92 Station Road
Earl Shilton
Leicester
LE9 7GA

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

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18 NOV 2010
SCANNING TEAM

DEVELOPMENT SERVICES
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16th November 2010

Dear Sir

PLANNING APPLICATION: **10/00401/FUL** (Hinckley & Bosworth Borough Council)
APPEAL REFERENCE: **10/00019/PP**
Land Bound By Mill Lane, Thurlaston Lane And Clickers Way, Earl Shilton - ERECTION OF 200 RESIDENTIAL UNITS WITH ASSOCIATED LANDSCAPING, ACCESS AND PUBLIC OPEN SPACE

As a local Borough Councillor and also the County Councillor for Earl Shilton I am fully supportive of the decision of the Planning Committee of Hinckley and Bosworth Borough Council to refuse the major planning application for 200 homes as detailed above.

I am constantly hearing from residents and also seeing for myself the town's many and varied problems with traffic and parking issues on the many narrow streets and roads in Earl Shilton. The numerous blocks of flats built in the town in recent years have added to these problems and exacerbated the very real concerns about service provision capacity and infrastructure deficiencies in the immediate area.

Infrastructure issues are of particular concern, not least because the proposed site of these 200 houses leads onto congested roads such as Mill Lane, Thurlaston Lane and Church Street with the added complication of a nearby school and all the associated safety matters.

I would like to request the route from the proposed site be walked by the Inspector (preferably at school time) in order that they can see for themselves these important issues that are of major concern to many local residents and me.

Finally, I note the new Government's very welcome drive towards localism in the planning system. With this in mind I urge the Inspector to take account of the widespread opposition in the community of Earl Shilton to this proposal and support the local decision to refuse permission for this major development on green fields.

Please find enclosed photographs of the congestion at Townlands School, Meadow Court Road, Earl Shilton.

Yours faithfully

J. Richards

Cllr Janice Richards

John & Heather Gavin
39 King Richards Hill
Earl Shilton
Leicestershire
LE9 7EY

DEVELOPMENT SERVICES
29 NOV 2010
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15Th November 2010

Dear Sir

PLANNING APPLICATION **10/00401/FUL (Hinckley & Bosworth Borough Council)**

Land Bound By Mill lane, Thurlaston Lane and Clickers Way , Earl Shilton – ERRECTION OF 200 RESIDENTIAL UNITS WITH ASSOCIATED LANDSCAPING, ACCESS AND PUBLIC OPEN SPACE

As a local residents of Earl Shilton whose property and land boarders onto the proposed development I am writing to support the decision of the local planning authority to refuse to grant permission for the above planning application in respect of a major development of 200 homes on Greenfield land on the outskirts of Earl Shilton.

As I stated in my submission to Hinckley & Bosworth Borough Council dated 24th August 2010 my property is going to be most affected by this proposed development as I have the longest boundary bordering the site, the modified design and layout by Presimmon homes of the properties they intend to build along my boarder. If this planning application is granted will be completely out of character with the adjacent detached properties including my house.

You will see from the revised plan that plots 27, 28 & 29 are three bedroom terraced houses, plots 30 & 31 are intermediate semis and plot 32 is the only house on the open market, all these 6 plots are directly adjacent to my property.

PLANNING APPLICATION **10/00401/FUL (Hinckley & Bosworth Borough Council)**

If the appeal was allowed the following conditions must be included by the developer :-

(1) Only detached houses to be built along my boundary in keeping with the current properties
(2) No social affordable houses anywhere near the existing detached properties as this will further de value property prices.

When you visit the site, please note that this **Greenfield** country side is some of the finest land in Leicestershire and should be preserved for us and future generations to enjoy. I state again that nearly 4% of housing stock within the Hinckley and Bosworth Borough Council area is empty, this equates to some 1800 houses, also there are countless brown field sites that are just waiting for development in Hinckley area

As the Planning Inspectorate who is ruling on this appeal I urge you in the strongest possible way to reject this application the same as Hinckley Borough council did because the destruction of this **Greenfield** land can never be justified until all brown field sites have been developed and all empty housing stock within the area occupied.

Yours Sincerely,

John & Heather Gavin

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31 NOV 2010
PINS/ARIEP

Paul Stacey

21 King Richards Hill

Earl Shilton

Leicestershire

LE9 7EY

paul.paloma@btinternet.com

(h) 01455 840941

(w) 01455 893126

Tuesday, 15th November 2010

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29 NOV 2010

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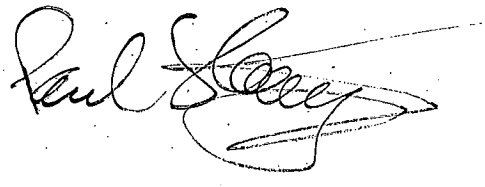
APPEAL REF: APP/K2420/A/10/2136529/NWF

DESCRIPTION : ERECTION OF 200 RESIDENTIAL UNITS WITH ASSOCIATED LANDSCAPING, ACCESS AND PUBLIC OPEN SPACE
LOCATION : Land Bound By Mill Lane, Thurlaston Lane And Clickers Way Earl Shilton Earl Shilton Leicestershire

Dear Sir,

Please find enclosed three hard copies of my final comments against allowing the above appeal. If you require any further information then please don't hesitate to contact me. Likewise if you require a point of contact for a site visit then please contact either myself or Ieuan White who I believe has also contacted yourself on this matter.

Yours sincerely



Paul Stacey BSc(Hons) MBCS

St. Peter's R.C. (Aided) Primary School

MILL LANE, EARL SHILTON, LEICESTERSHIRE, LE9 7AW
TELEPHONE/FAX: (01455) 843840

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29 NOV 2010
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17 November 2010

The Planning Inspectorate
Room: 3/22
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Dear Sir,

Ref No: APP/K2420/A/10/2136529/NW - Appeal by Persimmon Homes to refusal of Planning Application 10/00401/FUL – Erection of 200 residential units at Mill Lane/ Thurlaston Lane, Earl Shilton by Persimmon Homes

I write to modify my previous letter of objection dated 12 July last and confirm that I write this letter of objection as Chair of the Governors at St Peter's R.C. Primary School, Mill Lane, Earl Shilton.

I wish to add further comments about the road capacity issues and provide you with up to date information on present pupil numbers in the three local primary schools. I will also make comments about the number of proposed houses and the need for a second access from Thurlaston Lane. The comments in my previous letter still stand and shall be taken into account with my following further comments.

The Transport Assessment refers only to the design capacities of the existing roads. Capacities are derived from TA 79/99 for urban roads and the road types mentioned are urban all-purpose and the type given with the least capacity is UAP4 – " busy high street carrying predominately local traffic with frontage activity including loading and unloading." The roads accessing this proposed development are not, in my opinion, such roads. They are residential streets and as such their environmental capacity is more relevant than any urban capacity. Appendix I of "Traffic in Towns" sets out how to evaluate the environmental capacity. Mill Lane serves residential houses, a local primary school, a church, a local shop and further down nearer the proposed development, a cemetery. In the vicinity of the school, there is only one footpath 940mm wide and just past the school frontage cars are usually parked on the school side of the lane. Pedestrians using this area are considered to be more vulnerable, being children and parents with prams as well as elderly people living in the area. The footpath on the opposite side to the school is only around 1m wide and terminates along a section becoming a verge. Pedestrians using this footpath will have to cross Mill Lane or continue to walk in the carriageway to join up with the footway further up Mill Lane. The footpath that they would cross to is only 940mm wide. With the parked cars and narrow footpaths the level of protection given to pedestrians is considered low. Using the graphs in Appendix I an environmental capacity of less than 100 pcu/hr is considered acceptable. Existing flows exceed this capacity being 182 in the am peak hour and 132 in the pm peak hour. Predicted future flows with the development are 226 in the am peak hour and 165 in the pm peak hour. This proves that the street will become less safe for pedestrians through the development.

The nearest shop to the proposed development is close to the school on Mill Lane. Residents of the new houses wanting to walk to the shop will have to use the substandard footways and will add to the number of pedestrians at risk if the development traffic is allowed to use Mill Lane. There is not therefore a safe walking route to serve the needs of the new residents.

I have noted that the Highway Authority allows 150 dwellings from a single point of access. To access 200 dwellings requires an emergency access on to another highway. It is therefore my

contention that the access onto Thurlaston Lane is utilized solely to develop a further 50 dwellings and that Thurlaston Lane is unsuitable for any new access.

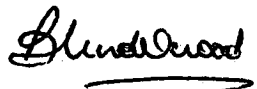
I understand that the developers are not required to make any financial contribution towards education as the local schools have available places. My concern is for the situation with the infant children in reception (4+) and KS1. I have received up to date figures for the three primary schools as follows: St Peters – 31 in 4+; 29 in Yr 1 and 30 in Yr 2; Townlands – 29 in 4+; 54 in Yrs 1 & 2: Weavers – 29 in 4+; 28 in Yr 1 and 29 in Yr 2. Although there may be places available in the junior sections of these schools there is not likely to be any room in the infant parts.

On the 28th October last I attended a meeting at my school with the Headteacher and Ian Sharpe, Strategic Development Officer for LCC. He showed us the proposals for the Earl Shilton SUE and had been to see all the primary and secondary schools to ask the views of the school and see their facilities. He said that the proposals would be advertised early 2011 and we and all the local residents and interested parties would have an opportunity to make comments and representations. If this appeal is allowed that democratic process will not take place.

In conclusion, I still believe that the development is premature and the appeal should not be allowed. Development of this site should not be approved or considered until there is more certainty about the full development of the SUE and the new access is constructed and open from the Bypass. This will ensure that any development in this area will not increase traffic on existing local roads and cause problems to sensitive locations such as the two local primary schools. The safety of residents and pedestrians in the local area should not be endangered by allowing traffic from the development to use these existing streets just because the bypass access has not been approved or constructed.

If the Inspector is minded to allow the appeal, then I ask that a condition be imposed that the developer makes a financial contribution to enable safety improvements to be carried out along the frontage of the school, to provide a safe pedestrian access and wider footway. Subject to the approval of the Governing Body, Diocese and LEA the school may be prepared to dedicate some land to enable the safety improvements to be implemented.

Yours sincerely,



Brian Underwood B Sc(Hons) C Eng MICE MRICS
Chair of Governors.
St Peter's R.C. Primary School

Persimmon and the Earl Shilton Area Action Plan

Persimmon Homes has been involved in many aspects of both the Earl Shilton Area Action Plan (AAP) and Core Strategy (CS) put forward by Hinckley and Bosworth Borough Council (HBBC). Their recent planning submission and now this appeal could therefore be considered somewhat unexpected and unwarranted as set out below.

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The HBBC adoption of the AAP which the Council proposes for the area, including the land in question under appeal, has envisaged June 2011 as the adoption date from as long ago as early 2009. Persimmon Homes have been aware of the timescales of both the AAP and the CS for a significant period of time. They have in the past given both formal submissions to HBBC and past impressions to the Planning Inspectorate* that they have signed onto the CS, the AAP and its anticipated timescales alongside various stakeholders including other housing major developers.

An example of Persimmon Homes apparent acquiescence to the timeline for the Earl Shilton AAP proposed by HBBC appears during the HBBC Core Strategy Examination (19/05/2009) when Persimmon Homes, Jelson Ltd, Bloor Homes and several other landowners made a submission that stated...

"*The landowners are committed to working jointly with each other and the District Council to ensure that the SUE will be delivered in the timescales envisaged by the Core Strategy*"
Ref: CU0139/00003/001

As can be seen, Persimmon Homes by their early planning submission and now an appeal against the decision by HBBC are clearly neither "working jointly" nor adhering to the "timescales envisaged".

The "Final Report on the Examination into the Hinckley & Bosworth Core Strategy" (27/11/2009) by Planning Inspector Raymond Michael (MBA BSc Dip TP MRTPI ARICS MIM) appointed by the Secretary of State for Communities and Local Government stated in his report* to the Hinckley and Bosworth Borough Council that...

"*the land owners in the SUE are substantially committed to the proposals, and much of the land is under the control of major house builders such as Taylor Wimpey, **Persimmon**, and Bloor Homes. Those arrangements provide a positive framework within which to achieve the proposed start date.*"

And further to that, piecemeal development such as the development proposed by Persimmon Homes prior to the AAP sign off would be not be permitted unless specifically granted by HBBC.

"*To reflect this position Policies 2 and 3 indicate that piecemeal development will not be permitted (PCs18 and 23).*"

The submission of the planning permission by Persimmon Homes and now this appeal, before the AAP has been signed off, appears to show bad faith by Persimmons in earlier representations to the HBBC and they have potentially misled others as to their intentions either knowingly or by omission.

Confidence in the planning system is fundamental, not only between landowners and responsible public bodies, but also the general public who are often potentially greatly affected by the decisions it takes. Planning Policy Statement 1: Delivering Sustainable Development (PPS1) advises that...

"the plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives"

All the various stakeholders that have spent substantial time, money and effort creating the CS and AAP, including other housing developers and landowners with their own commercial interests, would feel justifiably aggrieved that their input has in some way been pushed aside and devalued were this appeal by Persimmons be allowed. For a single developer to "jump the gun" in this way, unilaterally abandoning any consensus or prior understanding to pursue their own narrow commercial interests would do great harm to the planning system. If this appeal was successful, it would set an example for others to follow the "me first" strategy and hence erode overall confidence and faith in the planning system. For these reasons the appeal should therefore not be allowed.

Despite the outcome of these legal proceedings, Steve Quartermain (The Chief Planning Officer) wrote again immediately to all local planning authorities in England on 10/11/2010 referring to...

"*..the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in planning* decisions."

And furthermore...

"*Local Planning Authorities and the Planning Inspectorate should still have regard to the letter of the 27 May 2010 in any decisions they are currently taking.*"

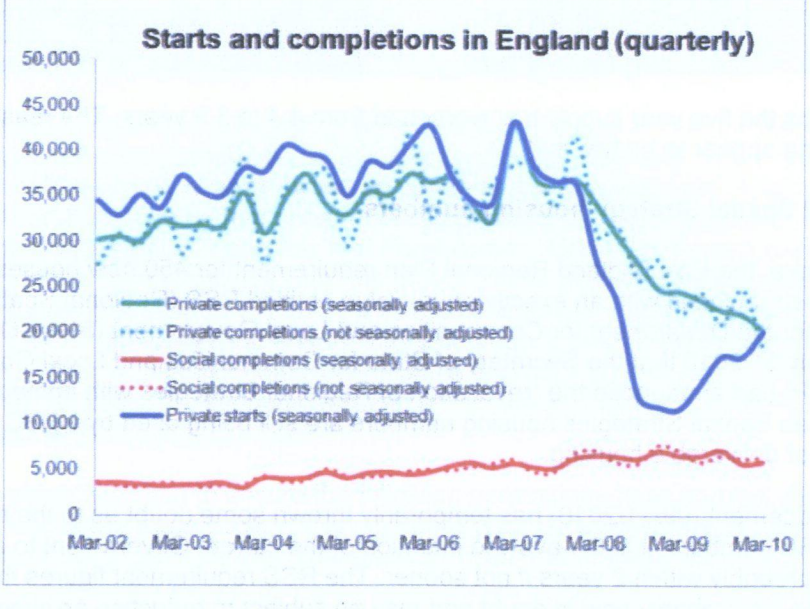
Before the RSS requirement of 450 homes per year, the HBBC structure plan stated a lesser number of 340 (ie. RSS - 110) and the HBBC Annual Monitoring Report 2005 stated that an average of 277 dwellings per annum (ie. RSS -173) would require to be built until 2016. As can be seen the 450 figure used within the 5 year supply appears to be in place only as a result of the revoked Regional Plans and not as per the Councils original requirements before any centrally assigned target. It would therefore be quite plausible that when HBBC next review their true housing requirement going forwards, it might probably be much less than the RSS figure used within the current 5-year supply tables and hence the shortfall of 477 may be reduced significantly if not eliminated entirely.

HBBC have not yet had time to revise their own targets against those defined by the revoked regional plans and so it is these that remain in the tables above for the short term. Any argument put forward for the granting of building permissions based on the 5-year supply using the soon to be revoked RSS targets should therefore not be taken as a material consideration but only upon other evidence presented.

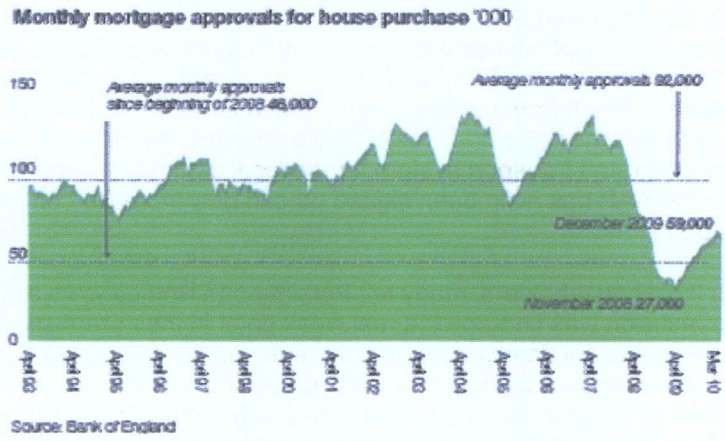
Housing Development

As is highlighted in the graphs below, faced with the worst banking and credit crisis for 60 years it is probably unreasonable to accept that the housing targets defined by the revoked RSS are now achievable in any case. The RSS HBBC continuous requirement for 450 new homes year on year, is currently looking not only out of step with Government policy but is also simply no longer attainable due to the current economic crisis affecting both the housing building industry and buyers.

Although the start of new house builds has recently picked up (as seen below), the number of completions is currently at a ten year low and is still some 50% less than 3 years ago.



Mortgage availability for house buyers has also crashed in a similar manner and this both mirrors and greatly influences the activities of the house building industry.



Source: Bank of England

The scarceness of credit for new mortgages and the substantial drop in housing building have both combined to adversely affect the 5-year HBBC housing supply. The actual number of completions for the HBBC area for 2010 Q1+2 is 168 and the projected figure is only 160, this will be 136 less than the original figure for the period 2010/11 (446). This drop of 30% has significantly contributed to the cumulative shortfall in the supply.

The factors that dictate whether the supply of housing exceeds or undershoots targets set by planning authorities, whether they be centrally or locally derived, is the supply of developable land as much as the willingness of housing developers to build and sell. The Campaign for Rural England has produced an analysis of land bank data from the major developers' interim or full annual 2009 reports (Barratt, Bellway, Bovis, Miller, **Persimmon**, Redrow, Taylor Wimpey)...

"*the leading UK house building companies held around 240,000 housing plots with full or outline planning permission in 1998. This figure rose by 44% to 341,500 plots in 2005. However, in 2008/09 271,947 plots were owned and controlled by these house builders. This decline is probably mostly attributable to the financial downturn.*"

Persimmon Homes themselves state within their financial report (2009)...

"*We have added 3,400 plots to the land bank leaving the group with 60,454 plots owned and under control at 31/12/2009, a supply of circa 6.7 years at current output levels.*"

The 60,454 plots represent 22% of the UK total figure and so Persimmon Homes own a significant amount of land that could be used to satisfy the demand for new dwellings but this is lying idle. The operating margin of Persimmon Homes business for 2009 is 4% which is 7.3% lower than the previous year and the 2009 report appears to state that building activities have been scaled down intentionally whilst they continued to purchase land and obtain planning permission for better times.

> "*We continue to focus on optimising our land bank through our re-planning activities working with local planning teams to create sustainable developments.*"

Passing aside for a moment the inference about working together with authorities like HBBC and their (contradictory) appeal against them, from the Financial Reports of 2009 and 2010 respectively...

> *"We continue to actively reduce our investment in work in progress"*

> "*We continue to focus on achieving the best possible selling price for our new homes rather than increasing volumes*"

It is understandable that Persimmon Homes want to achieve the maximum return on their capital, but it would appear that granting planning permission does not ensure that housing developers build and assist local authorities in maintaining available housing supply. It is not acceptable that Persimmon Homes are able to hoard developable land and then impose a unilateral moratorium on the supply of new homes where they see fit as this directly and adversely affects local authority's quasi-legal responsibility to provide a 5-year supply of housing. It should therefore be inadmissible that they petition using this argument as they themselves can currently be shown to be responsible in part for any shortfall observed within the 5-year supply figures.

Transport Planning Diligence

As indicated within my earlier submission, the housing development proposed by Persimmon Homes will be very distant from the centre of Earl Shilton and its amenities. It will in fact be so far from the town centre, that a significant number of houses within its urban neighbour of Barwell will be closer. The AAP covers all of the land to the south of Earl Shilton and so it would seem difficult to justify constructing 200 new homes so distant from the town centre when land scheduled and available by the AAP for housing is up to three times closer. The AAP will bring many benefits as it is rolled out including a sustainable and integrated transport system for the local community, any generation of large traffic volumes before the AAP has even been signed off can only increase congestion and potential danger to the residents.

During open meetings with local householders, many felt Persimmons Homes were aware that the transport aspect of their submission was perhaps the real weak point in their proposal as it contains many inaccuracies, omissions either by design or over-sight, dubious baselines and pure wishful thinking. Persimmons themselves appear to select a variety of distances and measures of what is appropriate for various modes of non-car use in an attempt to justify their proposition, sometimes even contradicting themselves. Their whole approach appears to be somewhat "slap dash" in places attempting to down play the real issues that would affect their development whilst ignoring what are real issues of transport congestion and safety for the local residents. Such examples follow...

- The original "Transport Assessment" quotes a distance of approximately 1.3km to the site, yet their planning statement quotes 1.4km. The cycle and walking distances are based upon the "crow flies" which understates distances and is erroneously classed as an "isochrone", but then in their latest "Travel Plan Supplement" they use the isochrone methodology (this time correctly) to show the new bus stop is within walking distance. If "isochrones" had been used by Persimmons correctly in their original documents, as they have done in their latest submission, it would mean travel distances within all their documents would increase by 30%. Not beneficial to their sustainable transport case when it comes to walking and cycling which were already beyond what might be acceptable by many independent guidelines.

- Persimmon Homes do not appear to use either any of the commonly used measures of acceptable walking or cycling distance found in numerous other LPA submissions but often rely on vague statements about "ensuring a culture of walking and cycling", "modal shift from car to walking". There is very little in their submission about the availability of local amenities or employment and no specific distance metrics that an authority such as the HBBC (SHLAA) uses to assess site viability. To do so would only undermine their case.

- The trip rates to calculate car usage are based upon "Earl Shilton 2001 Census travel to/from work" data for the Earl Shilton which shows that 11% would walk. This is completely unrealistic as this development is more distant than any other major housing development in Earl Shilton, both from the town centre and any local employment. Car use will most likely be 95%$^{+}$ of all journeys.

- It was only after objections had been submitted by local residents that Persimmons hurriedly proposed an additional bus service from the new estate as it had been withdrawn by the local council. This is now a central plank of their transport policy, why did they not know this before? This is not confidence inspiring, what else have they missed out, got wrong or glossed over?

- The major points of congestion for any new traffic is at the top end of Mill Lane near St. Peter's Primary School (particularly during the morning) and on Church Street between Chapel Street and Hill Top (A47). There is much on street parking here and so the road effectively becomes a single carriageway with regular congestion as cars slalom in and out (eg. I had to stop **six** times within 600m tonight). Despite these areas being a major inconvenience for the existing residents, Persimmon Homes have not mentioned this anywhere adequately within their documentation, how the extra traffic might affect it, or provide any real mitigation.

- So great is their attention to detail and concern for the residents of the area that their final travel plan references street names such as "Thurlaston Road" and "King Richard's Road". None of which exists in the proposal area.

It appears that Persimmon Homes are willing to say anything to make their transport plan look acceptable but skip over details about the existing problems within the area or how they would effectively mitigate them. It would therefore be welcome and advantageous if the Planning Inspector could arrange a site visit where the local residents can show the areas of concern omitted from the Persimmons submission.

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W I White
43 King Richards Hill
Earl Shilton
Leicester
LE9 7EY

16th November 2010

Planning Inspectorate
Room 3/22
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Dear Sir

Ref APP/K2420/A/10/2136529/NWF
Town & Country Planning Act 1990. Appeal by Mr Nigel Hainsworth
Site at Land North of Mill Lane, Earl Shilton

Following your letter dated 20th October 2010 to Hinckley & Bosworth Borough Council (their ref. 10/00401/FUL) announcing the date of the appeal inquiry, I would like to draw your attention to the following further comments/objections.

I believe that Persimmon Homes are ignoring the local planning/regeneration process and the considered development of Earl Shilton through the SUE consultations. Earl Shilton is perceived as a deprived area in the Borough and its regeneration is long overdue. Through the Area Plan consultation process local people and authorities are committed to an inclusive approach to development, with carefully conceived and sustainable building. Piecemeal building on this scale should not be allowed.

Despite being aware of the importance to Earl Shilton of the Area Plan/SUE and its schedule, Persimmon has insisted on 'jumping the gun' – presumably for commercial reasons. This has resulted in much time being spent by the Planning Authorities and ratepayers in digesting a major application and seeing through the inevitable time consuming process.

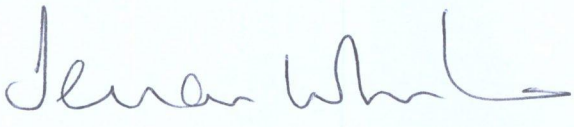
There are inaccuracies, assumptions and naïve statements in the original application. These have already been covered in previous comments/objections but need to be restated as they are important in assessing the application's integrity. They also highlight the development's lack of sustainability.

- Walking distances to the Town Centre are understated by around 20%. This is due to using simple 'as the crow flies' measures instead of accurate point-to-point GPS data. These inaccuracies put the walking/cycling distance from the centre of the site to the centre of Earl Shilton some 300 metres less than actual. Distances to other Town facilities are also significantly understated, which is important as the application's data exceeds guidelines normally used.
- This leads to naïve claims that there will be 'a modal shift' to walking, cycling and the bus 'from Day 1'! Regrettably the modern world is just not like that. It is much more likely that a resident who owns and uses a vehicle daily will not change travelling habits readily - this equally applies to bus usage. The local small bus service which currently serves Alexander Avenue and Mill Lane is lightly used with most buses sparsely occupied.

- Traffic access problems are 'glossed-over'. There is little or no comment on the significant melee outside St Peter's School during drop-off and pick-up times. This is covered by comments already in your possession from the Chair of Governors at the school. Other nearby schools are also badly affected eg Weavers School (Alexander Avenue) and Townlands (Meadowcourt Road) at these times. I believe that our local County Councillor – Mrs Richards – has submitted representative photos with her further comments.
- There is scant mention (and no photo evidence) of the problems on Church Street between Chapel Street and the Plough public house. This is narrow and obstructed by parked cars owned by residents and visitors to the businesses on that stretch. Progress is by stop/start 'slalom' manoeuvres, in and out of available gaps, when travelling from Hill Top. Although the appellant asserts that all traffic to and from the development will use Alexander Avenue, this is not the case. Church Street - Chapel Street - Mill Lane is the main route for traffic accessing the Leicester direction, and the increased traffic flows can only result in more delays, impatience and road safety concerns. Photos taken on Saturday 30th October 2010 at 12-15pm are enclosed, and traffic during working day 'rush-hours' is worse.
- Local opinion is that, despite the submission by the appellant of a last minute document which attempted to provide assurances over the safety of the proposed Thurlaston Lane access, it is not possible to alter the approaches without costly, large scale and lengthy highway realignment. It is plain that, with the current planning regulations limiting developments to 150 houses from one entrance, the Thurlaston Lane access is merely a ploy to be able to add a further 50 homes to the plan.
- If the appeal were to be allowed I would like to see the Thurlaston Lane access denied with a commensurate reduction in the number of homes on this site.
- Finally I note that the application contains provision for a significant number of affordable houses/apartments. Earl Shilton has, very recently, seen a number of 'affordable' apartment buildings built on brown field sites within the Town, some of which remain unoccupied and/or vandalised. Given the deprived nature of the area and the importance of setting in train a concerted regeneration programme, we do not feel that any more down-market housing is advisable. If the appeal were to be allowed I would like to see that building on this site should be of a nature which would be commensurate with improving the image of Earl Shilton and making it an attractive residential community within the Borough.

However, in my view the application is ill-timed, inaccurate and incomplete, and the appeal should not be allowed.

Yours faithfully



Ieuan White


FJ52 LMK


FJ52 L

Howland, Jenny

From: Enquiries
Sent: 15 November 2010 14:26
To: Team P2
Subject: FW: APP/K2420/A/10/2136529/NWF

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29 NOV 2010
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Customer Services
The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN
' 0117 372 6372
* e-mail: enquiries@pins.gsi.gov.uk

-----Original Message-----
From: O'Toole, Aoife [mailto:aoife.otoole@highways.gsi.gov.uk]
Sent: 15 November 2010 14:24
To: Enquiries
Subject: APP/K2420/A/10/2136529/NWF

Sirs

Please find attached letter regarding the above appeal. I would be grateful if you could pass this on to the relevant case officer.

Regards

Aoife O'Toole, Network Manager
Highways Agency | The Cube | 199 Wharfside Street | Birmingham | B1 1RN
Tel: +44 (0) 121 6788096 | Fax: +44 (0) 121 6788559 | Mobile: + 44 (0) 7765 871859
Web: http://www.highways.gov.uk
GTN: 6189 8096

Safe roads, Reliable journeys, Informed travellers Highways Agency, an Executive Agency of the Department for Transport.

HIGHWAYS AGENCY

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Our ref:
Your ref:

The Planning Inspectorate
Room 3/22
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Aoife O'Toole
Network Manager
Level 9
The Cube
199 Wharfside Street
Birmingham B1 1RN

Direct Line: 0121 678 8096
Fax: 0121 678 8558

15 November 2010

Dear Sirs

Appeal ref APP/K2420/A/10/2136529/NWF
Land bounded by Mill Lane, Thurlaston Lane and Clickers Way, Earl Shilton, Leicestershire

I write in connection with the above appeal against the refusal by Hinckley and Bosworth Borough Council to grant planning permission for the erection of 200 residential units with associated development at the above location.

The Highways Agency did not make a formal objection (under Article 14 of the General Development Order) to the planning application as the proposed development in isolation is considered to have only limited impact on the Strategic Road Network. However, concern was expressed in a letter to the Council on 15 September 2010, that the proposed development formed a significant part of the proposed Sustainable Urban Extension for Earl Shilton as proposed in the adopted Hinckley and Bosworth Core Strategy. This SUE is intended to form the subject of a specific Area Action Plan, which would be likely to address the cumulative impacts arising from the development and define appropriate mitigation.

Department for Transport

Core Strategy Policy 5 identifies a number of transport initiatives which would be necessary to enable the satisfactory delivery of the Earl Shilton SUE – and makes clear that developers will be required to contribute towards these, through developer contributions. The Highways Agency anticipates working with the Borough Council in order to define any requisite transport interventions, an appropriate scale of developer funding and to establish timely delivery mechanisms. This is intended to ensure that a holistic framework is established for development across the whole of the SUE area and that integrated and sustainable transport outcomes are achieved.

In this context, the Highways Agency remains concerned that the appeal proposal could result in piecemeal development which, if allowed could jeopardise the successful delivery of the transport interventions likely to be required for the SUE as a whole, which will be defined through the AAP preparation process. Whilst in isolation this scheme may technically have acceptable impacts on the strategic road network, in combination with the other parcels of land which are expected to come forward within the SUE, a holistic package of measures (including an area wide travel plan, for example) will be necessary

It is also of concern that, in the absence of a transport intervention strategy or an integral approach to securing developer contributions at this stage, for the SUE as a whole, the burden of transport initiatives may fall to later developers and potentially undermine the overall financial viability of the SUE.

The Highways Agency would respectfully request that the Inspector takes these concerns into account in the consideration of this appeal.

Yours faithfully

Aoife O'Toole

Aoife O'Toole
Network Delivery and Development East Midlands
Email: aoife.otoole@highways.gsi.gov.uk

25/10

David Tredinnick, M.P.

HOUSE OF COMMONS
LONDON SW1A 0AA

2136529

DEVELOPMENT SERVICES
29 Nov 2010
RECEIVED

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

26 OCT 2010

25th October 2010

Dear Sir

PLANNING APPLICATION: **10/00401/FUL (Hinckley & Bosworth Borough Council Land Bound By Mill Lane, Thurlaston Lane And Clickers Way, Earl Shilton** - ERECTION OF 200 RESIDENTIAL UNITS WITH ASSOCIATED LANDSCAPING, ACCESS AND PUBLIC OPEN SPACE

As Member of Parliament for the area I am writing to support the decision of the local planning authority to refuse to grant permission for the above planning application in respect of a major development of 200 homes on Greenfield land on the outskirts of Earl Shilton, Leicestershire.

As I stated in my submission to Hinckley & Bosworth Borough Council, this proposal has significant difficulties relating to access and transport matters, including the proposed main access point for the site at Mill Lane being somewhat impractical and quite obviously very unsafe. Furthermore, if permitted, this development would have a major negative impact on Earl Shilton's road network with all the associated problems of greatly increased traffic movements.

Also, there has been a great deal of development in Earl Shilton in recent years and it is an unfortunate fact that this has been undertaken in a piecemeal manner without due regard to many significant infrastructure and service provision issues. Going ahead with this development would greatly exacerbate these problems.

Another important consideration is the overall impact of the continuing Sustainable Urban Expansion (SUE) process being undertaken by Hinckley and Bosworth Borough Council. From the Borough Council's viewpoint this application has great potential to undermine and be prejudicial to its SUE planning process. I am firmly of the opinion that if the Borough Council is planning a huge expansion of the settlement of Earl

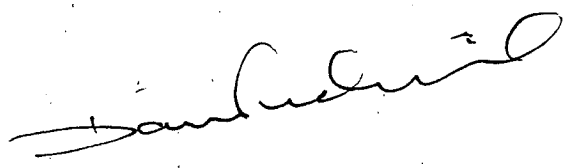
House of Commons: 020 7219 4514 Email: davidtredinnickmp@parliament.uk Constituency: 01455 635741

Shilton onto bordering green fields we cannot afford to lose any more undeveloped land to applications such as the above proposal.

With the potential loss of this Greenfield site to development there is also the significant matter of the adverse impact on wildlife and biodiversity to be considered. The birdlife in this specific area of my constituency is very varied in range with a number of rare species being spotted on a regular basis. Small mammals, including bats according to many reported sightings, inhabit the site and the area has wide-ranging flora.

This proposal does not represent a sustainable development in line with current planning policies and I trust the Planning Inspector will duly take the important points and material issues outlined above, along with those made by numerous residents and their local councillors, into consideration when deliberating this application and is therefore able to endorse the decision taken locally in the best interests of the community to refuse permission for these plans.

Yours faithfully



DEVELOPMENT SERVICES
29 NOV 2010
RECEIVED

Paul Stacey
21 King Richards Hill
Earl Shilton
Leicestershire
LE9 7EY
paul.paloma@btinternet.com
(h) 01455 840941
(w) 01455 893126

Tuesday, 13 July 2010

Simon Wood
Head of Planning
Hinckley & Bosworth Borough Council
Argents Mead
Hinckley
LE10 1BZ

Application No. 10/00401/FUL for Erection of 200 Residential Units with associated landscaping, access and public open space by Persimmon Homes within an area bounded by Thurlaston Lane, Clickers Way and Mill Lane

Dear Sir,

I formally wish to object to the above application on the grounds attached to this letter. I wish also to complain that as an objector I only have 3 weeks to review and make a full objection on a detailed submission running into hundreds of pages when some documents have been in existence for over a year. Being fully employed during the week, it is an impossible task for residents such as myself to satisfactorily pass comment on all aspects of the planning submission within the timescales set.

Please register my objections accordingly. I would be grateful if you will notify me in advance when the relevant Planning Committee meeting will be held so that I may attend to make representations.

Yours sincerely

Paul Stacey BSc(Hons) MBCS

My objections and comments are detailed below shown by >>> at the start...

Abstracts from the planning submission documents and other sources are marked * likewise...

5. Geo Environmental Assessment

PHASE 1 GEO ENVIRONMENTAL ASSESSMENT REPORT – BWB Consulting, April 2008

0 Executive Summary

* There is the potential for humans to ingest or inhale contaminated soil arising from the sites current and historical use for farming, presence of potentially contaminated made ground and presence of storage drums. Another plausible linkage exists between the site and former landfills within the vicinity of the site. The human health risk associated with the proposed development has been assessed to be **moderate/low**.

* It is recommended that a Phase II Geo-Environmental Investigation is undertaken to quantify the risk to human health from the contamination sources identified at the site and within its vicinity. This can then be submitted to the local planning authorities to satisfy likely planning requirements for the development. The investigation should include a gas monitoring programme.

>>> Has the Phase II report been produced? If it has then could you please direct me to its location online? If it has not then planning permission should not be granted on potential public health grounds until any risks can be either assured or mitigated.

2.2.a Site Description (A47 bypass)

* The land immediately to the east of the site was currently undergoing development for the proposed Earl Shilton bypass.

>>> The steeply sided cutting carrying the new A47 bypass under Thurlaston Lane is directly adjacent to the new development and is now the most highly significant landscape feature in the area. It appears that the assessment was carried out before the cutting had been completed. I would propose that this omission would be likely to invalidate certain aspects of the original geo logical assessment made more than 2 years ago and that another report covering this should be submitted before planning permission is granted.

>>> Furthermore the original assessment was produced before the any plans had been submitted to HBBC by Persimmon Homes. BWB Consulting would therefore have been unaware of their intention to place a large storm water balancing pond alongside the new bridge carrying Thurlaston Lane over the bypass and on top of what is one of the steepest parts of the embankment.

2.2.b Site Description (Pumping Station, Thurlaston Lane)

* A pumping station is also present on the opposite side of Thurlaston Lane to the north; this is associated with the pumping of sewage; it is unknown whether this is still in use.

>>> This provides the main facility for removing waste from the residential buildings in the area to the main treatment works to the south west of the proposed development. Any new development would be required to utilise and/or upgrade the facilities provided by this.

6.2 Landslides

* The risk for landslides to occur at the site has been assessed by the BGS to be very low; slope instability problems are unlikely to be present. However, the steep embankment and general site relief should be considered against proposed development schemes and their stability checked.

>>> The geological assessment was undertaken before the new bypass cutting had been created and apparently before any plans had been submitted to HBBC for approval. Based upon the major landscape modification for the bypass that has occurred since their report in Spring 2008, do BWB Consulting still subscribe to the statement above? Were they aware at the time of the report of the precise planning intentions of Persimmon Homes and also of the future existence of a soakaway containing a large body of water at the top of what is a very steep embankment above a public

highway? If BWB were not aware then I would propose that they re-assess the site's viability to contain the features that Persimmon Homes are building before planning permission could be granted to mitigate against potential landslips in the future.

6.3 Ground Dissolution of Soluble Rocks

* The risk of rock dissolution is considered to be negligible. Although soluble rock is present at the site, problems are unlikely to occur except under exceptional conditions.

>>> The above statement was made before BWB were probably aware that Persimmon Homes was intending on concentrating the foul water runoff into just one small area of the site located in close proximity of a steep embankment. Although the proposed development site currently drains naturally without any anecdotal reports of flooding, the new development will fundamentally change this and so this should again be re-assessed as to it's viability given the changed landscape since the report was made.

7.5 Environmental Risk Assessment

* Based on the proposed end use of the site, the pollution linkage assessment combined with the historical knowledge of the site has indicated that the site represents a **moderate/low** risk to human health set in the context of the proposed development.

* Moderate risk = It is possible that harm could arise to a designated receptor from an identified hazard. However, it is either relatively unlikely that any such harm would be severe, or if any harm were to occur it is more likely that the harm would be relatively mild. Investigation (if not already undertaken) is normally required to clarify the risk and to determine the potential liability. Some remedial works may be required in the longer-term.

* Low risk = It is possible that harm could arise to a designated receptor from an identified hazard, but it is likely that this harm, if realised, would at worst normally be mild.

>>> Are HBBC satisfied that residents will not suffer "mild harm" living within the proposed development and any consequential liability will not be too damaging from either a financial or reputation perspective? If they are not sure, then planning permission should be refused. Are there any more proposed risk assessments being carried out in the light of this report and if any "remedial" works are likely in the longer term, who would be expected to financially support this?

8.1 Statutory Liability

* Once an area of land has been identified as contaminated land, appropriate persons will be identified as being responsible for the cost of cleaning up the land by the enforcing authority. The appropriate person will be liable for all or part of the remediation of the land. Two classes of appropriate person have been identified:

• Class A appropriate persons are those who cause or knowingly permit the pollutants to be in, on or under the land.
• Class B appropriate persons are the owners(s) or occupier(s) of the land.

Where no Class A appropriate persons can be identified, then Class B appropriate persons may become liable.

>>> See 7.5. Should any "remedial works may be required in the longer-term", is it the view that the liability would fall to the (new) owners and residents within the proposed housing development or some other private or public body?

8.3 Public Relations

* It is considered that there is a moderate risk of public relations being tarnished as a result of this development on the basis that the residential development will be on land classed as Greenfield.

>>> From the "The Capita Symonds Sustainability Appraisal Scoping Report (December 2009, page 42) under the "Sustainability Appraisal Framework" (Section 7) it states...

* 7.1 The SA Framework sets out the assessment criteria against which the Earl Shilton and Barwell Area Action Plan (AAP) will be considered. A set of environmental, social and economic SA Objectives are outlined and the Development Objectives of the AAP will be appraised against these in the next stage of the SA process.

>>> In the table that followed, one entry includes the Sustainability Appraisal objective:

* To conserve and enhance the character, diversity and local distinctiveness of the rural landscape in the area.

>>> The metric associated with this is to "Reduce" the "% of new houses built on Greenfield land". Granting planning permission to the Persimmon Homes development would therefore seem to be working against HBBC's own target in this area.

>>> There are many "derelict" factory units and areas of under utilised brownfield land within the HBBC area. "Empty Homes" (an independent charity) estimated in 2009 that approximately 3.89% of the housing stock within the borough is empty which amounts to 1789 potential homes that could be used to fulfil the requirement for new homes. (In fact anecdotally myself as a resident can confirm this state of affairs as I was surprised how many homes I encountered completely empty whilst delivering leaflets). Capita Symonds itself reported in December 2009 that "**There is currently a surplus of affordable housing, this could be better allocated**" and a "**large number of existing empty properties within Barwell**". At a time of major economic upheaval, that's left many home owners with negative equity and unable to move or buy due to limited credit availability, it could be seen to be highly insensitive and out of touch creating hundreds of new houses on green fields when there are derelict urban sites unused and many empty or unsold houses locally available.

>>> As stated by Persimmon's Strategic Land Director (North Midlands), Nigel Hainsworth during the Publication Representation (08/12/2009) submission to the Core Strategy Development Plan "those on brownfield sites which are expensive to deliver". It will indeed therefore be a problem for HBBC public relations if they find themselves driven towards the destruction of more greenfield land contrary to their own targets and policies on sustainable development as a result of housing developers chasing profit margins and subverting the agenda of democratically elected bodies such as the HBBC that represent the interest of the wider community.

>>> On the basis of the irrevocable destruction of greenbelt land whilst alternative brownfield land exists along with existing unused and unsold houses, I object to this planning application.

8.4 Development Indications

* It is likely that an intrusive investigation will be required by the regulatory authorities to quantify the risks associated with the identified potential sources of contamination to meet planning requirements. This should include hazardous ground gas monitoring to identify whether gas protective measures will be required within new dwellings.

>>> What has been actioned in this area and what are the proposed criteria against which the developer will be monitored in order to be sure that any new residents are protected adequately from harm? If no further investigation by the relevant authorities is forthcoming or legally binding commitment is made to mitigate potential risks then planning permission should be denied until that time.

9.2 Recommendations

* It is recommended that a Phase II Geo-Environmental Investigation is undertaken to quantify the risk to human health from the contamination sources identified at the site and within its vicinity. This can then be submitted to the local planning authorities to satisfy relevant planning requirements for the development. The investigation should include a gas monitoring regime; based on the sites high sensitivity of residential housing with garden areas and perceived low gas generation potential 'CIRIA 665 Assessing Risk Posed by Hazardous Ground Gases to Buildings' recommends that nine gas monitoring visits are undertaken over a 6 months period.

>>> Clearly this must be done before planning permission can be granted. No construction during should be permitted until the relevant planning authorities are satisfied that the level of risk to future occupiers of the land is acceptable.

Appendix 4 GroundSure Report

>>> All information and maps supplied by GroundSure are dated 2008 Q1 and do not appear to show the new Earl Shilton Bypass and the very steep embankment upon which the new Persimmon Homes estate will be located in close proximity. Although much of the evidence presented will be unaffected by the new road, landslip could be one major risk associated with the development. Certain relevant aspects of the report should therefore be revisited before planning permission is granted.

6. Economic Statement

Pegasus Planning Group 07/06/2010

* PPS4 specifically excludes residential development from the definition of economic development and thus the basis of producing a full economic statement in respect of the proposals is unclear.

>>> PPS4 (Planning for Sustainable Economic Growth) states...

* The policies in this PPS are a material consideration which must be taken into account in development management decisions, where relevant (eg. Planning & CPO Act). The development management policies in the PPS can be applied directly by the decision maker when determining planning applications.

* What is Economic Development?....For the purposes of the policies in this PPS, economic development includes development within the B Use Classes5, public and community uses and main town centre uses. The policies also apply to other development which achieves at least one of the following objectives:

* ***5. These policies do not apply to housing development.***

>>> As per PPS4, no due positive consideration can be given to Persimmons economic case as it is not materially recognised as applicable for housing developments. If the Persimmon development was part of a wider plan encompassing increased local employment then it might have some merit, it stands alone however and so it should not be permitted to support any final planning justification.

>>> Although it might be correct to say housing and economic development are intertwined, house building tends to be an economic "follower" not a "leader", it reacts to the demand for a greater standard of living or providing new homes for an influx of new workers chasing the best jobs. It is therefore not sustainable to build houses on the grounds that economic wealth will naturally follow on. Examples are rife at the moment both within the UK and further afield such as the Spanish property market. Although extreme, the Spanish example highlights the folly of thinking that house building promotes sustainable economic development. There are currently 610,000 unsold homes with another 380,000 under construction in Spain, yet the country is suffering the worst recession in 60 years and has the worst unemployment in Europe. The Capita Symonds Sustainability Appraisal Scoping Report (December 2009) identified a "**large number of existing empty properties within Barwell**", evidentially again, more houses doesn't equal economic gain.

Persimmon state...

* A key aim is to encourage more young professionals and prospering households to move into and stay in the area.....the achievement of this aim is in turn likely to assist in achieving the economic aims for Earl Shilton of attracting new businesses and enhancing the town centre through the availability of skilled labour and more spending power.

>>> People move to where jobs are and if no new suitable employment exists in the local area, new residents will simply be using the new homes as a commuting base, in other words a "dormitory estate". This has been highlighted before by both the HBBC and others in the locality. The HBBC Rural Summit (29/11/2006) identified one threat to sustainable rural development was "*Living in area but working outside – becomes 'dormitory town'* "and nearby Oadby & Wigston Borough Council stated as part of their Strategic Housing Land Availability Assessment in 2008 "*To perpetuate the creation of car-based, dormitory estates would not be sustainable and would increase the environmental impacts of traffic in both rural and urban areas*".

>>> With Hinckley, Nuneaton and Leicester just a short trip from Earl Shilton, the majority of goods and services will not be purchased in Earl Shilton. Earl Shilton will get the houses but in reality the great majority of the economic benefit will be enjoyed by both national suppliers and larger conurbations away from the SUE unless suitable employment exists nearby. From personal

experience, I consider myself to be part of a prospering household...the sort that Persimmon claims to attract. However, the truth is that the town only typically enjoys my patronage if I have run out of milk or bread and there appears to be no leisure facilities or suitable high quality shops present. It is these that would be more likely to attract "young professionals" contribute economically and not anything else.

* The development of the scheme will result in employment relating to the construction of the scheme.

>>> Are they referring to Persimmon employees here? Although it is true some temporary increase in employment for tradesmen would occur, this would end as soon as the building ceased. Any economic gain from the construction would be temporary and in no way be could considered sustainable. See "housing boom" above.

* Early delivery of the proposals could assist the delivery of planned employment development. The application proposals would deliver a roundabout junction capable of being used to access future development to the south.

>>> The roundabout is an indispensable planning feature for Persimmons in that it facilitates access onto Mill Lane and supports their plan to reroute the local bus (#81) into the development area. Rather than being constructed for the benefit of Earl Shilton, without the roundabout their own road & transport infrastructure plans would be in some difficulty.

>>> Currently the nearest existing bus stop is in excess of the 400m walking distance of what is considered acceptable by organisations such as Department of Transport and other organisations such as HBBC. (It is 595m from the estate centre and 710m from the far side, see Transport comments).This roundabout provides no immediate economic benefit to Earl Shilton until new employment facilities are constructed within the vicinity somewhere in the future, but is a "must have" by Persimmons seeking to gain planning permission.

* It is therefore considered that the development will bring economic developments to Earl Shilton and the wider area

>>> "PPS4 specifically excludes residential development from the definition of economic development" and so as such, Persimmons submission by their own admission should be disregarded. The economic case put forward in the planning permission is not only inadmissible according to national planning guidelines (PPS4), but Persimmon has failed to make any case for sustainable economic improvement with regard to their planning submission. I therefore object to their planning application.

6. Planning Statement

Land at Mill Lane, Earl Shilton, Planning Statement – Pegasus Group, May 2010

02 – Site and Surrounding Area

2.4

* The site is approximately 1.4 kilometres from Earl Shilton town centre...

>>> This is misleading, the distance Persimmon quote is 1.4km but this does not represent the distance actually required to travel by car or foot. Using the web based tool (www.geodistance.com) the actual travel distance to the centre of Earl Shilton can be calculated accurately. The true distances from the proposed estate to the town centre are as follows; the entrance, the estate centre and the estate far side are 1.4km, 1.7km and 1.8km respectively. As can be seen, only the estate entrance is 1.4km and the actual distance is 300m or more for the majority of the residents (ie. 1 mile).

>>> The 1.4km quoted is clearly outside of the "Preferred Maximum" distance of 800m to the nearest town centre as stated by the "Guidelines for Providing Journeys on Foot" - Institute of Highways & Transportation (2000). This would therefore seem to preclude the majority of residents using walking as a preferred mode of transport. This in all probability will lead to greater car use and hence increase the traffic travelling through the residential areas leading to the town centre. This is neither desirable nor sustainable and would appear to run contrary to many strategies at both a local and national level.

>>> The IHT publication Guidelines for Providing Journeys on Foot" appears to be the basis upon which many organisations justify planning submission to councils within the UK and so it seems curious why Persimmon do not use it within any of their supporting documentation. The distance from the proposed development centre and the town centre is twice that normally thought acceptable for walking and also appears contrary to LCCs advice on their own interpretation of PPG6. This states "However, most shoppers are unlikely to wish to walk more than 200 to 300 metres, especially when carrying shopping."

* which has a good range of every day shopping facilities including; supermarkets, a choice of banking facilities, butcher, post office,...

>>> Supermarkets (plural) is not entirely accurate. There is a Co-op which is small scale supermarket (~1400m^2) and is sufficient to serve occasional needs and there is a Spar convenience store useful for out of hours. There are no multiple supermarkets in Earl Shilton offering goods in competition with each other on the scale of what nearby Hinckley has to offer and so taking my household as typical (2 adults+2 children), food retailers enjoy my patronage during my weekly shopping trips and Earl Shilton loses out . The creation of any new housing developments would almost certainly generate more custom for the out lying supermarkets in Hinckley and Leicester but not significantly for Earl Shilton with the existing retail facilities. This would be even more pronounced if the new estate had access to the bypass as this would then facilitate travel out of the area for both new residents and existing properties nearby, further reducing any economic gain to Earl Shilton accordingly.

03 – Proposed Development

3.5 ii

* A secondary point of access is proposed onto Thurlaston Lane, to serve 12 dwellings at the northern end of the development and to act as an emergency access to the rest of the scheme.

>>> There should be NO access to Thurlaston Lane for the new estate bar the 12 houses proposed. No access should be possible by either a short cut over rough ground or the removal of emergency/temporary bollards. Permitting motor vehicles would ensure that the access onto Thurlaston Lane would then become a major egress point for bypass and Leicester bound traffic if no similar access was permissible via Mill Lane. The upper section of Thurlaston Lane is already heavily constricted and problematic due to its limited width, parked cars and retail/leisure facilities. Any increase of the traffic here would create an asymmetric increase in traffic flow problems for all new and existing residents.

3.7 Drainage & Earthworks

* A balancing pond is proposed in the north eastern corner of the site to achieve required run-off rates and it is proposed that the surface water will drain to existing sewers.

>>> The Severn Trent Water Drainage Statement (WTI18065) dated 21/04/2008 stated that "There **must be no surface water discharge to the public foul / combined sewerage network**. The balance of any flows that cannot be accepted into the public/highway drainage systems will have to be attenuated within the development. It is understood that it is your proposal to drain the site into soakaways."

>>> Based upon the above it would seem that the surface water cannot enter the public sewerage network? If this is the case then Persimmon Homes should be required to create an acceptable alternative solution before planning permission can be granted. (See also soakaways in 6.2 & 6.3 under Geological Assessment). Without this the planning application should be rejected.

04 – Planning Policy Background

4.1 & 4.2

* the goal of sustainable development should be pursued in an integrated way through: sustainable, innovative and productive economy that delivers high levels of employment; and a just society that promotes social inclusion, sustainable communities and personal wellbeing; this will be done in ways that protect and enhance the physical and natural environment and use resources and energy as efficiently as possible.

>>> The Persimmon development does achieve a number of the above goals. As outlined in previous comments it does not create a sustainable and innovative economy and it certainly doesn't protect and enhance the natural environment. The Ecology report states that the net effect on the ecology will be a negative score and one that is in the lowest quartile of what could still to be considered "neutral".

>>> Although Persimmon will be achieving Sustainable Homes at Code Level-3 on the new builds, HBBC had originally required a more rigorous Level-4 prior to "INTERIM REPORT ON THE EXAMINATION INTO THE HINCKLEY & BOSWORTH CORE STRATEGY" by Raymond Michael submitted to HBBC on 30/01/2009. In that document it seems to indicate that the house building trajectories set by the (now defunct) East Midland Regional Plan might be compromised as the building industry would refuse to bear the costs of improved sustainable homes that used "energy as efficiently as possible". HBBC had in the reports authors words "not produced sufficient evidence of viability to satisfy me that such increases can be absorbed by the building industry in the borough without affecting the supply and

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The Planning Inspectorate
EST 1909

3/22 Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Direct Line: 0117 372 8827
Customer Services: 0117 372 6372
Fax No: 0117 372 8181
e-mail: teamp2@pins.gsi.gov.uk

Mr Simon Wood
Hinckley and Bosworth Borough Council
Planning Officer
Council Offices
Argents Mead
Hinckley
Leicestershire
LE10 1BZ

Your Ref: 10/00401/FUL

Our Ref: APP/K2420/A/10/2136529/NWF

Date: 25 November 2010

Dear Mr Wood

Town and Country Planning Act 1990
Appeal by Mr Nigel Hainsworth (Persimmon Homes North Midlands)
Site at Land North Of Mill Lane, Earl Shilton

I enclose for your information a copy of the third party letters and appellant's statement on the above appeal. Normally, no further comments, from any party, will now be considered.

Yours sincerely

Jenny Howland

211L(H&I)

You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button

INVESTOR IN PEOPLE
POSITIVE ABOUT DISABLED PEOPLE

pace of housing development shown in the housing trajectory". This direction to relax the sustainability levels is very odd as Persimmon Homes themselves state in their Sustainability Report 2009 that "Building to Code Level 4 could cost upwards of £10,000 per house. We consider this a worthwhile investment on behalf of our customers". Is this not the "viability" than the Inspector appointed by the Secretary of State for Communities and Local Government was looking for?

>>> HBBC I believe had wanted that Code Level-3 be applicable for new houses coming on stream in 2010 but from 2010-2013 it would be the more rigorous Code Level-4. Representations submitted by Geoffrey Prince Associates Limited on behalf of Cawrey Limited in their report (September 2009) on the proposed changes to HBBC Core Strategy state that "The current view from house-builders is that to achieve Code Level 3 will increase build costs by 10%, Code Level 4 by 20% , Code Level 5 by 30% and Code Level 6 by more than 40%." Thus it would seem again that the despite the best intentions of HBBC to achieve a more greener environmental policy on house building, it is instead being dictated by commercial interests wishing to their maximise profit.

>>> On July 6th 2010 Steve Quartermain (Chief Planner, Department for Communities and Local Government) issued notice that the Secretary of State for Communities and Local Government (Rt Hon Eric Pickles MP) announced the "revocation of Regional Strategies with immediate effect" and that it will "make spatial plans, drawn up in conformity with national policy, the basis for local planning decisions..... The abolition of Regional Strategies will provide a clear signal of the importance attached to the development and application of local spatial plans, in the form of Local Development Framework Core Strategies and other Development Plan Documents. Future reform in this area will make it easier for local councils, working with their communities, to agree and amend local plans in a way that maximises the involvement of neighbourhoods." The advice to HBBC was to relax their policy on Sustainability Code Level-4 homes built from 2010-2013 was so that it wasn't "affecting the supply and pace of housing development shown in the housing trajectory". However the housing trajectory under-pining the SUE development housing numbers is a direct result of the East Midlands Regional Plan and Regional Spatial Strategies, and these have now been abolished. The Guidance for Local Planning Authorities following the revocation of Regional Strategies states "Where local planning authorities have not yet issued decisions on planning applications in the pipeline, they may wish to review those decisions in light of the new freedoms following the revocation of Regional Strategies. The revocation of the Regional Strategy may also be a material consideration." I would therefore propose that HBBC revisit all proposed housing numbers and associated trajectories plus return to their pre-September 2009 Code Level-4 requirement as this more clearly meets the local and national desire for a greener sustainable future and more closely meets the goals set out by the National Policy "Securing the Future – Delivering the UK Sustainable Development Strategy" published in 2005. All new homes within the planning submission should therefore comply with Sustainability Code Level-4; failure to meet this should result in the planning permission being refused.

>>> As mentioned before, Persimmon themselves seem inherently aware of the increased costs and issues it would give them selling newly constructed houses at higher Sustainability Code Levels as although they have attained Code Level-3 they have scored only 57.08 credits, passing the acceptability level (57) by only the very smallest of margins. It would therefore seem that the new Persimmon Homes are to be inferior ecologically than HBBC had desired pre-2009 before central Government intervention (now revoked?), and with a loss of a single credit in any metric area, the Persimmon development would be below even the agreed Level-3 as stipulated. Persimmon Homes state in their Sustainability Report 2009 that "Building to Code Level 4 could cost upwards of £10,000 per house. We consider this a worthwhile investment on behalf of our customers". So why is the planning submission by Persimmon only proposing borderline Code Level-3 homes when they regard Level-4 as a "worthwhile investment on behalf of our customers" and HBBC had desired this originally also?

>>> I object therefore to this planning permission on the grounds that the houses to be built are not satisfactorily sustainable, they do not meet the criteria that they are "energy as efficiently as possible"

and they cannot meet the increased demands of reducing the required carbon footprint of society in the future.

4.4

* The promotion of accessible public transport facilities is endorsed by PPS1 and complements the need to encourage more efficient use of land through higher density, mixed use development and the use of suitably located previously developed land and buildings.

>>> The Persimmon development does not utilise "previously developed land and buildings" nor does it further the "promotion of accessible public transport facilities". The development site is on green fields, pedestrian access to the (remote) town centre is beyond acceptable walking distances as defined by recognised guidelines, and aside from the re-routing of a limited bus service, no new services are envisaged to cope with the load from the new development.

4.5

>>> The Planning Policy Statement: Planning and Climate Change, Supplement to PPS1 outlines how "planning should contribute to reducing emissions and stabilising climate change" by setting out "key planning objectives for spatial strategies". These include:

- **secure the highest viable resource and energy efficiency and reduction in emissions**
- **Deliver patterns of urban growth and sustainable rural developments that secure the fullest possible use of sustainable transport, reducing the need to travel, especially by car.**

The new development does not satisfy the key planning objectives above. It will construct inferior and borderline Sustainability Code Level-3 rating houses so that more (less energy efficient) homes can be built faster whilst maximising the developer's profit. It will result in the construction of new homes outside of what is usually considered an acceptable walking distance to local amenities and so will increase the likelihood of car travel (see Transport comments). The provision of any public transport is lamentable as with the recent termination of the 81A service (from 17/07/2010 due to ending of the LCC contract), it is now entirely absent outside of normal working hours and on Sundays. For these reasons alone I wish to object the planning application by Persimmon Homes in its current form as it does not comply with many of the goals set out by national planning policies relating to the mitigation of climate change.

PPS3 – Housing

4.7

* PPS3 reflects the Government's commitment to improving the affordability and supply of housing and creating mixed and sustainable communities by ensuring that housing is developed in suitable locations which offer a range of community facilities with good access to jobs, key services and infrastructure.

>>> Using Persimmons preferred measure of distance based upon the centre of the new estate, the only significant community facility within walking distance is St. Peter's RC Primary School, all others require either a car journey or a bus ride as the distances involved are in excess of the "Preferred Maximum" measure defined by "Guidelines for Providing Journeys on Foot" - Institute of Highways & Transportation (2000). Furthermore the existing bus service (#81) is only available from 07:00-18:30 Monday to Saturday and so employment involving anti-social hours or on a Sunday is without any form of sustainable public transport. Other public transport is attainable after a 1km walk, this however is clearly outside of the IHT defined "Acceptable" limit of 400m and also exceeds the "Preferred Maximum" of 800m.

>>> The application by Persimmons does not ensure that "housing is developed in suitable locations which offer a range of community facilities with good access to jobs, key services and infrastructure". The location selected by Persimmon is unsuitable as it too distant from the Town Centre and key

community services and fails to prove that access to employment is improved. I therefore wish to register my objection that the location of the Persimmon development appears to be in breach of PPS3 and is neither sustainable nor suitable.

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>>> This shows a picture of the "East Midlands Regional Plan". On July 6th Steve Quartermain (Chief Planner, Department for Communities and Local Government) issued notice that the Secretary of State for Communities and Local Government (Rt Hon Eric Pickles MP) announced the "revocation of Regional Strategies with immediate effect". I assume this Regional Plan is covered by this announcement and so can therefore play no part in Persimmon's submission.

PPS3 – Transport

* PPG13 provides guidance on the achievement of sustainable development. The aims are to reduce the need to travel, especially by car, by influencing the location of different types of development relative to transport provision and fostering forms of development which encourage walking, cycling and public transport use.

>>> The development appears to run contrary to PPS3 in that its distant location from the Earl Shilton town centre combined with limited accessibility to both community facilities and public transport results in inevitable increased travel and car use. As this clearly runs contrary to PPS3, I wish to register my objection to this planning application by Persimmon Homes.

Regional Planning Guidance

4.29 – 4.55

* Following the enactment of the Planning and Compulsory Purchase Act 2004, Regional Planning Guidance became part of the Statutory Development Plan and has become the Regional Spatial Strategy (RSS). The East Midlands Regional Plan was adopted in March 2009 and provides the broad development strategy for the region up to 2026.

>>> On July 6th this year, Steve Quartermain (Chief Planner, Department for Communities and Local Government) issued notice that the Secretary of State for Communities and Local Government (Rt Hon Eric Pickles MP) announced the "revocation of Regional Strategies with immediate effect". Under the section titled "Guidance for Local Planning Authorities following the revocation of Regional Strategies" it stated "Regional Strategies have been revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009 and no longer form part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004."

>>> It therefore seems that this entire section should now be considered as potentially irrelevant and in no way supports the planning submission to construct 200 houses at the proposed location. Furthermore the associated statement from the Secretary of State for Communities and Local Government infers that all aspects flowing from the assumptions and obligations set out by any Regional Plan should now be revisited by each affected Council. The guidance note states:

- Where local planning authorities have not yet issued decisions on planning applications in the pipeline, they may wish to review those decisions in light of the new freedoms following the revocation of Regional Strategies. The revocation of the Regional Strategy may also be a material consideration
- Local authorities may wish to review their plans following the revocation of Regional Strategies. We recommend reviews should be undertaken as quickly as possible
- The Government is committed to the protection of the Green Belt and the revocation of Regional Strategies will prevent top-down pressure to reduce the Green Belt protection.

>>> What information can the council provide with respect to their core strategies, the future direction and new housing demand and its location given the new reality since July 6th 2010? Without this it will be impossible for the public to either support or challenge HBBC policy towards new housing particularly on greenfield sites such as that Persimmon has applied for. I wish to object to the planning permission in its current form as the submission is based upon fulfilling the requirements of the East Midlands Regional Plan and associated Spatial Strategy that has been specifically revoked by central Government. Until the issue of local housing demand has been revisited and made public, no development based upon previously set national targets which have been revoked should be allowed to proceed.

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>>> This displays, somewhat ironically, typical views of Earl Shilton to give the reader a good idea of the local environs. The top photo however apparently shows the section of Thurlaston Lane which is to be subject to the change as a direct result of the Persimmons development. The entire hedgerow on the right hand side will be removed and the grass verge replaced by a tarmac pedestrian walk way which will contain an "urban frontage". I wish to object to the planning proposal by Persimmons as they appear to be intent on destroying features which characterise the countryside area bounding the community that is Earl Shilton.

4.41 – 4.42

Policy 5 proposes a transport intervention based upon a Transport Assessment undertaken in 2007 by White Young Green on the transport implications of the urban extensions to Barwell and Earl Shilton including potential mitigation measures.

- New public transport linkages from proposed developments to Barwell and Earl Shilton and improved public transport linkages between Barwell, Earl Shilton, Hinckley town centre.
- New pedestrian and cycle linkages for proposed developments into Barwell and Earl Shilton.

>>> The Hinckley and Bosworth Core Strategy Examination in Public - Session 4 Transport Supplementary Paper makes the statement "**Transport is a key factor in the delivery of sustainable development**". None of the mitigation measures listed either presently exist or are part of the submitted Persimmon plan. Without these key elements of transport infrastructure improvement, the already dire situation on the roads leading into Earl Shilton will be made worse. Permitting this development will set a dangerous precedent that could easily spiral out of the control for HBBC leading eventually to a collapse of the entire SUE viability. I therefore wish to object to the Persimmon planning application as they appear to have made no effort to mitigate the transport implications of adding what might be 500 extra residents and 250 cars to the existing transport infrastructure within that area of Earl Shilton.

4.43

* The Policy states that details of the proposed scheme will be brought forward in the Barwell/Earl Shilton Action Plan. Developers will be required to contribute to the implementation of these initiatives through developer contributions where they meet the tests set out in national guidance. New development which would prejudice their implementation will not be permitted.

>>> It seems that LCC Transport Planning is already not satisfied that the early implementation of the proposed development may compromise the Earl Shilton SUE in the future and is not sustainable. With the recently announced massive decrease in capital budgets across all Government agencies and local authorities the worry that there is a "very serious risk is that essential works of transportation are not able to be undertaken due to lack of funding which the SUE may be required to make some financial contribution to." appears to be reality with budgets across the UK being slashed up to 40%. Without guaranteed finance, the sustainability of the urban extension will be under-mined

by premature housing developments failing to deliver what is required in the longer term. This is grounds for objecting the (isolated) Persimmon submission in itself.

>>> The relevant sections of the LCC letter from Laurence Fallon (Senior Transport Planner) to John Jones (White Young Green Transport Planning) dated 05/02/2010 are included below which comprehensively detail there objections and my thoughts (apologies for copying sections of the letter but it conveys my thoughts exactly)...

The Highway Authority has expressed an opinion that any development of this site should not be considered in isolation and that we would prefer to see the proposal included in the context of the masterplan for the proposed Sustainable Urban Extensions (SUE) identified in the Hinckley and Bosworth Core Strategy for Earl Shilton and Barwell. This strategy is in keeping with the approach of Hinckley & Bosworth Borough Council (HBBC).

A cumulative transport impact analysis of the SUE will be possible once further investigation has been carried out for masterplan that HBBC are currently progressing. This will enable assessment of the overall transport implications of the growth in the area and establish an appropriate mitigation and infrastructure programme. In view of the level of planned growth in the Borough it is critical that bringing forward a site early does not prejudice the larger scale development in the area, nor should it bring forward mitigation measures on an individually considered basis which may undermine the wider package of measures required to deliver the SUE.

Transportation Infrastructure

If the application were to be granted, whilst this would not be contrary to the Core Strategy policy of delivering housing growth to the south and east of Earl Shilton, the early release of this site could interfere with crucially important decisions that should be taken, with particular relation to the mechanism of delivering a sustainable transport solution. Since this work has not been concluded it is impossible to predict the extent or expense of the necessary works with any degree of certainly, but it is inconceivable that given the scale of growth that is identified, that the required work will be inexpensive or straightforward to implement. The very serious risk is that essential works of transportation infrastructure are not able to be undertaken due to lack of funding which the SUE may be required to make some financial contribution to.

The Way Forward

As identified at the meeting it is anticipated that HBBC will be adopting their Area Action Plan in the autumn of this year at which point there will be greater certainty over the composition of the SUE and the phasing of associated infrastructure, with transport being one of *several* factors influencing an overall package of contributions.

As discussed at the meeting, the travel demand patterns generated by this development will no doubt be considered negligible in your Transport Assessment as these calculations will be made in isolation from the wider cumulative impact of the SUE. In the event that the planning and highway authorities were subsequently to determine this *and successive* similar proposals on this basis, the amount of infrastructure that would be delivered would be most likely to fall considerably short of what is required to support growth within the area. It is noted that the Mill Lane site constitutes around 10% of the total housing anticipated to come forward as part of the Earl Shilton SUE. You will concur that this is not an inconsiderable portion of the total scheme.

Masterplanning principles

We note your comments that the isolated nature of the Mill Lane site being developed in the short term may not preclude the progress of the SUE given its location, and the current masterplan identifying this parcel of land specifically for housing. On the contrary, it is for this very reason that this could be argued to be go against the philosophy of sound masterplanning. As expressed at our meeting and reiterated here, it is the County's view that the phasing of SUE development is critical to the success of the scheme in fulfilling its sustainability objectives. This is reflected in national and regional planning guidance and furthered in the *Growth Infrastructure Assessment for the Leicester & Leicestershire HMA Authorities*.

In this respect, it could be argued that initial phases of development should relate closely to local centres and community hubs to encourage walking and cycling from the outset, and therefore minimise unnecessary car trips from and avoid the urban extension merely fulfilling a role as a dormitory commuter settlement. We have no doubt that should your client's site come forward early in isolation there is a real risk that this is how it would be marketed.

The travel patterns adopted by those who locate to new settlements are formed very early on and are extremely difficult to reverse once habits are established. This in turn undermines the potential success and viability of non-car modes of transport in delivering modal choice.

>>> Furthermore granting the submitted Persimmons planning permission will set a precedent to all other interested parties that wish to construct new houses within the SUE ahead of the necessary investment in the core community infrastructure necessary for the SUE to function as designed. For this reason and those outlined by LCC also, I wish to register my objections to the planning permission sought by Persimmon Homes.

4.48

* Policy 24 sets out requirements for sustainable design and technology and states that all residential development in Hinckley, Burbage, Barwell and Earl Shilton will be required to meet a minimum of code level 3 to 2013, a minimum of code level 4 from 2013-2016 and a minimum of code level 6 thereafter. The code level to be met will be set at the time of determination unless other legislation/guidance requires a higher level at the time of construction.

>>> The guidance associated with maintaining the feasibility of the Regional Plan Spatial Strategy housing trajectory has now effectively been revoked by the Secretary of State for Communities and Local Government (06/07/2010). Consequently the advised degradation in the standard of homes built only to Sustainability Code Level-3 should now be reverted back to the original Level-4 as originally stipulated by HBBC (before the report by Raymond Michael submitted to HBBC on 30/01/2009). As stated "The code level to be met will be set at the time of determination". So the opportunity now exists for this to take place particularly as Persimmon Homes stated in their Sustainability Report 2009 on Level-4 that "We consider this a worthwhile investment on behalf of our customers".

4.49 & 4.51

* the Core Strategy sets out infrastructure requirements for Earl Shilton, which include infrastructure required to support the Earl Shilton SUE which is to be identified through the Earl Shilton and Barwell SUE Area Action Plan. The table also identifies that transport improvements to support SUEs are required over the period 2011-2026."

- Two form entry primary school with children's centre and expansion of existing secondary school provision
- Extension to existing GP's surgery
- Transport improvements in line with Core Strategy Policy 5.

>>> None of the three elements above are part of the planning submission by Persimmon Homes and I am unaware of the near term delivery of any of these items either by other submissions. The new development will be adding more population that require sustainable and good transport links, adequate healthcare provision as well as primary school places for what might be as many as 40+ children and at least twice that number at secondary schools. As all these key services form a part of the "infrastructure required to support the Earl Shilton SUE" and they are seem unrealised when the new development comes on stream. The proposed development therefore would appear to be creating an unsustainable urban extension to Earl Shilton (UUE?). As this appears completely contrary to the principles behind the SUE, I therefore object to then planning permission submitted by Persimmon Homes.

05 – Assessment of Development Proposals

5.1 – 5.12

>>> On July 6th this year, Steve Quartermain (Chief Planner, Department for Communities and Local Government) issued notice that the Secretary of State for Communities and Local Government (Rt Hon Eric Pickles MP) announced the "revocation of Regional Strategies with immediate effect". Under the section titled "Guidance for Local Planning Authorities following the revocation of Regional Strategies" it stated "Regional Strategies have been revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009 and no longer form part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004."

>>> It therefore seems that much of the argument put forward by Persimmons to support their planning application should now be considered as potentially irrelevant and in no way supports the planning submission to construct 200 houses at the proposed location. Furthermore the associated statement from the Secretary of State for Communities and Local Government infers that all aspects flowing from the assumptions and obligations set out by any Regional Plan should now be revisited by each affected Council.

5.13

* ...development would not therefore result in a damaging intrusion into the wider open countryside around the settlement

>>> Being constructed on a ridge, the development would be highly visible from several directions, extending the sky line of the urban form of the town and degrading the aspect of Earl Shilton being a small, yet attractive town. The lines of sight to the edges of the settlement give a view into open countryside from many points within the South and West of Earl Shilton and this would be degraded for many residents that already live there making the town a less desirable place to live. I consider the location of this development to be a damaging intrusion and a potential urban eye sore to the local landscape and so I object to Persimmon having permission to build in this area.

>>> The constructor David Wilson currently boasts that Montgomery Gardens within the SUE is "The place to live" and leads its sales pitch with "With views over fields and ideally located on the edge of Earl Shilton village" on some of its new properties. One can't help thinking that perhaps this development has meant pre-existing houses now cut off from "views over fields" are no longer now the "place to live"? All developers are presumably aware of the future SUE and so surely selling houses knowingly promoting a feature that they know will soon no longer exist is disingenuous at the very least. This confirms my suspicion having looked at the Persimmons application that they are perhaps not very interested in either the long term happiness of the clients they sell the houses to or the existing residents of Earl Shilton. Persimmon itself appears to be attempting to implement an ill thought plan in haste, whilst disregarding the impact to the existing residents both near and some distance from their development. I therefore object to this type of "fast buck" development as it plainly fails to provide a sustainable environment both now and into the future.

>>> Persimmon themselves appear ready to exploit the "open views" selling feature as the new properties along Thurlaston Lane are tagged with the phrase "exploit views" within their Design & Access Statement. Obviously any view would be a two way street, the new houses would enjoy open views to countryside and enhance the saleability of them (something denied to existing boundary properties) but also the new houses would block those views from existing properties, they would become very visible from afar and extend the urban sky line of that part of Earl Shilton significantly.

* The site represents a logical and appropriate location for further development at Earl Shilton.

>>> No it doesn't represent a logical and appropriate location. It is at the furthest edge of the existing conurbation linked by minor roads which already suffer considerable congestion at times. It is too far to walk to most community facilities and the town centre (see Transport) and has no bus service either in the evenings or on Sunday. There are many other existing areas within Hinckley, Barwell and Earl Shilton that could be in-filled or re-used and this would mitigate many of the problems that this development would suffer from.

5.14

* The site also represents a sustainable development opportunity in a sustainable settlement which provides good access to a range of services and facilities in Earl Shilton centre, as well as public transport connectivity to a greater range of comparison goods shopping at Leicester.

>>> The sustainable settlement supporting this development does not exist yet as the community hub and transport links to the town centre and Hinckley have not been built and are likely to be some time to implementation. It is therefore incorrect to state "a sustainable development opportunity in a sustainable settlement". I do not think that a single bus service that does not operate either at the evenings (the #81A service having been withdrawn from 17/07/2010) or Sundays constitutes "good access" as all other bus services require a walk over 1km. This statement appears to be somewhat far from the actual truth and so I object to the planning permission based upon this false premise.

* ...public transport connectivity to a greater range of **comparison goods shopping at Leicester.**

>>> The "INTERIM REPORT ON THE EXAMINATION INTO THE HINCKLEY & BOSWORTH CORE STRATEGY" by Raymond Michael submitted to HBBC on 30/01/2009 on Transportation Measures stated "The allocation of 4500 houses to Barwell and Earl Shilton will necessitate substantial improvements in non-car modes of transport to minimise growth in car traffic resulting from the additional population and the increased reliance on Hinckley town centre for comparison shopping, leisure and education". The Persimmon submission not only fails to make any provision of mitigate the growth in car traffic it also seems to infer that new residents will not be using Hinckley or more importantly Earl Shilton as a primary source for shopping. The HBBC objective for the regeneration of urban centres declares a goal to be "To increase footfall levels within Hinckley town centre and Earl Shilton & Barwell local centres"; by Persimmons own submission statement it appears that they do not have this intention inherent within their plans. For this reason I object to the Persimmons planning application as it does not adhere to the Core Strategy goals of HBBC nor benefit Earl Shilton and its workforce.

* ... local facilities are accessible to cyclists, pedestrians and public transport users. Indeed, the development site is well located to public transport, with the nearest bus stop being located approximately 300m from the site on Mill Lane, just north of Alexander Avenue. Provisional discussions with the operator (Centrebus) have been positive regarding the short diversion of Service No 81.

>>> No planning permission should be granted unless Persimmons can offer positive proof of Centerbus contractually agreeing to reroute their 81 service. If this is not done then the existing bus stop will be almost 600m from the new estates centre and 700m from the far side. Both of these distances exceeding the "Acceptable" measure for walking to bus stops defined by "Guidelines for Providing Journeys on Foot" - Institute of Highways & Transportation (2000). Furthermore the existing bus service (#81) is only available from 07:00-18:30 Monday to Saturday and all other public transport is attainable only after a 1km walk, this however also clearly exceeds the IHT defined "Preferred Maximum" walk of 800m. The "well located" is therefore not accurate and should count against Persimmon Homes planning application at the approval stage.

5.16

* Whilst certain aspects of the development, particularly the roundabout junction at Mill Lane, necessitate the removal of sections of hedgerow...

>>> The Ecology Assessment Report from Aspect Ecology states...

* 5.6.2.2 A small number of the habitats present, namely the hedgerows and trees offer some ecological interest in the context of the site.... Nonetheless, it is recommended that where possible these features are retained and enhanced with additional planting under any development proposals for the site, whilst any hedgerows to be removed should be replaced with new hedgerow planting within the site in line with the Leicestershire and Rutland BAP for hedgerows.

* 5.7.2.6 In terms of foraging, the site offers some opportunities for bats in the form of the hedgerows and trees, albeit these are somewhat limited by their gappy nature. As such, it is recommended that where possible these features be retained and strengthened with additional planting under any proposals for the site.

* 5.8.3 Hedgerows, Trees and Scrub. Where possible it is recommended that the existing trees and hedgerows be retained and supplemented with additional planting...

* 7.5 The hedgerows and trees present offer some ecological value in the context of the site, albeit this is limited by the gappy nature of the hedgerows, and it is recommended that these features be retained and enhanced wherever possible.

* 7.7 The hedgerows and trees do provide linear features that offer potential foraging / commuting corridors for bats, albeit this is limited by their gappy nature, and as such it is recommended that these be retained and enhanced.

>>> However from the general site design and landscape plans it would appear that much of the existing hedgerows have been removed and it has not either been retained or enhanced as per the recommendations of the Aspect Ecology Report. The Pegasus Planning Group Ecological Survey and Assessment under BREEAM for CfSH (May 2010) states that "The hedgerows within the site are of limited ecological value, being gappy and species-poor in nature and trimmed short" which is clearly not true in a number of cases. For instance the hedgerow next to my property stands several metres high and contains several small saplings, as does the hedgerow along Thurlaston Lane. The Pegasus Ecological Survey therefore does not appear to accurately reflect the site as is and so the change in Ecological status may not be valid as stated.

>>> The report identifies some 1351m^2 of existing hedgerows within the study area but only 103m^2 of retained hedgerows and 312m^2 of new (proposed) hedgerows remain post development. This represents a 70% reduction of hedgerow area within the proposed construction area. This does not therefore follow the repeated recommendation laid out in the Ecology Report "to retain and enhance" the existing hedgerows and so I wish to object to the planning submission on ecological grounds and because the Ecological Assessment does not accurately reflect the site as is.

5.20

* Core Strategy Policy 2 also refers to 'no piecemeal development' being allowed...

>>> See the relevant sections of the LCC letter from Laurence Fallon (Senior Transport Planner) to John Jones (White Young Green Transport Planning) dated 05/02/2010 as reprinted in this planning objection above. As stated before "piecemeal development'" would in effect set a dangerous precedence leading to other house builders making similar claims on other parts of the SUE. If this was permitted the entire SUE would become unsustainable unless each development is phased properly with any community infrastructure building and improvement to public transport and road linkages.

5.21

* ...set out in the adopted Core Strategy and RSS...

>>> The RSS no longer has any relevance having been revoked in early July 2010 and cannot therefore be used in justification of Persimmons planning submission. Likewise any house numbers derived from this are also now irrelevant from the perspective of centrally imposed binding housing targets.

5.27 * Beyond this, the TA concludes that the impact of the proposed development does not require further off-site highways mitigation...

>>> I believe that the Persimmon Transport Assessment (TA) is flawed. The Persimmon TA only seems to concentrate on the furthest exit points of the additional traffic that the new development will introduce to the area, the published measurement of junction activity will appear to have more spare capacity because the traffic will be experiencing delays before they reach these points. The TA does not mention that the routes away from the estate will travel directly past two primary schools, both of which experience heavy traffic congestion during the 08:00-09:00 peak period. Neither does it mention that several of the likely routes from the new estate are very narrow in places and parked cars can reduce the road to effectively a single carriageway forcing vehicles to slalom between parked cars as they stop to let others pass. This is particularly noticeable on both Mill Lane and Thurlaston Lane, the two main routes away from the new estate. The Traffic Assessment from Persimmons again makes no mention of this. The traffic issues detailed above are reason in itself to cause a valid reason to object to this planning permission.

* Therefore it would be impossible at this time to demonstrate the proportionality of any contribution to strategic highways measures.

>>> Persimmon here have themselves identified a potential major issue with HBBC permitting piecemeal developments such as theirs in isolation to the Master Plan for the SUE. Without developer contributions to the strategic highway, transport and community infrastructure, it is probable that the HBBC will not be able to find sufficient funds to enable the SUE to come to fruition. This scenario is even more likely of late as central Government is severely reducing budgets in all areas particularly for significant capital items such as roads and schools as well as county council supported public transport. Such an example is the #81A evening bus service recently withdrawn which could have served the new estate and is now quoted erroneously in Persimmons Traffic Assessment. A Leicester council spokesman said of this: "The council needs to make around £66 million of savings over the next four years and is faced with some very hard choices. This means that amongst other things, we've had to look at bus services and are withdrawing supported evening, Sunday and out-of-policy school services." Funding appears therefore in very short supply over at least the next four years and without guaranteed developer contributions, the SUE will remain an idea only on paper. Permitting developments to increase the population and traffic without the mitigations planned clearly would be unacceptable to the residents of Earl Shilton.

5.28 * It is submitted that the scale and form of the proposed development would not prejudice the implementation of the measures identified by Policy 5 and the proposals are therefore considered to be acceptable.

>>> Persimmon offers no clear mitigation to the increased traffic flow that their development would create and the problems this would cause the existing road network and residents. The proposals may be "considered to be acceptable" to Persimmon but that is hardly surprising whereas in reality they are at best wishful thinking. The existing proposals do not produce a sustainable urban environment and would degrade Earl Shilton as a place to live and for this reason I object to the planning permission.

5.29 * The accompanying Energy Statement contains such an investigation and concludes that the characteristics of the wider SUE are not conducive to feasibly providing for energy needs in this way. The proposed development would not therefore prejudice any such scheme.

>>> Persimmons appear to go to great lengths in their submission to overturn a significant item contained within the SUE Master Plan (sustainable energy) purely to justify to HBBC that their development would not therefore create issues for the SUE later on. Is it correct for developers to independently prejudge agreed council core strategy and make a unilateral decision so that they would then be in a position to justify their desired commercial enterprise? In fact permitting piece meal developments such as Persimmons that seek to overturn desired Core Strategy of the SUE actually become a type of self fulfilling prophecy. The more unsustainable developments are permitted to be built piece meal, the less likely items such as sustainable energy generation become as the business case and conversion costs become increasingly unjustifiable. I therefore disagree with their statement and object to their intentions to apparently side step their obligation to build a more sustainable community for all.

5.30 – 6.7

>>> The regional plans, the spatial strategies and their requirement to build thousands of houses in some areas have been revoked by central Government. The issue of having a 5 year land supply can now be revisited and made relevant to the real needs of the community, and not from a centrally set figure. From personal observation and confirmed by the Capita Symonds report in December 2009, it appears that there are a large number of empty, unsold and affordable houses all over the Hinckley and Bosworth borough and these should in the first instance be used to satisfy whatever housing demand there is. HBBC has a target also to increase utilisation of brownfield sites, something which Persimmons appears to want to avoid due to increased build costs, and so building new homes on green fields to satisfy now obsolete targets cannot be justified. I therefore object to Persimmons planning application.

6. Transport Assessment

Pegasus Planning Group LLP – 14 May 2010
Proposed Residential Development on Land off Mill Lane, Earl Shilton, Leicestershire

1. Introduction

1.1.2

* The TA aims to demonstrate that the proposed development site is well located in terms of access to public transport and local facilities and that the proposed development will encourage travel by all modes of transport particularly more sustainable modes of travel.

>>> The proposed development site is not "well located in terms of access to public transport and local facilities" and hence will not "encourage travel by all modes of transport particularly more sustainable modes of travel". The Institute of Transportation and Highways (IHT) publication Guidelines for Providing Journeys on Foot" appears to be the basis upon which many organisations justify planning submission to councils within the UK and so it seems curious why Persimmon do not use it within any of their supporting documentation. The distance from the proposed development centre and the town centre is twice that normally thought acceptable for walking and also appears contrary to LCC's advice on their own interpretation of PPG6. Persimmon also use through out their documentation a direction measurement "as the crow flies" and understandably this then tends to understate the actual required travel distance by any means. The IHT publication gives the desirable, acceptable and preferred maximum distances for planning pedestrian access to facilities, these are shown below:

	Town Centres	Commuting and School	Elsewhere
Desirable	200m	500m	400m
Acceptable	400m	1000m	800m
Preferred Maximum	800m	2000m	1200m

>>> The IHT guidelines then further state that "PPG6 states that the acceptable distance from a supermarket car park to the town is about 200-300m(DOE,1996)" and this could then probably also be applied to supermarket from home journeys likewise

>>> Many almost identical (council and urban planning) guidelines can be found within a few minutes searching on the internet. One such example is nearby Oadby & Wigston Borough Council which appear to have adopted the guidelines as they match closely to the IHT table above within their Local development Framework (LDF) document

* 3.26 The following categories have been used in order to assess the sustainable distances to services:

- Within 400m- Bus stops
- Within 800m- Local Centre, Primary School, Cycle Routes
- Within 1000m- Doctors
- Within 1500m- Secondary Schools
- Within 2000m- Health Centre

* 3.27 The categories; within 400m, within 800m and those over 800m have been drawn from Accessibility Standards in Barton et Al (2003) Shaping Neighbourhoods: A guide for health, sustainability and vitality which defines the benchmarks in relation to walking distances as follows;

- Sites within 400m are within a 5 minute walking distance
- Sites within 800m are within a 10 minute walking distance
- Sites over 800m indicate the potential requirement for the private car or public transport.

>>> HBBC has a similar document with almost identical guidelines named "Strategic Housing Land Availability Assessment (SHLAA) document (dated October 2008). It states:

* 3.7.4 A sites distance to the key services excluding the Health Centre and Secondary has been broken down into the following categories:
  - Within 400 metres
  - Within 800 metres
  - Over 800 metres

* 3.7.5 These categories have been drawn from Accessibility Standards in Barton et Al (2003) *Shaping Neighbourhoods: A guide for health, sustainability and vitality* which defines the benchmarks in relation to walking distances as follows:
  - Sites within 400m are within a 5 minute walking distance
  - Sites within 800m are within a 10 minute walking distance
  - Sites over 800m indicate the potential requirement for the private car or public transport.

>>> Using the web based tool (www.geodistance.com) the actual travel distance can be measured to each of the local community facilities within the Earl Shilton community and then colour coded to reflect its accessibility based upon the maximum advisory distances above. Green is acceptable, yellow is Ok, amber is at the preferred maximum and red is unacceptable.

Mill Lane 200 Walking Destination	Distance from Estate Entrance (metres)	Centre of Estate +265m	NW Corner +380m
Nearest Bus Stop	330	595	710
St. Peter's Primary School	576	841	802
Weavers School	962	1227	1342
Townlands School	1593	1858	1973
Heathfield High School	2272	2537	2652
William Bradford Comm. Col.	2249	2514	2629
Newlands Primary School	2347	2612	2727
Post Office	1429	1694	1809
Library	1460	1725	1840
Co-op	1579	1844	1959
Vets	1601	1866	1981
Dentist	1733	1998	2113
Heath Lane Surgery	1954	2219	2334

Table-A

>>> As can be seen above the nearest bus service must be brought closer to the proposed site by the developer Persimmons to fall within the apparently widely used standard of 400m. On a distance based rule only, St. Peter's Primary School is just within walking distance but all other schools and community facilities have "the potential requirement for the private car or public transport". Using the Oadby and Wigston Council measure of sustainability, the majority of community facilities in Earl Shilton cannot be considered as within a sustainable travel distance. There is now currently no bus service to the Persimmons estate during the evenings or on Sundays and so during those times the distances involve present even more challenges. It is clear that this new development is

too isolated from the town centre and is unsustainable from a travel perspective, I therefore object to Persimmons application.

* Where appropriate, the TA recommends measures to mitigate any adverse impacts.

>>> Persimmon should not just "recommend" but implement "measures to mitigate any adverse impacts". This infers therefore that the adverse impacts will be of their making but someone else has to implement and financial support them. Clearly not acceptable and so this is reason to reject their planning submission.

1.1.4

* This TS has been prepared in accordance with the County Council's 'Highways Transportation and Development' (October 2007) and with the joint Department for Transport (DfT) and the Department for Communities and Local Government (DCLG) document, Guidance for Transport Assessments. The guidance states that a TA should address the following issues:

- Sustainable accessibility – promote accessibility by all modes of travel, in particular public transport, cycling and walking; assess the likely travel behaviour or travel pattern to and from the proposed site; and develop appropriate measures to influence travel.
- ..... and promote innovative and sustainable transport solutions.

>>> Persimmon does not promote or innovative sustainable travel, they have made no contribution to the local road or cycle route infrastructure and most community facilities are too far to walk given the remote location of the development site from the town centre. They are in talks with a bus operator to move one single service closer, but this does not run during evenings or Sundays and all other public transport links within Earl Shilton are 1km walk away. I therefore object to their planning permission application because they have failed to adequately meet their responsibilities in this area.

2. Existing Conditions

2.1.1

* The site is located approximately 1.3km from the centre of the Earl Shilton

>>> This is misleading, although the direct distance is 1.3km from Table-A, the true actual distance from the new development's centre via the road network is approximately 1 mile (1.65km). The WYG Transport Planning report for Pegasus state the site is 1.3km from Earl Shilton, yet the Planning Statement prepared by the same group states 1.4km...which is it?

2.2 Surrounding Highway Network

* **2.2.3** Thurlaston Lane is residential in character and subject to a 30mph speed limit. It has a nominal carriageway width of approximately 5.5m

>>> Bizarrely there are no mention of any problems associated with the road being reduced to a single lane due to parked cars and daily traffic congestion resulting from this most times of the day. For Mill Lane (2.2.9) they make a specific reference to buildings with "parking provision" and parking displaying "no evidence to suggest that this interferes with the free and safe flow of traffic". There is however no mention for some properties on Thurlaston Lane not having "parking provision" and likewise constricted flow of traffic on some sections. This appears to be an attempt to give a misleading picture of the true situation by omission as most local residents might testify.

* **2.2.4 -2.2.8** In the vicinity of the Primary School, the overall highway width narrows down with a footway width of approximately 1m adjoining the School and a nominal margin of 0.7m on the opposite side. This section of

road is, however, within a school 'safety zone' protected by a 20mph speed limit and 'zigzag' markings to restrict parking taking place.

>>> There is no mention of the pinch point around school, the pavement being so narrow that often adults accompanying children cannot pass each other and so end walking up in the road amongst the cars. The road is so narrow here that even outside the "zigzag" markings around the school, the road is effectively reduced to a single direction at a time as parents struggle to travel in both directions past the school. Major congestion here is present most mornings around school start time and can be made doubly worse by occasional deliveries to the small newsagents nearby. This road is already unacceptably congested and presents a real and continuous danger to children due to the narrow pavements and heavy traffic. Having the possibility of even more children arriving (in cars) and more through traffic is clearly unacceptable and so for this reason I object to the planning permission.

* **2.2.9** Intermittent on-street parking does occur along some parts of Mill Lane, but there is no evidence to suggest that this interferes with the free and safe flow of traffic.

>>> See comments above. This description of Mill Lane is laughable particularly around the school at its upper end (see above) and the Pegasus Traffic Assessment appears to clearly mislead. Towards the new development site but away from the school, the road is a little wider with street parking continually present. There is no mention for the properties on (upper) Mill Lane not having "parking provision" and likewise a very constricted flow of traffic on these sections nearer the school and the junction with Almey's Lane, traffic here almost always has to slalom between parked vehicles to avoid oncoming traffic flows. Both Mill Lane and Thurlaston Lane are not roads that can take increased traffic of any great additional quantity and so for this reason the planning permission by Persimmon Homes should be rejected as it will cause unacceptable road congestion and increased danger to the local residential area.

4.5 East Midlands Regional Plan

>>> As per previous comments, the Regional Plans have now been revoked by central Government and so section 4.5 cannot be used as supporting justification for the Persimmons development.

4.6.4

* Leicestershire County Council's aim for transport, LTP2 sets out the following Objectives:
    - This will require continued investment in bus services and walking and cycling, as well as effective management of land-use planning decisions.
    - To reduce transport's impact on the environment.
    - This will require the continued progress in making roads safer and helping to encourage more walking and cycling.

>>> On all three of these points above, both the Persimmon Traffic plan and LCC's LTP2 fail in a number of areas. LCC is scaling back its commitments to invest in bus services and has recently cut back its support of both public and school bus services due to needing to make "around £66 million of savings over the next four years". An example of this is the termination of the Earl Shilton 81A bus service, the Persimmons submission claims this provides an out of hours service but it no longer exists. The Persimmon TA does not reduce "transport's impact on the environment" but increases it and the position of the estate does not "encourage more walking and cycling" as it is too distant from both Hinckley & Barwell for cycling (see later) and the centre of Earl Shilton town itself (for walking). For these reasons I object to the planning permission as it appears that the new development will not be in accordance to LCC's LTP2 policy.

4.6.5

* .... Leicestershire County Council aim to follow national and regional guidance as it develops. The July 2004 White Paper 'The Future of Transport' calls for a transport system in 2030 with:

- The road network providing a more reliable and freer-flowing service for both personal travel....
- Bus services that are reliable, flexible, convenient and tailored to local needs.
- Making walking and cycling a real alternative for local trips.

>>> Again LCC's own aims appear to being ignored by the new proposed development. There is no road traffic mitigation in place and the new development will most certainly not lead to "freer-flowing" travel due to the congestion and narrowness on the roads surrounding it. There is only one limited bus service which doesn't run in the evenings or on Sunday (so cannot really be called "convenient & tailored" and as commented on before as it is too distant from both Hinckley & Barwell for cycling (see later) and the centre of Earl Shilton town itself (for walking).

4.7.3

* The key transport objectives of the (HBBC) Local Plan are:

- To avoid allocating development where the traffic generated will, in combination with the existing and proposed development significantly impair the safe and satisfactory operation of the road system.

>>> Allocating this development in isolation piece-meal separate to the SUE Master Plan will result in generating traffic that will adversely affect both "the safe and satisfactory operation of the road system". The Persimmons TA is misleading in that it seeks to underplay the existing congestion of the local roads whilst effectively ignoring that both routes will run past two Primary Schools that already suffer significant congestion during the morning rush hour and at mid-afternoon. This is therefore not simply just a traffic flow issue but a safety one as well. I therefore object to the Persimmons planning submission.

4.8.2 – 4.8.3

>>> The submission makes reference to 2000 houses which I believe are derived from the East Midlands Regional Plan Spatial Strategy. As this has now been revoked, any submission based upon those numbers is now probably null and void.

4.8.4 – 4.8.5

>>> Many of the key transport policies to support the Hinckley sub regional centre and the urban extensions at Barwell and Earl Shilton are not yet in place. Without these the SUE will not be sustainable nor achieve many of the goals set out by HBBC and LCC with regard to transport and sustainability. If planning permission is granted therefore before these measures are in place, it will in no doubt lead to the very problems that both HBBC and LCC were striving to avoid. Until these measures are in place, HBBC should not grant permission to planning submissions such as that by Persimmon that are done prematurely and in isolation to the wider strategy. "New development that would prejudice their implementation will not be permitted".

4.9.1

>>> For the reasons detailed above and below, this closing statement is not correct as outlined, neither does not appear to follow many national or local policies as claimed.

5. Sustainable Transport

5.2.1 - 5.4.3

* The proposed development site on Mill Lane is well located in terms of amenities and facilities.

* Local facilities within reasonable walking distance include St Peter's Primary School, Weavers Close Primary School, Local shops

* Earl Shilton village centre is approximately 1.3km to the southwest of the site and therefore within the practical walking distance for many potential users.

>>> Most of the above three comments appear to simply repeat earlier statements repudiated under the previous section (4. Transport Assessment). The 1.3km is misleading, although the direct distance is 1.3km, the true actual distance from the new development's centre via the road network is approximately 1 mile (1.65km). Data derived from the National Travel Survey 2001 suggests that the average distance for walking trips is 965m and for cycling trips is 3.8km (Department for Transport/National Statistics Personal). Furthermore using the IHT figures detailed previously, which are used by many other councils nationwide, it would appear that the distances to the local facilities are too distant from the proposed development to permit pedestrian access. For instance, in the Sport England – Active Design document (supported by the Depart of Health) it states...

* It is generally accepted that a distance of 400 to 800 metres constitutes a reasonable walking distance to a destination providing there are regular rest spots en route for people with restricted mobility. This equates to 5-10 minutes walking one way. Cycling distances of up to 3km are generally accepted as being a reasonable cycling distance...

>>> And from the National Travel Survey (NTS) (DfT, 2006) it was found that for instance that people are willing to less far to shopping facilities and other personal journeys than they were for commuting and business trips. The average walking trip distance to shops for example was 900m but commuting or business it was 1.2km and these figures bear some relation as those detailed by the IHT in their publication "Guidelines for Providing Journeys on Foot".

>>> The Research on Road Traffic (HMSO 1965) found average walking speed of adult pedestrians on level ground was about 3.4 mph (5.5 km/hr) and the age and sex influenced walking speed as showed by the table below...

	Male <55	Male 55+	Female <50	Female 50+	Adult + small child	Children 7-10	Teens
mph	3.7	3.4	3.1	2.9	1.6	3.7	4.0
m/s	1.65	1.52	1.39	1.3	0.72	1.12	1.79
miles in 20 mins	1.23	1.13	1.03	0.97	0.53	1.23	1.33
metres in 20 mins	1980	1824	1668	1560	864	1344	2148

TABLE-B

As can be seen teenagers and men under 55 can manage 2km in 20 minutes, but older people and particularly older women or adults with young children will take much longer. It would seem

therefore that if 2km represents an approximate 20 minute walk for the fittest which is deemed "reasonable", then it is also reasonable to assume that it is the time and not the distance that is actually the factor usually play in personal travel choices. The 20 minutes is double the figure quoted in the "Sport England – Active Design" document and 2km is double the average length of a walk journey of 0.6 miles (965m) (DfT Transport Statistics). However if we "double up" and take the more generous 20 minutes (and Persimmons 2km) as the reasonable walking time and distance and colour code the actual travel time to each likely destination from the new development we get the following 3 tables for different groups. This represents the viability from the estate's entrance, it's centre and the furthest reach. Once again green indicates an acceptable time, yellow is Ok, amber is approaching the preferred maximum and red is unacceptable.

Mill Lane 200 Walking Destination	Distance from Estate Entrance (metres)	Male <55	Male 55+	Female <50	Female 50+	Adult + small child	Children 7-10	Teens
Nearest Bus Stop	330	3.3	3.6	4.0	4.2	7.6	4.9	3.1
St. Peter's Primary School	576	5.8	6.3	6.9	7.4	13.3	8.6	5.4
Weavers School	962	9.7	10.5	11.5	12.3	22.3	14.3	9.0
Townlands School	1593	16.1	17.5	19.1	20.4	36.9	23.7	14.8
Heathfield High School	2272	22.9	24.9	27.2	29.1	52.6	33.8	21.2
William Bradford Comm. Col.	2249	22.7	24.7	27.0	28.8	52.1	33.5	20.9
Newlands Primary School	2347	23.7	25.7	28.1	30.1	54.3	34.9	21.9
Post Office	1429	14.4	15.7	17.1	18.3	33.1	21.3	13.3
Library	1460	14.7	16.0	17.5	18.7	33.8	21.7	13.6
Co-op	1579	15.9	17.3	18.9	20.2	36.6	23.5	14.7
Vets	1601	16.2	17.6	19.2	20.5	37.1	23.8	14.9
Dentist	1733	17.5	19.0	20.8	22.2	40.1	25.8	16.1
Heath Lane Surgery	1954	19.7	21.4	23.4	25.1	45.2	29.1	18.2

Table-C

Mill Lane 200 Walking Destination	Centre of Estate +265m	Male <55	Male 55+	Female <50	Female 50+	Adult + small child	Children 7-10	Teens
Nearest Bus Stop	595	6.0	6.5	7.1	7.6	13.8	8.9	5.5
St. Peter's Primary School	841	8.5	9.2	10.1	10.8	19.5	12.5	7.8
Weavers School	1227	12.4	13.5	14.7	15.7	28.4	18.3	11.4
Townlands School	1858	18.8	20.4	22.3	23.8	43.0	27.6	17.3
Heathfield High School	2537	25.6	27.8	30.4	32.5	58.7	37.8	23.6
William Bradford Comm. Col.	2514	25.4	27.6	30.1	32.2	58.2	37.4	23.4
Newlands Primary School	2612	26.4	28.6	31.3	33.5	60.5	38.9	24.3
Post Office	1694	17.1	18.6	20.3	21.7	39.2	25.2	15.8
Library	1725	17.4	18.9	20.7	22.1	39.9	25.7	16.1
Co-op	1844	18.6	20.2	22.1	23.6	42.7	27.4	17.2
Vets	1866	18.8	20.5	22.4	23.9	43.2	27.8	17.4
Dentist	1998	20.2	21.9	24.0	25.6	46.3	29.7	18.6
Heath Lane Surgery	2219	22.4	24.3	26.6	28.4	51.4	33.0	20.7

Table-D

Mill Lane 200 Walking Destination	NW Corner +380m	Male <55	Male 55+	Female <50	Female 50+	Adult + small child	Children 7-10	Teens
Nearest Bus Stop	710	7.2	7.8	8.5	9.1	16.4	10.6	6.6
St. Peter's Primary School*	802	8.1	8.8	9.6	10.3	18.6	11.9	7.5
Weavers School	1342	13.6	14.7	16.1	17.2	31.1	20.0	12.5
Townlands School	1973	19.9	21.6	23.7	25.3	45.7	29.4	18.4
Heathfield High School	2652	26.8	29.1	31.8	34.0	61.4	39.5	24.7
William Bradford Comm. Col.	2629	26.6	28.8	31.5	33.7	60.9	39.1	24.5
Newlands Primary School	2727	27.5	29.9	32.7	35.0	63.1	40.6	25.4
Post Office	1809	18.3	19.8	21.7	23.2	41.9	26.9	16.8
Library	1840	18.6	20.2	22.1	23.6	42.6	27.4	17.1
Co-op	1959	19.8	21.5	23.5	25.1	45.3	29.2	18.2
Vets	1981	20.0	21.7	23.8	25.4	45.9	29.5	18.4
Dentist	2113	21.3	23.2	25.3	27.1	48.9	31.4	19.7
Heath Lane Surgery	2334	23.6	25.6	28.0	29.9	54.0	34.7	21.7

TABLE-E

>>> As can be seen from the above tables, from the estate's centre and furthest reach, the centre of town is beyond reasonable walking distance, older people and adults with children are at a particular disadvantage. The new development therefore appears outside of the reasonable walking distance for many of the would new residents of the Persimmons development and so should therefore be rejected on sustainability & accessibility grounds

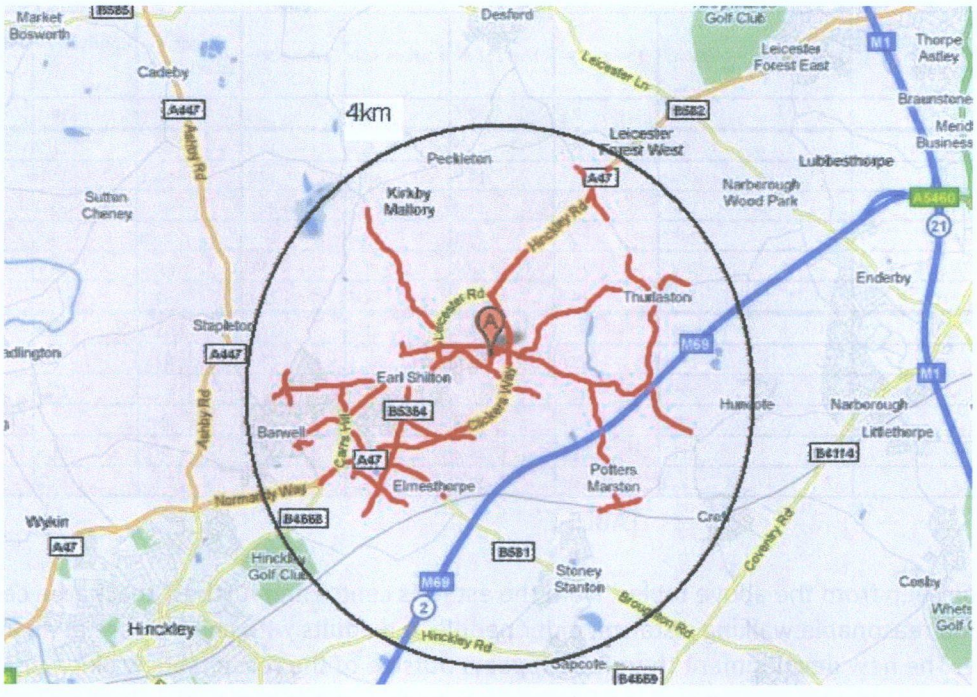
5.4.4

* A 2km walking isochrone is presented in Figure 3. This demonstrates that the village of Earl Shilton lies well within a reasonable walking distance of the site.

>>> 2km as a "reasonable walking distance" is open to debate when viewed against various national guidelines and studies, but here I believe Pegasus appear to have misunderstood the application of the isochrone methodology and therefore they are presenting misleading information. An isochrone can be defined to be "A set of points with the property that a given process or trajectory will take the same length of time to complete starting from any point in the isochrone". The following appears to be wrong?

- The diagram (Figure 3) in the Pegasus Transport TA shows the isochrones measured by distance, when in it should really be time based to make sense.
- It makes use of the same diagram for both walking and cycling and the difference between the average speeds of these modes of travel are quite clearly not simply a factor of two. Using the two different modes of travel would not result in the same distances being achievable in "same length of time" and using the same isochrone for both is not valid as the routes could be different.
- No account is taken of the physical geography and the limitations that this would affect each mode of travelling. Traversing through houses and gardens is clearly not an option for either pedestrian or bicycles and so a fixed radius is incorrect as different routes from the origin would take longer to achieve than others.

Below I have constructed a map using www.geodistance.com showing all 4km routes (in red) for cyclists. As can be seen the actual destinations within the 4km limit are somewhat less in number than the ones within the Persimmons submission (depicted by the black circle). Persimmons have over-stated the accessibility of several locations using bicycles and significantly the centre of Barwell is beyond the 4km cycling distance of the new estate centre.



5.5.1

* Local roads particularly to the west of the site do provide suitable through routes for cyclists due to the low levels of motorised traffic

>>> Several roads leading away from the estate are both narrow and effectively reduced to a single lane due their restricted width and the presence of parked cars. These roads are unsuitable for cycling as they carry an increased risk of being knocked off. Some have very sharp corners which give limited visibility to both cars and bicycles and so this also increases the dangers particularly to cyclists. Again Persimmons appear to be misleading HBBC as to the state of their roads that the residents know all too well and suffer daily.

5.6.2

* The DfT in their Transport Statistics on Cycling in Great Britain state that the average length of a cycle journey is 2.4 miles (3.84km). PPG13 identifies that people are prepared to cycle up to 8km. It can therefore be concluded that approximately 4km represents a reasonable average cycling distance...

>>> The Pegasus TA uses an inconsistent methodology to determine what is reasonable and what is probably not acceptable to pedestrians or cyclists when travelling to community facilities and employment. Under the "5.4.2 Pedestrian Catchment Area" it declares that "The DfT in their Transport Statistics on walking in Great Britain state that the average length of a walk journey is 0.6 miles (965m)." but yet declares that "2km is reasonable" which is more than twice the average Dft figure. However for cyclists, the Dft figure states the "average length" is just under 4km is average and so Pegasus/Persimmon uses that. Why double the figure for one and not the other?

>>> In reality the 4km is probably correct for cyclists but 2km is too far for pedestrians when compared to various guidelines (eg. IHT) and advisory notes in general circulation. I believe that they have over emphasised the willingness of occupants on the new development to walk and cycle as to do otherwise would indicate motor vehicles would be the preferred mode of transport. This indicates to me that Persimmon themselves appreciate that perhaps without the SUE in place their proposal is in danger of looking isolated, not sustainable and open to criticism when it comes to accessibility. I therefore object to their planning permission.

5.6.3

* The entire Earl Shilton and Barwell urban area can be accessed within this distance as well as the outskirts of Hinckley. Cycling is therefore considered to be a potentially viable mode for local journeys to and from the development site.

>>> Using Persimmons preferred 4km "reasonable" cycling distance, it can be seen from the true 4km isochrone for cyclists shown on the last page, the Barwell urban centre **cannot** be reached. (It's falls just short). More significantly both Persimmons own 4km isochrone and mine does not show any significant locations on the outskirts of Hinckley that can be reached by cycling 4km from the proposed new settlement via the shortest route. In fact only the Clicker's Way / Normandy Way roundabout can be reached so the term "outskirts" is an over representation of the facts and not positive in any meaningful way.

* Cycling should also be encouraged as an appropriate mode of travel for local trips.

>>> This is simply just wishful thinking. How are HBBC going to "encourage" this both now and in the future without the SUE in place. Quoting Laurence Fallon (LCC Senior Transport Planner) "travel patterns adopted by those who locate to new settlements are formed early on and are extremely difficult to reverse once habits are established"

5.7 Public Transport Routes and Facilities

5.7.1 – 5.72

* The Institute of Highways and Transportation's (IHT) document 'Planning for Public Transport in Developments' states that 'new developments should be located so that public transport trips involve a walking distance of less than 400m from the nearest bus stop'. Therefore, a distance of 400m is generally regarded as being the maximum walking distance to a public transport access point.

* The nearest bus stops to the site are located along Mill Lane, approximately 300m to the north of the site.

>>> The information detailing bus stop distances and services is misleading and due to recent events now of date. The #81A bus service no longer runs as it has been terminated due to budget cut backs by LCC. The bus service 158 listed as the Sunday service for the #81 route that comes close to the new development does not follow the same route as #81. The nearest bus stop to this service along with the #48, #148 and #158 are all approximately 1km distant. As stated previously, many nationally recognised guidelines state that 400m is the maximum acceptable distance from residences to the bus stop for a service. Clearly therefore, these three services can not be considered to be within an acceptable walking distance to the new estate's residents. Public transport therefore is limited to Monday to Saturday 07:00-18:30. There is no evening service, no Sunday service and the only destination reachable without a change of service is Barwell and Hinckley. There is no direct service to the next two largest conurbations of Leicester or Nuneaton and there is a 500m walk from the #81 service in Hinckley to the train station. The public transport servicing the new estate is completely lamentable and hence will inevitably result in increased car traffic within Earl Shilton as all other forms will seem too inconvenient to use by the new residents. I therefore oppose Persimmons planning application as it fails to provide sustainable, efficient and effective transport available to all sections of the community.

5.75

* The A47 corridor is approximately 1km walking distance from the site. There are a variety of frequent services along this corridor with up to 9 services per hour in each direction to destinations, including Leicester, Hinckley, Nuneaton and Coventry. It is therefore considered that a reasonably good level of bus service can be provided to meet the needs of public transport users.

>>> 1km is beyond what is usually considered as reasonable walking distance from the site and so therefore this should be counted against when weighing up the Persimmon/Pegasus submission.

5.8.1

* The location of the site is such that existing sustainable travel opportunities are reasonable.

>>> Nonsense. I have shown that both walking and cycling fail to provide a normally acceptable alternative to motorised travel to both the town centre and beyond, particularly for pedestrians. It would seem therefore that the majority of the travel generated by the new development will be using motorised vehicles, probably cars. This clearly runs contrary to the goals of sustainable development and the SUE in general and so I therefore object to the Persimmons planning submission. Furthermore Persimmons and Pegasus have quite clearly in a number of cases adopted an inconsistent and misleading approach to justifying their case and should be treated accordingly.

6. Ecology

Reptile Report – Ecology solutions Ltd

1.1.1

* Ecology Solutions Ltd was originally commissioned by Pegasus Planning Group LLP in September 2009 to undertake reptile surveys.

>>> The English Nature publication "Reptiles: guidelines for developers" makes the following three points...

4.2 Reptile Survey

* Reptile activity is highly seasonal and weather dependant, meaning that there are limited windows of opportunity for survey and mitigation work. Developers must allow for this when programming development

* The timing of a reptile survey is crucial because reptile activity is highly dependant on the weather. The best time to look for reptiles is generally late spring (April-June) and sometimes again in September. However, they may be seen, with less certainty, from March to October depending on local conditions.

* Most reptiles hibernate between October and March, when weather conditions are unsuitable for activity. Even during April to September their behaviour is affected by the weather.

>>> Persimmon Homes appear to have left the lizard survey too late to be conducted correctly and have potentially not met their obligations in law to ensure that no protected reptile species are present before construction work commences. Ecology Solutions was only commissioned to undertake the survey in September and of the 7 (standard?) visits, only one was in a month recommended by English Nature (September) and one visit was well into what is normally considered the hibernation period (November).

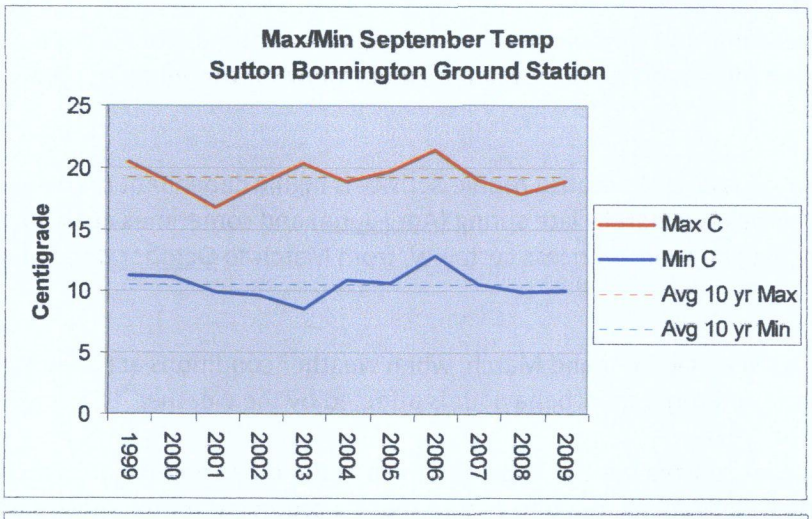
* The survey results recorded no common reptiles within the site. Although the surveys continued beyond the usual optimum survey season for reptile surveys... In addition, only one of the seven surveys undertaken recorded a temperature a single degree below the 10°C minimum optimum temperature for carrying out reptile surveys

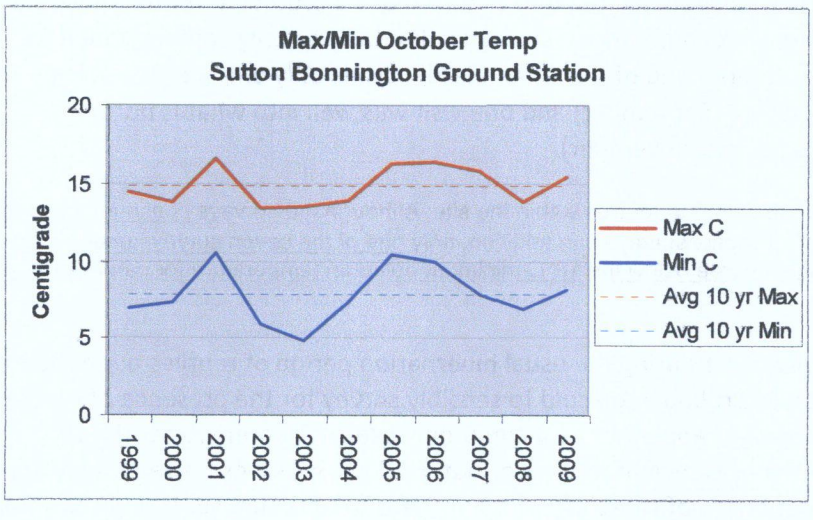
>>> Not only did one survey occur during the usual hibernation period of reptiles but another also occurred on a day when it was probably too cold to sensibly survey for the presence of reptiles within the study area. Seven visits appear to be a commonly used minimum across the UK (JNCC/2003?) to ascertain the presence of reptiles or not. Ecology Solutions however only appear to have made 5 valid visits with only 3 of those are probably near to optimum surveying conditions and time of year. I believe that Ecology Solutions timescale for the survey was possibly driven by the need of Persimmons Homes to rush the reptile survey through before the hibernation period started so that their planning submission to HBBC wouldn't be delayed. If this is the case, then it is clearly not acceptable.

* October was an unseasonably mild month with temperatures around 5°C warmer than average. Further, surveys at other sites in the vicinity carried out at the same time of year identified reptiles as continuing to be active throughout this survey period.

>>> No details of the "other sites in the vicinity" are listed, dates or weather conditions. HBBC should be requesting these as they would be a good confirmation of the validity of the survey work.

>>> Sutton Bonington is the nearest Metrological Office Weather Station (27km) and analysing the last 10 years worth of data it would appear that not only was September was colder than average but October only recorded a monthly high only very marginally warmer than normal. The claim that during the study period October was "5°C warmer than average" and that this in some way mitigates the inappropriate time of year to survey for reptiles does not appear to stack up.





>>> Checking for protected species is a material planning consideration and there are criminal penalties for any individual or group that kills protected species or destroys their environment without exercising due diligence. I believe that Persimmon Homes may have rushed the reptile survey so that it did not compromise their timescale of submitting a planning bid to HBBC. I therefore wish to object to the planning permission on the grounds that a proper reptile survey has not been done and that Persimmons with HBBC acquiescence may be in danger of not fulfilling their obligations under the Wildlife and Countryside Act 1981.

8. Archaeology

>>> In the communication dated 04/06/2010 to Joanne Orton (HBBC) from Andy Kitchen (Persimmon Homes) it states...

* As such it is contended that the previously submitted documentation satisfactorily addresses the validation requirement for a Heritage Statement.

>>> I cannot see this correspondence on the HBBC website. Can it please be posted on the Planning portal so that the public can see what statements are being made between the relevant organisations as to the merits, or otherwise, of the Persimmon's planning application? When was it sent for instance?