



Iveshead Farm, comprises hedges and a small section of fencing. There are treelines in the hedgerows on the road frontages.

- 2.4 The site slopes down slightly from South to North.
- 2.5 The site is designated as countryside within the Charnwood Forest, which forms a distinct character area as part of the National Forest. The site is not subject to any further environmental designations.

### **3. Description of the Proposal**

- 3.1 The outline application has all matters reserved apart from means of access which is proposed as a junction to Iveshead Road. The proposal is for up to 53 units, of which 11 would be affordable (21%), the quantum of development cannot be reserved.
- 3.2 While the precise layout and the housing mix will be determined at the reserved matters stage, based on a developable area of 1.62 ha, the illustrative masterplan provides a density of between 30 and 35 dwellings per hectare (dph).
- 3.3 The illustrative masterplan (Drawing SK01 Rev A) submitted in support of the planning application demonstrates how the site could be developed.
- 3.4 Up to 53 dwellings will be provided on the site. The details of the housing mix will be agreed at reserved matters stage.
- 3.5 It is proposed that the access will be off Iveshead Road to the west of the site. From this, the illustrative masterplan shows a primary street is proposed to run east within the development, with a turning head at the end of the street for service vehicles to access and turn within the site easily. Shared surface roads and private shared drives will branch off the primary street. A pedestrian access point is also proposed to the north west of the site.
- 3.6 The application was submitted with the following supporting documents:
  - Transport Assessment
  - Planning Statement
  - Design and Access Statement
  - Arboriculture Impact Assessment
  - BNG Calculation
  - Historic Environment Desk-Based Assessment
  - Landscape Visual Appraisal
  - Desk Study land investigation
- 3.7 Amended plans were received to address consultee comments on the National Forest element and CBC Landscaping comments, to include an enhanced site layout

## **4. Development Plan Policies**

4.1 The Development Plan for this site comprises the Charnwood Local Plan Core Strategy (adopted 9 November 2015), the Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies) and the Minerals and Waste Local Plan (2019).

4.2 The policies applicable to this application are as follows:

### **4.3 [Charnwood Local Plan Core Strategy](#)**

- Policy CS1 – Development Strategy
- Policy CS2 – High Quality Design
- Policy CS3 - Strategic Housing Needs
- Policy CS8 - Regeneration of Shepshed
- Policy CS11- Landscape and Countryside
- Policy CS13 – Biodiversity and Geodiversity
- Policy CS16 - Sustainable Construction and Energy
- Policy CS17 - Sustainable Travel
- Policy CS 18 – The Local and Strategic Road Network
- Policy CS 24 - Delivering Infrastructure
- Policy CS25 - Presumption in favour of sustainable development

### **4.4 [Borough of Charnwood Local Plan \(adopted 12 January 2004\) \(saved policies\)](#)**

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

- Policy ST/2 - Limits to Development
- Policy CT/1 - General Principles for areas of countryside
- Policy CT/2 – Development in the Countryside
- Policy EV/1 – Design
- Policy TR/18 - Parking in New Development

### **4.5 [Minerals and Waste Local Plan](#)**

- Policy M11 - Safeguarding of Mineral Resources - Clay

## **5. Other material considerations**

### **5.1 [The National Planning Policy Framework \(NPPF 2021\)](#)**

The NPPF policy guidance of particular relevance to this proposal includes:

- Section 2: Achieving sustainable development
- Section 5: Delivering a sufficient supply of homes

- Section 8: Promoting healthy and safe communities
- Section 9: Promoting Sustainable Transport
- Section 12: Requiring well-designed places.
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 16: Conserving and enhancing the historic environment

## 5.2 Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. The guidance sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travel plans, supporting the policy framework as set out in the NPPF.

## 5.3 National Design Guide

This is a document created by government which seeks to inspire higher standards of design quality in all new development.

## 5.4 Leicestershire Housing and Economic Needs Assessment (HENA) –2022

HENA provides an up-to-date evidence base of local housing needs including an objectively assessed housing need figure based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. The housing mix evidence can be accorded significant weight as it reflects known demographic changes.

## 5.5 Housing Supplementary Planning Document (SPD) (adopted May 2017 – updated December 2017)

The SPD provides guidance on affordable housing to support Core Strategy Policy CS3.

## 5.6 Design Supplementary Planning Document (SPD) (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life.

## 5.7 Leicestershire Highways Design Guide

The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment

that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking expected to be provided in new housing development.

#### 5.8 Landscape Character Appraisal

The Borough of Charnwood Landscape Character Assessment was prepared in July 2012. The purpose of the report was to assess the baseline study of the landscape character, at a sub-regional level that gives a further understanding of the landscape resource. The document 'provides a structured evaluation of the landscape of the borough including a landscape strategy with guidelines for the protection, conservation and enhancement of the character of the landscape, which will inform development management decisions and development of plans for the future of the Borough'.

#### 5.9 The Landscape Character Assessment for the Charnwood Forest Regional Park (2021)

The site lies with the Area 7: Loughborough/Shepshed Mixed Farmland character Area. The site was not assessed in the SHLAA landscape assessment for the local plan, not having then been put forward.

#### 5.10 Technical Housing Space Standards (2015)

Seeks to encourage minimum space standards for housing. This document has not been adopted for the purposes of Development Management at Charnwood Borough Council, but it is included in draft Policy H3 of the emerging local plan and is therefore a material consideration for which appropriate weight must be given.

#### 5.11 Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

#### 5.12 [The Draft Charnwood Local Plan 2021-37](#)

This document sets out the Council's strategic and detailed policies for the Borough over the period 2021-37. The local plan was submitted for examination in December 2021 with hearings concluding in February 2023. It is anticipated that the Inspectors will issue a letter setting out the requirement for main modifications to be made to make the plan sound. These modifications will be published for six weeks of public consultation so that the responses can assist the Inspectors in preparing their final report. The precise timings of these events is dictated by the Inspectors although, subject to their report, it is anticipated the Local Plan will be adopted by the Council in early 2024.

In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- (c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The following policies are considered applicable to this application, and the weight they can be assigned is addressed in the 'Planning Considerations' part of this report.

- Policy DS1: Development Strategy
- Policy DS5: High Quality Design
- Policy C1: Countryside.
- Policy H1: Housing Mix
- Policy H3: Internal Space
- Policy H4: Affordable Housing
- Policy EV1: Landscape
- Policy EV4: Charnwood Forest and the National Forest
- Policy EV6: Conserving and Enhancing Biodiversity and Geodiversity
- Policy EV7: Tree Planting
- Policy EV9: Open Spaces, Sport and Recreation

#### 5.14 Planning Guidance for Biodiversity June 2022

This planning guidance seeks to provide further clarification to Core Strategy Policy CS13 insofar as ensuring development proposals secure biodiversity net gain on-site to contribute towards the overall sustainability of development proposals.

### **6. Relevant Planning History**

6.1 There is no relevant planning history for the site.

6.2 However, permission has been granted for sites directly to the North (67 dwellings – P/17/1935/2, revised P/20/1347/ for 63 dwellings) and West (50 dwellings – P/21/0027/2).



- 6.3 Site P/17/1935/2 to the North across Iveshead Lane at 62 Iveshead Road (HA37) has a planning permission for 67 dwellings and is an allocated site in the emerging Local Plan – HA37. It is now nearing completion.
- 6.4 Site P/21/0027/2 (APP/X2410/W/21/3281964) to the West across Iveshead Road gained outline permission for 50 dwellings, at appeal. On the ‘tilted balance’ the Inspector considered the need for housing outweighed the landscape and design objections to the scheme.
- 6.5 The Inspector concluded *‘the Council’s evidence in support of their valued landscape argument was somewhat vague and general, with no evidence being provided of this concept being explored previously as part of any landscape character assessment, or as part of the work of the emerging Local Plan. The Council made reference to a number of characteristics displayed by Charnwood Forest that may be representative of a valued landscape. However, the Regional Park and National Forest cover large areas, not all of which will display such characteristics’*.
- 6.6 In addition, there are a number of proposed site allocation and speculative developments further East along Iveshead Lane.

## 7. Responses of Consultees & Other Comments Received

- 7.1 The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council’s website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

Consultee	Response
-----------	----------

Leicestershire Lead Local Flood Authority - LCC	Leicestershire County Council as Lead Local Flood Authority (LLFA) raises <b>No Objections</b> subject to conditions on surface water drainage.
Housing Strategy & Support CBC	<p>Consideration should be given to the following house types/tenure mix to meet housing need, taking account of the relatively small site:</p> <p><u>Affordable/Social Rent (6 units 11%)</u>  5 x 2 bed house  1 x 4 bed house</p> <p><u>Shared Ownership (5 units 9%)</u>  2 x 2 bed house  2 x 3 bed house  1 x 4 bed house</p> <p>In accordance with Affordable Housing SPD</p>
Leicestershire County Council – Highways	<p><b>No objections</b> subject to conditions and planning obligations (included in recommendation):</p> <p>Site Access - The revised site layout shows visibility splays. Applicant has now validated with the submitted raw data of the accompanying speed survey. - 33mph in either direction of the proposed site access. Access does not conflict with access to site to West. The LHA considers the above demonstrated visibility generally acceptable.</p> <p>Offsite highways works (two footways and crossings) to be secured by condition.</p> <p>Travel plan acceptable.</p> <p>Conditions suggested on construction management plan, access arrangements, travel plan and offsite works.</p> <p><u>Contributions required</u></p> <p>a) Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at <b>£52.85 per pack</b>).</p> <p>b) 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</p>



	<p>first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) <b>£360.00</b> per pass).</p> <p>c) STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.</p> <p>d) Raised kerb provision at the nearest two bus stops 260008405: Ashby Road West, Adjacent to Iveshead Road and 260008408: Charnwood Road, opposite Iveshead Road at a cost of <b>£3,500</b> per stop to support modern bus fleets with low floor capabilities</p>
Leicestershire County Council - Education	<p><b>Primary School Sector – £240,463.00 contribution</b> towards provision, improvement, remodelling or enhancement of education facilities at Newcroft Primary School or any other school within the locality of the development</p> <p><b>Secondary School Sector - £192,050.80 contribution</b> towards provision, improvement, remodelling or enhancement of education facilities at Iveshead School or at other schools or other school within the locality of the development</p> <p><b>Post 16 Sector –</b> It is confirmed that <b>no contribution</b> is required from this sector.</p>
Leicestershire County Council - Libraries	<b>£1,648 contribution</b> towards the enhancement of Shepshed Library.
Leicestershire County Council - Waste Management	<b>£2,263.63 contribution</b> towards HWRC at Shepshed
Leicestershire Police	Detailed comments about meeting secured by design standard.
Charnwood Open Spaces	<p>Raises <b>no objection</b> subject to on-site/off-site contributions:</p> <ul style="list-style-type: none"> <li>• On site suitable and agreed young people's equipment/facilities (Equipment, layout and design to be approved by CBC prior to commencement of development).</li> <li>• A 30 metre minimum landscaped buffer between the equipped area and boundary of nearest dwelling is required.</li> <li>• Alternatively, an off-site contribution of <b>£50,562</b> is recommended to meet the needs of the development. To be used to improve/provide additional young people's facilities within Shepshed.</li> </ul>

	<ul style="list-style-type: none"> <li>• Recommend off-site contribution of <b>£17,847</b> to be used to implement recommendations of the Charnwood Playing Pitch Strategy (PPS) 2018 in Shepshed.</li> <li>• Allotments - Create provision on site (layout and specification to be agreed by CBC prior to commencement of development). Alternatively, recommend an off-site contribution of <b>£5,985</b> for the creation of additional allotment provision within Shepshed.</li> </ul>
<p>National Company</p> <p>Forest</p>	<p>Although the illustrative masterplan now includes an element of woodland planting / a woodland tree belt along the southern boundary, further tree and woodland planting is required to comply with Policy CS12...the site area results in a requirement for 0.6ha of National Forest planting.</p> <p>Although the applicant considers that over 20% of the site has been designed to create and enhance forest-related green infrastructure the NFC are still of the opinion that the landscape masterplan (Rev A) does not show compliant National Forest planting. In short, not all the areas of 'green space' identified by the applicant can be considered to contribute to National Forest planting, because it includes inclusion of a retention pond]</p> <p>Based on the information provided, it is not apparent that the green space to the north of the site (with the SUDs pond and Local Equipped Area of Play-LEAP) will contribute to National Forest planting. SUDs ponds will only contribute to National Forest planting where they have been ecologically designed and include significant tree planting; the illustrative masterplan does not provide comfort that this will be the case, or that the LEAP area will contribute...</p> <p>[additional] new tree and woodland planting is required to comply with National Forest planting requirements.</p> <p>To conclude, it does not appear to the NFC that the illustrative masterplan provides 0.6ha of National Forest planting. To comply, the NFC considers that more tree and woodland planting must be incorporated. As advised previously, if National Forest planting is not provided on site, the policy allows for a financial contribution, which equates to £21,000 (£35,000 x 0.6ha).</p>

Leicestershire County Council Mineral Planning Authority	<b>No objections</b> in respect of mineral safeguarding.
Charnwood Borough Council Environmental Health	<b>No Objection</b>
Charnwood Borough Council Biodiversity	<p><b>No objection</b> subject to obligations as part of S106 are prepared to include:</p> <ul style="list-style-type: none"> <li>• To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application.</li> <li>• To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme.</li> <li>• Where the provision of the Biodiversity Net Gain on Site cannot be achieved to provide the mitigation measures on Site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and/or pay the Biodiversity Impact Compensation to the Council.</li> </ul> <p>Following planning conditions also need to be imposed:</p> <ul style="list-style-type: none"> <li>• Lighting Scheme</li> <li>• Construction Environmental Management Plan</li> <li>• Boundary Treatment</li> <li>• Landscape &amp; Habitat Management Plan</li> </ul> <p>Request mitigation to recreational impact on Morley Quarry. Morley Quarry is an LNR and therefore designated with a presumption of public access. However, this should not be taken to imply unlimited public access or that the features of conservation significance within the reserve are insensitive to public access.</p> <p>The quarry is surrounded by broadleaved woodland characteristic of much of the seminatural woodland in the Charnwood Forest, being oak dominated over light soil and supporting ancient woodland indicators including native bluebell (although it is not suggested that the site is formally designated as ancient woodland). This is a relatively small area of woodland with an established network of paths which, given the character of the soil are vulnerable to erosion and the ground flora is vulnerable to trampling.</p> <p>The size of the woodland makes it unlikely that there are any significant areas of undisturbed space for nature. The floor of the Quarry is dominated by grassland which is not of exceptional quality but includes an interesting mix of</p>

	<p>acid grassland indicators (e.g. sheep sorrel and common bent) together with species more characteristic of wet grassland such as false fox sedge. The soil on the Quarry floor is thin making the grassland here particularly vulnerable to trampling. Morley Quarry then supports populations of slow worm and common lizard which are also vulnerable to disturbance.</p> <p>Various mitigation and compensatory measures suggested to protect the Quarry.</p>
Severn Trent Water	Comments on Sewerage connections

### Ward Councillor and Town Council Response

Councillor Popley	<p>Has called application in on grounds of:</p> <ul style="list-style-type: none"> <li>▪ A potential large-scale change to the wider street-scene and locality (design); and,</li> <li>▪ Burden on utilities (i.e., drainage).</li> </ul>
On behalf of Jane Hunt MP	<p>Attaches two letters from constituent also received directly and asks for it to be taken into consideration, the comments about the importance of protecting the landscape character of this part of Shepshed and impact on the SSSI , are taken into account when determining this application. Greater detail is provided below</p>
Shepshed Town Council	<ul style="list-style-type: none"> <li>• This development would be outside of the local plan development area.</li> <li>• It is not identified in the SHLAA.</li> <li>• Iveshead junction is already over capacity, which was highlighted previously with the signal changes.</li> <li>• A512 over capacity at both AM and PM peak times, therefore, no more development should be permitted.</li> <li>• This development would increase traffic at the Charley Road cross roads which is already an accident hot spot.</li> <li>• Yet, another, elevated development resulting in urban sprawl.</li> <li>• Concern is expressed on the sight lines when exiting the proposed development, would result in no</li> </ul>

	<p>planting on highway, therefore, illustrative masterplan is not realistic.</p> <ul style="list-style-type: none"> <li>• Concern is also expressed for refuse vehicles manoeuvring and reaching some of the dwellings when you add cars and visitors parking etc.</li> <li>• No provision of play area, all these small developments equate to becoming a very large housing estate with no facilities for the residents.</li> <li>• These developments are promoting car use as all of the schools and facilities are too far away in reality. Parking issues already exist around Newcroft School in a housing estate which demonstrates people do not walk in general but use cars. Proving that development this far away without the provision of essential facilities is a disaster waiting to happen.</li> </ul>
Economic Development Charnwood	Request £688 per dwelling towards town centre.
<b>Responses to publicity</b>	
From	Comments
Four letters of objection received from three addresses	<ul style="list-style-type: none"> <li>• Would cause enormous harm to the character and appearance of the Charnwood Forest landscape.</li> <li>• Mitigation would not protect 'Landscape Area 3', Charley Heath and Pasture. Iveshead Lane is clearly and fundamentally the natural boundary of this area beyond which development of this intensity should not be allowed, as is the case elsewhere in Landscape Area 3.</li> <li>• Iveshead Hill is a SSSI; its close proximity to the proposed development only adds to the overall sensitivity of the area</li> <li>• the proposed scheme represents overdevelopment of the site that will adversely impact upon the local character of the area and the living conditions of neighbouring dwellings.</li> <li>• Visual intrusion, overlooking and loss of privacy owing to the higher land levels allowing views into existing houses, and protection will not be afforded by the Oak trees in winter</li> </ul>

<p>30 emails of support via Just Build Homes</p>	<ul style="list-style-type: none"> <li>• The ‘recreational route’ path running parallel with Iveshead Lane and the attenuation pond would also severely impact upon privacy, allowing a clear and direct view into habitable rooms</li> <li>• Due to the very elevated and exposed nature of the site, and as such, the expected elevated and overbearing buildings upon it, the proposed scheme in its current form will be overtly dominant and will be detrimental to the existing character and appearance of the immediate area and further afield</li> <li>• A constantly damp attenuation pond environment will attract insects and will need careful management</li> <li>• The development will add to issues already experienced regarding flooding from highways drains.</li> <li>• The proposed site access/egress would have inadequate vehicular visibility splays onto a fast, dangerous and increasingly busy road. This would create a hazardous staggered junction with the proposed site of 50 homes immediately to the west</li> <li>• Object to Pedestrian access to Iveshead Lane not a safe road</li> <li>• Supports as it will provide more affordable housing for residents who are struggling on private rent and people who are struggling to get onto the property ladder.</li> </ul>
--	--

## 8. Consideration of the Planning Issues

- 8.1 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), the “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028) and the Minerals and Waste Local Plan (2019).
- 8.2 The Core Strategy and Charnwood Local Plan 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 that there is no reason for them to be given reduced weight. As the Core strategy is now five years old, the Planning Authority cannot currently demonstrate a 5-year supply of housing land (4.27 years at 1st April 2023) 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.

8.3 Part i) of NPPF paragraph 11d) 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 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 and the 'tilted balance' in 11dii) applies.

8.4 The main planning considerations applicable to this application are considered to be:

- a) Principle of Development
- b) Housing Mix/Affordable Housing
- c) Landscape & Visual Impact/National Forest
- d) Ecology and Biodiversity
- e) Impact on Trees
- f) Design & Layout
- g) Open Space
- h) Impact on Residential Amenity
- i) Highway Matters
- j) Flood Risk and Drainage
- k) Minerals Safeguarding
- l) Other Matters
- m) Planning Obligations/S106

## **9. Key issues**

### **9.1 Principle of the Development**

9.1.1 The principle of development is guided by local plan policies CS1 of the Charnwood Core Strategy (2015), which outlines the development strategy for the borough and the distribution of sustainable growth. Within Policy CS1 after the Leicester Principle Urban Area (PUA), Loughborough and Shepshed are planned to accommodate the majority of remaining growth over the Plan period. This includes at least 5,000 new homes in and around Loughborough and Shepshed, approximately 1,200 of which should be positively planned for within and adjoining Shepshed, which in turn will assist the regeneration of Shepshed town centre.

9.1.2 Emerging Local Plan Policy DS1 has similar aims with large growth planned to the West and South East of the town. Under the guidance of NPPF paragraph 48 it is considered that the emerging Local Plan is 'well advanced' having been subject to

Examination and policies are consistent with the NPPF. However, Policy DS1 is contested and can therefore be given only limited weight at this time.

- 9.1.3 The policies also aim to respond positively to sustainable development which contributes towards meeting development needs, supports the strategic vision, makes effective use of land and is in accordance with the policies elsewhere in the Charnwood Core Strategy.
- 9.1.4 Saved Local Plan Policy ST/2 and Proposals Map of the Charnwood Local Plan identify Limits to Development for various settlements in the Borough. Policies CT/1 and CT/2 allow development outside the limits defined by ST/2 in very limited defined circumstances. The proposed development does not meet any of the defined circumstances in CT/1.
- 9.1.5 However, the housing supply policies of the Development Plan are out of date as the Core Strategy is more than five years old and the Local Planning Authority can currently demonstrate only 4.28 years housing land supply (at 01/04/23). The presumption in favour of sustainable development (NPPF paragraph 11d) therefore applies.
- 9.1.6 The proposal for 53 units would not therefore be adrift from the aims and objectives of Policy CS1 of the Core Strategy in respect of the number of units expected to be provided within and adjoining Shepshed over the plan period. Whilst the application site does not adjoin the existing defined settlement limits (other than a point at the North West Corner) due to existing development to the north that post-dates the limits defined by policy ST/2, it is considered to adjoin the built form of Shepshed (the development P/17/1935/2 referred to in the planning history) and as such it is not considered that the proposal conflicts with policy CS1.
- 9.1.7 Overall whilst there is some conflict with saved local plan policies CS1, CT/1 and ST/2 due to the site's location in the countryside and outside of the defined settlement limits, these policies carry reduced weight due to the lack of 5 year supply, and any conflict with these policies needs to be considered in the planning balance below. In addition, the sites to the North and West have effectively defined the southern edge of Shepshed to the north of Iveshead Lane, so that the scheme is effectively a 'rounding off' of the new urban edge. It is considered that, in the light of the appeal decision to the West (P/21/0027/2), and the decision that policies CS1 and ST/2 were out of date, that resisting the development on settlement limit grounds would not be defensible. The proposal would accord with the principles of policy CS1 and emerging policy DS1 which supports growth within and adjoining Shepshed.
- 9.1.8 Overall, it is considered that the principle of development is acceptable. The development, in principle, is therefore considered to comply with Policies CS1 and CS 17 of the Core Strategy and DS1 and CC5 of the emerging Charnwood Local Plan. The application therefore falls to be considered in terms of its impact on the character



and appearance of the countryside, landscape impact, amenity, ecology and highway safety.

## 9.2 Housing Mix and Affordability

9.2.1 Policy CS3 (Affordable Housing) of the Core Strategy outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and the character of the area and suggests 20% (in Shepshed) of the units should be affordable homes to meet local needs. Emerging policy H4 requires 30% affordable on Greenfield sites. Similarly, paragraph 63 of the NPPF also allows for affordable housing contribution on major development sites of 10 or dwellings.

9.2.2 The Housing Supplementary Planning Document and emerging policy H2 provides standards relating to how these units should be detailed. These policies generally accord with the NPPF and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

9.2.3 Emerging policy H1 seeks a mix of house types and sizes to meet the overall needs of the Borough in line with up to date evidence. The policy is at an advanced stage, was considered in the hearing sessions in February and is consistent with the NPPF and it is considered can currently be given limited weight and H3 requires that the Nationally Described Space Standards shall be met.

9.2.4 The Leicestershire Housing and Economic Needs Assessment (HENA) 2022 outlines a recommended housing mix for the Borough in respect of both market and affordable housing. This includes the following housing mix:

Affordable social/affordable rented	
1 bed	35%
2 bed	35%
3 bed	25%
4+ bed	5%
Affordable home ownership	
1 bed	20%
2 bed	40%
3 bed	30%
4+ bed	10%
Market	
1 bed	5%
2 bed	30%
3 bed	45%
4+ bed	20%

9.2.5 The Council's affordable housing officer has recommended an affordable mix (above) which can be secured by planning obligation. The mix of market units would be secured at the time of the layout under reserved matters and the site is capable of meeting the above requirements. The proposed 11 units (20%) complies with adopted plan policy CS3 is slightly below the 15 units indicated by the emerging 30% target but

takes into account the small size of the site. The amount meets the development plan target.

9.2.6 Overall, the proposal could include provision of a mix of housing including plan conformant affordable housing which would be demonstrated at the reserved matters application stage. This weighs in favour of the scheme in the planning balance in accordance with complies with policy CS3 of the Core Strategy, and viability evidence supports no compliance with emerging policy H4.

### 9.3 Landscape & Visual Impact/National Forest

9.3.1 Policies CS11 and CS12 of Charnwood Core Strategy and saved Local Plan Policy EV2 are concerned with protecting the landscape and ensuring new development does not result in visual harm, Policy CS12 with specific reference to the Charnwood and National Forests. Emerging Local Plan policy EV4 has the same objectives as CS12, to protect and enhance the Charnwood Forest Regional Park and support the aims of the National Forest Strategy and to support development which provides tree planting within the Charnwood Forest Regional Park, in accordance with the National Forest Planting Guidelines and improved network of public rights of way. These policies generally accord with the National Planning Policy Framework and do not directly impact on the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

9.3.2 The indicative layout shows 20% of the site has been designed to create and enhance forest-related green infrastructure. The National Forest states that the area contains a flood retention pond so considers it deficient. This is a matter on which the guidance is unclear and the Council's Biodiversity officer considers this is a matter which can be addressed at reserved matters stage or through an off-site contribution as requested by the National Forest, or by a combination of both.

9.3.3 The application is supported by a Landscape and Visual Appraisal (Tyler Grange, November 2022, and a January 2023 addendum).

9.3.4 In the Landscape Character Assessment for the Charnwood Forest Regional Park (2021) the site lies with the Area 3: Charley Heath and Pasture Character Area. This is described as A predominantly upland landscape which acts as a transition between the Ulverscroft Wooded Valley and lower lying arable land to the north. Some upland features of heathland with gorse and rocky outcrops but also extensive pastoral.

Woodland varies between large areas of mature woodland with some newer areas of woodland planting.

9.3.5 It states 'Views to the south include a rising and rolling landform with significant woodland cover on the higher ground'.

9.3.6 It recommends that:

- Enhance the gateways between the southern edge of Shepshed and the wider Charnwood Forest area.
- Retain and enhance existing woodland, trees and hedgerow trees on the southern edge to provide screening of the urbanised edge.
- Retain the existing planting to the M1 and Charnwood Quarry to screen traffic and work and reduce noise.
- Protect the character of the rising landscape to the south.

9.3.7 In this case with the site located on the southern slopes of the southern edge of Iveshead Lane there are no views into the wooded and highland core of Charnwood Forest views focused on the setting of Shepshed. Overall, this site is not considered sensitive or precluded from development in landscape terms. Although landscape character area three Area 3: Charley Heath and Pasture is one of the most sensitive of those in the Forest this particular field is level on its western edge with the site West of Iveshead Road lying within landscape area 7: Loughborough/Shepshed Mixed Farmland. It is considered that assessment of individual site sensitivity (as opposed to broad area by broad area sensitivity carried out by the Landscape Character Assessment) means that in practice there is little difference in sensitivity between the eastern and western sites. Also, the sensitivity of sites vary dramatically within character area, for example the hills visible to the east and west of this site are much more sensitive than the low lying ground on the south side of Shepshed.

9.3.8 This view is reinforced by the inspector on the site to the west concluding that the area does not exhibit the 'special' and distinctive features of Charnwood Forest.

*"The appeal site is one field on the edge of Shepshed, which makes no practical recreational contribution to the wider Charnwood Forest area, and has no particular cultural associations. As outlined above, with suitable mitigation, the development of the site could be integrated into the surrounding landscape. Even if Charnwood Forest as a whole were considered to be a valued landscape, the proposed development would have a negligible adverse effect on the value given to Charnwood Forest as a whole. As such, there would be minimal conflict with Framework paragraph 174a)."*

As such the study states the site is not sensitive, contained by the urban fringe and enclosed by the hill to the south. Hence the visual impact is contained and is considered to be acceptable.

9.3.9 Subject to the recommended conditions, the overall development would accord with policies CS2, CS11, CS12 and EV2 of the Adopted Core Strategy, and emerging Local Plan policy EV4.

#### 9.4 Ecology and Biodiversity

9.4.1 Local Plan Policy CS13, and Emerging local plan policy EV6 seek to conserve and enhance the natural environment with regard to biodiversity and ecological habitats.

9.4.2 Emerging policy EV6 of the Draft Local Plan seeks 10% biodiversity net gain and the protection and enhancement of habitats, species and networks. Environment Act 2021 makes provision for 10% biodiversity net gain, the relevant sections of the Act have not yet been brought into force to make it a legal requirement and is not currently required by national policy. Therefore, emerging Local Plan policy EV6 can be given moderate weight until the emerging policy is further progressed towards adoption but its 10% net gain requirement only limited weight.

9.4.3 The Council's Ecologist has confirmed that the proposal's effects on biodiversity will require a Biodiversity Impact Assessment, baseline conditions have been established. Ecological mitigation and off-site compensation (if necessary) could be satisfactorily addressed by detailed measures secured as part of detailed reserved matters application and secured and agreed through obligations as part of a S.106 Legal Agreement.

9.4.4 Consideration has been given to the request for offsetting of impact on Morley Quarry Local Nature Reserve. The suggestions of the Council's ecologist have been responded by the applicant for a variety of reasons:

- Green Space within the site already meets requirements
- The site links in well with other greenspace via a public footpath network.
- That measures already being provided to prevent access from the development to the north of Iveshead Lane (P/20/1437/2) will also prevent access from the application site
- Extension of the site to the east would not provide comparable recreational opportunities
- Homeowner packs to establish a code of conduct in relation to Morley Quarry could be provided

It has not proved practical to devise solutions and the adjoining pasture, suggested for enhancement, is let for grazing.

9.4.5 However, it is considered that the public open space provided on site and Morley Quarry Local Nature Reserve offer recreational opportunities of different type. For example, residents wishing to take a short walk are likely to utilise the onsite provisions of circular footpaths, or those in the immediate vicinity of the site. The Local Nature Reserve is more likely to encourage people who are wishing to engage in more formal recreational activities (i.e. longer walks). In this instance, the appeal of a walk through

the more interesting landscapes of the Local Nature Reserve is likely to outweigh the onsite provisions.

- 9.4.6 There is no local plan policy for diversion of recreational impact and as this has not been requested on other nearby and adjoining sites. Also, the offsite National Forest payment would serve the same purpose in enhancing public recreational facilities. It is considered that through the provision of the onsite green space and footpath network, substantially over and above the minimum policy requirement, and the distribution of homeowner packs which signpost alternative recreational options, the proposed development has incorporated a reasonable and proportionate mitigation strategy, regarding the concerns of impact upon Morley Quarry as an LNR.
- 9.4.7 However, there would remain potential for the impacts to occur and as such will feature as a negative aspect within the overall planning balance.
- 9.4.8 Otherwise, in terms of biodiversity net gain and ecological impact, the proposal, subject to the required obligations in the S.106 Legal Agreement, imposition of planning conditions and detailed design/mitigation at reserved matters application, is considered acceptable and would comply with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy and emerging local plan policy EV6.
- 9.4.9 These neutral ecology and biodiversity impacts (i.e. with the exception of Morley Quarry as discussed above) result in the biodiversity considerations being neutral in consideration of the planning balance.

## 9.5 Trees

- 9.5.1 Local Plan Policy CS12 and Policy EV7 of the emerging Local Plan seek the retention of existing trees and provision of new trees on site in accordance with the latest National Forest Planting Guidelines for development proposals within the area of the National Forest and Charnwood Forest Regional Park. Policy EV7 of the emerging Local Plan is 'well advanced' having been subject to Examination and policies are consistent with the NPPF. Policy EV7 is largely uncontested and can therefore be afforded moderate weight.
- 9.5.2 The Arboricultural Impact Assessment states that three trees are proposed for removal at the proposed site entrance which include two Category A Oaks and one Category C Ash. The partial removal of two Category C hedgerows will also be required in order to facilitate access for the proposed development. The point of access is considered the optimum safe position by the Highways Authority and avoids conflict with the site access of the site to the West. This will be compensated for proposed woodland planting and landscaping throughout the site, details of which will be agreed via reserved matters, as required by policy, and for which details of which are to be

secured by condition/S106 if off site contribution if the full on-site level cannot be achieved.

9.5.3 Overall the scheme is assessed to comply with the development plan policy CS12 and this weighs in favour of the scheme in the planning balance because of the additional National Forest Planting.

## 9.6 Design and Layout

9.6.1 Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area, saved policy EV1 of the Local Plan and emerging policy EV7 support development that is of a design, scale, layout and mass compatible with the locality, and which uses materials appropriate to the locality. These policies generally accord with the NPPF and National Design Guide and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

9.6.2 The Core Strategy seeks to ensure high quality design that reflects the character and context of the area, which in this location comprises low density development and agricultural land with mature trees and hedges. These policies generally accord with the National Planning Policy Framework and do not conflict the supply of housing.

9.6.3 Emerging Local Plan Policy DS5 requires development to make a positive contribution to Charnwood by responding positively to local distinctiveness. The policy is at an advanced stage and hearing sessions in June 2022 considered the policy and it is consistent with the NPPF. The policy can be given moderate weight.

9.6.4 The layout is only indicative at this stage, with layout, height, elevation, materials etc. being reserved matters. The illustration shows that the proposed quantum of development can be achieved with an appropriate design. The illustrative layout is appropriate showing a loop road design off a single access with buffer forestry planting off Iveshead Lane.

9.6.5 It is considered a proposal that complies with NPPF, National Design Guide, policies CS2, CS11 and CS13 of Charnwood Core Strategy, EV/1 of Local Plan and the Charnwood Design SPD, and emerging local plan policy EV7 would be achieved.

9.6.7 This design and layout aspect weighs in favour of the scheme in the planning balance.

## 9.7 Open Space

9.7.1 Policy CS15 and emerging policy EV9 of the draft Local Plan seeks to ensure adequate open space is provided to serve the needs of new development. This policy generally accords with the NPPF and does not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to the policy.

9.7.2 The Open Space officer has raised no objections subject to the open space indicated on the indicative layout plan following good design principles to create a space that is visually attractive and encourages active lifestyles. A planning condition can be

imposed to secure on-site open space provision including natural and amenity green space and etc.

9.7.3 The open space shown on the illustrative masterplan meets the on-site open space requirement within CS Policy CS15 for the amenity green space and Semi Natural Greenspace, other categories of open space would need to be provided off site and this will be secured through the Section 106 Agreement. The amount of off-site space required is consistent with the findings of the Council's Open Space Assessment and Playing Pitch Strategy, provided the requested contributions towards off site young persons and playing pitch provision is provided. Consequently, the proposal is considered to comply with policy CS15 of the Development Plan, and this weighs in favour of the scheme in the planning balance.

## 9.8 Impact on Residential Amenity

9.8.1 Saved policy EV/1 of Local Plan and policy CS2 of Core Strategy, and emerging policy H3 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) and emerging plan policy H3 also provides spacing standards and guidance to ensure an adequate level of amenity is achieved.

9.8.2 Emerging Local Plan policy DS5 states that new development will be required to protect the amenity of people who live or work nearby and those who live in the new development. The policy is at an advanced stage and hearing sessions in June 2022 considered the policy and it is consistent with the NPPF. The policy can be given moderate weight.

9.8.3 There are no adjoining residential properties, apart from the remnant farmhouse to the south of the converted barn industrial units, the closest being the new properties on the northern side of Iveshead Lane, separated by the new area of forest planting. There is sufficient space to meet amenity and national space standards on any reserved matter application.

9.8.4 The application is in outline, but there is no reason to believe a details layout could not meet the required standards and provide adequate levels of privacy and overlooking etc. and internal space standards. The proposal is able, therefore, to comply with the provisions of policies CS2 of Charnwood Core Strategy, EV/1 of Local Plan along with NPPF, National Design Guidance, and emerging Local Plan policies H3 and DS5, and the guidance set out in the Design SPD to protect residential amenity. This is neutral in the planning balance as there would be no harm.

## 9.9 Highway Matters

9.9.1 Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan seek to ensure safe access is provided to new development

9.9.2 Policy CS17 requires major development to provide walking, cycling and public transport access to key facilities and services, including securing new and enhanced bus services from major developments and new bus stops where new development is more than 400 metres walk from an existing bus stop. These objectives are carried

forward in emerging Local Plan Policy CC5 which also requires improvement to bus facilities. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them. Paragraph 111 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network. Paragraph 112 of the NPPF seeks to promote sustainable travel choices.

9.9.4 Emerging local plan policy T3 requires new development to provide car parking in accordance with the latest published guidance of the County and Borough Councils. Emerging policies INF1 and INF2 seek to secure appropriate infrastructure to mitigate the impacts of development.

9.9.5 The Local Highways Authority is content with the access arrangements, the relationship with the site access to the west and the visibility and design of the site access more generally. This proposes a single access onto Iveshead Road, situated north of the adjoining site access to the West and North of the brow of the hill and existing farm access for safety purposes

9.9.6 The Local Highways Authority has raised no objection and does not consider the scheme raises any safety or capacity issues, and hence is compliant with paragraph 111 of the NPPF, providing certain off-site works are funded.

9.9.7 There has been no requirement from the highways authority for strategic highway projects and junction improvements for the much larger projects in the emerging local plan.

9.9.8 To the direct north of the scheme is a mini roundabout funded by recent highways schemes at the junction of Iveshead Lane and Iveshead Road. Pedestrian connections to Iveshead Lane would ensure safe cycle and pedestrian access and connection to the footway system of Shepshed.

9.9.9 The site lies within close proximity to public transport and has ready access to a wide range of facilities within Shepshed. The Local Highways Authority have recommended the provision of travel packs, bus passes and improvements to the nearest bus stops, as measures to encourage use of public transport.

9.9.10 Consequently, the proposed development is considered to be in accordance with Policy CS18 of the Core Strategy and TR/18 of the Local Plan, which seek to ensure safe access is provided to new development, and policy CS17 and emerging policy CC5 is concerned with encouraging sustainable transport patterns. This counts positively in favour of the scheme in the planning balance.

#### 9.11 Flood risk and drainage

9.11.1 Policy CS16 of the Core Strategy, emerging policy CC1 of the draft Local Plan and the NPPF direct development away from areas at highest risk of flooding.

9.11.2 Emerging Policy CC1 of the Draft Local Plan encourages minor development to incorporate Sustainable Urban Drainage Systems (SuDS). Emerging policy CC2



states development will include appropriate measures to manage flood risk. This policy is at an advanced stage and was discussed at the hearing sessions in June 2022 and is consistent with the NPPF so can be given moderate weight.

9.11.3 The development is situated within Flood Zone 1 meaning it is outside recognised areas of flood risk.

9.11.4 There is also attenuation proposed to achieve this with attenuation basins for both sub-catchments areas. This will ensure that surface water is captured and released in a managed approach, such that it will not add to the watercourse (Shortcliff Brook several hundred metres to the East) when it is in spate and will not, therefore, exacerbate existing flooding issues.

9.11.5 The Lead Local Flood Authority have raised no objections subject to imposition of pre-commencement planning conditions in relation to a detailed surface water drainage scheme, infiltration testing, management and long-term maintenance of surface water drainage system.

9.11.6 Consequently, the proposal is considered acceptable having regard to Policy CS16 of Charnwood Core Strategy and NPPF, as well as emerging policy CC1.

#### 9.12 Minerals Safeguarding

9.12.1 The site is in a small area of the borough safeguarded by policy M11 of the Minerals and Waste local plan. This states '*Brickclay resources in Leicestershire are extensive and it is not considered that it is justified to safeguard large areas of the outcrop. MSAs have therefore been drawn around existing sites taking account of the resource and existing infrastructure and using clear physical boundaries wherever possible*'. Expansion of The quarry is to the north of Iveshead Lane and that at the adjoining site is not required. The former is several fields away and expansion is considered impractical, and extraction on one small field is uneconomic.

9.12.2 Therefore the scheme is considered to pass the exemptions in the policy M11. This is neutral in the planning balance.

#### 9.13 Other Issues

9.13.1 A ground investigation has found no contamination issues.

9.13.2 There are no heritage assets in the vicinity of the site.

9.13.3 An objector has raised the issue of impact on the Iveshead Hill SSSI. However, this a geological SSSI is not visible from the site.

9.13.4 There are no other significant planning issues.

#### 9.14 Planning Obligations/ S.106 Agreement

9.14.1 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

regulations 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. Consultation regarding the application resulted in the listed requirements under the recommendation below. These contributions are considered to be CIL compliant and would allow the necessary infrastructure to meet policies CS3, CS13, CS15, CS17 and CS24 and meet the statutory tests contained in Regulation 122 of the CIL, and the requirements of paragraph 57 of the NPPF.

Affordable Housing	<p>20% Affordable Housing Provision as follows:</p> <p><b><u>Affordable/Social Rent</u></b> 55%</p> <p><b><u>Shared Ownership</u></b> 45%</p> <p>In accordance with Affordable Housing SPD</p>
Charnwood Borough Council Open Space	<ul style="list-style-type: none"> <li>• off-site contribution of <b>£50,562</b> to meet the needs of the development. To be used to improve/provide additional young peoples facilities within Shepshed.</li> <li>• off-site contribution of <b>£17,847</b> to be used to implement recommendations of the Charnwood Playing Pitch Strategy (PPS) 2018.</li> <li>• Allotments - an off-site contribution of <b>£5,985</b> for the creation of additional allotment provision within Shepshed.</li> </ul>
National Forest Company	<ul style="list-style-type: none"> <li>• Appropriate National Forest planting on site, or an off-site financial contribution for off site tree planting should this not be achieved at reserved matters stage of £21,000 (£35,000 x 0.6ha</li> </ul>
Sustainable Transport	<p>a) Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).</p> <p>b) 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) <b>£360.00</b> per pass).</p> <p>c) STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.</p> <p>d) Raised kerb provision at the nearest two bus stops 260008405: Ashby Road West, Adjacent to</p>

	Iveshead Road and 260008408: Charnwood Road, opposite Iveshead Road at a cost of <b>£3,500</b> per stop to support modern bus fleets with low floor capabilities
Biodiversity	<ul style="list-style-type: none"> <li>• To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application.</li> <li>• To submit an updated Biodiversity Impact Assessment with the reserved matters</li> <li>• To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme.</li> <li>• Where the provision of the Biodiversity Net Gain on site cannot be achieved to provide the mitigation measures off Site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and pay the Biodiversity Impact Compensation to the Council</li> </ul>
Leicestershire County Council Library Services	<ul style="list-style-type: none"> <li>• <b>£1,648 contribution</b> towards the enhancement of Shepshed Library.</li> </ul>
Leicestershire County Council Waste management	<ul style="list-style-type: none"> <li>• <b>£2,263.63 contribution</b> towards HWRC at Shepshed</li> </ul>
Leicestershire County Council Education	<ul style="list-style-type: none"> <li>• <b>Primary School Sector – £ £240,463.00 contribution</b> towards provision, improvement, remodelling or enhancement of education facilities at Newcroft Primary School or any other school within the locality of the development</li> <li>• <b>Secondary School Sector - £ 192,050.80 contribution</b> towards provision, improvement, remodelling or enhancement of education facilities at Iveshead School or at other schools or other school within the locality of the development</li> </ul>
Economic Development Charnwood	Request £688 per dwelling towards town centre improvement scheme.

## 10. Planning Balance/Conclusion

10.1 Although the site is not proposed for allocation and is outside the Shepshed development boundary the titled balance applies. The development of the land to the

North and West (at appeal) have established that development of these adjoining is not harmful to the Charnwood Forest landscape and assessing this site on its merits this site is judged of similar impact and sensitivity and is therefore acceptable. The housing provision counts in favour of the scheme.

- 10.2 As the Core Strategy is now five years old and the Local Planning Authority cannot currently demonstrate a 5-year supply of housing land (4.27 years), 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 11dii), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits for planning permission to be refused.
- 10.3 The provision of affordable housing, at 20%, meets the adopted plan percentage for Shepshed, but is below the emerging policy requirements of 30% but is considered acceptable given the status of the policy as the Development Plan. The scheme is contrary to the saved policies of the 2004 Local Plan but is fully policy compliant with the development plan in most other respects and there is no objection from the local highway authority or other technical obstruction to development.
- 10.4 Applying the presumption in favour of sustainable development through application of the tilted balance in paragraph 11dii), it is considered that the identified adverse impacts (conflict with the out of date policies of the saved Local Plan 2004, some limited intrusion into the countryside and potential for harm to the ecology of Morley Quarry) would significantly and demonstrably be outweighed by the benefits of the development (addition of a mix dwelling units to the supply of housing, including affordable housing, in a sustainable location) when assessed against the NPPF taken as a whole.

**11. Recommendation**

**RECOMMENDATION A:**

That authority is given to the Head of Planning and Growth and the Head of Governance and Human Resources 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, including 20% affordable housing.

Affordable Housing	20% Affordable Housing Provision as follows:  <u><b>Affordable/Social Rent</b></u> 55%  <u><b>Shared Ownership</b></u> 45%  In accordance with Affordable Housing SPD
--------------------	---

Charnwood Borough Council Open Space	<ul style="list-style-type: none"> <li>• off-site contribution of <b>£50,562</b> to meet the needs of the development. To be used to improve/provide additional young peoples play facilities within Shepshed.</li> <li>• off-site contribution of <b>£17,847</b> to be used to implement recommendations of the Charnwood Playing Pitch Strategy (PPS) 2018 within Shepshed.</li> <li>• Allotments - an off-site contribution of <b>£5,985</b> for the creation of additional allotment provision within Shepshed.</li> </ul>
National Forest Company	<ul style="list-style-type: none"> <li>• Appropriate National Forest planting on site, or an off-site financial contribution for off site tree planting should this not be achieved at reserved matters stage of £21,000 (£35,000 x 0.6ha)</li> </ul>
Shepshed Town Centre Improvement	<ul style="list-style-type: none"> <li>• £688 /dwellings = <b>£36,464</b></li> </ul>
Sustainable Transport	<ul style="list-style-type: none"> <li>a) Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).</li> <li>b) 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) <b>£360.00</b> per pass).</li> <li>c) STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.</li> <li>d) Raised kerb provision at the nearest two bus stops 260008405: Ashby Road West, Adjacent to Iveshead Road and 260008408: Charnwood Road, opposite Iveshead Road at a cost of <b>£3,500</b> per stop to support modern bus fleets with low floor capabilities</li> </ul>
Biodiversity	<ul style="list-style-type: none"> <li>• To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application.</li> <li>• To submit an updated Biodiversity Impact Assessment with the reserved matters</li> <li>• To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme.</li> <li>• Where the provision of the Biodiversity Net Gain on site cannot be achieved to provide the</li> </ul>

	mitigation measures off Site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and pay the Biodiversity Impact Compensation to the Council
Leicestershire County Council Library Services	• <b>£1,648 contribution</b> towards the enhancement of Shepshed Library.
Leicestershire County Council Waste management	• <b>£2,263.63 contribution</b> towards HWRC at Shepshed
Leicestershire County Council Education	<ul style="list-style-type: none"> <li>• <b>Primary School Sector – £ £240,463.00 contribution</b> towards provision, improvement, remodelling or enhancement of education facilities at Newcroft Primary School or any other school within the locality of the development</li> <li>• <b>Secondary School Sector - £ 192,050.80 contribution</b> towards provision, improvement, remodelling or enhancement of education facilities at Iveshead School or at other schools or other school within the locality of the development</li> </ul>

**RECOMMENDATION B:**

That subject to the completion of the agreement in A above, planning permission be **granted** subject to the following conditions:

1. Application for approval of reserved matters shall be made within three years of the date of this permission and the development shall be begun not later than two years from the final approval of the last of the reserved matters.

REASON: In order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

REASON: In order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The details to be submitted pursuant to condition 2 shall show all units in compliance with the Nationally Described Space Standards.

REASON: To comply with emerging local plan policy H3.

4. The details to be submitted pursuant to condition 2 shall include that 10% of new market homes will meet the Building Regulations Part M4(2) standard for being accessible and adaptable. The affordable homes on the site shall meet the M4(2) and/or M4(3) standards for being suitable for wheelchair users, subject to assessment of viability and/or site-specific constraints.

REASON: In order to meet the needs to the ageing population and people with disabilities and to secure a high standard of amenity for future residents in accordance with emerging Policy H2 of the Charnwood Local Plan 2021- 37 and paragraph 130 of the NPPF.

5. The development hereby permitted shall be carried out in accordance with the following approved plans and details, but only in respect of those matters not reserved for later approval
  - Location Plan – drawing no. 477\_L01
  - Proposed Access – drawing no. 22290 SK\_T\_002 P7

REASON: In order to secure a high standard of amenity for future residents in accordance with emerging Policy H3 of the Charnwood Local Plan (2021- 37) and paragraph 130 of the NPPF.

6. No dwelling shall be occupied until the access arrangements shown on drawing '22290 SK\_T\_002 P7 have been implemented in full. Visibility splays shall thereafter be permanently maintained, and shall remain free of any structure, erection or vegetation exceeding 0.6 metres in height. Notwithstanding any illustrative material provided, the access road serving the development shall be designed and constructed in accordance with the standards of Leicestershire County Council Highway Authority, to include suitable traffic calming measures if required. No house shall be occupied until the access road has been constructed in accordance with details which have previously been approved in writing by the local planning authority. The access road shall thereafter be permanently so maintained.

REASON: To comply with the requirements of the local highways authority and to conform to plan policy CS2.

7. No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall provide for:
  - Details of the routing of construction traffic to and from the site;
  - the parking of vehicles of site operatives and visitors;
  - wheel washing facilities; and
  - a timetable for implementation.

The approved Construction Traffic Management Plan shall be adhered to throughout the construction period for the development.

REASON: To comply with the requirements of the local highways authority and to mitigate disruption from construction, and to comply with CS2 of the adopted Core Strategy 2015 and DS5 of the emerging Charnwood Local Plan 2021-37.

8. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority.
- The Plan shall provide for: the management of surface water on site during all stages of construction;
  - the parking of vehicles of site operatives and visitors;
  - loading and unloading of plant and materials;
  - storage of plant and materials used in constructing the development;
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - wheel washing facilities;
  - measures to control the emission of dust and dirt during construction;
  - a scheme for recycling/disposing of waste resulting from demolition and construction works; delivery, demolition and construction working hours
- The approved Construction Environmental Management Plan shall be adhered to throughout the construction period for the development.

REASON: To comply with the requirements of the local highways authority and to mitigate disruption from construction, in order to comply with Policy CS2 of the adopted Core Strategy 2015 and DS5 of the emerging Charnwood Local Plan 2021-37.

9. No development shall take place until details of a surface water drainage/SUDS scheme, including ongoing maintenance, have been submitted to, and approved in writing by, the local planning authority. The surface water drainage scheme shall be informed by infiltration testing which shall first have been carried out (or suitable evidence provided to preclude testing), to confirm or otherwise the suitability of the site for the use of infiltration as a drainage element. The development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To comply with the requirements of the Lead Local Flooding Authority in accordance with Policy CS16 of the adopted Core Strategy 2015 and CC1 of the emerging Charnwood Local Plan 2021-37.

10. No development shall take place until a scheme for foul water drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the dwellings

REASON: To comply with the requirements of the Lead Local Flooding Authority in accordance with Policy CS16 of the adopted Core Strategy 2015 and CC1 of the emerging Charnwood Local Plan 2021-37.

11. Any trees and hedgerows shown for retention on Tree Retention and Removals Plan 13109\_P15 shall be retained and protected, and shall not be felled, lopped, topped or uprooted. Any of the trees shown for retention which are removed, die, are severely damaged or become seriously diseased shall be replaced with trees of a size and species previously agreed in writing by the local planning authority within one year of the date of any such loss, for a period of 5 years from the date development begins.



REASON: To implement the Arboricultural Impact Assessment and comply with policy EV7 of the emerging Charnwood Local Plan 2021-37.

12. No development, including site works, shall begin until each tree and hedgerow to be retained has been protected in a manner which shall have first been agreed in writing by the local planning authority. Each tree and hedgerow shall be protected in the agreed manner for the duration of building operations on the site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored on it. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree or hedgerow roots encountered with a diameter of 5cm or more shall be left unsevered.

REASON: To implement the Arboricultural Impact Assessment and comply with policy EV7 of the emerging Charnwood Local Plan 2021-37.

13. The hedgerows around the site, other than the section proposed to be removed for the new access road in Tree Retention and Removals Plan 13109\_P15, shall be retained, protected (except for access requirements) and maintained in accordance with a Hedgerow Management Plan to be submitted to and agreed in writing by the local planning authority prior to the commencement of development.

REASON: To protect Hedgerows and comply with Policy EV7 of the emerging Charnwood Local Plan 2021-37.

14. Details submitted pursuant to condition 2 shall provide for at least 0.6ha of the site area as woodland planting within the site, to meet the National Forest planting guidelines. All planting shall be completed in the planting season following first occupation.

REASON: To comply with Policy CS12 of the adopted Core Strategy 2015 and EV4 and EV7 of the emerging Charnwood Local Plan 2021-37.

15. Details submitted pursuant to condition 2 for landscaping shall include minimum amounts and typologies of on-site multi-function green space; natural and semi-natural open space; and amenity green space as far as possible conforming to amounts set out in the Charnwood Open Space Strategy Standards 2018.

REASON: To comply with policy CS15 of the adopted Core Strategy 2015 and EV9 of the emerging Charnwood Local Plan 2021-37.

16. Details of landscaping required to be submitted pursuant to condition 2 shall include the following details:
  - the treatment proposed for all ground surfaces, including hard surfaces;
  - planting schedules across the site, including species, sizes, numbers and densities of plants and trees;
  - finished levels or contours within any landscaped areas;
  - existing and proposed ground levels, and finished floor levels of all buildings relative to the proposed ground levels;

- any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure;
- functional services above and below ground within landscaped areas; and
- all existing trees, hedges and other landscape features, indicating clearly any to be removed. The landscaping works shall be carried out in accordance with the approved details in accordance with an agreed implementation plan.
- Details of all external lighting proposed

REASON: To comply with Policy CS2 of the adopted Core Strategy 2015 and DS5 of the emerging Charnwood Local Plan 2021-37.

17. Prior to the occupation of any dwelling a Landscape Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include long term design objectives, management responsibilities and maintenance schedules for all public open spaces, ecological areas and surface water drainage systems and timetable for implementation. The approved Plan shall then be fully implemented in accordance with the agreed timetable and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To comply with Policy CS2 of the adopted Core Strategy 2015 and DS5 of the emerging Charnwood Local Plan 2021-37.

18. No development shall take place until an Ecological Management Plan has been submitted to and approved in writing by the local planning authority; and shall include, based on the measures contained in the submitted Ecological Appraisal by Tyler Grange (05.12.2022) the following:
- Measures to maximise the biodiversity of newly created habitats and demonstrate their ability to support protected and priority species, including demonstrating biodiversity new gains
  - Details of the location, number and design of nesting bird boxes, bat boxes and invertebrate hibernacula to be incorporated into the development.

The approved Ecological Management Plan shall then be fully implemented in accordance with an agreed timetable.

REASON: To comply with Policy CS13 of the adopted Core Strategy 2015 and EV6 of the emerging Charnwood Local Plan 2021-37.

19. No part of the development shall be occupied until such time as the offsite works shown on Jubb drawing number '22290 SK\_T\_002 P7' have been implemented in full.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).

20. The development hereby permitted shall be carried out in accordance with the Travel Plan Reference 22290-TP-01 prepared by Jubb dated November 2022 which sets out

actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021), and to conform with plan policy CS17 of the adopted Core Strategy 2015 and CC5 of the emerging Charnwood Local Plan 2021-37.

# APPLICATION SITE

