DCAPLPOE - Proof of Evidence (Richard Crosthwaite - Policy)

**HINCKLEY AND BOSWORTH BOROUGH COUNCIL**

10/00401/FUL

**TOWN AND COUNTRY PLANNING ACT 1990**

**APPEAL UNDER SECTION 78**

# Hinckley & Bosworth Borough Council

APPEAL BY MR N HAINSWORTH AGAINST THE REFUSAL OF FULL PLANNING PERMISSION FOR THE ERECTION OF 200 RESIDENTIAL UNITS WITH ASSOCIATED LANDSCAPING, ACCESS AND PUBLIC OPEN SPACE AT LAND BOUND BY MILL LANE, THURLASTON LANE AND CLICKERS WAY, EARL SHILTON, LEICESTERSHIRE

HBBC REFERENCE 10/00401/FUL

THE PLANNING INSPECTORATE REFERENCE APP/K2420/A/10/2136529

PROOF OF EVIDENCE

PREPARED BY RICHARD CROSTHWAITE, PRINCIPAL PLANNING OFFICER (POLICY)

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## 1.0 Introduction

1.1 My name is Richard Crosthwaite. I am a Principal Planning Officer (Policy) at Hinckley and Bosworth Borough Council. I have 7½ years experience in planning and regeneration matters within Local Authority and Regional Development Agency practice. I hold an Honours Degree in Planning Studies, A Postgraduate Diploma in Town Planning and I am a member of the Royal Town Planning Institute.

1.2 This proof of evidence relates to an appeal to the decision of Hinckley and Bosworth Borough Council to refuse planning permission for the development of 200 houses at land between Mill Lane, Thurlaston Lane and Clickers Way, Earl Shilton, Leicestershire.

1.3 The appeal reference to which this proof relates is: APP/K2420/A/10/2136529

1.4 The proof relates to reasons for refusal numbers 1 and 2, as stated below:

1. In the opinion of the Local Planning Authority, prior to the progression of the Barwell and Earl Shilton Area Action Plan, the proposals are considered to be piecemeal having regard to the current status of the Earl Shilton Masterplan and would create incremental development which would undermine the wider policy objectives for the Urban Extension as set out in Core Strategy Policy 2: Development in Earl Shilton, and would be prejudicial to the comprehensive development of the larger area of land of which the development forms part contrary to Policy BE1 of the Local Plan. The proposals are therefore considered contrary to Core Strategy Policies 2 and 5, Local Plan Policy BE1 and Planning Policy Statement 3.

2. In the opinion of the Local Planning Authority, prior to the progression of the Barwell and Earl Shilton Area Action Plan and the Infrastructure Schedule quantifying the infrastructure requirements for the Urban Extension, as set out in the Core Strategy Infrastructure Plan, permitting the scheme is considered to prejudice the co-ordinated and timely delivery of these wider infrastructure requirements yet to be determined contrary to Policies 2, 5, 15 and 20 of the Core Strategy,

policies REC2, REC3 and IMP1 of the Local Plan, the Borough Council's Supplementary Planning Document on Play and Open Space 2008 and Circular 05/05.

1.5 This proof describes how the appeal site conflicts with Hinckley and Bosworth Borough Council's approach to planning for growth within the urban area, as defined by the adopted Core Strategy and the emerging Earl Shilton and Barwell Area Action Plan.

## 2.0 The Appeal in relation to the adopted Core Strategy

2.1 The settlements of Barwell and Earl Shilton have been identified as locations for the development of sustainable urban extensions, which are planned to support future housing needs in the Borough and act as catalysts for the regeneration of the two settlements. This is a key element of the spatial vision for the Borough, reflecting the need and demand for housing identified through the Core Strategy. However, this growth must be properly planned in order to ensure that it does not undermine wider policy objectives.

2.2 There is a clear requirement to ensure that proposed development is well integrated into the existing community, to ensure that it acts as a catalyst for regeneration. There is also a requirement to link the phasing and delivery of two sustainable urban extensions (SUEs), to ensure the timely delivery of infrastructure required to support the total overall increase in population across Earl Shilton and Barwell.

2.3 The Borough's growth strategy is built into planning policy through the Core Strategy, adopted in December 2009. In line with policies 2 and 3 of the Core Strategy, detailed planning policies for the development of two SUEs and the wider neighbouring settlements of Barwell and Earl Shilton are being brought forward through the preparation of an Area Action Plan (AAP). The AAP will build Masterplans for the development of the two SUEs into planning policy, together with policies relating to the regeneration of the wider settlements. A fundamental element of the AAP will be to ensure a comprehensive plan led approach to the delivery of the strategic and community infrastructure that is required to support the levels of growth being planned.

2.4 Policy 2 of the Core Strategy details strategic planning policy relating to development in Earl Shilton to 2026. This policy does not allocate land for development, but rather identifies a spatial direction for growth and a number of strategic considerations to be taken into account when preparing detailed policies. Site specific allocations will be formalised in planning policy through the preparation of the AAP. The Core Strategy identifies that this AAP approach will be taken in order to identify detailed requirements for the SUE. It stipulates that SUE development must be in conformity with this AAP and that no piecemeal developments will be permitted. Policy 3 of the Core Strategy sets out a similar approach with regards to future development across the neighbouring settlement of Barwell and it is important to note that future infrastructure requirements and associated mitigation measures linked to planned growth across both settlements are inter-related, for example in relation to strategic highways matters.

2.5 The Core Strategy contains a number of further policies that are relevant to infrastructure requirements to be considered through the preparation of the AAP. For example, Core Strategy Policy 5 identifies a range of transport interventions that are proposed to support the additional development in and around the Hinckley sub-regional centre, particularly the urban extensions at Barwell and Earl Shilton, to promote sustainable development in the area. This policy sets out that details of these transport interventions will be brought forward in the Barwell/Earl Shilton Area Action Plan and that developers will be required to contribute towards the implementation of these initiatives through developer contributions where they meet the tests set out in national guidance. New development that would prejudice the implementation of these interventions will not be permitted.

## 3.0 The Emerging Earl Shilton and Barwell Area Action Plan

3.1 The Council's current Local Development Scheme (June 2010) sets out a programme for the preparation of the Earl Shilton and Barwell AAP. In line with this programme, a preferred options AAP has recently been prepared *(Earl Shilton and Barwell Area Action Plan Consultation Draft, appendix 1).* The preferred options AAP received approval from Full Council for the purposes of public consultation at its meeting on 7 December 2010 and it has subsequently been published for the purposes of a six week public

consultation, between 7 January and 18 February 2011. It is anticipated that representations received during this period will be taken into account in drafting a submission version of the AAP, which will undergo a further round of consultation over a six-week period in August and September 2011. Submission to the Secretary of State for Communities and Local Government is timetabled for November 2011 and Examination in Public is anticipated in early 2012.

3.2 The preparation of the preferred options AAP has been informed by a detailed masterplanning process. The Masterplans for Earl Shilton and Barwell include proposed land use budgets for the SUEs and make considerations as to how the development can be integrated into the existing urban fabric of the settlements by presenting a spatial option for development. The Masterplans have been developed through a project managed process, which has included community and stakeholder engagement, which is summarised in section 1.4 of the AAP *(appendix 1)*. This process will continue through the formal preparation of the AAP. In recognition of the central role that the landowners and developers of the urban extensions will have in the delivery of the AAP, regular Landowner and Developer Forum events are now well established, ensuring that communications are maintained in relation to the project's progress. The Appellant is a regular attendee at these meetings.

3.3 The Earl Shilton and Barwell AAP Preferred Options document includes a number of draft policies that specifically relate to the infrastructure required to mitigate the impacts of proposed development and stimulate the regeneration of the settlements as a whole. Draft policies within the AAP reflect the position that development must be linked to the provision of infrastructure and important community facilities, including highways, utilties, public/sustainable transport, retailing, education, health, public realm, green infrastructure and recreation.

3.4 The Area Action Plan requires a detailed infrastructure planning exercise to be undertaken, which includes the requirement to quantify and provide indicative costs for the infrastructure needed as a result of the planned growth of Earl Shilton and Barwell as a whole. This is an exercise that is currently being undertaken in order to feed into the preparation of the Submission draft of the AAP, which is timetabled for consultation in August 2011. The exercise

requires a detailed evidence base and significant input from a wide range of organisations in order to ensure that a comprehensive plan is in place that takes account of the cumulative impacts arising from proposed development. The Infrastructure Plan will, for example, fully quantify the infrastructure required to support the AAP proposals such as new schools and health care facilities, strategic green infrastructure and highways improvements. A number of organisations are currently engaged in the preparation of this document, including The Highways Agency, Local Highways Authority, Local Education Authority, Primary Care Trust, The Homes and Communities Agency, Prospect Leicestershire, Leicestershire Constabulary, Leicestershire Fire and Rescue Service, and relevant departments within Hinckley and Bosworth Borough Council.

## 4.0 Sustainable Urban Extension Infrastructure

4.1 As indicated in paragraph 3.4 above, the infrastructure planning process to support the production of the Area Action Plan requires engagement with a number of organisations. This engagement has been co-ordinated on the Borough Council's behalf by Prospect Leicestershire, the Economic Development Company for Leicester and Leicestershire. This work has been undertaken to establish the nature and scale of infrastructure required over the life of the SUE to meet the needs of the population that will live and work there. The process to date has led to a broad understanding of the infrastructure that needs to be delivered. The delivery strategy to support this remains work in progress and negotiations are continuing to identify associated costs, which will be refined as detailed design solutions are worked up. A phasing plan will link the delivery of infrastructure to proposed development within the SUEs, which will be subject to negotiation with landowners and house builders over the coming months, in advance of the finalisation of the submission version of the AAP.

4.2 It is clear from the work undertaken to date that a number of the infrastructure items being considered will have fixed costs that would be unlikely to vary if housing numbers are reduced as a result of piecemeal development. The infrastructure requirements being taken into consideration through the production of the Area Action Plan, include:

4.3 **Highways** - The development of the two sustainable urban extensions will be required to provide jointly for required improvements to the highway network. A Strategic Transport Assessment is being prepared, which will identify key transport requirements over the plan period to inform the AAP at submission stage. These requirements will be derived using Paramics modelling in association with the forecast background traffic growth to 2026. This modelling work is considering the impact of the proposed developments on the highways network including: A5 junctions at Dodwells and Longshoot; the A47 Normandy Way junction; and, the A447 Ashby Road. The improvements to be included in the final Strategic Highways Assessment will be derived from detailed analysis and will be intended to ensure an agreed strategy for providing a suitable, safe and less congested highway network as a result of planned development in the study area. The Borough Council is working closely with the Local Highways Authority and the Highways Agency in the production of this evidence base.

4.4 In relation to this appeal, 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, the Highways Agency has expressed concern 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. The concerns of the Highways Agency were detailed in a letter to the Planning Inspectorate, dated 15 November 2010 *(Highway Agency Letter 15/11/10, appendix 2).*

4.5 **Education** - Education requirements will be formulated through the infrastructure planning process being undertaken alongside the development of the AAP. The Local Education Authority has indicated that the proposed scale of development within the SUE at Earl Shilton should be supported by the development of a two form entry Primary School and the expansion of the existing Secondary School. This will require developer contributions from SUE developments if it is to proceed.

4.6 **Health** - The requirement for enhanced GP facilities will be formulated through the infrastructure planning process being undertaken alongside the development of the AAP. The Primary Care Trust has indicated a requirement for facilities at the existing Earl Shilton GP Practice to be expanded to serve the residents of the SUE. This will require developer contributions from SUE developments if it is to proceed.

4.7 **Utilties** - A range of utilities infrastructure considerations need to be taken into account by SUE developers in bringing forward detailed proposals. Considerations such as the need to reinforce the Avon – Soar Link Water Main and new water distribution mains to the urban extensions; reinforce the 33kV electricity distribution system between Hinckley and Middlefield Substations; extend the capacity of Barwell Substation; and, provide adequate reinforcement of the sewerage system and water treatment works.

4.8 Severn Trent Water's Earl Shilton Water Treatment Works are a key consideration in the development of the SUEs. This facility is located within the proposed SUE at Earl Shilton, and its relocation would require substantial investment from the overall development to proceed. An alternative strategy could be for the existing facility to remain on site and be upgraded; this option could potentially require developers to contribute towards the mitigation of related impacts, such as odour emissions.

## 5.0 Conclusions

5.1 The Borough Council is committed to ensuring a comprehensive, plan led approach to the development of SUEs and the associated regeneration of the settlements of Earl Shilton and Barwell. This approach is clearly built into planning policy through the Core Strategy. This approach will ensure that the overall effects of development on infrastructure and services can be fully taken into consideration and successfully mitigated as schemes are brought forward. The strategic direction provided by the Core Strategy is being fed into the preparation of an Area Action Plan, which is required to formulate planning policies to coordinate development across this area of major change.

5.2 The appeal site forms part of a larger SUE that is subject to a wider, comprehensive planning and regeneration approach. The appeal site risks undermining the deliverability of the infrastructure that is required to underpin the emerging AAP by reducing the overall amount of development that would be required to contribute to its delivery. As a result, the Borough's wider strategy for growth as set out in the Core Strategy could be undermined. It also prejudices the due process that is being undertaken to develop the emerging Earl Shilton and Barwell Area Action Plan and associated community and stakeholder consultation processes.

**A1 – Appendix 1**

**Earl Shilton and Barwell Area Action Plan – Consultation Draft (Preferred Option AAP)**

## A2 – Appendix 2

**Highways Agency Letter dated 15/11/10**