



PLANNING AND AFFORDABLE HOUSING STATEMENT

Land West of Westfield Avenue, Earl Shilton

November 2024

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1.0 Introduction

- 1.1 This Planning and Affordable Housing Statement has been prepared by Roebuck Land and Planning on behalf of Avant Homes, in support of a full planning application for 18 dwellings on land west of Westfield Avenue, Earl Shilton, Leicestershire (“the Site”).
- 1.2 Hinckley and Bosworth (H&B) is the local planning authority with jurisdiction over the planning application (“the Council”).
- 1.3 The description of the proposed development is for:
- “Erection of 18 dwellings with associated access, car parking, landscaping and drainage”*
- 1.4 The following plans illustrate the location of the proposed development on the north side of Earl Shilton.

Figure 1: Site Location Plan Extract

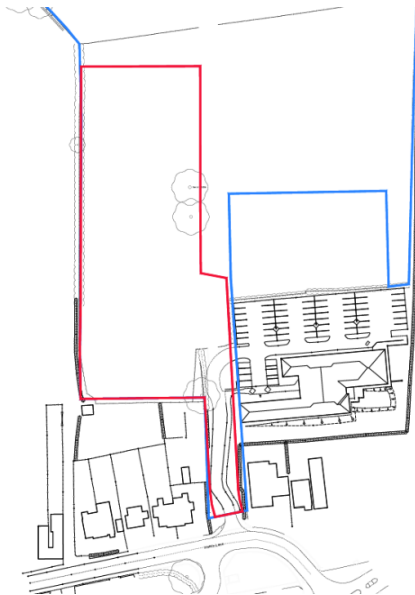


Figure 2: The Site in Context



Purpose

- 1.5 The primary purpose of this Statement is to assess the proposed development against the Development Plan, National Planning Policy Framework (NPPF) and other material considerations and summarise the technical documents that accompany this application.

The Site

- 1.6 The site is located on land to the west of Westfield Avenue (from where access is drawn) and measures 0.69 hectares. The site is bound:

- **To the north**, by residential development constructed by Avant Homes under 14/01279/OUT;
- **To the east**, by Westfield Avenue, beyond which lies Heath Lane Surgery and a land parcel benefiting from permission 23/00119/FUL for nine dwellings;
- **To the south**, by two detached dwellings approved under 21/00243/FUL and one detached dwelling approved under 21/00015/FUL;
- **To the west**, by allotments.

- 1.7 The site is rectangular in shape and comprises bare ground and semi-improved grassland with scrub, timber fencing and Heras fencing marking the boundaries. The site is currently used as a temporary materials storage for the construction of Shelton Park- being development by Avant Homes.

- 1.8 Westfield Avenue, an unclassified road subject to a 30mph speed limit, has not yet formally been adopted by Leicestershire County Council (LCC). Avant Homes intends for LCC to adopt the highway upon completion under a Section 38 Agreement, therefore Westfield Avenue is currently a private road. It is proposed that there would be two new vehicular access points from Westfield Avenue to serve the site- one a private drive and one an adoptable road.

- 1.9 Three trees within the site are protected by a Tree Preservation Order.

- 1.10 Wood Street lies approximately 100m to the south east which is the main road for shops and local facilities, including a Co-op Food, Post Office and pharmacy.

The nearest railway station is in Hinckley approximately 5.5km to the south west. The A47 is located approximately 1km to the south of the site.

Description of Development

- 1.11 The application proposals include the following:

- **Residential** – 18 dwellings (including 4 affordable homes); and
- **Access and Car Parking** – the existing vehicular access off Westfield Avenue to the south of the site will be re-located and formalised, whilst a new vehicular access will be created to the north. Resident car parking will also be provided; and

- **Landscaping** – areas of incidental landscaping will be provided within the site; and
- **Engineering Works and Utilities Infrastructure** – Sustainable Drainage Solutions (SuDS) features will be incorporated as part of the development.

1.12 The mix and type of properties to be developed is set out in Figure 3 below. The properties will be a mix of 2, 3, and 4 bedroom dwellings. The properties will include terraced, semi-detached and detached homes between 2 and 2.5-storeys in height.

1.13 In total, six different house styles are proposed, offering a range of choice to deliver a high-quality and varied street scene.

Figure 3: Proposed Housing

| STYLE | SIZE/TYPE OF DWELLING | HEIGHT (STOREYS) | NUMBER |
|--------------|----------------------------------|------------------|-----------|
| Howarth | 2 Bedroom Semi-Detached/Terraced | 2.5 | 4 |
| Ripon | 2 Bedroom Semi-Detached/Terraced | 2 | 7 |
| Fernlee | 2 Bedroom Semi-Detached/Terraced | 2 | 1 |
| Cadeby | 3 Bedroom Detached | 2 | 3 |
| Leyburn | 3 Bedroom Detached | 2 | 2 |
| Horbury | 4 Bedroom Detached | 2 | 1 |
| Total | - | - | 18 |

1.14 The proposed development will have a net density of circa 44 dwellings per hectare (dph) and a mix of heights and styles to align with the character and appearance of the existing and permitted street scene along Westfield Avenue.

1.15 It is proposed to provide four affordable dwellings on-site, representing 22% affordable housing provision, all of which would comprise 2-bed terraced properties (for which there is an identifiable need).

1.16 It is proposed that the affordable housing tenure is agreed with the Council through determination of the application in order to respond to any current needs within Earl Shilton.

- 1.17 An area of approximately 0.1 hectares (1,000 sqm) of amenity open space is proposed to the east of the site as a central focal point surrounding two mature oak trees and will provide public amenity space for new and existing residents.
- 1.18 The existing vegetation and hedgerows along the western boundary will be retained and enhanced where appropriate. In addition, the development will incorporate additional native tree planting at appropriate locations throughout the scheme and the locations of this is indicatively shown on the site layout proposals. All areas of public open space within the development will be privately managed by a Management Company
- 1.19 The existing vehicular access off Westfield Avenue to the south of the site will be re-located and formalised, whilst a new vehicular access will be created to the north.
- 1.20 Appropriate car parking will be provided within residential curtilages or in nearby resident parking courts generally located to the fronts of properties. Provision for electric vehicle charging is proposed to be available to occupiers of the properties.
- 1.21 Two SuDs attenuation crates are proposed within the site for storm water. Surface water run-off from the site will feed into crates through appropriately located filter drains and permeable paving on-site to provide a second tier of treatment.

List of Supporting Documents

- 1.22 The following documents have been submitted in support of the application, and should be read in conjunction with this Planning and Design Statement and the detailed drawings:

Figure 4: List of Supporting Documents

| NO | TITLE | REFERENCE NUMBER | AUTHOR |
|----|---|------------------|-------------------------|
| | Full Planning Application Form & Certificates | | Roebuck Land & Planning |
| | Planning and Affordable Housing Statement | November 2024 | Roebuck Land & Planning |
| | Location Plan 1:1250 | 3187-100 | Radford |
| | Topographical Survey 1:500 | 1497 | GP Surveying |
| | Planning Layout (and roof plan) @1:500 | 3187-200 Rev A | Radford |

| NO | TITLE | REFERENCE NUMBER | AUTHOR |
|----|---------------------------------------|--|----------|
| | Proposed Housetype Floor Plans @1:100 | HOR/0-001 Rev B FER/END/0-001.5 Rev A LEY/DET/0-001 Rev A RIP/ALT/0-001.5 Rev A RIP/MID/0-001.5 Rev A H2/END/0-001 Rev B H2/MID/0-001 Rev B CAD/0-001 Rev A | Radford |
| | Proposed Housetype Elevations @1:100 | HOR/0-002 Rev B FER/END/0-002 Rev A LEY/DET/0-002 Rev A RIP/ALT/0-002 Rev A H2/END/0-002 Rev B H2/MID/0-002 Rev B CAD/0-002 Rev A | Radford |
| | Garage Single Gable Front @1:100 | 500/005 Rev A | Radford |
| | Materials Plan @1:500 | 3187-250 | Radford |
| | Enclosures Plan @1:500 | 3187-260 | Radford |
| | Proposed Sections @ 1:200 | 3187-240 | Radford |
| | Parking Plan @1:500 | 3187-280 | Radford |
| | Refuse Strategy @1:500 | 3187-270 | Radford |
| | Street Scenes @1:200 | 3187-230 | Radford |
| | Affordable Housing Plan @1:500 | 3187-320 | Radford |
| | Design & Access Statement | 1387-24-DAS Rev A | Radford |
| | Arboricultural Assessment | 8421 (November 2024) | FPCR |
| | Ecological Appraisal | 8271 (November 2024) | FPCR |
| | Biodiversity Net Gain Assessment | December 2023 | FPCR |
| | Outline Drainage Strategy | 22416G-IML-DRS-XX-DR-D-0500 P0 | IDOM |
| | Outline Drainage Strategy – Location | 22416G-IML-DRS-XX-DR-D-0100 | IDOM |
| | Drainage Calculations | 22416G-IML-DRS-XX-FL-C | Causeway |

| NO | TITLE | REFERENCE NUMBER | AUTHOR |
|----|--|-----------------------|--------|
| | Flood Risk Assessment Addendum | 22416G-TN-D-001 Rev-A | IDOM |
| | Geo-Environmental Assessment Phase I | DS-22416G-23-384 | IDOM |
| | Geo-Environmental Assessment Phase II | GEA-22416G-23-393 | IDOM |
| | Transport Statement | 20851-TRAN-0803 Rev A | MEC |

2.0 Planning Context and History

2.1 The relevant planning history for the site and surrounding area is as follows:

- **Outline Planning application ref 14/01279** granted permission for “Residential development of up to 350 dwellings, 0.6 ha of employment starter units, expansion of existing community facilities, access, open space and indicative landscaping. This application included the current application site.
- **Application ref 18/00225/REM** granted approval of reserved matters (appearance, landscaping, layout and scale) for residential development of 322 dwellings (planning permission 14/01279/OUT). It is noteworthy that the reserved matters did not include full details for the employment site (identified within a blue line boundary as other land owned by the applicant).
- **Application ref 19/01442/REM** granted approval of reserved matters (appearance, landscaping, layout and scale) for residential development of 350 dwellings (planning permission 14/01279/OUT). This reserved matters application amended the layout of the site to provide 350 dwellings as opposed to the 322 previously consented. The reserved matters focused on amending 10 previously approved residential blocks. Full details of the employment area were not provided in this application.

2.2 Given the above history, there is no ability to implement an employment use at the application site. The period to submit reserved matters has passed. It is therefore appropriate to consider an alternative use at the site.

5 Year Housing Land Supply

2.3 As confirmed in an appeal decision of 25th March 20024 (APP/K2420/W/23/3332401), the Council indicated a 4.89 year housing land supply. For decision making purposes paragraph 11d) of the National Planning Policy Framework (NPPF) is engaged. In any case, Paragraph 11d) is engaged because of the age of the relevant housing policies. Para 11d) States:

“(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

2.4 The Council does not have a sufficient supply of housing as required by national policy and inadequate delivery as confirmed by the HDT test results. The development plan for H&B is not fully up-to-date and specifically, the housing allocation policies are out of date.

Housing Delivery Test

The most recent Housing Delivery Test (HDT) results were published in December 2023 by the Department for Levelling Up, Housing and Communities and relate to 2022. The 2022 HDT for H&B was 89%. The consequence of this is that the Council are required to publish an action plan.

3.0 Summary of Technical Assessments

- 3.1 A suite of technical assessments (incorporating mitigation measures where necessary) accompanies this application, as follows:

Transport Statement

- 3.2 A Transport Assessment has been prepared by MEC. The report demonstrates that the site is situated within a highly sustainable location, supported by a good level of public transport provision. The site is located within acceptable walking and cycling distances from the key amenities and services of the Town. Moreover, the site is supported by a good level of bus provision.
- 3.3 In terms of road safety, it is concluded there are no highway safety concerns. The development would generate 11 vehicle movements in the AM peak hour and 12 in the PM peak; this is a reduction of 101 trips in the AM peak and 89 trips in the PM peak from the trip generation in the approved scheme for the site. Thus, the impact on the local highway network would be numerically reduced.
- 3.4 The proposal accords with parking guidance set out by H&B and provides 39 spaces; including three single garage spaces.

FRA and Drainage Strategy

- 3.5 IDOM has prepared an Addendum to the existing FRA (ref: 20851/12-14/37030) prepared by Mewies Engineering in respect of the Outline Planning Permission ref: 14/01279. The Site is in Flood Zone 1 and not at risk of fluvial flooding.
- 3.6 The approved FRA assesses the Site as a commercial development. The change of use has no impact on either flood risk, the total impermeable area nor the overall drainage strategy for the wider site.
- 3.7 The scheme connects into the wider surface water drainage network (which incorporates swales and attenuation basins). Permeable paving has been used to provide water collection throughout all private drives, driveways and parking areas. At the northern end of the site the permeable paving is extended to 0.5 m deep to provide part of the required on-site attenuation. Surface water discharge is limited to below greenfield run-off rates. Two attenuation tanks are provided beneath the roadway/ parking court on the south side of the site and within the POS on the eastern side of the site.
- 3.8 In terms of foul water, the development will connect to the existing foul water drainage system. The preference is for foul water to be drained via gravity to an existing manhole.

Arboriculture

- 3.9 FPCR Environment and Design Limited have undertaken an Arboricultural Assessment for the proposals. This is an assessment of the existing trees' arboricultural value (based on their current condition and quality) and provides an assessment of impact arising from the proposed development. A total of seven individual trees and a single group of trees were surveyed. There are two Tree Preservation Orders which apply to several trees present within the site.
- 3.10 Tree T1 (Category B) and T2 (Category A) are both English oak high-quality specimens. T3 is an ash *Fraxinus excelsior*, a low-quality specimen. T4 to T7 are young common lime *Tilia x europaea*. These are recently planted trees within the landscaped area surrounding the oak. G1 is a mixed species group forming the western boundary regarded as being of low arboricultural quality. The site layout has been designed to avoid any conflicts with the existing tree cover and thus no removals will be required. With additional planting shown as part of the design, there should be no objections from an arboricultural perspective subject to tree protection measures during construction.

Ecology & Biodiversity

- 3.11 FPCR Environment & Design Ltd have undertaken an Ecological Appraisal of the Site following an extended Phase 1 habitat survey. Habitats of greatest value included the on-site mature trees. The remaining habitats consist of poor semi-improved grassland, dense/continuous scrub, scattered scrub, tall ruderal and bare ground, considered to be of low ecological value and their loss does not pose a constraint to development. One tree was classified as having 'moderate' potential to support roosting bats. Six ponds were present within 250m of the site boundary and, whilst two of these ponds confirmed the presence of GCN, it is unlikely that GCN would be utilising the predominantly poor terrestrial habitat within the site. In terms of mitigation, the green infrastructure should be designed to incorporate existing habitats of value, ensure habitat connectivity through and outside the site, with a variety of semi-natural habitats comprising native species, managed to promote their ecological value. Alongside this, practical measures for fauna, including the installation of bat and bird boxes and log piles should be undertaken.
- 3.12 A Biodiversity Net Gain report has also been prepared by FPCR Environment and Design Ltd to Assess the feasibility of the proposals to achieve a net gain in biodiversity. Part 6 of the Environment Act 2021 is entitled 'Nature and Biodiversity'. Part 1 of Schedule 14 contains the requirement for biodiversity net gain, including the requirement for 10%. The habitat retention, enhancement and creation proposals highlighted by FPCR have all been inputted into the Biodiversity Metric 4.0. assessment which demonstrates that the proposals will lead to a loss of -0.57 habitats units, representing a 15.50% loss overall. The proposals do not provide sufficient amounts of habitat creation to offset impacts to low and medium distinctiveness habitat through habitat enhancement/creation measures alone. To ensure that proposals can lead to an overall net gain in biodiversity, the proposals will seek to deliver units through offsite compensation.

Geo-environmental Survey and Risk Assessment

- 3.13 IDOM have undertaken a Geo-Environmental Assessment to identify contaminative or geotechnical issues associated with former land use including an intrusive investigation. Surface

made ground was typically present as a pale grey-brown sandy gravelly clay and locally a sand and gravel with Type 1 roadstone gravel, brick and various lithologies. This is likely to be recently placed or disturbed fill associated with use of the site for storage of stockpiles and building materials. No evidence of contamination was observed. The investigations demonstrate that the former uses of the site have resulted in locally alkaline conditions. Chemical contamination of the site was not detected. The site is underlain by gravelly sand, sandy gravelly clay and weathered mudstone strata with only relatively shallow surface made ground deposits. Total organic carbon levels within the natural soils which would underlie foundations do not indicate a significant potential of generation of hazardous ground gases. Placement of suitable topsoil for gardens and landscaped areas is likely to be required. No significant contamination has been detected by the current investigation and specific soil remediation is not considered to be necessary to protect human health.

4.0 Development Plan and Material Considerations

Statutory Framework

- 4.1 In deciding planning applications, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 4.2 The adopted Development Plan for Hinckley & Bosworth Council of relevance to the application comprises:

- The Hinckley & Bosworth Core Strategy (2009) (CS);
- Site Allocations & Development Management Policies (2016) (SADMP);
- Earl Shilton and Barwell Area Action Plan (2014) (ESBAAP); and
- Leicestershire County Council Minerals and Waste Local Plan (2019).

- 4.3 The Local Plan is currently being reviewed with a Hinckley and Bosworth Local Plan for 2020-2041 Regulation 18 document published in July 2024. At the present time, the policies in this review document are of limited weight in the decision making process.

- 4.4 The following Supplementary Planning Documents are considered relevant to the Proposed Development:

- The Good Design Guide

The Hinckley & Bosworth Core Strategy (2009)

- 4.5 Earl Shilton is identified as one of the four settlements making up the main urban area (paragraph 4.14).

- 4.6 The policies relevant to the determination of this application include:

- Policy 2: Development in Earl Shilton
- Policy 5: Transport Infrastructure in the Sub-Regional Centre
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision

- 4.7 Hinckley is at the top of the settlement hierarchy - a sub-regional centre, with allocated land (in the CS) for a minimum 1,120 new dwellings. Barwell and Earl Shilton merge into one another, but are

classified as separate settlements. These are second in the settlement hierarchy and their role is to support Hinckley as the sub regional centre.

- 4.8 The CS explains that these two settlements contain pockets of significant deprivation, particularly relating to income, education skills and training, employment and health, and that their local centres are in need of regeneration. To support this regeneration and to reinvigorate these 'important urban areas', two mixed use Sustainable Urban Extensions (SUEs) are allocated - one of 2,500 homes to the west of Barwell, and one of 2,000 homes to the east of Earl Shilton.

Site Allocations & Development Management Policies (2016)

- 4.9 The policies relevant to the determination of this application include:

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the countryside and settlement separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

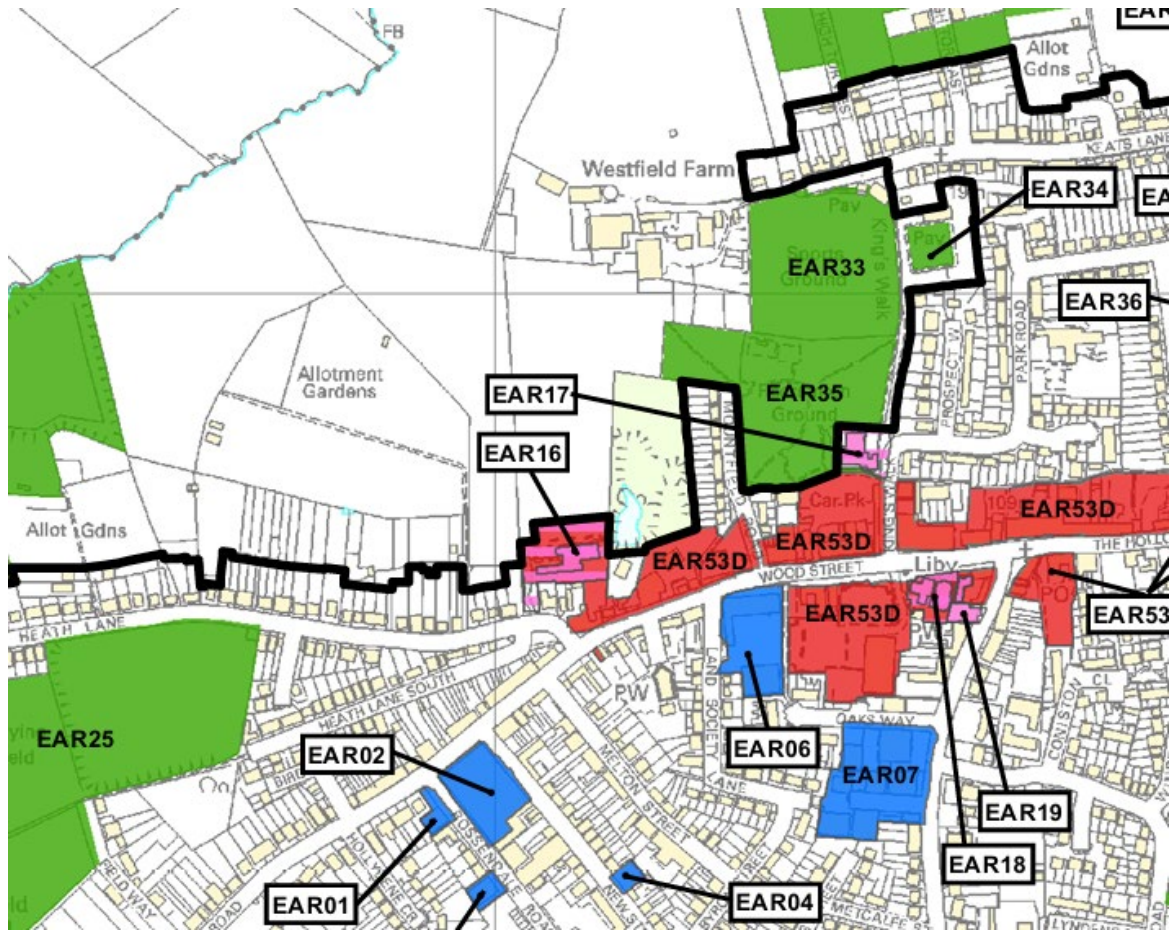
- 4.10 Within the Policies Map for the Site Allocations and Development Management Policies DPD (SADMP), the site lies outside of, but directly adjoins, the Settlement Boundary.









By virtue of being beyond the boundary, the site is located in the Countryside as defined by Policy DM4 which supports only five specific forms of sustainable development.

Earl Shilton and Barwell Area Action Plan

- 4.11 Within the Policies Map for the Earl Shilton and Barwell AAP (ESBAAP), the site lies outside of, but directly adjoins, the Settlement Boundary as defined by Policy 1.

Figure 5: Local Plan Extract



| Legend: | | | | | |
|---|--|---|--|--|--|
|  | Settlement Boundary (Policy 1) |  | Community Facility (Policy 24) |  | Employment Area (Policy 23) |
|  | Sustainable Urban Extension (Policy 1) |  | Community Facility Boundary (Policy 24) |  | Open Space, Sports & Recreation Facility (Policy 25) |
|  | Carousel Park (Policy 18) |  | District, Local and Neighbourhood Centre (Policy 26) | | |

Other Material Considerations

- 4.12 Other material considerations relevant to the determination of this application include The Good Design Guide SPD (March 2020)
- 4.13 The Good Design Guide SPD provides several amenity space and separation standards (page 34):

| ELEMENT | STANDARD |
|------------------------|--|
| Back to side distances | Principal window to habitable room ideally not less than: <ul style="list-style-type: none"> • 8m from the blank side of a single storey neighbouring property • 14m for a two storey property and above |
| Back to back distances | Principal windows to habitable rooms of neighbouring properties should not be less than 21m apart unless they are across a road |
| Side to side distance | Adequate distance of 1m between the property and its boundary (giving a total distance of at least 2m between properties) should be encouraged |
| Garden proportions | A general guideline for garden sizes is: <ul style="list-style-type: none"> • Minimum garden length of 7m • 80sqm: three-bedroom house • 60sqm: two-bedroom house |

National Planning Policy Framework December 2023

- 4.14 The National Planning Policy Framework was revised in December 2023. It was first published on 27 March 2012 and is a material consideration.
- 4.15 At the heart of the NPPF is the presumption in favour of sustainable development; its policies are a material consideration in the determination of planning applications.
- 4.16 The three dimensions of sustainable development are set out at Paragraph 8 of the NPPF, requiring the planning system to perform an economic, social and environmental role.
- 4.17 To ensure sustainable development is pursued in a positive way, the overarching policy objective of the Framework is the presumption in favour of sustainable development. In Paragraph 11, it is stated that for decision-making this means:
- c) *Approving development proposals that accord with the development plan without delay; or*
 - d) *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless;*
 - i. *Specific policies in the Framework provide a clear reason for refusing the development proposed, or*
 - ii. *Any adverse impacts would significantly or demonstrably outweigh the benefits.*

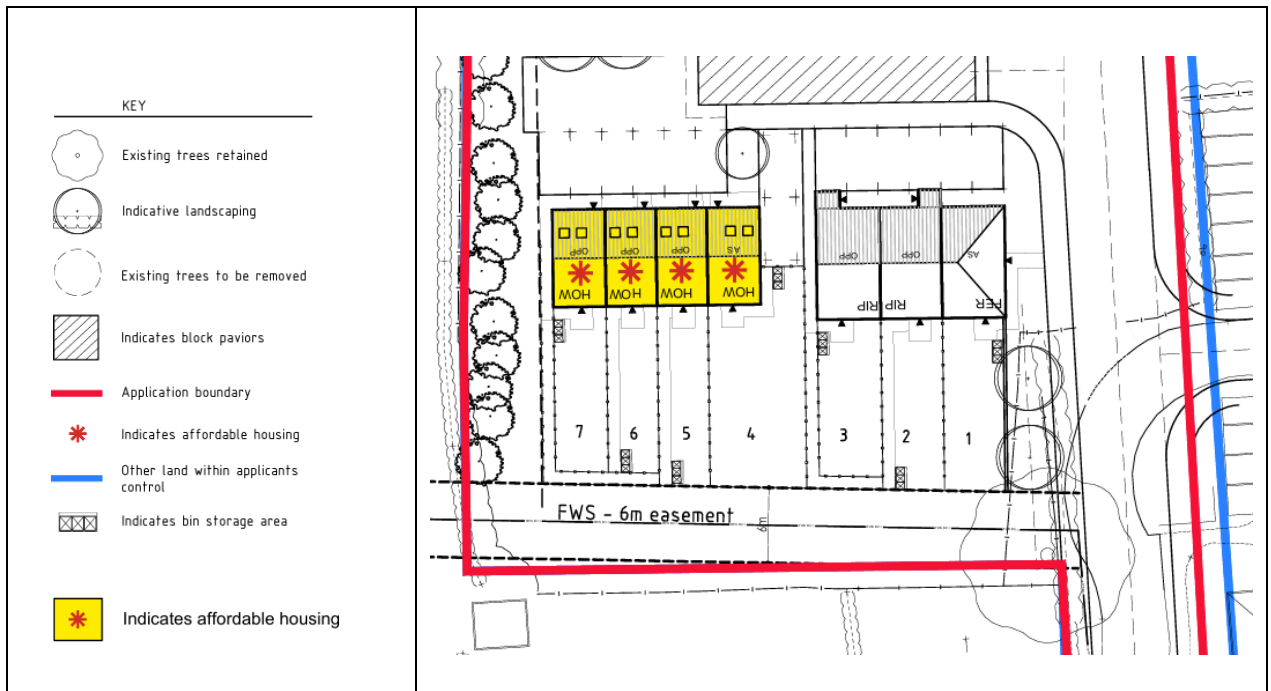
5.0 Affordable Housing Statement

- 5.1 Policy 15 of the Core Strategy (CS) identifies an affordable housing target of 20% on eligible sites in Earl Shilton. A tenure split of 75% social rented and 25% intermediate housing is prescribed.
- 5.2 Since the adoption of the CS, Government introduced First Homes, through the Written Ministerial Statement of 24 May 2021, as a form of affordable home ownership and requires that 25% of all affordable housing on qualifying sites should be for First Homes.
- 5.3 From 28th June 2021, a home meeting the criteria for a First Home will be considered to meet the definition of affordable housing for planning purposes, this being as follows:
- A First Home must be discounted by a minimum of 30% against the market value, although individual Local Planning Authorities will also be able to set a greater minimum discount of either 40% or 50%, and impose lower price caps, if a need can be demonstrated and justified. The discount below market value must then apply to the home each time it is sold, in perpetuity; and,
 - After the discount has been applied, the first sale of the home must be at a price no higher than £250,000 (or £420,000 in Greater London).
- 5.4 All First Homes will need to comply with other applicable planning policy or building regulations and be sold exclusively to first-time buyers, and to not to any household with a combined annual income in excess of £80,000 (or £90,000 in Greater London) and purchased using either a mortgage or home purchase plan which equates to at least 50% of the discounted value.
- 5.5 The requirement for First Homes applies to this planning application. To comply with the guidance, which supersedes the tenure mix set out in the Core Strategy, 25% of the affordable housing properties should be provided as First Homes (with the remaining 50% of properties for affordable rent and 25% for shared ownership). The tenure split of the 4 affordable homes provided in this application is not rigidly prescribed. However, if 2 units were ascribed to Affordable Rent and the others were First Homes and Shared Ownership, the scheme would meet the aforementioned requirements.
- 5.6 Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking account of the type of provision that is likely to be required, based upon table 3 in the Core Strategy and informed by the most up to date housing needs data. More recently, the Hinckley and Bosworth Housing Needs Study (April 2024) identifies a particular need for 2-bedroom accommodation. The affordable housing provision proposed here is wholly 2 bedroom.
- 5.7 The application provides for 22% affordable housing to be provided on site and that all of the affordable properties will be provided as general needs housing. The properties have been designed to the Nationally Described Space Standards (NDSS). The suggested mix for affordable home ownership is split between:

| Size | First Homes | Shared Ownership | Social Rent |
|-------------|-------------|------------------|-------------|
| Two Bedroom | 1 | 2 | 1 |

5.8 The tenure split and any requirement for applicants to have local connection test would be enshrined in the S106 Agreement.

Figure 6: Position of affordable housing units



6.0 Planning Assessment

- 6.1 This section provides an assessment of the development against the Development Plan, and other material considerations including the NPPF 2023.

Principle of Development

- 6.2 The National Planning Policy Framework (NPPF) (2023) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 6.3 Paragraph 11 of the NPPF and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016) (SADMP) and the Earl Shilton and Barwell Area Action Plan (2006-2026).
- 6.4 Using the standard method as outlined by MHCLG, H&B are presently unable to demonstrate a 5 year housing land supply and, due to the age of the development plan and the changes in national policy since it was adopted, the policies which are most important in determining the application are out-of-date. As a result, the 'tilted balance' in paragraph 11 d) of the Framework is engaged. Therefore, this application should be determined in accordance with Paragraph 11 d) of the NPPF whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.5 Sustainable development should be approved unless other material considerations indicate otherwise. Earl Shilton has a key role in the existing settlement hierarchy (as set out in the Core Strategy) to support Hinckley as the sub regional centre. Strategic level housing growth is directed to the settlement in the form of a Sustainable Urban Extension and further housing can only serve to continue the regeneration that the town has experienced.
- 6.6 The provision of 18 dwellings, of which 4 are classed as Affordable Housing which is policy compliant, is considered to be a benefit of the proposal and weighing in favour of the scheme.
- 6.7 On the basis of the further considerations set out below, there are no identifiable adverse impacts associated with delivering this highly sustainable proposal.

Highway Safety

- 6.8 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities and does not have an adverse impact upon highway safety. As referred to above and demonstrated in the Transport Statement, Earl Shilton does benefit from frequent bus services (every 20 mins during the week) to Nuneaton and Leicester. The nearest bus stop is only 220m from the site.
- 6.9 Furthermore, the potential to reduce trips by private vehicles is high as the wide range of services and facilities in the town are within easy reach by walking and cycling. As stated at para 3.9 of the Transport Statement, *“Given the evident volume of cyclists using the roads, it is considered the infrastructure is of a sufficient level to accommodate cycle movements to the surrounding towns, and ultimately shows cycling from the site is a genuine substitute to travelling by private car”*.
- 6.10 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)). Visibility splays of 2.4m x 43m to the south and 2.4m x 25m to the north are appropriate for the 30mph speed restriction and 20mph assumption for the raised shelf carriageway as per Manual for Streets standards. A review of the local collision data highlighted 1 PIC had been recorded in the most recent 5-year period within the vicinity of the site. It is considered less than 1 PIC/year is not a significant amount, and therefore it has been concluded there is no existing highway safety concern.
- 6.11 Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible. Paragraph 116(e) of the NPPF (2023) states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Provision for electric vehicle charging is proposed to be available to occupiers of the properties as part of the fabric of the building.

Landscape and Visual Impact

- 6.12 Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development.
- 6.13 On the basis of the out-of-date development plan policies, the site is located within open countryside, outside of the settlement boundary and is therefore considered against Policy DM4. The provision of market residential development does not form one of the scenarios acceptable under this policy. However, there is a new context to development that has been provided by the residential development constructed by Avant Homes to the north, the land parcel benefiting from permission for nine dwellings to the east (23/00119/FUL), two recent detached dwellings (21/00243/FUL) built to the south and the one detached dwelling approved under 21/00015/FUL also lying to the south. To all intents and purposes, the site no longer has the characteristics of open countryside and it more appropriately judged as falling within the Settlement Boundary of Earl Shilton.

- 6.14 It is considered that where the development would be discernible, its context would be seen against the wider urban edge setting of Earl Shilton. It would be reasonable, in this context, to describe the application site as being heavily influenced by urbanising features. The residual impact on landscape character after mitigation when balanced against the benefits of the proposed development as listed elsewhere in this statement would not warrant refusal of the application.

Design and Layout

- 6.15 Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 6.16 The scale and density of the proposed development is considered appropriate for the size of the site taking into account the necessary provision of green infrastructure on its eastern side. The Design & Access Statement confirms a net residential density of 44 dph. The proposals make a very clear distinction between public and private space with defined boundaries and a high degree of natural surveillance of the public realm. Development in this location will not impact on any existing uses or have any detrimental impact on the existing or new residents in terms of amenity, privacy, noise or air quality. The scheme is capable of being designed without causing overlooking or undue impact upon the amenity of existing or future occupiers of the properties along the site boundaries. The analysis of local character as presented in the Design & Access Statement reveals that the predominant architectural features and materials will be incorporated into the proposed designs.

Flood Risk and Drainage

- 6.17 Policy DM7 of the SADMP requires that development does not create or exacerbate flooding and drainage. The site is situated within flood zone 1 indicating a low risk of flooding and drainage connections can be easily made into the existing foul network.

Loss of Employment

- 6.18 The ability to implement a development for employment starter units at the site under the outline application has passed (the period to submit Reserved Matters has expired). As part of the evidence base supporting the Local Plan Review, an Employment Land Review (Employment Land Availability Assessment and Employment Needs Assessment) was published in July 2024. Interestingly, Site EAR55 is a recommended addition to the list of employment areas and relates to Westfield Farm forming part of the Avant Homes scheme. It is described as a 'fit for purpose' employment site forming one of the 115 areas identified (908 hectares).
- 6.19 Evidence from the Employment Land and Premises Study 2024 indicates the borough has a sufficient supply of employment land to meet needs up to 2041. The impact on overall supply if the site was lost to an alternative use would be negligible.

Ecology and Biodiversity

6.20 Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation. The Environment Act 2021 provisions on Biodiversity Net Gain (“BNG”) require all new applications to provide 10% BNG. As such the proposed development only lawfully needs to provide net gain not the 10% net gain. The application cannot deliver the required level of habitat creation required to achieve this increase. However, the proposals will seek to deliver units through off-site compensation.

6.21 Other Considerations

6.22 There is no known contamination on site, however the applicant considers a standard condition could be applied to any planning permission which allows for the safe identification and removal of any contaminated soil should it be identified as part of the construction process.

6.23 It is likely that there will be some disturbances to the local residents during the construction phases of development and, as such, a Construction Management Plan would be prepared prior to the commencement of development to limit the level of disturbance.

7.0 Conclusion

- 7.1 This Planning, Design and Access Statement has been prepared and submitted by Roebuck Land and Planning Ltd on behalf of Avant Homes for a planning application for the erection of 18 dwellings at Westfield Avenue, Earl Shilton
- 7.2 The primary purpose of this Statement has been to assess the proposed development against relevant development plan policy and material planning considerations and to explain environmental and technical aspects of the proposal.
- 7.3 Although the Site is not allocated, the proposal is considered to be in general conformity with the majority of the planning policies contained within the Development Plan and National Planning Policy. It is considered that there is no conflict with the adopted development plan or the NPPF (2023) as set out in this report. Therefore, the presumption in favour of sustainable development applies in this case and there are no other material considerations that lead to adverse impacts associated with delivering this proposal.
- 7.4 This development will result in a number of benefits. A summary of the key planning benefits of the proposed development is provided below:
- The Site is located in a highly sustainable location within the Borough
 - The Site is within easy reach of public transport opportunities
 - The Site will deliver much needed affordable housing.
 - The site will deliver economic benefits from the construction jobs created during the construction phase and the ongoing expenditure in the local area from the new residents.
- 7.5 There are no technical constraints to development and the Site proposes safe access and egress.
- 7.6 Weighing up all the material considerations it is considered there are sufficient material considerations to outweigh the potential conflict with the development plan in this specific case. Tested against the three over-arching objectives to achieving sustainable development set out in the NPPF, the balance weights strongly in favour of the development being sustainable development and the site, as a whole, should be supported. It is also worth noting that the site has already been judged appropriate for development under the outline planning permission.
- 7.7 It is concluded that the development will be of a high quality which will have minimal adverse impacts on the environment. It will result in the provision of valuable new homes for the town. Development on this scale for Earl Shilton is appropriate relative to its location and surrounding context/uses and its delivery would not prejudice the Council's spatial strategy. The site is not of particular importance to the form and character of the Town and is extremely well contained, adjoins the settlement envelope and has established, defensible boundaries. Other than its position beyond the settlement confines, it would not conflict with the development plan when taken as a whole.

7.8 It has been demonstrated that there would be social, economic and environmental benefits to the proposal. The harm from the loss of countryside is negligible there are material considerations of sufficient weight to support the proposed development when tested against the Local Plan and Framework policies.

| Positive Factors | |
|--|----------------------------|
| Diversify the Earl Shilton Market Housing Offer | Significant weight |
| Deliver Affordable Housing for the Town | Significant weight |
| Open Space/community benefits to support the Town | Significant weight |
| 10% Biodiversity Net Gain | Moderate weight |
| Sustainable location in the context of local employment uses and accessibility to bus/rail/main road network | Limited to moderate weight |
| Negative factors | |
| (Partial) Conflict with SADMP Policy DM4 | Limited weight |
| Landscape impact (arising from a change from greenfield to built form) | Limited weight |

7.9 The Council is therefore respectfully requested to approve this outline planning application without delay.