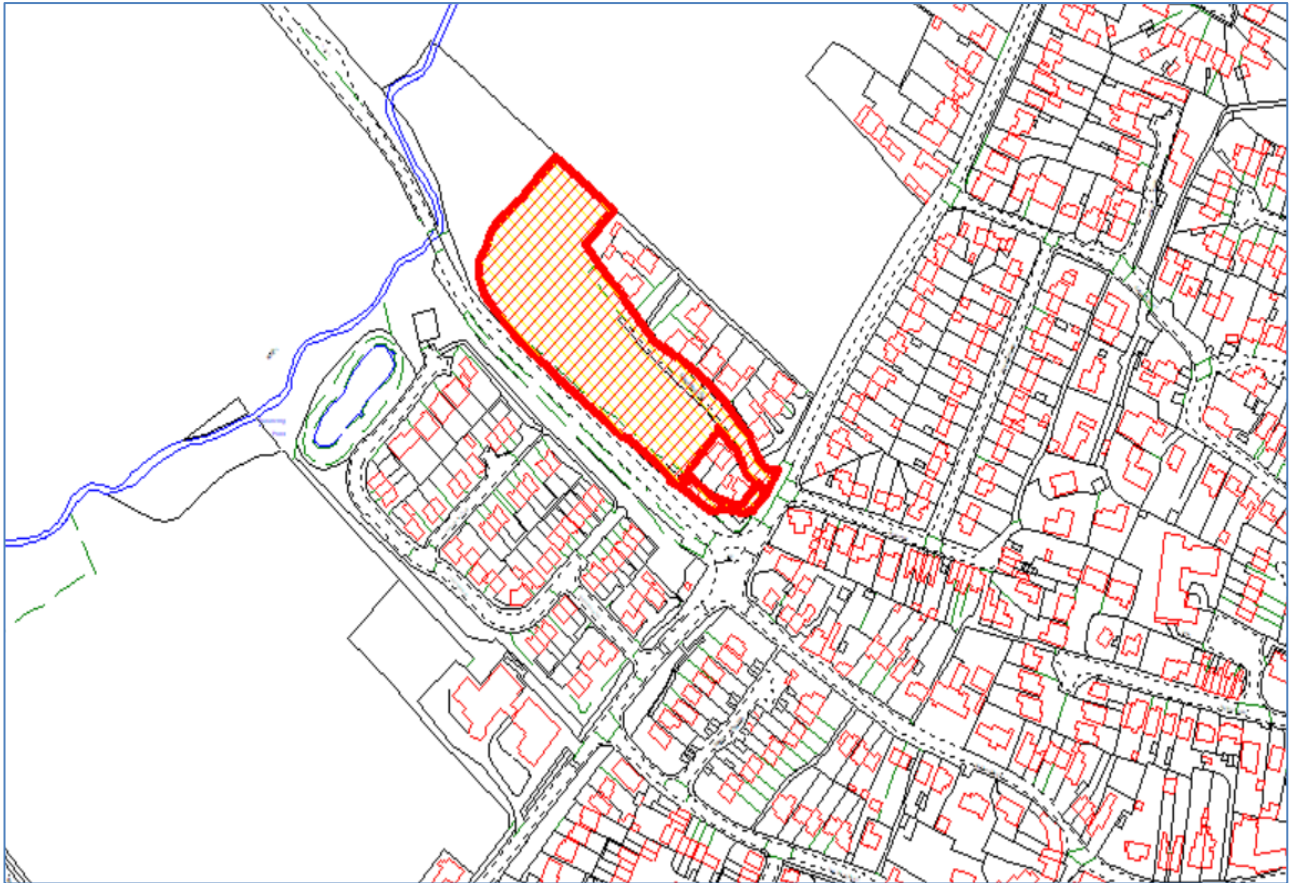
That subject to the completion of the S106 legal agreement in Recommendation A above, Grant Conditionally subject to the imposition of the following draft conditions and reasons and that the Head of Planning and Regeneration, in consultation with the Chair of the Plans Committee for amendments to the conditions and reasons, be given powers to determine the final detail of planning conditions:

Conditions	
1.	<p>The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>REASON: In order to comply with Section 91 of the Town and Country Planning Act (as amended) and the NPPF.</p>
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and strategies:</p> <p>2148/03-Site Replan 3 Rev. E (Proposed Site Layout Re-Plan 3) 2148/28/1388 (House Type 1388 Planning Drawing) 2148/34/1625 Rev. A (House Type 1625 Planning Drawing) 2148/26/1405 Rev. A (House Type 1405 Planning Drawing) 2148/36/1924 (House Type 1924 Planning Drawing) 2148/25/1275 Rev. A (House Type 1275 Planning Drawing) 2148/3B (House Type 3B Affordable Planning Drawing) 2148/33/1575-01 Rev. Rev. B (House Type 1575 Planning Drawing) 248/20/1B (House Type 1B Apartments – 488sqft Planning Drawing) 2148/39/2B (House Type 2B Affordable Planning Drawing) 2148/24/900-02 Rev. B (House Type 900 Planning Drawing) 2148/37/GARAGE-02 Rev. A (Single Garage - Front to Back Planning Drawing Plots 14,15,19,24) 2148/36/GARAGE-01 Rev. B (Single Garage - Side to Side Planning Drawing Plots 16,17,21)</p> <p>REASON: To provide certainty and define the terms of the permission in accordance with Development Plan policy CS2 of Charnwood Development Plan (2011-2028), Saved Policies EV/1 of Charnwood Local Plan (2004), Design SPG and the NPPF.</p>

3.	<p>The development hereby approved shall be implemented in accordance with approved details ref: Phase 2 External Materials and Colour dated 09 September 2021 (received by the Local Planning Authority 10/3/22).</p> <p>Reason: In order to secure the satisfactory development of the application site in accordance with CS2 of Charnwood Development Plan (2011-2028), Saved Policies EV1 of Charnwood Local Plan (2004), Design SPG and the NPPF.</p>
4.	<p>The landscaping scheme hereby approved shall be implemented in accordance with approved details Drawing ref: EML JMH 01 Rev. J (Landscaping Plan) prior to first occupation of any part of the development and thereafter maintained. Any trees or shrubs which, within 5 years from the completion of the development, die, are removed, or become severely damaged or seriously diseased, shall be replaced in the next planting season by others of similar size and species to those originally required to be planted. All boundary treatments shall be retained in the approved form.</p> <p>REASON: In order to secure the satisfactory development of the application site and to landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area in accordance with policies CS2, CS11 and CS13 of Charnwood Core Strategy (211-2028), Saved policy EV/1 of Local Plan and the NPPF.</p>
5.	<p>Notwithstanding the submitted Construction Method Statement, no development shall commence on the site until such time as an amended construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.</p> <p>REASON: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with policies CS2 and TR/18 of the Development Plan and the NPPF.</p>
6.	<p>A scheme for the protection of trees and hedgerows on site shall be implemented in accordance with the submitted Arboricultural Method Statement - Land at Oakley Road (Arbech AMS 02) dated 13 February 2022 and Arbtech TPP 02 (Tree Protection Plan Plan). The agreed measures shall be carried out prior to any site clearance and shall remain in place for the duration of construction works and until all equipment, machinery and surplus material has been removed from the site.</p> <p>REASON: In order to secure the satisfactory development of the application site and enhance the nature conservation interest of the site and achieve biodiversity net gain in accordance with policy CS11 and CS13 of Charnwood Development Plan (2011-2028), Design SPG and the NPPF.</p>
7.	<p>Details of the proposed boundary treatment along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. These details shall include plans showing the locations of existing, retained and proposed new boundary treatments and scaled drawings indicating the positions, height, design, materials, type and colour of</p>

	<p>proposed new boundary treatments. The approved scheme shall be implemented before occupation of the dwelling (s) hereby permitted and shall be retained thereafter. Reason: In order to secure the satisfactory development of the application site in accordance with Policy CS2 of the Charnwood Local Plan (2011-2028), policy EV/1 of Local Plan (2004), Design SPD and the NPPF.</p>
<p>8.</p>	<p>In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. No further development shall be carried out until full details of a Remediation Strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details. Following completion of measures identified in the approved Remediation Strategy a verification report must be prepared, submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological system, and to ensure that the development is carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS2 and CS16 of the Charnwood Local Plan and NPPF</p>
<p>9.</p>	<p>Prior to first occupation of any of the dwellings hereby approved, the drainage scheme shall be constructed and completed in accordance with the approved details:</p> <p>100 Rev. I (Proposed Levels and Drainage) SK200 (Drainage Strategy to cater for additional 4 plots) 16083 Oakley Road, Shepshed 30yr Event Storm Design date 5th May 2021 16083 Oakley Road, Shepshed 30yr Surcharged Outfall Design Surcharged date 5th May 2021 16083 Oakley Road, Shepshed 2yr Event Storm Design date 5th May 2021 16083 Oakley Road, Shepshed 2yr Event Surcharged Outfall date 21st January 2019 16083 Oakley Road, Shepshed 100yr Event Storm Design date 5th May 2021 16083 Oakley Road, Shepshed 100yr Event Surcharged Outfall Design date 5th May 2021 16083 Oakley Road, Shepshed 100yr+40%CC Event Surcharged Outfall Design date 5th May 2021 16083 Oakley Road, Shepshed 100yr+40% CC Event Storm Design date 5th May 2021</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with policies CS2 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the National Planning Policy Framework (2021).</p>
<p>10.</p>	<p>Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015, (or any order amending, revoking and/ or re-enacting that order, with or without modifications), no enlargement, improvements or other alterations of a dwellinghouse or its roof shall be carried out on Plots 4-5A, 8-13 and 22-24 without further subsequent planning approval of the Local Planning Authority.</p> <p>REASON: In order to maintain an adequate area of amenity space at the rear of the dwellings and to safeguard the amenities of the occupiers of premises/ dwellings in the vicinity in accordance with policy CS2 of Charnwood Development Plan (2011-2028), Saved Policies EV1 of Charnwood Local Plan (2004), Design SPG and the NPPF.</p>

<p>11.</p>	<p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on drawing number 2148/03-Site Replan 3 have been implemented in full. REASON: In order to secure the satisfactory development of the application site and in the interest of highway safety in accordance with policies CS2 and TR/18 of the Development Plan and the NPPF.</p>
<p>12.</p>	<p>The dwellings on the development hereby permitted shall not be first occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number 2148/03-Site Replan 3. Thereafter the onsite parking provision shall be so maintained for parking in perpetuity. REASON: In order to ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) and in the interests of highway safety in accordance with policy CS2, Saved Policies TR4 and TR18 of Charnwood Local Plan (2004), Design SPG and the NPPF the National Planning Policy Framework (2021).</p>
<p>13.</p>	<p>Pursuant to condition 4, a landscape management and maintenance plan, including a survey of the existing landscape and its condition, long term design objectives, management responsibilities and maintenance operations for all landscape areas, other than domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be implemented in accordance with the approved details and thereafter maintained. Reason: To protect the landscape character and amenity of the development site over the long term in accordance with policies CS2, CS11 and CS13 of Charnwood Core Strategy (211-2028), Saved policy EV/1 of Local Plan and the NPPF.</p>



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