

Item No. 3

Application Reference Number P/20/0566/2

Application Type:	Full	Date Valid:	24 th March 2020
Applicant:	Mr I Herbert		
Proposal:	Erection of 8x dwellings including demolition of existing bungalow, associated access and landscaping works, (revision of scheme P/19/1322/2 refers).		
Location:	Land at / rear of 31 Garendon Road Shepshed LE12 9NU		
Parish:	Shepshed	Ward:	Shepshed
Case Officer:	Lewis Marshall	Tel No:	01509 634691

This item has been called in to be determined by the Plans Committee at the request of Cllr Popley. As he considers the development will cause traffic issues and as such will have an environmental impact.

Description of the Application

The application site comprises a parcel of land to the rear and inclusive of 31 Garendon Road, Shepshed. 31 Garendon Road is a single detached bungalow which is thought to be of early post-war construction. The site extends to 0.3 hectares and is undeveloped and bound on all sides by existing residential gardens. The site is located within the defined limits of Shepshed.

The application seeks full planning permission for the construction of eight dwellings following the demolition of 31 Garendon Road that will facilitate the construction of the access from Garendon Road. The proposal includes the construction of eight detached dwellings that will consist of a mix of 50% 3 bed and 50% 4 bed properties each with private garden and parking. Materials proposed are light render with brick plinths and slate coloured roof tiles. The proposal also includes a wildlife corridor to the sites eastern edge with landscaping to include a central turning head, a detached garage block, planted swales and an attenuation pond.

The application is a resubmission of a previously withdrawn application P/19/1322/2. The application was withdrawn on the advice of the officer due to concerns with the quantum of development, the layout, the impact on neighbouring properties and impact on ecology.

The application is supported by the following plans and documents:-

- Site layout plan 3219.3-1 Rev. D
- Location plan 3219.3-2
- Proposed floor plans & elevations- house type A (4 bed detached) 3219.3 - 3
- Proposed floor plans & elevations - house type B (4 bed detached) 3219.3 – 4
- Proposed floor plans & elevations - house type C (3 bed detached) 3219.3 - 5A
- Proposed floor plans & elevations - house type D (3 bed detached) 3219.3 - 6A

- Proposed garage plan / elevations, street scene & materials 3219.3 - 7B
- Proposed site landscape plan 3219.3 – 8 Rev. A
- Topographical survey plan – SurveyHub 1035
- Tree survey plan - RJ Tree Services Ltd 02
- Arboricultural Survey & Report - RJ Tree Services Ltd
- Updated Tree Survey - RJ Tree Services Ltd
- Design & Access Statement
- PRELIMINARY ECOLOGICAL APPRAISAL - Ridgeway Ecology Ltd
- Biodiversity Impact Assessment - Ridgeway Ecology Ltd
- Highways Impact Statement - Bancroft Consulting Ltd F19164 Rev. A

Development Plan Policies

The Development Plan for Charnwood currently consists of the Charnwood Local Plan Core Strategy 2006-2028, Saved Policies of the Borough of Charnwood Local Plan (2004), the Leicestershire Minerals Core Strategy and Development Control Policies Document (2009), and the Leicestershire Waste Core Strategy and Development Control Policies document (2009).

Charnwood Local Plan 2011-2028 Core Strategy

The Core Strategy is less than five years old, is positively worded and consistent with the aims and objectives of the NPPF. The policies within the Core strategy are therefore considered to carry full weight.

CS1 – Development Strategy - sets out the development strategy and directions of growth for the Borough.

CS2 – High Quality Design – requires new developments to respect and enhance the character of the area, protect the amenity of people who live and work nearby and function well and add to the quality of the area.

CS3 – Strategic Housing Needs supports an appropriate housing mix for the Borough and sets targets for affordable homes provision. In Shepshed 20% affordable homes are sought on sites of 10 dwellings or more.

CS6 – Employment and Economic Development – supports development that will promote growth, job opportunities and prosperity.

CS12 - Green Infrastructure – states that we will protect and enhance our green infrastructure assets for their community, economic and environmental values.

CS13 – Biodiversity and Geodiversity – supports development that protects, enhances, restores or recreates bio-diversity.

CS16 – Sustainable Construction and Energy – encourages sustainable design and construction and the provision of renewable energy including supporting developments that reduce waste, provide for the suitable storage of waste and allow convenient waste collections.

CS25 – Presumption in favour of sustainable development – This policy reflects the NPPF and reinforces the positive approach the Council will take in respect of sustainable development.

Borough of Charnwood Local Plan

The saved policies of the Local Plan (2004) are more than five years old and therefore do not carry full weight. However, it is considered that those saved policies 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.

Policy ST/2 – Limits to Development – Aims to confine development to land located within the Limits to Development identified on the Proposals Map.

Policy EV/1 - deals with all new developments and states that the amenity of adjacent residential properties should be protected particularly in terms of privacy and light.

Policy TR/18 - indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimize harm to visual and local amenities. The policy promotes standards that would require 3 parking spaces for a 4 or more bedroom dwelling, although it states that this will be used as the starting point in assessing the level of provision and represent the maximum level. The quantity of parking allowed should reflect the proposed use and the location of development, the availability of public off -street parking; the current, or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

Other Material Considerations

The National Planning Policy Framework (2019)

The National Planning Policy Framework (chapter 7) sets out a presumption in favour of sustainable development. The framework identifies the economic and social roles of the planning system, both to build a strong responsive economy by ensuring land (and presumably buildings) are available in the right place at the right time, and supporting the health of the community by ensuring housing for present needs that has a high quality built environment, which encompasses social and cultural well-being. One of the principles of planning is to seek a good standard of amenity for all existing and future occupants of land and buildings. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

Section 5: Delivering a sufficient supply of homes

The NPPF requires local planning authorities to significantly boost the supply of housing and provide five years' worth of housing against housing requirements (paragraph 59). Local planning authorities should plan for a mix of housing and identify the size, type, tenure and range of housing that is required and set policies for meeting the need for affordable housing on site (paragraph 61). The NPPF notes that the supply of new homes can sometimes be

best achieved through planning for larger scale development such as new settlements or extensions to existing villages

Section 8: Promoting healthy and safe communities

Planning decisions should promote a sense of community and deliver the social, recreational and cultural facilities and services that such a community needs.

Section 9: Promoting Sustainable Transport

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 111). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 103). Developments should be designed to give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and within large scale developments, key facilities should be located within walking distance of most properties (paragraph 104). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 109).

Section 12: Requiring well-designed places.

The NPPF recognises that good design is a key aspect of sustainable development and that high quality and inclusive design should be planned for positively (paragraph 124).

Paragraph 127 states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The role of design review arrangements that assess, support and ensure high standards of design are recognised (paragraph 129) and the NPPF notes that great weight should be given to innovative designs which help raise the standard of design (paragraph 131) and that poor design should be refused (paragraph 130).

Section 14: Meeting the challenge of climate change, flooding and coastal change

New development should help reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 149). It should also take account of layout, landform, building orientation, massing and landscaping to minimise

energy consumption (paragraph 153) and renewable and low carbon energy development should be maximised (paragraph 154).

The National Design Guide (2019)

This document sets out the Central Government's design guidance which is intended to encourage, promote and inspire a higher standard of design in respect of development proposals.

Leicestershire County Council Local Transport Plan (LTP)

This sets out Leicestershire County council's strategy for delivering improvement to accessibility, connectivity and for promoting social inclusion and equality.

Leicestershire Housing and Economic Development Needs Assessment (HEDNA) – 2017

HEDNA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure to 2036 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.

Charnwood Design SPD (2020)

The adopted Design Supplementary Planning Document is a working document intended to encourage, promote and inspire higher design standards in development throughout Charnwood.

Housing Supplementary Planning Document

Adopted in May 2017, the SPD provides guidance to support the Local Plan Core Strategy and the saved policies of the Borough of Charnwood Local Plan.

The Leicestershire Highways Design Guide (2018)

This is a guide for use by developers and published by Leicestershire County Council, the local highway authority, and provides information to developers and local planning authorities to assist in the design of road layouts in new development. 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 required to be provided in new housing development.

The Crime and Disorder Act 1998

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

National Planning Practice Guidance (PPG)

The National Planning Practice Guidance (PPG) reinforces and provides additional guidance on the policy requirements of the Framework and provides extensive guidance on

design and other planning objectives that can be achieved through getting good design. These include the consideration of local character, landscaping setting, safe, connected and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods

Conservation of Habitat and Species Regulations 2010 (as amended)

These Regulations contain certain prohibitions against activities affecting European Protected Species, such as bats.

The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

Protection of Badgers Act 1992

Badgers are not European Protected Species but are subject to protection under the above Act. This Act includes various offences, including wilfully killing, injuring or taking a badger or deliberately damaging a badger sett. A license is required from Natural England where development proposals may interfere with badger setts.

The Draft Local Plan

The local planning authority is in the process of preparing a new local plan for the borough for the period up to 2036. The new local plan will include strategic and detailed policies and will be prepared to provide for a longer plan period than the adopted Charnwood Core Strategy which provides the strategy up to 2028. Taking into account its stage in the plan making process, at this time, the Draft Local Plan carries only very limited weight.

The Community Infrastructure Levy Regulations 2010 (CIL) (as amended)

The Regulations set out the process and procedure relating to infrastructure requirements. Regulation 122 states that it must relate in scale and kind to the development. Regulation 123 precludes repeat requests for funding of the same items (pooling). The Community Infrastructure Levy (CIL) places the Government's policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests:

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

S106 Developer Contributions Supplementary Planning Document (2007)

This supplementary planning document (SPD) sets out the circumstances which might lead to the need for a contribution to the provision of infrastructure, community services or other facilities. However, recent appeal decisions have confirmed that

Inspectors will not support obligations (even if agreed by the appellant) unless the planning authority can demonstrate that they are specifically related to the proposed development. Regulation 122 of the CIL Regulations introduced on the 6 April 2010 prescribes the

limitations on the use of planning obligations. Accordingly it is unlawful for a planning obligation to be taken into account when determining a planning application for a development that does not meet all of the following tests:

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

Relevant Planning History

Reference	Description	Decision & Date
P/19/1322/2	Erection of x10 dwellings including demolition of existing bungalow, associated access and landscaping works	Withdrawn 30/9/2019

Responses of Statutory Consultees

Leicestershire County Council as Highway Authority raises no objection and advises that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with the National Planning Policy Framework (NPPF), subject to a number of planning conditions be attached to any permission granted.

Leicestershire County Council as Lead Local Flood Authority (LLFA) raises no objection and advises the Local Planning Authority that the proposals are considered against their standing advice.

The Environment Agency raises no objection to the proposals and confirms the site lies fully within flood zone 1 and therefore it has no fluvial flood risk concerns associated with the site. It is also confirmed there are no other environmental constraints associated with the site and therefore no further comments are made.

Other Comments Received

Cllr. Popley has raised an objection to the application on the following grounds:-

- The development will place a burden on traffic issues along this main road. In addition, he believes that there may be an environmental impact by doing so.
- He requests that the application be determined by the Plans Committee

Shepshed Town Council – Objects to the application raising the following concerns:-

- Overdevelopment of the area
- Increased traffic in an already busy road
- Loss of wildlife habitat
- Poor access and visibility
- Lack of details regarding bin storage
- Narrow access and impact on adjacent property
- Loss of trees and impact on neighbours

Campaign to Protect Rural England (Charnwood) – objects to the application raising the following concerns:-

- Overdevelopment of the site
- The Council can demonstrate 5 year land supply and this site would contribute towards unsustainable oversupply
- Overlooking and loss of privacy
- No affordable housing or bungalows
- The design does not reflect local character
- Concerns over traffic flow and highway safety and parking

There have been 29 letters of objection received from 32 different people/addresses through the course of the application raising the following concerns:-

- Increased parking pressures along Garendon Road
- Increased pressure on highway capacity and longer journey times
- Unreliable traffic survey
- Highway safety
- Loss of wildlife habitats
- Loss of open countryside
- Loss of trees
- Increased noise from additional residents
- Long term maintenance concerns
- Noise, disturbance and damage to property during construction
- No site notice or press advert
- Oversupply of housing in Shepshed
- Insufficient infrastructure i.e. school places and doctors surgeries
- Loss of light
- Overlooking and loss of privacy
- Increased flood risk
- Increased air pollution
- Uncertainty/concern over maintenance of boundary walls
- Noise and odour from bin store
- Out of character with the area
- Overdevelopment of the site
- Size of units too small
- Does not meet housing needs
- Loss of property value

Consideration of the Planning Issues

The main issues to be considered in the determination of this application are:

- Principle of development
- Design and the Impact on the character of the area
- The Impact on Residential Amenity
- Impact on Ecology

- Highway Safety
- Other Matters

The Principle of the Development

The starting point for decision making on all planning applications is that they must be made in accordance with the Development Plan unless material considerations indicate otherwise. Policies in the adopted Core Strategy and the saved policies in the Borough of Charnwood Local Plan are therefore the starting point for consideration.

The Core Strategy is the most up-to-date component of the development plan reflecting the National Planning policy's presumption in favour of sustainable development. As the development strategy, Policy CS1 is at the heart of what the plan, as a whole is seeking to achieve. Policy CS1 is therefore the most important policy when considering the principle of development.

Policy CS1 of the Core Strategy sets out a settlement hierarchy for the Borough and the criteria for considering proposals within individual tiers of settlements. Policy CS1 provides for the provision of at least 13,940 new homes to 2028- the full objectively assessed need as it determined to be in 2015. It does so by establishing a spatial strategy and hierarchy of settlements which have been examined by an Inspector, and found to be the most "appropriate strategy when considered against the reasonable alternatives"

CS1 is an expression of a sustainable growth pattern for the Borough. It takes the form of a hierarchical, sequential approach guiding development first to the northern edge of Leicester, then to Loughborough and Shepshed before directing development to Service Centres and other Settlements. The strategy is one of urban concentration and regeneration. In doing so it provides for at least 5000 new homes within or adjoining the settlements of Loughborough and Shepshed between 2011 and 2028. Approximately 1200 homes are to be within and adjoining Shepshed to support the towns regeneration. The term "at least" is used to provide flexibility within the plan at all tiers of the hierarchy with the aim of securing the overall pattern of development promoted by the Core Strategy rather than creating the ability to significantly exceed these figures.

In the period between the base date of 2011 and the latest full monitoring period of 1st April 2020 there had been 1,137 commitments and completions within and adjoining Shepshed. The proposal for an additional 7 units would not therefore be adrift from the aims and objectives of Policy CS1 of the CS in respect of the number of units expected to be provided within and adjoining Shepshed over the plan period. Furthermore, the site is located in a highly sustainable location, close to the town centre within the settlement limits of Shepshed as defined by saved policy ST/2. The proposal would therefore accord with the strategy of urban concentration and regeneration.

It is therefore concluded that the principle of development is acceptable in accordance with policies CS1 and ST/2. The application therefore falls to be considered in terms of its design, impact on amenity, ecology, and highway safety.

In respect of the demolition of 31 Garendon Road, it is not considered that the existing building is of any special architectural or historic importance and there is no objection in principle to its demolition.

Design and the Impact on the Character of the Area

Policies CS2 of the Charnwood Local Plan 2011-2028 Core Strategy, “saved” Policy EV/1 of the Charnwood Local Plan 2004 seek to ensure high quality design and layout, which respects the character and appearance of the local area and is compatible with the streetscene and the wider built and natural context.

In respect of layout and built-form, the prevailing character and built form along Garendon Road, within the immediate locality of the application site, reflects that of a ribbon-form of built development, with buildings largely located close to the highway. The buildings along Garendon Road include a mixture of historic Victorian and Edwardian villas, a number of dwellings which date from circa1940-1960, including single-storey and two-storey buildings of a mixture of sizes, designs and material treatments. It is therefore considered that the character of the area is eclectic in its built form with no strong prevailing pattern of development.

With regard to the layout of the application site and the detailed design of the proposed dwellings, the scale, form, material treatment and appearance would respect the surrounding built context, in order that it would be in keeping with the character and appearance of neighbouring buildings along Garendon Road and those to the south along St Winifrede Road. Furthermore, it is considered that the application site accommodates adequate private amenity space that is commensurate with the scale of the residential dwellings proposed as well as the necessary off-street vehicular parking provision and turning facilities.

Policy EV/1 of the Charnwood Local Plan 2004 seek to preserve existing landscaping features on-site, such as hedgerows and trees, and use them as the focus around which new development is to be designed. The site has been partially cleared of trees prior to the submission of the previously withdrawn application. The site clearance that has taken place is outside of the control of the local planning authority. However a number of large trees along the site boundaries are to be retained which would assist with assimilating the proposed development into its surroundings. The basic principles of the site layout and landscaping are considered acceptable and a condition requiring precise details of landscaping features; species, densities, boundary treatments and hard surface materials is recommended.

It is therefore considered that the design of the proposed development in terms of its scale appearance, layout, and landscaping is acceptable and in accordance with policies CS2, EV/1, the Charnwood Design SPD, the National Planning Policy Framework and the National Design Guide.

Residential Amenity

Core Strategy Policy CS2 and saved local plan policies EV/1 promote high quality design and layouts to preserve residential amenity for both occupiers of existing neighbouring properties and the future occupiers of proposed development. Further guidance on residential amenity is set out in the Design SPD.

The Design SPD contains guidance on separation distances between existing and proposed dwellings in order to preserve privacy and avoid over dominance or unacceptable loss of light. The Design SPD states that where main ground floor habitable rooms face two storey

flank elevations, there should be a minimum of 12.5m to avoid over dominance. This should increase to 15.5m for three storey dwellings and there should be an additional 1m for every 1m increase in ground level. The nearest habitable room windows contained within the rear elevations of 23 and 25 Garendon are positioned 17m from the flank wall of plot 1. The nearest habitable room windows contained within the rear elevation of 33 Garendon Road are situated 18m from the flank wall of plot 8. Taking into account the 0.5m increase in ground level and the two storey height of the flank gables of plots 1 and 8, it is considered that the proposal accords with the guidance contained within the Design SPD in order to avoid over dominance. In respect of 27 and 29 Garendon Road, the position of the proposed garage block is not considered to cause over dominance on account of its single storey scale and hipped roof. In terms of loss of light, whilst it is accepted that plots 1 and 8 are situated to the south of Garendon Road, due to the above distances, it is not considered that the habitable rooms would suffer unacceptable loss of light when considering the 25 degree guideline and the height and presence of existing trees which are located on the boundary.

It is not considered that any of the existing properties along the site's northern boundary would be adversely impacted in terms of overlooking or loss of privacy due to the orientation of the proposed plots and the oblique angles from first floor windows. Some residents have raised concerns of noise and disturbance from passing vehicles in close proximity to 29 and 33 Garendon Road. The Eastern and Western boundaries of the access road are to be reconstituted with brickwork walls, for acoustic attenuation, neighbour privacy, security and screening. It is anticipated that the wall will comprise 215mm thick regular panels and 340mm square piers for stability; it is recommended that detailed design be agreed by way of a planning condition. In this regard, it is not considered that the occupiers of these properties will be adversely affected by unacceptable levels of noise and disturbance from passing vehicles.

The site's southern boundary is shared by 23/24 and 45 St Winifrides Road. These properties benefit from rear garden depths in excess of 16m with a further buffer of 1.1m beyond the site boundary to the flank wall of plot 4. It is not therefore considered that 23/24 St Winifrides Road will be unduly impacted in terms of loss of light or overdominance.

No 45 St Winifrides Road is situated with its flank wall positioned along the sites southern boundary, which is to be shared with plot 5 as proposed, albeit positioned further east along the boundary. There are three habitable room windows to the north and east elevations of 45 St Winifrides Road that all serve a large living room. The main habitable room window is a set of glazed doors which are situated within the rear elevation further south away from the boundary shared with plot 5. Due to the northerly position of plot 5, its distance from and the number of windows that serve the this property, on balance it is not considered that this property would be adversely impacted in terms of loss of light. In terms of overbearing, the 2.5 storey flank wall of plot 5 is positioned 2.27m to the north of the north facing flank wall of 45 St Winifrides Road. Given the distance from the boundary, the oblique angle when viewed from the main habitable room window, it is not considered that the position or scale of plot 5 as proposed would cause unacceptable overdominance or overbearing. Furthermore, there is a small single obscure glazed window in the southerly facing first floor elevation of plot 5 which would not therefore result in unacceptable overlooking or loss of privacy to the occupiers of 45 St Winifrides Road. When considering the impact of the development in terms of noise and disturbance from increased vehicular movements and activity, given the access is situated to the north of the site away from St Winifrides Road,

and the slow speed of vehicles within the turning area, it is not considered that the occupants of St Winifrides Road will be adversely impacted by undue noise and disturbance from moving vehicles. Furthermore, the site is located within an urban residential area where a degree of noise from neighbouring residents and nearby properties is to be expected.

The western site boundary is shared with the long rear garden of no. 19 Garendon Road. Due to the length of this neighbouring garden and the depth of the proposed rear gardens of plots 1-4, it is not considered that the occupiers will be adversely affected in terms of overlooking, loss of privacy, loss of light or over dominance.

The eastern site boundary is bound by the brook/culvert which beyond is the large garden of no. 35a Garendon Road, a large dwelling set within spacious landscaped grounds positioned to the rear of 37-41 Garendon Road. Due to the distances between the proposed units 5-8 and this neighbouring property and the extensive intervening tree coverage and screening, in part provided by the proposed wildlife corridor, it is not considered the occupiers of this property would experience any loss of privacy or light.

It is therefore considered that the proposal would not result in unacceptable adverse impact on amenity of residential properties within the sites locality and therefore does not conflict with policies CS2 and EV/1 in respect of residential amenity. Furthermore, the proposal is acceptable having regard for the guidance and separation distances contained within the Design SPD.

Furthermore, it is considered that the proposal provides for a high quality of life for the future occupiers of the development due to the acceptable garden sizes and relationship with existing nearby properties.

Ecology

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. The application is supported by an Ecological Survey and Biodiversity Impact Assessment.

The proposal is offset on-site by the provision of a 5m wildlife corridor along the edge of the brook/corridor to the eastern boundary, attenuation features and landscape planting. The Councils Senior Ecologist raises no objection and states that the proposal, by virtue of the amount of proposed on site mitigation contributes towards reducing a biodiversity net loss when taking into account the ecological value of the land prior to site clearance in 2019.

However, the submitted Biodiversity Impact Assessment identifies that the development would still result in a biodiversity net loss. This would therefore be contrary to the provisions of policy CS13 of the Core Strategy and paragraph 175 of the National Planning Policy Framework. The National Planning Policy Framework goes on to require that where no further mitigation can be provided on site, off site mitigation can be considered. The applicant therefore proposes to pay an offsite contribution of £67,953 towards improving and enhancing biodiversity offsite elsewhere within Shepshed. This sum can be secured by a Section 106 agreement or Unilateral Undertaking. In order to be CIL regulation compliant, a specific project will need to be identified and the sum will be paid on commencement of development. It is considered that a project that is directly relevant to the development and reasonably related can be identified making this scheme compliant with Regulation 122 and

the applicant has confirmed they are acceptable. The contribution will therefore need to be secured in a S106 Legal Agreement if members are minded to grant planning permission.

Contrary to the findings of the submitted ecological surveys, residents have raised concerns that the site may contain badgers. In response to these concerns, the council's Senior Ecologist has undertaken a further site visit and concludes that whilst there may be evidence of foraging on site, there was no evidence of any sett building.

Subject to the completion of a legal agreement to secure the offsite contribution above, it is considered that the proposal accords with policy CS13 in respect of biodiversity and ecology.

Highway Safety, Parking and Access

"Saved" Policy TR/18 of the Charnwood Local Plan sets out parking standards in respect of development proposals. Paragraph 108 of the National Planning Policy Framework outlines that development proposals should ensure that safe and suitable access to the site can be achieved for all users. Paragraph 109 of the National Planning Policy Framework outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Leicestershire County Council (Local Highways Authority) were consulted in connection with this planning application. The consultation response received outlines that the Local Highways Authority raise no objection in respect of the proposed development, although they have recommended a number of conditions.

Saved local plan Policy TR/18 requires new development to provide off-street parking for vehicles and promotes standards that requires a maximum of 2 parking spaces for three bedroom dwellings and 3 parking spaces for a 4 bedroom dwelling in the interests of highway safety. Notwithstanding the sites' sustainable location in walking distance of the town centre, the proposed development provides for the maximum number of parking spaces required by policy TR/18 and the minimum number of spaces required the LHDG.

The application site is located on a 30mph section of road within the built up area of Shepshed. The applicant has undertaken a speed survey to determine the visibility splays required as part of the access arrangements for the proposed development. The results of the manual speed survey (which are shown in Appendix C of the HIS) confirm that 85th percentile vehicle speeds along Garendon Road are 27.91mph in the eastbound direction and 28.92mph in the westbound direction. The submitted speed survey therefore demonstrates that the average percentile speeds of moving vehicles are commensurate with the speed limit of Garendon Road. Residents have raised concerns over the validity of the speed survey on account of the time of year and day it was carried out. The speed survey was undertaken on a working day between the hours of 09:30 and 12:30. Officers therefore have no reason to doubt its validity as a robust piece of evidence submitted to support the application. No objection has been raised by the Local Highway Authority on these grounds.

The submitted plans demonstrates how the required visibility splays of 39 metres to the west and 41 metres to the east are achievable, from a 2.4 metres setback distance, to a

one metre offset from the nearside kerb line, in accordance with Figure DG2a of the Leicestershire Highways Design Guide. The submitted plans also show how 2 x 2 metres pedestrian visibility splays could be achieved at both sides. The Local Highway Authority therefore raises no objection. Objections have been raised by local residents on the grounds that the proposed access is unsafe due to the limited visibility on account of the level of on street parking along Garendon Road. Officers have sought clarification from the Local Highway Authority on these concerns and they have advised that with regard to cars parking on both sides of the road, Manual For Streets 2 publication section 10.7.1 states 'Parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice.' Furthermore, 'at urban junctions where visibility is limited by buildings and parked cars, drivers of vehicles on the minor arm tend to nose out carefully until they can see oncoming traffic, and vice-versa. For these reasons it is not considered that an objection on highway safety grounds could be substantiated.

Overall, given the site specific circumstances outlined above, and the low volume of traffic that would be generated by the use, the Local Highway Authority do not consider the proposals would lead to a 'severe' impact on the safe operation of the highway in accordance with the National Planning Policy Framework. Therefore, subject to the imposition of conditions recommended by the Local Highway Authority, the Local Planning Authority does not consider this development will have a severe impact on the highway in accordance with Paragraph 109 of the National Planning Policy Framework and therefore a reason for refusal on such grounds could not be sustained.

Flooding and Drainage

Policy CS2 of the Charnwood Local Plan 2011-2028 Core Strategy seeks to ensure that development proposals reduce their impacts upon and be resilient to the effects of climate change in this context in accordance with Policy CS16. Policy CS16 of the Charnwood Local Plan 2011-2028 Core Strategy encourages sustainable design and construction and directing development to locations within the Borough at the lowest risk of flooding, supporting developments which reduce flood risk elsewhere, and requiring new developments to manage surface water run off with no net increase in the rate of surface water runoff for Greenfield sites. This would be in line with Paragraphs 155 and 163 of the National Planning Policy Framework.

According to the Government's Flood Map for Planning, the application site is identified as being within an area (Flood Zone 1) at risk of suffering a 1 in 1000 year (0.1% chance) flood event from rivers. This is supported by the Council's own mapping data and confirmed by the Environment Agency.

This type of proposed development within Flood Zone 1 is considered to be acceptable in principle in line with Paragraph 155 of the National Planning Policy Framework and Policy CS16 of the Charnwood Local Plan (Core Strategy).

The application has not been supported by a drainage strategy; however the site layout and landscaping plans show provision for planted swales along the sites' northern boundary together with an additional attenuation feature adjacent to the turning head area. Whilst no calculations have been submitted to evidence the exact quantum of surface water attenuation required, it is considered that the site layout shows sufficient scope to sustainably manage excess surface water created by the development on site or via

discharging into the adjacent culvert. The submitted design ad access statement also states that additional surface water storage capacity can be created by underground soakaways. The Design and Access Statement also confirms that each dwelling will be connected to the foul main sewer along Garendon Road.

Leicestershire County Council (Lead Local Flood Authority) have been consulted in connection with this application. Whilst no objection was raised, they have referred the Local Planning Authority to their Standing Advice.

In view of the above, it is suggested that appropriate planning conditions should be imposed in the event that the Local Planning Authority are minded to grant planning permission in order to ensure an appropriate method of foul and surface water drainage can be achieved.

In view of the above, and subject to planning conditions and informative notes, it is considered that the proposed development would be in compliance with the relevant provisions of Policies CS2 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy, and the relevant provisions of the National Planning Policy Framework.

Other matters

Concern has been raised with regards to local properties losing value should the proposal be approved. Loss of property value is not a material planning consideration and cannot be taken into account in the determination of the planning application.

Concerns have been raised that the current application has not been advertised in the local press or via a site notice, unlike the previously withdrawn application. Under the terms of the councils Statement of Community Involvement, there is no requirement to advertise a minor development in this location. The previously withdrawn application that proposed 10 dwellings was a major development and therefore subject to additional advertising. Residents have also raised concerns that the timing of the application during the COVID-19 outbreak and subsequent lockdown has disadvantaged their rights to make comments and caused additional unnecessary stress during what is a difficult time. Whilst any additional stress caused is regrettable, the Secretary of State has instructed local planning authorities to continue operating and prioritising decision making. Furthermore, the applicant has the right to a timely determination of the application. A refusal on such grounds could not be substantiated.

Concerns have been raised regarding noise during construction. Given the distance from residential properties, and the fact that construction would take place during normal working hours, it is not considered that disturbance during construction is a material consideration in this case. In any event, it is recommended that a construction management plan be required by condition, which shall include hours of construction to be agreed with the local planning authority.

Conclusion

Decisions on applications need to be made in accordance with the adopted development plan policies unless material considerations indicate otherwise.

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 proposals are in a sustainable location, within walking distance of Shepshed town centre and are supported by policy CS1 of the Core Strategy. Whilst the Council can currently demonstrate 5.52 years housing land supply, the benefit of additional housing in this sustainable location should be attributed significant positive weight.

It is considered that the proposals closely relate to the built form and settlement character of this area of Shepshed and would preserve amenity for existing residents. The highway impact of this development both on a stand-alone basis and cumulatively is considered acceptable. The ecological assessment has also been carefully considered along with opportunity to mitigate impacts both on site and off site through securing a financial contribution. Concerns with regard to flooding and drainage can be managed and controlled through appropriate conditions.

Accordingly it is recommended having regard to the above considerations that planning permission is granted conditionally.

RECOMMENDATION A:

That authority is given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into a legal agreement under S106 of the Town and Country Planning Act 1990, on terms to be finalised by them, to secure the following infrastructure improvements:

- A contribution of £67,953 towards offsite ecological mitigation

RECOMMENDATION B:

That subject to the completion of the S106 legal agreement in Recommendation A above, planning permission be granted for the development subject to the following Conditions and Reasons why they have been imposed:

1. The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out and the use operated only in accordance with the details and specifications included in the submitted application and as shown on the drawings below;

Approved Drawings:-

Site layout plan 3219.3-1 Rev. D

Location plan 3219.3-2

Proposed floor plans & elevations- house type A (4 bed detached) 3219.3 - 3

Proposed floor plans & elevations - house type B (4 bed detached) 3219.3 – 4

Proposed floor plans & elevations - house type C (3 bed detached) 3219.3 - 5A
Proposed floor plans & elevations - house type D (3 bed detached) 3219.3 - 6A
Proposed garage plan / elevations, street scene & materials 3219.3 - 7B
Proposed site landscape plan 3219.3 – 8 Rev. A

REASON: For clarity and the avoidance of doubt and to define the terms of the permission

3. Only those materials specified in the application shall be used in carrying out the development hereby permitted.

REASON: To make sure that the appearance of the completed development is satisfactory in accordance with Policy CS2.

4. No development, including site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the local planning authority:
 - i) the treatment proposed for all ground surfaces, including hard areas;
 - ii) full details of tree planting;
 - iii) planting schedules, noting the species, sizes, numbers and densities of plants;
 - iv) finished levels or contours;
 - v) any structures to be erected or constructed (including the bin store);
 - vi) functional services above and below ground; and
 - vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

REASON: To make sure that a satisfactory landscaping scheme for the development is agreed in accordance with policy CS2 and CS13

5. No development, including site works, shall begin until the trees to be retained within the application site have been protected, in a manner previously agreed in writing by the local planning authority. The trees shall be protected in the agreed manner for the duration of building operations on the application site.

REASON: The hedgerows are an important feature in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site in accordance with policies CS2, CS11 and CS13.

6. The landscaping scheme shall be fully completed, in accordance with the approved details, in the first planting and seeding seasons following the issue of this decision or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory, to mitigate the impacts on biodiversity and to help assimilate the development into its surroundings in accordance with Policy CS2 and CS13 of the Core Strategy.

7. No dwelling or building on the site shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens, has been submitted to and agreed in writing by the local planning authority. The agreed landscape management plan shall then be fully implemented.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

8. No development, including site works, shall start on the site until details of existing and proposed levels, including ground levels, finished floor levels of all dwellings and a number of sections across the site (these sections to extend to land and buildings adjoining the application site), have been submitted to and agreed in writing by the local planning authority

REASON: To make sure that the development is carried out in a way which is in character with its surroundings.

9. Notwithstanding what is shown on the approved plans, within three months of commencement of development, exact details of the location, scale, appearance and material of all boundary treatments and fencing shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and completed prior to the occupation of any dwelling and maintained thereafter in the approved form.

REASON: To ensure the satisfactory appearance of the development and to protect the amenity of existing and future residents in accordance with policy CS2

10. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawing 3219.3 1D have been implemented in full. Visibility splays once provided shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019)

11. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019)

12. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

REASON: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2019)

13. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number Drawing 3219.3 1D. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: 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) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

14. No development shall commence on the site until such time as a construction and environmental management plan, including as a minimum details of wheel cleansing facilities, methods to prevent the spreading of dust, storage of materials, vehicle parking facilities, a timetable for their provision, and construction working hours 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.

REASON: 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 and to protect the amenity of nearby residents.

15. No development approved by this planning permission shall commence until an Ecological Mitigation Strategy is submitted that accords with the recommendations contained within the submitted and approved Ecological Appraisal by Ridgeway Ecology Ltd (sections 5.2.2 & 5.3.2). As a minimum these details shall include;

- 1) Precautionary demolition methods to avoid harm to roosting bats
- 2) Measures to prevent entrapment of animals in pits etc
- 3) Hand clearance of ground vegetation and brash/rubble piles (avoid harm to reptiles/ amphibians/hedgehog)
- 4) Clearance of woody vegetation outside nesting season or under supervision
- 5) Hand digging of on-site fox hole
- 6) Details of building integrated bat roosting features should be provided (prior to any construction work taking place)

2) Lighting scheme that should avoid light spill onto retained vegetation along the eastern boundary

The development shall be carried out and retained thereafter in accordance with the approved details.

REASON: to mitigate the impacts of the development during the construction phase and over the lifetime of the development in accordance with Policy CS13 of the Core Strategy

16. No development approved by this planning permission shall take place until such time as a surface and foul water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of foul and surface water from the site.

17. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.

REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase.

18. No demolition of 31 Garendon Road shall begin until a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

REASON: To ensure that the redevelopment follows relatively soon after demolition, to avoid the creation of an unsightly gap in the street and the unnecessary loss of a dwelling within this sustainable location

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Amendment)(No.2)(England) Order 2008 or any order revoking or re-enacting that Order, with or without modifications, no enlargement, improvement or other alteration of the dwellings, including conversion of the garages to living accommodation, shall be carried out.

REASON: The dwellings are located close to existing properties and the carrying out of development of this type may create difficulties in terms of impact on the amenity of nearby residents. Additionally the enlargement of the dwellings may result in additional parking pressures that cannot be met on site.

The following advice notes will be attached to a decision

- 1 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and, therefore, no harm would arise such as to warrant refusal of planning permission.
2. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
3. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.
Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
5. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
6. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building

commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.

