

PLANNING COMMITTEE

APPLICATIONS FOR DEVELOPMENT

APPLICATIONS FOR DETERMINATION BY COMMITTEE

13/00049/FUL – Hallaton
Mr and Mrs T Johnson

Formation of pond to create wildlife habitat and installation of biodisc (retrospective) – Woodview, Horninghold Road, Hallaton

Target Date: 22/03/13

Recommendation:

APPROVE for the following reason:

The development hereby approved, by virtue of its use, siting and design would support an increase in biodiversity without adversely affecting the character and appearance of the countryside or adjacent Conservation Area. Furthermore the proposal would not adversely affect residential amenity nor give rise to additional traffic which would lead to a road safety hazard. The proposal is therefore considered to accord with Harborough District Core Strategy Policies CS8, CS11 & CS17 and no other material considerations indicate that the policies of the development plan should not prevail, furthermore the decision has been reached taking into account 186-187 of the National Planning Policy Framework.

Site / Context:

The application site adjoins the garden of Woodview, a newly built detached dwelling on the edge of Hallaton on the northern side of Horninghold Road. The site does not form part of the residential garden of Woodview and is therefore considered to be countryside. The site adjoins the Conservation Area. At a site inspection, the site had been cleared of vegetation and the pond excavated, although it did not contain water. There were a number of container trees on site, which appeared to be awaiting planting. A Biodisc (sewage treatment plant) had been partly buried in the site. There is no boundary treatment between the garden of Woodview and the application site. The front boundary with Horninghold Road is defined with metal railings and there is post and rail fencing to the North and East boundaries where there is open countryside beyond.

The Proposal:

This application is retrospective and applies for the formation of a pond to create wildlife habitat and the installation of a Biodisc. The proposed plan also shows tree planting, although the planting of the trees themselves would not require planning permission.

A revised site location plan has been submitted which reduces the site area (edged red) to the front portion of the original site.

Policy:

National Policy

NPPF

Ministerial Statement – ‘Planning for Growth’ (23.03.11)

Local Policy – adopted Harborough District Core Strategy

CS8 - Protecting and Enhancing Green Infrastructure
CS11 – Promoting Design and Built Heritage
CS17 – Countryside Rural Centres and Rural Villages

Other

Local Plan for Harborough District (including APPENDIX B Review of Core Strategy: NPPF Compatibility (3rd December Council 2012))
Hallaton Parish Plan

Consultations:

LCC Ecology:

We have no objections to this development. However, we do note that the pond is to be for 'wildlife habitat'. We would therefore recommend that it is designed with wildlife in mind, and the following points should be considered:

- No fish should be added. Fish can predate on other pond animals (amphibians and invertebrates) and are not recommended within a wildlife pond.
- The pond should be designed with varying depths and gently sloping sides.
- Only locally native plant species should be planted. The Natural England website has some useful information on this if needed.
- No amphibians should be transferred to the pond – amphibians should be allowed to find their own way, minimising the risk of spreading amphibian disease.

Parish Council:

The original Consent for the property now known as Woodview [11/00423/FUL I believe] allowed the construction of a very large house upon an extremely small but very prominent site. The site was defined upon drawing number 06/037.11b. The house was to be located very close to Horninghold Road and had a tiny rear garden designated to the immediate east. This designated garden directly adjoined a field of long established permanent pasture. Woodview has now been built and a substantial proportion of the field has been enclosed with a post and rail fence [the area in question is shown upon the Adam Frost Design layout plan accompanying the current retrospective planning application]. To all intents and purposes the enclosure [now contiguous with the eastern side of Woodview as the original boundary railings have been taken down] provides Woodview with a substantial garden totally at odds with the original proposals and a complete change of use from AGRICULTURAL land. The current Planning application seeks retrospective consent for the formation of a pond for wildlife habitat and the installation of a biodisc treatment plant all within the aforementioned extended garden. The applicants have not sought consent to change the use/character of the extended garden from agricultural. The applicants describe the land in question as field upon the application form but it has none of that character at all. Quite apart from the enclosure of the field considerably extending the amenity space at the rear of the house other elements of residential domesticity are present including the aforementioned pond / biodisc and an incomplete terrace/patio which extends beyond the original rear boundary. As of the 14th February a large quantity of well grown trees/shrubs has also arrived on site, which presumably are to be planted within the extended garden area. Originally the field had no patio/terrace, no pond, no biodisc, no trees/shrubs at all and no post and rail fence. The Parish Council do not especially take issue with the pond/biodisc [the pond may have some wildlife benefit and the biodisc is required as Mains sewage is not easily available] but in the event the proposal is allowed it will give credence to the other unauthorised changes that have occurred or that are occurring. The Parish Council therefore wish to record a very strong objection to the retrospective application 13/00049/FUL recognizing that it does not deal with the real issue here which is a very visible unauthorised change of use/character by the back door.

Representations:

Objections have been received on behalf of five households (5 The Walled Garden and 7 The Walled Garden, North End, Hawthorn House and The Laurels, Hazel Grove and 30 Medbourne Road). The representations are available for inspection on the application file and include the following concerns:

- Application should be for a change of use/constitutes a change of use. Intention is to enlarge garden
- There is a restriction on landscaping pasture land
- Dwelling approved with small garden, no room to site septic tank within the grounds. This should have been addressed in original planning application. Clear to residents that size of dwelling on small plot would lead to encroachment into field
- Question siting of pond adjacent to septic tank
- Approval could lead to other changes of use. Would set precedent for development by the back door and change of use for personal gain
- Would approval mean that site could be sold as a building plot?
- Why was application deferred at Committee when it seemed all parties agreed application should be refused?
- Contrary to Hallaton Parish Plan (especially action 2)

Other Information:

History:

None relevant

Information:

The application is being reported to the Planning Committee as it has been called in by the Ward Cllr and has received 6 counter representations.

The application was deferred at the last Planning Committee to seek further clarification from Officers on the following points:

1. Lawful use of land and any enforcement investigation.
2. Does fence adjacent highway need planning consent?
3. If approved will a precedent be set regarding potential future residential use of the site.

Officer Clarification

The planning application is the result of an enforcement investigation into the change of use of the site to residential garden. When investigated on site it was found that the fence had been moved/erected – implying the intention to change the use of the land into residential curtilage, however as the fence which had been put up was agricultural in character the fence itself was not considered to require planning permission. Also within the area in question there was evidence that unauthorised development had taken place, in the form of a pond and biodisc.

The application does not appear to fully satisfy the investigation, as a change of use has not been applied for, however Officer's would not wish to invite an application for change of use to garden as this would be unlikely to be viewed favourably by the Planning Department. Your officer recommends that the issue of the use of the land as a garden should be monitored as a separate matter by the Enforcement Team with action taken if/when required.

The application as submitted does not apply for a change of use; however there would be an intrinsic change of use in relation to the site of the pond and Biodisc as these are not required for agriculture. In order to progress the application in the spirit of paragraphs 186 and 187 of the framework, for the avoidance of doubt and as the inclusion of land other than

the site of the Biodisc and pond is not necessary for this proposal, the applicant was advised by Officer's to amend the site location plan to include only the pond and Biodisc. Revised location plans have been submitted reducing the site area to the front portion of the site. A note to applicant is recommended to clarify that the consent does not change the authorised use of the land.

Planning Considerations:

Policy Assessment

As this application relates to development within the countryside, Harborough District Core Strategy Policies CS11 and CS17 are considered particularly relevant. As the proposal relates to the provision of wildlife habitat, Policy CS8 is also considered relevant.

Design, Appearance and Impact on the Character of the Area

The proposed development of a pond and installation of a Biodisc would not be considered to adversely affect the rural character of the site such that the visual amenity and character of the area (including the adjoining Conservation Area) would be harmed. The agent has confirmed that the Biodisc would not be fully buried, however its cover would be below adjacent ground level (once the land has been regraded). It is also proposed to plant a mixed thorn hedge adjacent to the railings, which would screen the Biodisc.

Ecology

The proposal which would provide wildlife habitat is considered to be supported by Harborough District Core Strategy Policy CS8. The County Council Ecology Team does not object to the proposal and suggests a number of measures to improve the habitat potential. A condition to secure the submitted management plan for the pond is recommended to ensure the wildlife potential is maximised.

Residential Amenity

Due to its nature and position, the proposed development would not be considered to adversely affect amenity.

Access and Parking

The proposal would not be considered to adversely affect Highway safety.

Conclusion

The proposal would be considered to support an increase in biodiversity without adversely affecting the character and appearance of the countryside or adjacent Conservation Area. Furthermore, the proposal would not adversely affect residential amenity nor give rise to additional traffic which would lead to a road safety hazard. The proposal is therefore considered to accord with Harborough District Core Strategy Policies CS8, CS11 & CS17 and no other material considerations indicate that the policies of the development plan should not prevail.

Conditions

1. The pond shall be managed as detailed in the email from Martyn Jones (dated 27/02/13). A mixed thorn hedge shall be planted to the southern site boundary to screen the Biodisc. Once planted, the hedge shall be maintained in perpetuity. REASON: To ensure the development is suitably landscaped to protect the character and visual amenity of the area and to ensure the wildlife potential of the site is maximised to accord with Harborough District Core Strategy Policies CS11 and CS8.

Notes to Applicant

1. The applicant is advised that this consent does not change the authorised use of the land. The land shall not be used as residential garden.

13/00052/FUL & 13/00053/LBC – Demolition of two outbuildings; erection of detached dwelling including conversion of existing outbuilding; erection of detached garage with habitable accommodation (annexe) above to serve Hillbrook House; at Hillbrook House, Poultney Lane, Kimcote

Kimcote
Mr Charles Baker

Target Date: 29th March 2013

Recommendation

REFUSE for the following reasons:

13/00052/FUL

- (1) The proposal would be outside of any defined Limits to Development and future occupiers of the proposed development would lack viable transport choice and thereby likely be overly reliant on the use of a private motor vehicle for access to key amenities and services. The proposal would therefore comprise an unsustainable form of development that would be contrary to paragraphs 14 of the National Planning Policy Framework and Policies CS5, CS9 and CS17 of the Harborough District Core Strategy.
- (2) By virtue of its siting and design, the proposal causes harm to the setting and thereby character of Hillbrook House, and the character of the curtilage listed building within it, failing to respect the context in which it is taking place and causing harm to the character of the street scene. This harm is not outweighed by any public benefits including delivery of housing. The proposal is therefore contrary to Harborough District Core Strategy Policy CS11 and paragraphs 132, 133, 134 and 137 of the Framework.
- (3) By virtue of its design and siting, the access to the proposal does not meet current Leicestershire Highways standards in terms of sub-standard visibility splays. It does not represent safe and inclusive design and could result in additional dangers for road users to the detriment of highway safety, contrary to Harborough District Core Strategy Policy CS11c(i).
- (4) The applicant's demonstration that the development would prove unviable if the financial contribution in lieu of affordable housing was to be paid is unconvincing and does not merit a departure from seeking a contribution. The proposal therefore fails to comply with Core Strategy Policy CS3.

Informative Notes: The decision has been reached taking into account 186-187 of the National Planning Policy Framework.

13/00053/LBC

By virtue of its siting and design, the proposal causes harm to the setting and thereby character of Hillbrook House, and the character and appearance of the curtilage listed building within it. It fails to respect the context in which it is taking place and causes harm to the character of the Conservation Area. It is therefore contrary to Harborough District Core Strategy Policy CS11 and paragraphs 132, 133, 134 and 137 of the Framework.

Site:

The site is the yard/garden area belonging to and to the north of Hillbrook House, fronting Poultney Lane, towards the south of Kimcote. The front boundary is marked by a 2 – 3m brick wall, part of which forms the side elevations of two outbuildings in the yard. Two other outbuildings are within the yard, which is separated from the fields behind by a hedge.

Hillbrook House is grade II Listed and the yard with its wall and outbuildings is curtilage-listed to the house. The site is within the Conservation Area of Kimcote, a village which does not have any defined Limits to Development.

The Proposal:

The application is for the erection of a four bedroomed detached dwelling in the yard of the house. The eastern wing of the dwelling will be formed by converting an existing outbuilding. Two other outbuildings in the yard will be demolished to make room for the proposal, as will a section of boundary wall, to form a vehicular access. A detached triple garage with annexe accommodation above is also proposed, to serve the host dwelling (Hillbrook House).

Reason for reporting to Planning Committee:

The application is reported to the Planning Committee at the discretion of the Development Services Manager, in the interests of transparency, as the applicant is related to Cllr Hall.

Policy

National Policy

National Planning Policy Framework ('the Framework') (27th March 2012)

Ministerial Statement: Planning for Growth (March 2011)

Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact within the Planning System

Local Policy

Local Plan for Harborough District (including APPENDIX B Review of Core Strategy: NPPF Compatibility (3rd December Council 2012)

Harborough District Core Strategy
CS3 – Delivering Housing Choice & Affordability
CS5 – Providing Sustainable Transport
CS9 – Addressing Climate Change
CS11 – Promoting Design & Built Heritage
CS17 – Countryside, Rural Centres and Rural Villages

Supplementary Planning Guidance note 3 – Single Plot development, incl. Development in Conservation Areas (SPG3)

Consultations / Representations:

Highways:

Recommend refusal on two grounds: 1) unsustainable location whereby the occupiers would be reliant on a motor car; 2) failed to demonstrate appropriate and safe vehicular access (6th March)

Kimcote Parish Council:

Comments on 13/00053/LBC only: "providing neighbours/highways are agreeable" (27th Feb)

County Ecology:

Requests survey for bats and barn owls (14th Feb)

Severn Trent Water:

No objections or comments (12th Feb)

Conservation Officer: “The existing outbuildings are adjacent to the Listed Building Hillbrook House and are therefore considered to be curtilage listed. The proposed extension to form a dwelling is an unacceptably large addition to the existing building and will harm the significance of the Character of the existing buildings and the setting of the principal Listed Building. The proposals are therefore contrary to paragraphs 132 and 134 of the NPPF.” (27th March)

Contaminated Land:

Request conditions, due to the “unspecified use of the outbuildings” (7th Feb)

Community Infrastructure Officer (Raj Patel): “Planning approval must be conditional to the submission of an Affordable Housing Statement stating applicant’s commitment to accept and pay the full charge on each dwelling and either a unilateral undertaking of S106 agreement to secure the charge.” Commuted sum is £28, 885. (25th March)

Representations:

Three letters of support received: proposal will enhance street scene, is of a quality that will fit in with village, and is “a logical and practical solution on a plot with significant road frontage”; driveway could be made adjacent to Pontenei; empathetic development which will have a positive impact on the village and is sympathetic to the existing houses down the lane. (For full details, see file).

History:

None relevant

Planning Considerations:

Policy Assessment:

Members should be aware that a new Local Plan for Harborough District is being prepared to ensure conformity with the Framework, as per full Council decision 3rd Dec 2012. The most relevant policies from the current Core Strategy are CS17, CS11, together with The Framework. These direct housing development towards sustainable locations, identified as towns and the larger villages (Rural Centres) and villages with two or more identified key services (Select Rural Villages), as well as promoting design of high quality which respects the context in which it is taking place. Residential amenity should be protected, as should heritage assets. Chapter 12 of the Framework requires Local Planning Authorities [LPAs] to assess the significance of any heritage asset, (including its setting), giving great weight to the asset’s conservation. Development which leads to substantial harm or less than substantial harm should be refused unless the public benefits clearly and demonstrably outweigh the harm.

Principle of Development & 5 year supply

Policy CS17 does not identify Kimcote either as a Rural Centre or as a Select Rural Village and the village has no local amenities. A bus to Lutterworth runs twice a day on Monday to Saturday. The applicant has argued that other villages are within cycling distance (for example, Gilmorton); however it is considered extremely unlikely that the occupants of the proposed family-sized dwelling would be likely to regularly cycle to school, for example, at any of the surrounding villages. It is far more likely that the occupiers would rely on the car for transport. Kimcote is therefore not considered a sustainable location and is unsuitable for development. Furthermore, the Council currently has a 5-year supply of housing, such that the Core Strategy policies regarding housing supply can be considered as up-to-date. The Framework does not define garden land as previously developed land so there is no longer a presumption in favour of developing gardens or private amenity space.

Given the 'golden thread' of sustainability in the Framework, and the clear intention of CS17 to site development away from the smaller villages, there is no policy support for a new dwelling in this location and the principle of development is thus considered unacceptable and contrary to CS17 and paragraph 14 of the Framework.

Affordable Housing

The applicant has submitted a viability assessment, stating that to pay the required commuted sum of £28,885.00 will make the scheme unviable. The Strategic Housing officer will not entertain this assessment due to the end values and likely future uplift of value, and therefore cannot support the application. The proposal therefore fails CS3.

Residential amenity:

No letters of representation have been received; The parish do not make any specific comments and do not express support or objection. Residential dwellings lie to the north (Pontenei), south (host dwelling, Hillbrook House) and to the west (The Laurels). The latter has an extant Permission for demolition and erection of a two storey replacement dwelling. The proposal meets minimum separation distances to this new dwelling and that existing. Obscure glazing is shown to the openings on the proposed south elevation, ensuring that no loss of privacy/overlooking will be experienced by the occupiers of Hillbrook House (two facing secondary ground floor windows). Pontenei is a bungalow and sits at a slightly oblique angle to the proposal. Apart from a bathroom window, one principal window (bedroom?) is on the facing south elevation, and this would be at a distance of 13.2m from the lounge window in the proposed north elevation. However, given that the relationship is oblique, such that no direct overlooking/loss of privacy will result, and given the existing boundary treatment, and that the land between the two properties is proposed as a parking/turning area, the distance is considered acceptable. It is not considered that the proposal will be overbearing on this property either, for the same reasons, and that the neighbour's principal amenity space is not towards the boundary. Sarnia lies to the south west and also has an oblique relationship. Again, separation distances are met. The distance between the proposed annexe and the new dwelling is 14.6m at its closest point, with one (secondary) window facing the annexe and also meeting minimum separation distances. The division of amenity space between the new dwelling and Hillbrook House is somewhat indistinct on the plans, but this could be overcome by way of condition. The proposal is not considered to be detrimental to neighbour amenity and thus complies with CS11.

Design

The new dwelling is positioned towards the south of the yard, and is generally two storey. The principal amenity space is to the north. The existing outbuilding is to be joined to the proposed dwelling by a gable roof. Part of the converted outbuilding will form a garage for the property, the rest will be a dining room. Proposed eaves height is 4.7m: ridge heights are 7.2m and 7.5m. The roof is T-shaped and dual-pitched with gables. An inglenook chimney breast is proposed on the east elevation and a semi-circular porch canopy on the north elevation. This elevation also includes a first floor window with 'French' door openings and a 'Juliette' balcony, as well as a rooflight. The house is to be constructed of facing brick with a roof of natural slate. Window material is stated as "timber upvc"; the agent has suggested that the material could be conditioned. The windows and gable ends generally have stone detailing, other than a brick soldier course to the lounge window which therefore appears somewhat incongruous. The north elevation in particular has a variety of styles which does not give a cohesive appearance to this elevation: straight soldier course windows headers, curved stone window headers, 'dormer' style window, large rooflight, hipped porch canopy. The overall design resembles a modern 'estate' type dwelling with little evidence of a bespoke design which would enhance the Conservation Area.

The annexe is a brick built detached building, with an external brick staircase. The ground floor has three garage doors leading to a large garage; the first floor has three dormer windows on the west elevation, and habitable accommodation in the form of a bedroom, bathroom and 'free space' – presumably some sort of lounge area. The roof is dual-pitched with a ridge height of 7.2m. Eaves height is 4.5m. The building has a plan width of 8.45m and a depth of 6.3m. It is a substantial and large building which does not appear ancillary or "annexed" to Hillbrook House, or to the proposed new dwelling (the ridge height is only 0.3m lower than that proposed highest ridge). The dormer windows are an incongruous aspect of the design: simple rooflights would be more in keeping with the style of a traditional outbuilding.

Given the strong emphasis in the Framework on good design and the sensitive location of the site adjacent to a Listed Building and within the Conservation Area, overall the design is not considered of sufficient quality to recommend approval. It is therefore considered to fail CS11.

Impact on the Conservation Area, Listed Building & Street Scene

The north gable wall of Hillbrook House is clearly visible within the street scene, when travelling down Poultney Lane. The yard, with its single storey outbuildings, provides the setting for the Listed building, as it gives a gap in the street scene at 'first floor' level and has more unimportant buildings within it, ensuring that Hillbrook House is clearly seen as the important building and of status. The proposal will not only compromise this view, it will visually compete with Hillbrook House, to the detriment of the setting of this Listed building.

On the officer's site visit, it was noted that the outbuilding to be converted seems to need some repair. No details have been provided of the works to this outbuilding, and repair/alteration works harm the existing character of the Listed outbuilding, were they to be uncontrolled. Furthermore, the outbuilding appears to be former stables as there are stable doors on the east elevation. No information has been provided as to whether the openings will be bricked up, utilised or left: from the proposed plans it appears that they will be lost – either hidden or bricked up. This will harm the character of the building. Furthermore, the extension of the outbuilding to the east by a two storey dwelling is particularly harmful to the character and appearance of the single storey stable type outbuilding: it is uncharacteristic and entirely out of keeping.

The proposed annexe is 7.2m high and will therefore also compete in prominence and importance with the main Listed Building. Furthermore, the design is of poor quality and does not reflect the character of the immediate area (dormer windows for example); neither does the annexe have the character of an outbuilding in the yard. The design of the annexe is harmful to the setting and character of Hillbrook House.

The removal of the wall is considered harmful to the character of the Conservation Area at this point: the length of brick wall frames this side of the street and is of some age. Within the context of the whole scheme, removal is unacceptable. However, the removal of the existing (modern) outbuildings is considered acceptable. One is constructed out of concrete blocks; the other has a 1970s design. Neither makes a positive contribution to the setting and character of the Listed Building and their loss will enhance this heritage asset.

The agent has provided very little justification or assessment of impact of the proposal on the character, setting and fabric of the historic building. The Conservation Officer objects to the proposal. The demolition of the wall, the conversion and extension of the outbuilding, the design and siting of the proposed dwelling and the design of the annexe will harm the setting of Hillbrook House, harm the character and appearance of the curtilage Listed outbuilding, and harm the character of the streetscene and Conservation Area at this point. The harm to heritage assets is considered to be substantial and it has not been demonstrated that this

harm is necessary to achieve any public benefit. The proposal is therefore contrary to paras 132, 133, 134 and 137 of the Framework, and CS11.

Highways

Highways object, on sustainability grounds (addressed above) and also on highway safety grounds, stating that the proposal does not demonstrate an appropriate and safe vehicular access. Poultney Lane is narrow at the proposed access point and of the nature of a single carriageway. Vehicles exiting the proposed access would have considerably restricted visibility to both right and left which could result in additional dangers for road users. The design and siting of the proposed access is not in accordance with the current adopted Highways standard (6 C's Design Guide) such that the proposal, if permitted, would provide a sub-standard access onto a public highway and therefore be likely to cause harm to highway safety. It therefore fails CS5 and CS11.

Conclusion:

The proposal represents development in an unsustainable location whereby the occupiers would need to rely heavily on the motorcar for access to key amenities and services. Furthermore, by virtue of its siting and design, the proposal causes harm to the setting and thereby character of Hillbrook House, and the character of the curtilage listed building within it, failing to respect the context in which it is taking place and causing harm to the character of the street scene. Insufficient justification or assessment of impact on the character, setting and fabric of the historic building has been provided. The demolition of the wall is harmful to the character of the Conservation Area and the Listed building. The proposed access is likely to cause harm to highway safety.

13/00060/FUL – Kimcote
Applicant: Mr & Mrs Baker

Erection of a detached dwelling with associated double garage and formation of new vehicular access, at Kyimbila, Poultney Lane, Kimcote

Target Date: 29/03/13

Recommendation

REFUSE for the following reason:

- (1) The proposal would be outside of any defined Limits to Development and future occupiers of the proposed development would lack viable transport choice and thereby likely be overly reliant on the use of a private motor vehicle for access to key amenities and services. The proposal would therefore comprise an unsustainable form of development that would be contrary to paragraphs 14 of the National Planning Policy Framework and Policies CS5, CS9 and CS17 of the Harborough District Core Strategy
- (2) The applicants' demonstration that the development would prove unviable if the financial contribution in lieu of affordable housing was to be paid is unconvincing and does not merit a departure from seeking a contribution. The proposal therefore fails to comply with Core Strategy Policy CS3.

Informative Note: The decision has been reached taking into account 186-187 of the National Planning Policy Framework.

Site:

The application site is comprised of part undeveloped garden land (previously used as orchard) and part agricultural (horticultural) land, host to 2no greenhouses. The site is immediately due east of Old Orchard House, north of Grasmere and south Kyimbila, all detached dwellings set in spacious plots. The application site, which has no significant changes in levels, is located within the designated Kimcote Conservation Area, but outside of any defined Limits to Development.

The Proposal:

The application seeks planning permission for the erection of a detached dwelling, plus detached double garage, formation of hardstanding, formation of new access, and change of use of agricultural land to associated residential curtilage

Policy

National Planning Policy Framework (“the Framework”) (published 27.03.2012):

Local Policy:

Harborough District Council Core Strategy

CS1 – Spatial Strategy for Harborough (parts (a), (b), (h), (i) and (l) are relevant)

CS2 – Delivering New Housing

CS3 – Delivering Housing Choice and Affordability

CS5 – Providing Sustainable Transport

CS9 – Addressing Climate Change

CS11 – Promoting Design and Built Heritage

CS17 – Countryside, Rural Centres and Rural Villages

Local Plan for Harborough District (including APPENDIX B Review of Core Strategy: NPPF Compatibility (3rd December Council 2012))

Local Supplementary Planning Guidance Notes¹:

SPG Note 1: Design principles

SPG Note 3: Single plot development and development in Conservation Areas

Other

Ministerial Statement – ‘Planning for Growth’ (23.03.11)

Circular 06/05 – Biodiversity including statutory obligations within the planning system

S106 Policy

There is clear government advice set out in the Framework concerning Section 106 Agreements and contributions required of developers, which must be necessary in relation to local and national planning policy and directly and fairly related in scale and kind to the proposed development.

Consultations / Representations:

Highways (LCC):

Recommends refusal: The Applicant has failed to demonstrate that their proposal will be in a location where services are readily and safely accessible by walking, cycling and public transport. Leicestershire County Council policy contained in the Local Transport Plan 3 & Policy IN6 of the 6Cs Design Guide seeks to deliver new development in areas where travel distances can be minimised, and genuine, safe and high quality choices are available (or can be provided) for people to walk, cycle and use public transport facilities and services nearby. The LTP3 and the 6Cs Design Guide reflects Government guidance contained in the Framework.

Drainage engineer (HDC):

No objections subject to conditions

Contaminated Land Officer (HDC):

No objections

Parish Council:

Supports proposal subject to no objections from neighbours or LCC Highways

Housing Manager:

Proposal triggers requirement for off-site financial contribution in lieu of affordable housing

Representations:

One letter of objection received, issues raised include: (1) Loss of trees, (2) Impact to highway safety (arising from new access), and inadequate room for turning.

Other Information

History:

¹ Supplementary Planning Guidance Notes were adopted by the Council in March 2003 following public consultation, and supplement the policies of the Local Plan. Full Council has voted to retain the said SPGs and link them to Core Strategy policies as applicable, until a new Supplementary Planning Document is produced.

12/01652/TCA – works to trees – granted 18.12.12

Reason for Report to Committee:

The application is reported to the Planning Committee at the discretion of the Development Services Manager, in the interests of transparency, as the applicant is related to Cllr Hall.

Housing Land Supply Position

Paragraph 47 of the NPPF requires local planning authorities to ensure that there is a continuous five year supply of deliverable sites within their District. To be deliverable sites need to be available, i.e. available now; suitable i.e. the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities; and achievable i.e. there is a reasonable prospect that housing will be delivered in the site within five years.

In September 2012 the Council demonstrated a 5.54 year supply of housing land (which includes the NPPF-advised 5% additional buffer) with a buffer of 196 over the five year period (this compares to 4.6 years -shortfall of 133 dwellings- in March 2012).

Planning Considerations:

Policy Assessment:

Policy CS2 deals with delivering new housing and advises that the District's total housing requirement of 7,700 dwellings will be provided in a sustainable manner.

Policy CS3 deals with delivering housing choice and affordability and sets out a requirement that all residential developments within the District will be required to contribute towards meeting affordable housing needs. At sites in the Harborough Rural South West sub market area a minimum of 40% of the total number of dwellings will be affordable.

Policy CS5 advises that the majority of future development will be located in areas well served by local services to reduce the need to travel, where people can gain convenient access to public transport services for longer journeys and where local journeys may be undertaken on foot or by bicycle.

Policy CS11 states that, in recognition of the importance of good design and the built heritage of the District, the highest standards of design in new development will be sought to create attractive places for people to live, work and visit.

Policy CS17 relates to development in rural villages and the countryside, stating that outside Rural Centres and Selected Rural Villages new development will be strictly controlled, and that only development required for agriculture, woodland management, sport and recreation, tourism and renewable energy production will be appropriate.

National Planning Policy Framework

Paragraph 14 sets out the "presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking." For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - 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; or

– specific policies in this Framework indicate development should be restricted.

Paragraph 17 sets out 12 core land-use planning principles that should underpin decision making.

Paragraph 29 states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Paragraph 30 states that LPAs should support a pattern of development which facilitates the use of sustainable modes of transport.

Paragraph 35 states that developments should be located where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 95 states that LPAs should plan for new development in locations and ways which reduce greenhouse gas emissions, while paragraph 99 states that new development should be planned to avoid increased vulnerability to the range of impacts arising from climate change.

Main Issues

The main issues in this case relate to:

- (1) whether the proposal complies with Core Strategy Policy CS2, and if not whether the provision for strategic housing requirements in the District, including the required five-year supply (plus additional 5% buffer) of deliverable housing land, and consequent need for release of Greenfield land for residential development outweighs this policy conflict;
- (2) whether the proposal would be consistent with the principles of sustainable development, having regard to current local and national planning policies; and
- (3) the effect of the proposal on the character and appearance of the Kimcote Conservation Area, and on residential amenity and highway safety.

Principle / Five Year Housing Land Supply

The application site is outside of any defined Limits to Development. Policy CS2(a) states that housing development will not be permitted outside Limits to Development unless at any point there is less than a five year supply of deliverable housing sites and the proposal is in keeping with the scale and character of the settlement concerned.

As at 30th September 2012 the Council had 5.54 years of housing supply (including a 5% buffer), and thus the Local Planning Authority (LPA) is currently able to demonstrate an up-to-date five year supply of deliverable sites for housing. The principle of development in this location fails to accord with Core Strategy Policy CS2(a).

Sustainability

The Framework considers that a *presumption in favour of sustainable development* should be seen as a golden thread running through both plan-making and decision-taking. Kimcote is not classed as either a Rural Centre or Selected Rural Village (2 or more key amenities), and does not benefit from any key amenities (i.e. food shop, public house, GP surgery, post office, primary school and library). Kimcote is therefore remote from readily accessible services and facilities. The nearest food shop, public house, post office and primary school are over 2 km away in Gilmorton, the nearest GP surgery and library are even further away.

As such, it is likely that future occupiers of the proposed dwelling would be heavily (if not completely) reliant on the private motor vehicle. The proposal would therefore comprise an unsustainable form of development, contrary to the central aim of the National Planning

Policy Framework, and contrary to Policies CS5, CS9 and CS17 of the Harborough District Core Strategy.

This conclusion is supported by a number of appeal decisions (all dismissed), three within Harborough District:

APP/F2415/A/11/2160655 Gilmorton Road, Ashby Magna (para. 7)

*“The nearest regular bus service has stops about three-quarters of a mile away, and there is a volunteer bus service and a car service available in the village. I am not persuaded that these facilities are sufficiently convenient to provide a viable alternative to the car and ...it seems to me **likely that residents of the ... dwelling would be likely to rely in large part on a car for their everyday travel. This would be contrary to ...Core Strategy Policy CS17, which seeks to focus development on selected settlements where services are available.** Ashby Magna is not among those. In that regard, residents of the ...dwelling would be likely to be too reliant on use of a private motor vehicle.”*

APP/F2415/A/11/2149771 Countesthorpe Road, Willoughby Waterleys (para. 11)

*“Willoughby Waterleys is a **small village without local services except for a public house. It is also not well served by public transport.** While the proposed dwelling would save trips required to attend to the horses kept on the site it would generate trips to shops, employment or other services which may well be further afield. National planning guidance seeks to reduce dependence on the motor vehicle and **a new dwelling in this location would be very dependent on vehicular use. It would therefore not be consistent with the principles of sustainable development...**”*

APP/F2415/A/11/2149275 Scotland Lane, Burton Overy (para. 7)

*“The highway authority describes the village as being remote from services and public transport. The appellant details the range of services which are available within it. However, for essential services likely to be required by any family, such as a school, doctor’s surgery, shops or a post office, occupiers would have to travel at least as far as Great Glen, some 3km away, along unlit country roads mostly lacking footways. There is no evidence of a bus service to the village. **Prospective occupiers would be dependent on the use of the private car and indeed the appellant concedes that, given the type of dwelling, he would not expect them to rely heavily on public transport. ...I conclude, having had regard to national and local planning policies, that it would represent new development in an unsustainable location.**”*

Every proposal is considered on individual merit. Nevertheless, these appeal decisions are helpful in demonstrating the weight to be applied to the consideration of transport choice for future occupiers of proposed development.

The applicant has argued that other villages are within cycling distance (for example, Gilmorton); however it is considered extremely unlikely that the occupants of the proposed family-sized dwelling would cycle to school, for example, at any of the surrounding villages. It is far more likely that the occupiers would rely on the car for transport.

The proposal would result in an unsustainable form of development, and would thus be contrary to Core Strategy Policies CS5, CS9 and CS17, which direct development to locations that offer a realistic transport choice.

Impact to Conservation Area:

The character of the Kimcote Conservation Area is informed largely by detached dwellings set in spacious plots, many (though not all) on Poultney Lane being set back from the highway. While the proposed plot would be relatively small, it would not be so small as to be out of keeping.

The proposed dwelling would take the form of an L-shape, the longer side broadly parallel with the highway; the shorter side comprising a gable-fronted projection. The dwelling has an indistinctive but inoffensive appearance, with brick arched headers, 2no half dormers and a ground floor bay window to the front elevation, corbel eaves detailing and exposed timber rafters to the front and sides.

Along with removal of the single rooflight which forms an alien intrusion (it could be replaced with a small window below the eaves), brick band and other detailing and the use of externally facing materials appropriate to the Conservation Area would help ensure that the building itself is of an acceptable form and character in this location. A large detached, double garage is also proposed, and the above considerations apply equally to the garage. Subject to conditions therefore, the proposal would accord with Core Strategy Policy CS11.

Impact to residential amenity

The proposed dwelling would be situated approx. 12 metres north of Grasmere (side on side relationship) approx. 17 metres south-east of Kyimbila – an offset, principal to principal relationship, though the said neighbouring property is in the applicant's ownership, and approx. 38 metres east of Old Orchard House. The proposal thus complies with separation distance requirements except as noted above, and is considered not to have a significant effect on neighbouring residents either through loss of light, privacy or outlook. The proposal would thus comply with Core Strategy Policy CS11 in this regard.

Highways and parking considerations:

The proposed dwelling would be served by a satisfactory access (to which LCC Highways has expressed no objection) and there would be adequate space within the application site for parking. The application is thus considered to accord with Core Strategy Policies CS5 and CS11 in this regard.

Lack of Affordable Housing Contribution

The applicant asserts that to pay the required affordable housing contribution of £28,885 (the required sum, since the dwelling would have a floor area of approx. 188.5 sq. m), would render the development unviable and has submitted a viability assessment seeking to justify this lack of contribution.

Nationally available guidance to building costs for self-builders (prepared by "industry experts", cf. <http://www.homebuilding.co.uk/advice/costs/calculator>) suggest a cost per square metre of £1185, for a main contractor (the most expensive of 4 routes), to an "excellent" build quality, as opposed to 'standard' (£737) or 'good' (£943). This estimate of £1185 is therefore a very conservative estimate, i.e. at the most expensive end of the cost range. With the proposed dwelling (including garage) having an external floor area of approx. 262 sq. m, this would equate to a build cost of approx. £310,470.

However, the applicant's viability statement (prepared by Greenfell Developments Ltd) shows a total build cost of £333,630, which is £23,160 more than the maximum cost for an excellent building quality by a main contractor.

The applicant's statement for total build cost includes driveways, pathways, laying turf, drainage, as well as archaeological surveys, ground source investigation, architects and solicitors fees, plus the submitted viability report (£500), a project manager (£20,000) and the planning consultant's fees (£2,500). Project management costs are the type of cost that distinguishes the 'main contractor' route (£1185 per sq. m) from 'sub contractor' routes (£1007 - £1126). As an indication, the total cost for a sub-contractor build route would be between £264,000 and £295,000, which is between approx. £15,000 and £46,000 less than the main contractor route, broadly equivalent to the applicant's added project manager fee. It

would not be normal to include planning consultant fees and the actual viability report within the build costs for the dwelling.

Indeed, removing project manager, planning consultant fees and viability report from the applicant's viability statement yields a build cost of £310,630 (i.e. as per the cost guide above).

The applicant estimates the re-sale value of the house at £400,000. A new dwelling, of this general design, in this location, built to an excellent quality, would seem likely to sell for more than the stated figure. Indeed, the applicant's supporting information includes two four-bedroom properties in Kimcote and Walton marketed for £440,000 and £460,000 respectively. The proposed dwelling has five bedrooms. Taking instead a re-sale value for the house of £425,000 (a conservative estimate, as in 5 years the value is likely to have risen), and allowing for a nominal developer profit (£68,000), there would be a positive difference of approx. £44,400, which is comfortably over the required affordable housing contribution of £28,885.

In summary, it is considered that the applicant has so far failed to demonstrate that the development would prove unviable if the financial contribution in lieu of affordable housing was to be paid. The application therefore fails to comply with Core Strategy Policy CS3.

Climate Change

The proposal is not within a sustainable location, such that the occupiers will rely largely on the motor car for access to key services and amenities. No measures to combat or counter-affect climate change have been proposed. The proposal therefore fails Policy CS9.

Conclusion:

The proposal would make a small contribution towards maintaining the Council's supply of deliverable housing sites, but would be outside any defined Limits to Development and thus the proposal fails to comply with Core Strategy Policy CS2(a). The proposal would not adversely affect residential amenity or local highway safety, and subject to conditions would preserve the character and appearance of the Kimcote Conservation Area. However, the proposal represents development in a remote and unsustainable location whereby the occupiers would need to rely heavily on the private motor vehicle for access to key amenities and services. The proposal would therefore result in an unsustainable form of development that would be contrary to Policies CS5, CS9 and CS17 of the Harborough District Core Strategy, and paragraphs 14, 17, 29, 35, 47 and 95 of the Framework.

In addition, the applicant has failed to demonstrate that the development would prove unviable if the financial contribution in lieu of affordable housing was to be paid. The application therefore fails to comply with Core Strategy Policy CS3.

13/00102/FUL KIBWORTH BEAUCHAMP
BH Kibworth LLP

Erection of 13 dwellings and associated
garages, parking and landscaping - Land
Rear Of 8-28, High Street, Kibworth
Beauchamp, Leicestershire

Target Date: 06/05/13

Recommendation

REFUSE for the following reason:

By virtue of the layout, scale and design, the development would have a significant adverse impact on neighbouring properties on Morrison Court and would lead to an overbearing and enclosing impact which would be detrimental to those residents amenity. The proposal would also adversely affect an historic mud wall and the proposal therefore fails to comply with Harborough District Core Strategy Policy CS11 and the NPPF. Material considerations including the fall back position and contribution to the supply of housing (including affordable housing) do not outweigh the concerns.

Site & Surroundings

The site comprises the rear gardens of Cross Bank House (14), 22 and 26 High Street with access from Weir Road. The site is close to the centre of Kibworth, with residential properties on the southern, northern and eastern boundaries. The site is within the Limits to Development and Conservation Area of Kibworth.

Proposal

This application essentially proposes a revised scheme of the market housing element of planning approval 11/01446/FUL. 13 Dwellings are proposed, a mix of detached, semi-detached and terraced houses with 1 and a half storey, 2 storey and 2 and a half storey designs. The site for approved scheme 11/01446/FUL also includes the area shown in blue on the submitted location plan (for the application being considered), this being the location of the approved flats which made up the affordable housing. The applicant for this application proposes that the flats continue to provide the affordable housing in relation to this development and proposes that this be secured by legal agreement.

The applicant has also submitted a range of detailed plans including window detailing and landscaping in an attempt to reduce the number of planning conditions which would be required if the application is approved.

The applicant has submitted amended plans received 02/04/13 which attempt to address residential amenity concerns with plots 11 and 12 and a garage serving plots 8 and 9. Further details in the residential amenity section of this report.

Consultations

Please note the following responses are a summary of the comments received, to view the comments in full, please refer to planning file.

Water Authority:

Recommend condition to agree surface water strategy.

Leicestershire County Council Highway Authority

Confirm comments as per 11/01446/FUL:

The Highway Authority are aware of local concerns in relation to traffic generation associated with the proposal and existing and future concerns about on street parking along Weir Road. Notwithstanding the aforementioned, the submitted transport statement indicated that the proposal if permitted will be unlikely to result in any significant increase in turning traffic at the access and therefore using Weir Road. The TRICS database informed the before and after traffic generation analysis and showed that there would be a likely decrease in Am peak traffic movements and a likely small increase in the PM Peak. Overall traffic generation would be likely to increase by 4.5% on an average day.

The vehicular access is to be substantially improved in terms of radii and on balance this should mitigate against the additional use of the access. The transport statement acknowledges that the existing visibility to the south of the access can be obstructed at times by parked vehicles. This was also witnessed on my site visit and is also displayed on google earth. The Highway Authority recommend and if the L.P.A are so minded then an obligation requiring the applicant to endeavour to secure a traffic regulation order to restrict on street parking across the sites frontage (which will in turn protect visibility to the south of the access) should be introduced into any S106 agreement.

On balance, as the access is being improved and as the proposal if permitted should only give rise to a small increase in vehicular movements, then the H.A considers it is not in a position to seek to resist this proposal.

In order to mitigate the impacts of the development on the highway network, a traffic regulation order should be sought to the south of the sites vehicular access to control on street car parking. A scheme will need identifying and submitting for approval prior to development commencing. All costs with regards to the design and implementation of the T.R.O shall be entirely at the applicants expense.

Leicestershire County Council Archaeology

Confirm comments as per 11/01446/FUL:

The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies within an area of archaeological interest. As confirmed by the submitted Archaeological Desk-Based Assessment, the site is situated within the medieval and post-medieval settlement core of Kibworth Beauchamp, close to a number of early buildings including the Grade II Listed Manor House, which dates to the 16th-17th century. The site of the medieval market is thought to have been The Bank, c.60m to the north of the application site, which would have been a focus for activity, and finds of prehistoric, Roman, Anglo-Saxon, medieval and post-medieval date have been recorded in the vicinity. Consequently, there is a likelihood that buried archaeological remains will be affected by the development. However, the nature and significance of any archaeological remains present on the site is not currently fully understood.

Proposals set out in the submitted Heritage Statement to retain the traditional brick walls within the site and the mud wall forming the western boundary are welcomed. However, we would recommend that the Conservation Officer is consulted on the visual impact of the proposals on the nearby Listed Buildings as well as undesignated heritage assets such as the former hosiery buildings to the rear of 22 High Street.

The preservation of archaeological remains is, of course, a "material consideration" in the determination of planning applications. The proposals include operations that may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information. Since it is possible that archaeological remains may be adversely affected by this proposal, we recommend that the planning authority defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals.

This will require provision by the applicant for a field evaluation by appropriate techniques including trial trenching. This will identify and locate any archaeological remains of significance and enable the preparation of a suitable mitigation strategy to avoid or minimise damage to those remains as a result of the development. Further design, civil engineering or archaeological work may then be necessary to achieve this.

This information should be submitted to the planning authority before any decision on the planning application is taken, so that an informed decision can be made, and the application refused or modified in the light of the results as appropriate. Without the information that such an evaluation would provide, it would be difficult in our view for the planning authority to assess the archaeological impact of the proposals.

Leicestershire County Council Ecology

The previous application on this site was accompanied by two ecological surveys completed by RSK Carter, one in February 2011 and one in July 2011. Only the February report appears to have been submitted in support of the current application. Provided that the July 2011 report can also be added to this file, we have no objection to the development. My comments below are based on the assumption that both reports are added.

We note from the reports that no protected species were discovered, but that the site was considered to have potential to support common species. We would therefore recommend that consideration is given to planting the area to the north of the access road with native species, to ensure that there is some continuation of the habitats impacted.

In addition we would recommend that the applicant's attention is drawn to the recommendations in the ecological reports.

Harborough District Council Conservation

The proposed development is positioned on what are currently long gardens to the rear of the properties on High Street. As suggested in my previous comments on the earlier scheme the historic maps appear to show smaller plots with a potential area of open land to the rear. Consequently this information supports the consideration that the impact of the development on the setting and character of the Listed Buildings located along High Street is minimal. Furthermore due to the location of the site I consider that the development will not be unduly dominant and therefore will be consistent with the special character of the Conservation Area.

The historic mud wall that runs along the boundary of the site to the west does however appear to be affected by the proposals and this is not acceptable. Therefore it is recommended that the scheme is revised so that the historic wall is preserved.

Harborough District Council Drainage

A drainage Condition should be applied to this application

Harborough District Council Contaminated Land Officer

No comments

Kibworth Beauchamp Parish Council

Echo concerns of residents of 54-59 Morrison Court who will be adversely affected by the development.

Section 106 Consultations

Leicestershire County Council

LCC provide justifications for index linked contributions towards library facilities and education (primary and upper school). Please see file for full justifications.

Housing Strategy Manager

40% affordable housing required in this location

Harborough District Council Green Spaces Officer

None received

Leicestershire Constabulary

None received

Leicester, Leicestershire & Rutland Primary Care Trust

None received

Representations

Please note the following representations are a summary of the comments received, to view the comments in full, please refer to planning file.

Objections have been received on behalf of 8 households (including a letter of objection on behalf of 6 households on Morrison Court). Concerns raised include:

- Concerns over the impact on residential amenity (loss of light and privacy to bungalows at Morrison Court.
- Water table – excess surface water must be considered due to the difference in levels between the site and Morrison court.
- Affordable housing should be secured so that it is built before the rest of the site is developed
- Inadequate parking. Rear communal parking courts do not work in practice. Less parking than previous scheme. People do not use garages for parking

Policy

NPPF (“the Framework”)

Planning for Growth (March 2011)

Core Strategy, adopted November 2011

Policy CS1: Spatial Strategy

Policy CS2: Delivering New Housing

Policy CS3: Delivering Housing Choice & Affordability

Policy CS5: Providing Sustainable Transport

Policy CS11: Promoting Design & Built Heritage

Policy CS12: Delivering Development & Supporting Infrastructure

Policy CS17: Countryside, Rural centres and Rural Villages

Harborough District Local Plan, adopted April 2001

The retained policy of relevance is:

Policy HS/8: Limits to Development

Local Plan for Harborough District (including APPENDIX B Review of Core Strategy: NPPF Compatibility (3rd December Council 2012))

Supplementary Planning Guidance

SPG Note 1 – Design Principles to be applied in Harborough District

SPG Note 2: Residential Development – Major Housing Sites

SPG Note 9: Landscape & New Development

SPG Note 10: Trees & Development

SPG Note 11: Hedges & Development

SPG Note 13: Crime Prevention & Reduction

SPG Note 16: Requirements for the provision of land for outdoor play space in new residential developments
SPG Note 20: Monitoring of Housing Land
SPD Affordable Housing (adopted February 2006).

Planning Obligations Developer Guidance Note (September 2009)

This adopted document sets out the Council policy for securing Section 106 contributions

Kibworth Parish Plan 2004

Other Information

Recent Planning History

11/01446/FUL - Erection of 13 dwellings and associated garages, parking and landscaping (permitted)

EIA Development

This application is not an EIA development in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Reason for Planning Committee Meeting

This application is being reported to the Planning Committee for determination because the application proposes more than ten dwellings.

Planning Considerations:

Principle of Development

The principle of the development is considered to be established by the planning approval 11/01446/FUL. This application does not propose to alter the number of dwellings for this part of the overall site. Although Kibworth is not a focus for new development (Core Strategy Policy 17) the policy does not preclude limited infill development within currently defined limits to development. The site is within the defined limits to development and the scale of the development would not be considered to undermine wider policy objectives. The site is not previously developed land, as it is garden land. Development of garden land, whilst not a priority, is allowable subject to compliance with the relevant policies and material considerations.

Impact on Heritage Assets

The site lies within a Conservation Area and is adjacent to several listed buildings. Furthermore, the site is close the historic core of the village, where archaeological remains may be present.

Conservation Area

The application site falls within the Conservation Area of Kibworth Beauchamp (designated in 1982). However, the site is not publically available and views into the site are restricted. Furthermore there is built development on three sides of the site, the site can not therefore be considered as contributing significantly to the form and character of the village. In addition the properties on High Street will still be provided with ample garden space to serve each dwelling.

Listed Buildings

There are five Grade II Listed Buildings bordering the application site. 4 High Street, Cross Bank House and 22 High Street are situated to the north of the site; and parts of the site fall

within the grounds to the rear of the latter two properties. The Manor House falls to the west and upon its most easterly extent the 2 cottages of 10 Weir Road sit opposite the site.

The properties to the north of the site are still positioned within substantial grounds suitable to their setting. It is not considered the setting of the cottages at 10 Weir Road would be adversely affected.

The site contains traditional brick walls and a mud wall to the west boundary. The Conservation officer is concerned that the proposal will adversely affect the historic mud wall and recommends the proposal is revised to preserve it.

Archaeology

As confirmed by the submitted Archaeological Desk-Based Assessment, the site is situated within the medieval and post-medieval settlement core of Kibworth Beauchamp, close to a number of early buildings including the Grade II Listed Manor House, which dates to the 16th-17th century. The Assessment concludes that *'any archaeological remains anticipated to be present within the site are not sufficiently important to prevent development or to constrain new building work'*

The County Archaeologist has requested an Archaeological Impact Assessment which would include a geophysical survey and/or trial trenching prior to determination of the application. However the approved scheme deals with this issue by planning condition as this was considered reasonable by the LPA based on information submitted. It is therefore recommended that the same approach would be appropriate for this scheme.

Affordable Housing

Policy CS3 explains how the Council will secure the delivery of affordable housing in all residential developments. The application site falls within the sub-market area Harborough Rural North and Central. As such the Council will seek a minimum of 40% of the total number of dwellings to be affordable.

The applicant proposes that the 9, 1 bedroom flats approved adjacent to this proposed development form the affordable dwellings for this scheme. The flats form the affordable housing for the approved scheme and are secured by section 106 agreement. The applicant proposes to secure the provision of the affordable housing to this scheme by a legal agreement with the Council that effectively varies the existing agreement. Subject to a suitably worded agreement this is considered acceptable and a trigger could be incorporated to ensure the affordable housing is delivered.

Layout/Scale/Appearance

The proposal uses the access approved under 11/01446/FUL, however in contrast to the approved scheme, much of the parking for the development is situated to the rear of the dwellings. This would be considered to improve the street scene of the development (in relation to the approved scheme). The application proposes a varied mix of housetypes. Property heights vary between approximately 5.5 metres (revised plots 11 and 12 – one and a half storey) and 9.8 metres (plot 10 – 2 and a half storey). The bespoke dwellings contain a range of design features and would contain a mix of brick and render with slate and plain tile roofs and painted timber fenestration. In terms of character and visual appearance the dwelling designs and layout are considered an improvement over the permitted scheme, which proposed somewhat bland designs. The varied styles, sizes and heights proposed would add interest and character to the development and overall the proposal is considered to reflect the scale and character of the surrounding area.

Access & Parking

This application proposes to utilise the access approved under application 11/01446/FUL. It is noted that residents have raised concerns over parking, however the Highway Authority are satisfied with the proposal subject to a number of conditions. They also recommend an obligation (via a S106 Agreement) requiring the applicant to endeavour to secure a traffic regulation order to restrict on street parking across the sites frontage (which will in turn protect visibility to the south of the access).

Residential Amenity

There are some uncomfortable relationships between some properties within the proposed development including an overbearing impact to plot 11 from plot 10 and very close proximity of principal windows between plot 4 and plots 2 and 3. Given that any buyer would be aware of this situation, it is not considered reasonable for these issues to form a reason for refusal.

Plots 1-3, a terrace of three dwellings (with a fourth dwelling attached to the side/rear of the terrace) is proposed to the rear of 11 – 17 (odd no's) Weir Road and to the North of 21 Weir Road. Given the proximity and the fact the site is on higher land to Weir Road dwellings, the development would undeniably have an impact on the outlook from the rear elevations of 11, 13, 15 and 17 Weir Road and could be perceived by residents to result in overlooking and loss of privacy. The proposed terrace is located in a similar position to a terrace of four dwellings approved under 11/01446/FUL and the individual dwellings of the terrace are of a similar mass/scale. The ridge height of the proposed terrace is approximately 8.8 metres (plans shows 8.5m, however this is measured from finished floor level, rather than ground level). This is slightly higher than the approved terrace (8.3 metres), however the eaves height of the proposed terrace would be lower than that approved; 4.7 metres in comparison to 5.2 metres. The development complies with the Council's adopted supplementary planning guidance on separation distances and as such it is not considered that existing residents of 11, 13, 15, 17 or 21 Weir Road will be significantly adversely affected by the development proposals in terms of overlooking, loss of privacy or loss of daylight. Furthermore the relationship between plots 1 – 3 and neighbouring properties would be similar to the relationship of the approved terrace.

The development is considered to relate satisfactorily to the flats approved under 11/01446/FUL and to host properties Cross Bank House (14), 22 and 26 High Street and would also not adversely affect residential amenity at other dwellings to the North, North East and North West due to the separation distances involved.

Assessment of originally submitted plans on properties on Morrison Court

Part of the southern site boundary lies adjacent to Morrison Court, a small estate of bungalows. There is a 1.8m close boarded fence separating the rear gardens of properties on Morrison Court and the application site. The development site is located on higher ground and plots 11 and 12 would be directly to the rear of 56, 57, 58 and 59 Morrison Court. The originally submitted plans show plots 11 and 12 would be approximately 13 metres from the rear elevations of those bungalows on Morrison Court. This falls slightly short of the 14 metre recommended separation distance from a principal window to a two storey structure (as set out in the Councils Supplementary Planning Guidance). Plots 11 and 12 are one and a half storey and therefore arguably this distance does not apply, however the dwellings would be approximately 7.4 metres high to the ridge and this is as high as some two storey dwellings. In addition, the higher ground of the site would increase the overbearing affect. A bungalow was approved in this area of the site in application 11/01446/FUL, however this did not have the same detrimental affect that plots 11 and 12 of the proposed scheme would have. 56 – 59 Morrison Court have very small rear gardens and plots 11 and 12 would effectively form a wall of development across the rear of these. Whilst the development is to the North and therefore the proposal would not be considered to cause direct loss of sunlight, it would result in an overbearing and enclosing effect which would impact both the enjoyment of the small rear gardens and on principal rear windows. The proposed rooflights to the rear, given

the short distance would give a perception of loss of privacy although they would not serve principal rooms and could be obscured and/or positioned at a height to prevent loss of privacy.

Plots 10, 9 and 8 (the dwellings) are considered to be sufficiently far away from dwellings on Morrison Court so as not to adversely affect amenity. A double garage (to serve plots 8 and 9) is proposed to be located along the southern site boundary. The garage would have an eaves height of 2.5 metres and a ridge height of 4.8 metres, so would extend significantly above the fence line. The garage would be positioned across part of the rear garden boundary of 60 Morrison Court. This bungalow is set further forward than its neighbours and the garage would be partly behind an enclosed area for drying washing. Nevertheless, the garage would be positioned at a higher level to 60 Morrison Court and would have a somewhat overbearing impact on the rear garden. The position of the garages to the rear of Morrison Court properties would inevitably lead to some noise from residents parking vehicles etc. but given the position of the parking court and the fact it serves only three dwellings, the level of disturbance would not be considered so significant as to warrant the refusal of the application on those grounds.

The remaining part of the southern site boundary is adjacent to a row of garages to the rear of flats on Home Close. Home Close flats would not be considered to be adversely affected given the distance to the proposed dwellings. It is more than 21 metres to the site boundary from the flats.

In response to these concerns with the original plans the applicant has submitted revised plans reducing the height of plots 11 and 12 to 5.5 metres (2.62 metres to the eaves). Rooflights on the rear elevation are omitted. The revised plans also move plot 12, 900mm to the North and remove the garage serving plots 8 and 9 and replace this with parking spaces. In response to concerns the agent comments:

'The distance of 13 metres has been previously approved under scheme 11/01446/FUL. In response to these comments we have moved Plot 12 forward 900mm, this will ease this relationship whilst breaking up the "wall of development". We have significantly lowered the ridge heights of plots 11 and 12 from 7.4 metres to 5.5 metres above ground level. We note this is 350mm higher than the bungalow in the approved scheme, however, during the pre-planning consultation with Nicola Parry she stated:

"I expressed concern with regards to Plot 11 and Plot 12 and their relationship with Morrison Court and you agreed to position these bungalows in line with the previous scheme (Plot 13). You asked whether dormer windows could be provided on the front elevations of Plots 11 and 12, to which I agreed in principle, providing the height of the bungalows was not significantly higher than the previous scheme, as Morrison Court is on a lower level to the site."

We believe an increase of 350mm is not significant, and should not affect the neighbouring properties. We have removed the rooflights to further protect the privacy of the existing bungalows.

We have removed the double garage to plots 8 & 9. This will just be left as open parking.'

Notwithstanding amendments and the submitted comments, the recommended refusal reason is not overcome. The height and scale to plots 11 and 12 are likely to impact on neighbouring amenity, given the circumstances of the site and small gardens to Morrison Court properties. Further consultation may delay a decision and is considered unnecessary as the concerns of neighbours about potential impact is a material consideration already accounted for.

Trees & Hedges

As the site comprises the rear gardens of three properties, there are a significant number of specimen trees, as well as several areas of shrubbery and fruit trees. A total of 33 individual trees and 12 (no.) group trees have been surveyed (The Tree & Woodland Company, February 2011).

Of the 33 trees surveyed, 10 are on land where no development is proposed. Of the remaining 23 trees, one tree has been assessed as a category 'A' tree (high quality and value) (Walnut -1149); six trees have been assessed as category 'B' trees (moderate quality and value) with the remaining trees being assessed as either category 'C' (low quality and value) or 'R' (remove) trees.

The Walnut tree is to be retained. A number of category B trees are proposed to be removed; however the removal of some of these was approved under 11/01446/FUL. The Horse Chestnut (1132) is the most prominent tree on the site and can be seen from both Weir Road and Morrison Court/Home Close. The survey categorised this tree as this a 'C' tree as it is suffering from bleeding canker, however the Arboricultural Officer commented on the approved application that the tree *'shows minor symptoms of bleeding canker...but currently by no means particularly significant, although the disease may progress further'*. The Officer *"would categorise the tree as a 'B' rather than a 'C' on the grounds of its prominence and visual contribution, but its life expectancy (max.20years) barely merits this"*. The Officer concludes *'that retention of the tree with a relatively short future contribution, albeit a large and prominent specimen, would not be reasonable under the circumstances'*.

Comments have been sought from the County Arboricultural officer and subject to receipt of satisfactory comments, the proposal would not be considered to have an unacceptable impact on important trees.

Ecology

RSK Carter Ecological Ltd undertook a Phase 1 Habitat and Animal Walkover Survey in February 2011, which found no evidence that Badgers are using the site; a large Horse Chestnut tree that has features suitable for roosting bats; three ponds that could support breeding GCN and habitat suitable for foraging and hibernating reptiles. Based on these findings, presence/absence surveys (Phase 2 Surveys) were then undertaken in June 2011.

No GCN were recorded in any of the ponds considered suitable for this species. Although no evidence of roosting bats was found during the survey, the Horse Chestnut tree does provide a suitable bat roosting site. As such the report recommends that the tree is re-inspected immediately prior to felling.

LCC Ecology has raised no objections to the application on the basis of the information supplied, subject to a condition requiring the applicant to adhere to the recommendations of the reports and consideration being given to planting the area to the north of the access road with native species, to ensure that there is some continuation of the habitats impacted.

S106 Agreement

Policy CS12 states that new development will require the provision of infrastructure, as set out in the Local Infrastructure Schedule contained in Appendix 2. The infrastructure listed includes schools, community facilities, healthcare, highways and transportation, libraries, policing, recycling and waste management, and sewerage. The requested S106 contributions as outlined earlier in the report and monitoring fees generally satisfy national policy and Development Plan policy, and meet the tests in Circular 05/2005 and the

requirements of paragraph 122 of the 2010 CIL Regulations. Any approval should therefore be subject to obligations to secure these contributions.

Housing Supply:

The Council's latest housing supply calculation (30th September 2012) indicates the Council can demonstrate a housing supply of 5.54 years. This application does not propose to alter the number of dwellings previously approved and therefore would not impact on housing land supply.

Option to Delay Determination

A decision could be delayed pending negotiations with the applicant and more detail to be submitted (e.g. to address neighbour impact concerns). Paras 186-187 of the Framework encourage looking for solutions rather than problems. Nevertheless the Framework does not suggest decisions should be delayed and a prompt decision will give certainty to all persons and itself help address 'Planning for Growth'. Delaying a decision will create uncertainty. The applicant is not prejudiced by HDC taking a decision as their ability to withdraw, resubmit and consider alternatives and provide any clarification is unaffected. There is a 'fall back' (consent 11/01446/FUL Issued 25/02/13). This can be built out whatever decision is taken on the current scheme.

Planning condition option?

A condition must be considered to overcome concerns in respect of plot 11 & 12. For example development approved excepting plots 11 & 12 secured by condition. However, this would negate a significant amount of the development and create uncertainty with no knowledge of the impact omitting these plots may have to the remainder, or what use this land could alternatively be put. In this circumstance such a preventative condition is unreasonable.

Conclusions

The development is not previously developed land, but it is within the limits to development of Kibworth, whereby Policy CS17 permits infill development, which this development is considered to be. The development would provide a good mix of varied housing and the scale, design and appearance is considered to reflect the surrounding built form. The proposal would not adversely affect the setting of adjacent Listed Buildings and would preserve and enhance the Conservation Area, however it would adversely affect an historic mud wall. The proposal would also have a significant adverse impact on neighbouring properties on Morrison Court and would lead to an overbearing and enclosing impact which would be detrimental to those residents amenity. As such, the proposal fails to comply with Harborough District Core Strategy Policy CS11 and the NPPF. Material considerations including the fall back position and contribution to the supply of housing (including affordable housing) do not outweigh the concerns. The application is therefore recommended for refusal.

Note to applicant:

The decision has been reached taking into account 186-187 of the National Planning Policy Framework. A revised proposal which can overcome amenity concerns is likely to be viewed more favourably.

13/00130/REM – Market Harborough

Unit type substitution for 76 of the approved 141 dwellings (ref 12/00424/REM) - Land, Glebe Road, Market Harborough, Leicestershire

Redrow Homes (South Midlands)

Target Date: 02/05/13

Recommendation:

APPROVE (subject to no new material considerations arising within the consultation period – ending 24th April): for the following reason:

The principle of development on this site has been previously agreed. The development would undeniably alter the character and appearance of the site and alter the outlook from existing residential properties. However, through the information submitted it has been demonstrated that an acceptable development would be created. The development is therefore considered to comply with Core Strategy Policy CS11 and the advice contained within the NPPF. Furthermore the decision has been reached taking into account 186-187 of the National Planning Policy Framework.

Information:

This application is reported to Committee because it relates to 10 or more units, as required under the adopted scheme of delegation. In addition more than 5 counter representations have been received.

The Application site and Proposal:

In essence this application is a *revised* reserved matters application relating to 09/00589/OUT allowed at appeal. The matters being considered are: Layout, Scale, Appearance and Landscaping. The approved development has commenced on site.

The site is located on the south east side of Glebe Road. The site is known locally as ‘Windy Ridge’. The overall site measures approximately 7.7ha and is roughly rectangular in shape, but with a tapered south west boundary. This application relates to 76 of the dwellings approved within the overall site. The land level varies significantly, being approx. 84.87 AOD (above ordnance datum) at the entrance to the site from Glebe Road, rising steeply to 108.75 AOD at the eastern boundary, then falling steeply away again to 92.53 AOD at the south eastern boundary and 85.34 AOD at the south western boundary.

The site was previously a field. A quarry (locally known as ‘Bricky Tip’) once operated on part of the site, but this has been filled with a variety of materials, and capped. The north and west boundaries of the site abut existing residential development on Glebe Road; Dunslade Road, Dunslade Grove and The Heights. The eastern boundary adjoins further open fields. The southern boundary is formed by the Midland Mainline Railway. Welland Valley Traction Club and Recreation Ground are located to the south west of the site.

The site lies outside of the Defined Limits to Development of Market Harborough and also outside any designated Conservation Area.

The Design and Access Statement confirms the application makes no changes to the approved road layout and for the majority of dwellings does not change the footprint. The exceptions being; the originally approved Salisbury housetype is substituted for the now proposed Sunningdale and there is a re-alignment of the front wall for the Marlborough housetype. A schedule of changes is included within the Design and Access Statement and

confirms the application proposes the following changes from approved scheme 12/00424/REM:

12/00424/REM House Type	Change proposed in this application
Evesham	Render version changed to half height render. Bedroom 2 window amended
Balmoral	Render version removed. Front door style amended
Hampstead	Dormer windows repositioned
Marlborough	Footprint revised to enlarge lounge. Hall and landing window amended
Oxford	Window style changed on render version
Richmond	Front door style changed and window size amended
Salisbury	Substituted for Sunningdale house type
Stratford	Front door style changed
Warwick	Render version changed to half height render and window style on render version amended

The application is also accompanied by plans for landscaping, external materials and parking.

Policy:

National Planning Policy Framework (NPPF)

Harborough District Council Core Strategy

- CS1 – Spatial Strategy for Harborough
- CS2 – Delivering New Housing
- CS3 – Delivering Housing Choice and Affordability
- CS11 – Promoting Design and Built Heritage
- CS13 – Market Harborough
- CS17 – Countryside, Rural Centres and Rural Villages

Local Supplementary Planning Guidance Notes²:

- SPG Note 1: Design principles
- SPG Note 2: Major Housing Sites
- SPG Note 5: Extensions
- SPG Note 9: Landscape & New Development
- SPG Note 10: Trees & Development
- SPG Note 11: Hedges & Development
- SPG Note 13: Crime Prevention & Reduction
- SPG Note 16: Requirements for the provision of land for outdoor play space in new residential developments³
- SPG Note 20: Monitoring of Housing Land
- SPD Affordable Housing (adopted February 2006)
- Planning Obligations Developer Guidance Note (June 2009)
- Assessment of Local Community Provision and Developer Contribution (October 2010)
- Revised Affordable Housing and Commuted Sums Guidance Note (Approved by HDC Executive 23rd April 2012)

Other

Harborough District Landscape Character Assessment (2007)

Market Harborough Landscape Character Assessment and Landscape Capacity Study (2009)

Ministerial Statement – ‘Planning for Growth’ (23.03.11)

Planning for Climate Change (supplementary national guidance) (April 2012)

Circular 11/95 – Use of conditions in planning permission

Circular 06/05 – Biodiversity including statutory obligations within the planning system

Community Infrastructure Regulations 2010

Circular 01/2006 – Guidance on changes to the Development Control System

Safer Places – ODPM - (April 2004)

Local Plan for Harborough District (including APPENDIX B Review of Core Strategy: NPPF Compatibility (3rd December Council 2012))

Consultations / Representation:

Local Residents:

Representations have been received on behalf of 10 households (2 comments, 8 objections). Full details are available on request and include the following concerns:

1. Must do everything to prevent issues being made worse
2. Environmental issues should continue to be addressed
3. Important to protect water course
4. Measures should be included to reduce impact on road
5. No more houses
6. Impact on residential amenity including overbearing, intrusive impact, loss of light, loss of privacy
7. 3 storey dwellings - overbearing, detrimental visual impact, amenity concerns
8. Levels beyond bungalows cause overbearing
9. Contamination concerns
10. Mud on the road and drainage concerns
11. Altering height and type of property adds to overlooking
12. Developer trying to claw back margins per plot
13. Would lengthen development time and therefore inconvenience
14. Would like Planning Committee to view from garden (14 Dunslade Road)
15. Noise and disturbance and visual impact of construction
16. Parking issues

Windy Ridge Action Group:

The Group again objects to the building of houses with 3 habitable floors, with windows on the upper floor, on this site which increases the overlooking and overbearing nature of this development. Apart from this objection the Group does not object to the proposed alterations to the other 67 houses. The following comments are made on this application:-

The application was presented during the engrossment of an amended Sec 106 agreement, dated 6th February 2013. This Sec 106 agreement removes the necessity for the developer to provide Affordable houses on the site in exchange for the payment of sums of money to the Council by the developer. These Affordable houses are still shown on the plans submitted. It would appear therefore that the application is disingenuous as the application has been superseded by the negotiation and completion of the Sec 106 agreement. It is contended that the land remodelling of the site does not comply with the permission granted by the Planning Committee under the Reserved Matters Conditions.

Leicestershire Highways:

Conditions as per 12/00424/REM

Environment Agency:

No objection

Market Harborough Civic Society:

No comment

Other Information:

History (most relevant):

95/00430/30 – Development of land for residential purposes and construction of access (Refused 23/05/95; Appeal Dismissed)

09/00589/OUT – Erection of 141 dwellings (access to be considered) (Refused 19/08/09; Appeal Allowed)

12/00424/REM - Erection of 141 dwellings and provision of open space (reserved matters of 09/00589/OUT) (permitted)

12/00901/VAC - Variation of condition 4 of 09/00589/OUT to provide one principal point of access (permitted)

12/01658/VAC - Variation of condition 14 of 12/00424/REM to allow trees/hedgerow to be removed within the ditch to the west of the site (permitted)

12/01814/NMA - Revision to approved brick (Non-material amendment of 12/00424/REM)

Discharge of condition applications: 12/00705/PCD, 12/01099/PCD, 12/01419/PCD, 12/01453/PCD, 12/01518/PCD, 12/01635/PCD,

Planning Considerations:

Principle of Development:

The principle of residential development on the site is clearly established by the outline planning permission and subsequent detailed reserved matters scheme. The principle issues for consideration thus relate to the proposed changes from the approved scheme in respect of:

- proposed form, layout and appearance of the proposal including highway safety.
- relationship to existing properties.
- relationship to the conditions of the outline consent/reserved matters including landscaping and open space provision.

Comments on the proposal follow with an emphasis on how the above points are addressed and on issues raised as representations to this proposal.

Design and Layout:

For the most part, the application proposes relatively minor changes to previously approved housetypes including change from render to half height render and changes to design and position of windows/doors. Layout would largely be as previously approved with a slightly enlarged footprint to the Marlborough housetype and the Salisbury house being substituted for the Sunningdale (both the approved Salisbury and the proposed Sunningdale being detached 2 storey 4 bed dwellings). Levels and ground modelling previously approved would not be considered to be prejudiced by this scheme.

The proposals do not alter the mix of dwellings across the site with regards to number of bedrooms nor storey height. Concerns have been raised by residents over proposed 2 and half/3 storey dwellings. One two and a half story housetype (the Hampstead) is proposed with all other dwellings in this application being two storey. The Hampstead housetype was approved as two and a half storey in 12/00424/REM and this current proposal changes neither the position, nor number of the dwellings, therefore this is considered acceptable and there is no material difference in this respect to the approved scheme.

Overall the proposed revisions are not considered to affect the integrity of the approved scheme and would not result in adverse affects on the character and appearance of the area.

The materials proposed are considered to be consistent with those already approved and are therefore acceptable.

Housing Supply:

The Council's latest housing supply calculation (30th September 2012) indicates the Council can demonstrate a housing supply of 5.54 years. This application does not propose to alter the number of dwellings previously approved and therefore would not impact on housing land supply.

Affordable Housing:

Representations have commented that the plans show affordable housing and this is incorrect as the section 106 has been varied to secure off site provision. The agent has confirmed that the plans were prepared prior to the agreement of the variation of the s106 and therefore it would have been inappropriate to reflect the change in the plans. As this is a reserved matters application and this issue is secured by the section 106 agreement this is considered acceptable. This application proposes no change in respect to affordable housing provision.

Highway Safety/Parking:

The proposal does not affect the approved Highway layout and a suitable level of parking is considered to be proposed for individual dwellings. The Highway Authority do not object to the proposal and request conditions be attached as per application 12/00424/REM.

Drainage/Flooding:

With respect to drainage issues, the proposed revisions are not considered to significantly affect drainage. Conditions on the outline permission are considered to deal satisfactorily with drainage issues.

Open Space Issues:

Not affected by this scheme.

Landscaping:

Landscaping details submitted include details of planting to frontages and boundary treatments. These details are considered satisfactory and relate to the wider development.

Archaeology:

This matter is controlled by condition 17 of the outline permission, which has now been formally discharged. The proposed changes are not considered to affect archaeological considerations.

Contamination:

The proposed changes to the approved scheme are not considered to affect contaminated land issues, which are controlled by a planning condition on the outline permission.

Ecology/Trees:

The proposed changes are not considered to materially affect these issues

Residential Amenity:

This application proposes changes to plots which sit opposite 28 and 30 Glebe Road and plots to the West and South West of 32, 32A and Albany House, The Heights. It is not considered that there would be a material affect on any other existing dwellings due to the nature of proposed changes and the position of those plots proposed to be altered.

Plots opposite 28 and 30 Glebe Road.

Plots 4 and 5 are located opposite to 28 and 30 Glebe Road. These are Stratford housetypes and therefore this application proposes to amend the front door type. Plot 7 is also considered in this application and is close to number 30 Glebe Road. Plot 7 is a Richmond housetype and therefore the front door style and a window size are proposed to be amended from approved scheme 12/00424/REM. Due to the nature of these changes from the approved scheme, the proposal would not be considered to have a material affect on residential amenity at 28 and 30 Glebe Road.

Plots West and South/West of 32, 32A and Albany House, The Heights

Plots 38, 39 and 40 back onto the garden of 32A The Heights. These are Evesham housetypes (brick version), therefore a front bedroom in altered from the approved housetype and this will not materially affect amenity at 32A or other nearby existing dwellings.

Plots 78, 80 and 82 back onto a dwelling being built in the garden of 32 The Heights. These are all Stratford housetypes and therefore it is only the front door style which would change from the already approved housetype. This proposal is therefore not considered to adversely affect amenity to the new dwelling or 32 The Heights beyond.

The relationship between dwellings within the site is considered satisfactory.

Some residents have raised concerns regarding noise and amenity issues from construction, however the proposal is not considered to materially affect the impacts of the scheme in this respect.

S106 Requirements:

As this application is a reserved matters application, section 106 requirements are covered by the legal agreement forming part of the outline application.

Conclusion:

The principle of development on this site has been previously agreed. The development would undeniably alter the character and appearance of the site and alter the outlook from existing residential properties. However, the changes proposed from the approved scheme are not considered to affect the integrity of that scheme, nor would they adversely affect the character and visual appearance of the area, residential amenity or Highway safety. The development is therefore considered to comply with Core Strategy Policy CS11 and the advice contained within the NPPF. Furthermore the decision has been reached taking into account 186-187 of the National Planning Policy Framework.

Conditions

1. The gradients of the access drives shall not exceed 1:12 for the first 5 metres behind the Highway boundary. Reason: To enable vehicles to enter and leave the highway in a

slow and controlled manner and in the interests of general highway safety to accord with Policy CS5 and CS11 of the Harborough District Core Strategy.

2. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained. Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users and to accord with Policy CS5 and CS11 of the Harborough District Core Strategy.
3. For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway. Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users to accord with Harborough District Core Strategy Policy CS5 and CS11.
4. For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site. Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction and to accord with Harborough District Core Strategy Policy CS5 and CS11.
5. Before the first occupation of any dwelling hereby approved, its access drive and any turning space shall be surfaced with tarmac, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and shall be so maintained at all times. Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) and to accord with Harborough District Core Strategy Policy CS5 and CS11.
6. Before the first occupation of any dwelling hereby permitted, off-street car parking provision shall be made within the application site in accordance with the details shown on the amended plan. The parking area shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times. Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to accord with Harborough District Core Strategy Policy CS5 and CS11.
7. Before the first occupation of any dwelling hereby permitted, all redundant existing vehicular accesses shall be closed permanently and the redundant existing vehicular crossings reinstated to the satisfaction of the LPA in consultation with the Highway Authority. Reason: In the interests of pedestrians and in the general interests of highway safety to accord with Harborough District Core Strategy Policy CS5 and CS11.
8. The trees and hedgerows within the site shall be retained in perpetuity. REASON: To safeguard the appearance of the development and to protect residential amenity and to accord with Core Strategy Policy CS11.

Notes to Applicant

1. You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have

been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 821090). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.

2. The applicant is reminded that the conditions attached to the outline planning permission reference 09/00589/OUT still apply and remain to be complied with.
3. All highway related structures must be designed and constructed in accordance with the current relevant Highways Agency standards, codes of practice and technical memoranda. The design will be subject to the technical-approval procedure set out in BD 2/05 "Technical Approval of Highway Structures" which is part of the 'Design Manual for Roads and Bridges' that can be found on www.standardsforhighways.co.uk. You must employ a chartered civil or structural engineer with experience in highway structures and approved by the County Council to carry out the design and oversee construction. You should start this approval process at an early stage to avoid delays in completing the Section 38 road adoption agreement, which may delay site works.
4. Highway related structures will normally include bridges, retaining walls, reinforced soil and anchored earth structures, environmental barriers (including noise barriers and fencing) and all drains, piped and box culverts, sewers and drainage structures, other than bridges, that have a diameter or clear span of more than 900mm. There should be discussion at an early stage to agree which structures we are to adopt. You will have to pay the additional design checking and inspection fees for any highway structure. You must also pay a commuted sum for future maintenance of any highway structure to be adopted.
5. Approval relates only to those parts of the site outlined red on site layout plan: 16135/1017H.

13/00146/FUL – East Norton

Erection of a marquee and conversion of outbuildings for use for weddings and other events, associated parking and toilet facilities (revised scheme of 12/00876/FUL).

Mr K Bharat

Target Date: 05/05/13

Keythorpe Manor, Uppingham Road, Tugby.

Recommendation

APPROVE - The development hereby approved would be in keeping with the form, character and appearance of the surrounding settlement, would not have an adverse affect on the amenity of adjoining residents and would not result in additional traffic which would give rise to a road safety hazard. Furthermore the development by virtue of its sympathetic nature and the extent of the alterations and extensions proposed, would not adversely affect the character and appearance of the existing building, The proposal is therefore considered to accord with Harborough District Local Plan Policy HS/8 and Core Strategy Policies CS5, CS11 & CS15 and no other material considerations indicate that the policies of the development plan should not prevail, furthermore the decision has been reached taking into account 186-187 of the National Planning Policy Framework.

Site:

The application site is Keythorpe manor which is located adjacent to the A47 between East Norton and Tugby. The property is a country house with associated outbuildings within the grounds. The site is within open countryside and the main access is from an existing lay-by in front of two cottages. The site is not within a conservation area.

The Proposal:

The proposal is for the Erection of a marquee and conversion of outbuildings for use for weddings and other events, associated parking and toilet facilities (revised scheme of 12/00876/FUL).

Policy:

National Planning Policy Framework (“the Framework”) (published 27.03.2012):

Local Policy:

Harborough District Council Core Strategy

CS5 – Providing Sustainable Transport

CS7 – Enabling employment and business development

CS11 – Promoting Design and Built Heritage

CS17 – Rural Centres, Rural Villages and Countryside

Local Plan for Harborough District (including APPENDIX B Review of Core Strategy: NPPF Compatibility (3rd December Council 2012)

Consultations / Representations:

Highway Authority:

Initial response:

The Highway Authority currently has 3 significant concerns in connection with the proposals. These are:

It will lead to a significant increase in turning traffic using an access onto a 60 mph Class I road, which is contrary to L.C.C. policy contained in the '6 C's Design Guide';

It will lead to a significant increase in turning traffic using a section of highway that is unsuitable in its width and design to cater for such an increase, and;

It will lead to a significant increase in the potential for driver confusion and unexpected vehicle manoeuvres at the junction of A47 Uppingham Road with the service road across the frontages of properties 1 & 2 Keythorpe Grange Cottages and the lay-by.

Notwithstanding the details of the potential for events at the site (36 events per year) described in the submitted Transport Statement, there is no reason why, if permitted, the development could not be used in a more intensive manner. Paragraph 3.4 of the Transport Statement demonstrates that there is a potential for 2 weddings at the site on the same day. It is unclear whether the use, if permitted could be put to other uses, such as a venue for other functions, or conference centre, which could generate additional traffic?

In accordance with condition 8 of planning permission 06/01383/FUL for the formation of new vehicular access to serve the wider site "access to the highway shall only be via the existing service road across the frontages of properties 1 & 2 Keythorpe Grange Cottages. There shall be no direct access to Uppingham Road (A47)."

The Highway Authority would be very grateful to receive confirmation in connection with whether condition 8 of 06/01383/FUL has to be complied with. If it does have to be complied with then, notwithstanding information provided in the submitted Planning, Design and Access, and Transport Statements, the use of the existing western access to the site, directly onto the A47 Uppingham Road is unlawful. A further planning application would be required to bring back into use the western access and the Highway Authority would seek to resist any such proposal. The prevention of traffic using the western access proposed as part of the current planning application could not be considered to lead to a material highway gain.

No details are submitted as part of the planning application of a blue boundary of other land under the Applicant's control. It is therefore unclear whether there is any scope to consider a new access into the site, at a right angle to the highway, to the east of Keythorpe Grange Cottages?

Any reductions in vehicular travel arising from the implementation of Travel Plans are not currently binding on the Developer and so the securing of a Travel Plan as part of any planning permission in this case can not be regarded as providing any significant highway gain.

On the basis of the bus timetable appended to the Transport Statement, the latest bus service from the bus stops in the vicinity of the site is at 7.35 p.m. A wedding reception in the evening is likely to continue well beyond this time and so public transport (in addition to walking and cycling) does not appear to be a serious option for visitors and employees at the site. If Harborough District Council have concerns in connection with 'sustainability', the Highway Authority are likely to also seek to resist the proposals on these grounds.

If clarification can be received on the above points I will be able to forward to you a detailed, reasoned report on the matter as a matter of priority and shall be pleased if you will arrange for your Council not to determine the application before having the opportunity to consider that report.

Further comments:

As set out in my consultation response dated 5/3/13, condition 8 of planning permission 06/01383/FUL for the "Formation of new vehicular access" states: "Access to the highway shall only be via the existing service road across the frontages of properties 1 & 2 Keythorpe Grange Cottages. There shall be no direct access to Uppingham Road (A47)".

Following further consideration, I am now of the opinion that the likely intention of this condition was only to prevent the creation of a new direct access between the new access route approved by 06/01383/FUL (shown within the red boundary on the plan for 06/01383/FUL) and the main carriageway of A47 Uppingham Road rather than preventing the use of any existing access to the wider site.

Initially, I would still be very grateful for clarification on the other questions raised in my consultation response dated 5/3/13, in connection with whether the use will be restricted to wedding receptions only and whether there is any additional land under the Applicants' control? I would also be grateful for your view on whether it would be possible in planning terms to restrict the total number of days in any year on which the venue could be used?

Apologies for any confusion caused. I will be in a position to forward a revised consultation response as a matter of priority if I can receive further information in connection with the above.

Ecology

The ecology survey submitted in support of this application (B J Collins, September 2012) is satisfactory. The building was confirmed to be a bat roost, with Brown Long-eared bats seen in the building during the emergence surveys. It is therefore essential that mitigation is completed to ensure that roosting opportunities remain for bats after the development.

The ecological report contains a bat mitigation strategy. This is satisfactory, but we would appreciate confirmation from the agent/applicant that this can be completed. Provided that these proposals can be accommodated within the building we would recommend that the following is forwarded as a condition of the development:

Works must only proceed in accordance with the mitigation measures detailed in section 6 of the Bat Scoping and Bat Activity Surveys (B J Collins, September 2012). Thereafter, all mitigation measures must be retained.

We would also recommend that the following is forwarded as a note to applicant:

The applicant must be aware of the timing constraints of the development due to the presence of bats on the site. The applicant is advised to plan the timing of works with a consultant ecologist in order that the mitigation can be achieved at the correct time of year and building/re-development works can be booked as appropriate. The applicants ecologist states that a European Protected Species Licence is required for this development. It is the applicants responsibility to ensure that this is obtained prior to the commencement of works. Should the licensing requirements be different from the mitigation proposed within the ecological report (subject to the condition above) the LPA should be contacted to establish if a variation of condition application is required.

Our comments concerning the protection of the spinney and lighting remain valid. I have copied them here for completeness:

The western boundary of the field is Grange Spinney. This woodland has previously been evaluated as being of Parish level ecological significance and it provides an excellent wildlife corridor. It is therefore important that this is not impacted as a result of the development.

We would therefore recommend that a buffer of 10 metres is left between the proposed car parking and the woodland.

I am unable to find any details of proposed lighting within the planning application, but am aware that an increase in external lighting is usually involved with schemes similar to this. We would therefore be pleased to view and comment on any lighting schemes, prior to the determination of the application.

Parish:

Given that this is a retrospective application we have the hindsight of experiencing events taking place at Keythorpe Manor. There have been many comments objecting to the late night noise emitting from very loud amplification. The canvas structure simply is not a sufficient barrier to the sound of either music or speech. There have even been comments from villagers in Loddington, some one and a half miles distant.

Should the application be approved, some restriction on noise levels would be appreciated, also in connection with firework displays, some of which have been exceptionally loud. It is clear from the applicants website at www.keythorpemanor.com/index.php that the venue is intended for corporate use as well as weddings so that the number of events per year could conceivably far exceed the estimated 36.

It has been reported that delivery vehicles have problems of access when using the service road in front of Keythorpe Cottages. Some have damaged the grassed area trying to negotiate the sharp turn. The access is suitable for cars, but larger vehicles which deliver bulk items such as food, drinks, furniture, and other equipment need a better means of access.

It is important to note that the submitted plan drawing No.121494-01 does not show the current access arrangements, but only the previous access direct onto the A47. Many residents also share the concerns of the Leicestershire County Highways outlined in their initial consultation response, We note that this response also requests that any decision on the plans by the Local Planning Authority be delayed until after the Highway Authority have been able to submit their detailed, reasoned report.

The existing access was given approval when the property was a private residence. It is not suitable for business use of this nature with regular deliveries and parking provision for 197 vehicles.

Contrary to the opinion of the applicant, the white canvas structure is considered by many to be a visual intrusion in the countryside. It can clearly be seen from the village and the surrounding countryside.

Most residents would encourage local enterprise but many feel that this venture is completely out of character at this location. It could possibly be more acceptable if the events were contained inside a substantial sound-proof construction and easier, safer access were to be provided.

Representations:

5 letters of objection have been received raising points including (for more details please refer to the letters on file):

Increased traffic and unsafe highways situation

Visual impact on the countryside

Noise and Disturbance

Sustainability

Light Pollution

Impact on wildlife

1 letter of comment raising the following points:

if this plan goes through will there be greenery on east norton side to hide the marquee, also is it possible to put speed restrictions outside of our cottages due to some of the delivery vans going very fast by our cottages onto keythorpe manor drive

Other Information

Planning History:

10//00103/FUL– Formation of vehicular access and track (resubmission of 06/01383/FUL) - APPROVED

12/00876/FUL – Siting of marquee, erection of toilet block, creation of hard standing and conversion and extension of outbuilding, to be used for weddings and other events (part retrospective) - WITHDRAWN

Reason for Report to Committee:

This application is being reported to the Planning Committee as it is a major application and at the request of the local ward member.

Planning Considerations:

Policy Assessment:

As this application is for the erection of a marquee and the conversion of an outbuilding for use for events, Core Strategy Policies CS5, CS7, CS11 and CS17 are considered most relevant. Policy CS5 promotes sustainable transport and seeks to maximise the use and efficiency of existing transport facilities. Policy CS7 supports employment development within the countryside where conversion and reuse of suitably constructed existing buildings is promoted. Policy CS11 requires a number of criteria to be met, such as the proposal should protect the residential amenity of neighbouring properties (both existing and future), the proposal should be of a scale and design that would not cause damage to the qualities, character and amenity of the area in which they are situated and should reflect the streetscape. Policy CS17 requires that rural development will be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible enhancing the distinctive qualities of the landscape character area in which it is situated. Paragraph 28 of The Framework is also relevant; this advises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

Residential Amenity:

By virtue of the position of the marquee and the proposed outbuilding conversion approximately 300m from the closest residential properties and due to the structure of the marquee which is significantly more substantial than is usually expected it is considered that noise will be minimal and therefore residential amenity of the neighbouring residents will be protected. Furthermore it should also be noted that under permitted development the application could hold events for 28 days a year without the need for planning permission. The application is therefore considered to be in accordance with Policy CS11 of the Harborough District Core Strategy.

Impact on the countryside

The marquee is substantial and will be a prominent feature on the landscape, however as the structure is located adjacent to existing buildings away from the road it is considered that the landscape character will be retained. The conversion of outbuildings will not impact on the character of the countryside. The associated car parking will result in a substantial area of hardstanding; this will however replace an existing area of hard standing and therefore will not impact significantly of the landscape. Therefore the development is considered to comply with policy CS17 of the Harborough District Core strategy.

Highways

The Highway authority has significant concerns regarding the proposals these include increased turning traffic on a class I road, increased unexpected vehicle manoeuvres and potential driver confusion therefore resulting in an unsafe highways situation. Furthermore the proposals are considered to be contrary to policy CS5 of the Harborough District Core Strategy.

Other issues

A condition shall be imposed restricting the development and its use for a temporary period of 2 years to allow for the assessment of harm that may result from the development.

Conclusion:

In summary It is considered that the development would not have a detrimental impact on the residential amenity of neighbouring residents, or significantly harm the character of the landscape and has potential to support economic growth in the rural area and therefore complies with the criteria set out in the Harborough District Core Strategy or The Framework.

Conditions:

- 1) The materials to be used in the construction of the external surfaces of the converted outbuilding hereby permitted shall match, in material, colour and texture, to those used in the existing building. REASON: In the interests of visual amenity and the character and appearance of the area and to accord with the Harborough District Council Core Strategy Policy CS11.
- 2) No works to the outbuildings shall commence on site until full details of all new external windows and door joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:50 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:10 The works shall be carried out in accordance with the approved details and retained as such in perpetuity. REASON: In the interests of preserving the character and appearance of the heritage asset and to accord with Harborough District Core Strategy Policy CS11.
- 3) Works must only proceed in accordance with the mitigation measures detailed in section 6 of the Bat Scoping and Bat Activity Surveys (B J Collins, September 2012). Thereafter, all mitigation measures must be retained. REASON: in the interests of wildlife and nature conservation and to accord with Harborough District Core Strategy Policy CS11
- 4) This permission is limited to the period expiring on 17th April 2015 after which date the marquee hereby permitted shall be removed, and the site left in a tidy condition to the reasonable satisfaction of the Local Planning Authority. REASON: The temporary nature of the structure make it unsuitable as a permanent feature in this location and to accord with Harborough District Core Strategy Policy CS11.
- 5) The development hereby approved shall only be used on no more than 100 days per calendar year (inclusive of set up and set down days) The owners/ operators of the site shall maintain an up-to-date register of all events, and shall make this information available at all reasonable times on request by the Local Planning Authority. REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area and to accord with Harborough District Core Strategy Policy CS11 & 17

Notes to applicant

The applicant must be aware of the timing constraints of the development due to the presence of bats on the site. The applicant is advised to plan the timing of works with a consultant ecologist in order that the mitigation can be achieved at the correct time of year and building/re-development works can be booked as appropriate. The applicants ecologist states that a European Protected Species Licence is required for this development. It is the applicants responsibility to ensure that this is obtained prior to the commencement of works. Should the licensing requirements be different from the mitigation proposed within the ecological report (subject to the condition above) the LPA should be contacted to establish if a variation of condition application is required.

13/00155/FUL and 13/00156/LBC – DUNTON BASSETT
Mr P Fuchs

Target Date: 05.04.2013

Installation of up to 18 solar PV panels to south-eastern facing roof slope of outbuilding, 12 Bennetts Hill, Dunton Bassett

Recommendation

13/00155/FUL **APPROVE** for the following reason:

The development hereby approved, by virtue of its extent, siting, design, form and massing, would not adversely affect the amenity of local residents or local highway safety, would respect the character and appearance of the local area, respond appropriately to the site's characteristics, and would preserve the setting and significance of the Grade II listed building. The proposal therefore complies with Policies CS5, CS8, CS9, CS11 and CS17 of the Harborough District Core Strategy, and no other material considerations indicate that the policies of the development plan should not prevail. Furthermore, this decision has been reached taking into account paragraphs 186 and 187 of the National Planning Policy Framework.

13/00156/LBC **APPROVE** for the following reason:

The works proposed would respect the character, setting and significance of the Grade II listed building such that they would not detract from its special architectural or historic character. The proposals therefore comply with Harborough District Core Strategy Policy CS11 and the relevant paragraphs of the National Planning Policy Framework.

Site:

The application property is a Grade II listed, detached, three-storey dwelling, which faces south-west onto Bennetts Hill. It benefits from single and two-storey rear extensions, as well as a range of single and two-storey outbuildings to the south-western corner of the property, including the building subject of the current application, which is curtilage listed (i.e. not itself listed but attached to and forming part of the curtilage of the listed building). The dwelling also benefits from large grounds to the north, including a courtyard immediately to the north-west of the dwelling. The site is bounded by The Owl Barn to the west (formerly outbuildings to the Manor House, which lies beyond that to the west), and by other residential properties to the north and south-east. The site is located within Dunton Bassett's defined Limits to Development but not within any designated Conservation Area.

The Proposal:

The current applications seek permission for the installation of up to 18 solar PV panels to the south-eastern facing roof slope of the curtilage-listed, former cowshed/stables.

Policy

National:

National Planning Policy Framework ("the Framework")

Harborough District Core Strategy:

CS5 – Promoting Sustainable Transport

CS8 – Protecting and Enhancing Green Infrastructure
CS9 – Addressing Climate Change
CS11 – Promoting Design and Built Heritage
CS17 – Countryside, Rural Centres and Rural Villages

Local Plan for Harborough District (including APPENDIX B Review of Core Strategy: NPPF Compatibility (3rd December Council 2012)

Other

SPG 1 – Design principles
Circular 11/95 Use of conditions in planning permission
Circular 06/05: Biodiversity including statutory obligations within the planning system
Ministerial Statement ‘Planning for Growth’ (23.03.2011)

Consultations / Representations:

Conservation Officer:

No comments to date

LCC Ecology:

Not appropriate to request an ecological survey for this application. However, we would request that, should permission be granted, a note be forwarded to the applicant highlighting the legislation concerning bats and the requirement to cease works and seek advice, should bats be discovered during the works.

Parish:

No comments received to date.

LCC Highway authority:

No comments

Representations:

None received

Other Information

This application is being reported to the Planning Committee for determination because the applicant is an immediate past elected Member.

Relevant planning history

11/01314/FUL and 11/01419/LBC – Installation of replacement gates to barn gateway entrance – granted with conditions, 21.12.2011

01/01292/FUL and 01/01293/LBC – Erection of double garage and greenhouse – granted with conditions, 24.10.01

01/00644/FUL and 01/00643/LBC – Conversion of former agricultural buildings/stores to ancillary residential accommodation – granted with conditions, 20.06.01

96/01095/3L – Erection of iron railing to front boundary wall (of main dwelling) – granted 23.8.96

89/00803/3L and 89/00614/3P – Erection of conservatory – granted with conditions, 25.5.89

Planning Considerations:

Policy Assessment:

Section 38 (6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the relevant policies contained within the development plan unless material considerations indicate otherwise.

As this is an application for additions, including solar panels, to a Grade II Listed building, Policies CS9 and CS11 of the adopted Core Strategy are considered most relevant, along with paragraphs 93 – 98 and 128 – 134 of the Framework.

Policy Assessment

Policy CS9 supports development that adapts to climate change and helps to reduce carbon emissions, and states that development must be directed towards the most sustainable locations and mitigate against any potential effects on the environment.

Policy CS11 (a) requires that the proposal's design is inspired by and complements the local character, building materials and distinctiveness of its surroundings, while CS11 (b) requires the proposal's design to respect the site's context and respond to the site's characteristics, and this is reflected in Policy CS17 (c)(iii). Policy CS11 (c) requires the proposal to be of a scale and design that does not cause damage to the qualities, character and amenity of the areas in which it is situated.

Design/Visual amenity

The proposed solar array would not be readily visible from or within the public realm, that is, there may be briefly glimpsed views from Bennetts Hill, but all other views of the solar panels would be from private vantage points (e.g. 10 Bennetts Hill and properties on Wakes Close).

Having regard to their siting, it is considered that the proposed solar panels would be sited so as to minimise their effect on the character of the host property and the visual amenity of the locality, and that the proposal would respect and respond well to the unique characteristics of the site. The proposal thus accords with Policy CS11 of the adopted Core Strategy.

Impact to character and setting of listed building

By virtue of its nature (a new, modern element) and extent (18 panels), the proposal would have an impact on the character and setting of the Grade II listed building. Such additions may be considered incongruous, and would obscure a considerable part of the roof to which they would be attached, potentially contrasting unfavourably with those areas which remain visible. In addition, their fixation to the roof means that the solar panels would have some impact to the fabric of the historic building. In their favour, the proposed panels are of an 'anti-reflective' specification.

The Framework (with which Policy CS11 generally accords) seeks to conserve the significance of designated heritage assets, and the Local Planning Authority (LPA) should take account of, "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation".

The listed building (listing reference 52/3/12, "The Elwells and adjoining farm buildings"), dates to the late 18th century. The listing entry states:

House. Late C18. Brick with low pitch welsh slate roof. Three storeyed and three bays with one bay to left of doorway which is in a late C19 small gabled porch with dentilled decoration. Left hand window is a three light casement with transom, the right hand windows are both canted bays. First floor and attic windows are also three light casements, those on first floor with transoms. All have splayed flat arched brick heads. Gable and axial stacks. Projecting brick sillbands. Beyond the house and adjoining it is a high barn, brick with a welsh slate roof which continues across the full height cart entry. Two windows at an upper level in its lower

section. All other openings on its inner side. Lower range beyond with moulded eaves cornice.

The single storey building subject of these applications is a characterful structure, of simple form, and attractive detailing, partially converted to domestic use, partially retained as stables. It is not readily visible in the street scene; the two-storey barn to the front of the property is significantly more important in this regard, as reflected in the listing above, which is part of the wider setting of nearby listed buildings, including the main dwelling The Elwells, as well as Hillside House, Manor Farmhouse, and Onion Cottage.

In line with paragraphs 128 – 134 of the Framework, it is considered desirable that the significance of the Grade II listed building is sustained and enhanced. By virtue of the proposal's siting (on the roof of the single storey building) and massing (a 'rectangular' array of 2 rows of 9 panels), it is considered that the proposal would preserve the setting and significance of the listed building and the collection of listed buildings immediately to the south of the property as described above.

In summary, the proposed solar panels, by reason of their siting, design, form and massing, would not cause substantial harm to the setting or significance of the designated heritage asset, and would thus comply with Policy CS11 of the Harborough District Core Strategy and the relevant paragraphs of the Framework. In addition, there would be a minor public benefit arising from the proposal (i.e. renewable energy generation), which would balance (or outweigh) any harm caused to the designated heritage asset.

Subject to a condition to specify the type (colour, anti-reflective) and arrangement (rectangular array of 2 rows of panels), the proposal would be an appropriate form of development that would respect the setting and significance of the Grade II listed building.

Residential amenity

The proposed solar equipment may be visible from neighbouring properties but is considered not to materially harm to the amenities of the neighbouring occupiers, and thus complies with Policy CS11 (c)(iv) of the Harborough District Core Strategy.

Other issues

The Council recognises the importance of promoting and supporting renewable energy initiatives. It notes the following key principles set out in PPS22:

“(iv) The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.” **Summary: the wider environmental benefits are a material consideration irrespective of scale.**

“(vi) Small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning authorities should not therefore reject planning applications simply because the level of output is small.” **Summary: planning authorities should not to reject the proposal simply because the level of output is small.**

“(vii) Local planning authorities, regional stakeholders and Local Strategic Partnerships should foster community involvement in renewable energy projects and seek to promote knowledge of and greater acceptance by the public of prospective renewable energy developments that are appropriately located...” **Summary: the proposal must be appropriately located**

“(viii) Development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures.” **Summary: the applicant must seek to minimise the environmental impact of the proposal.**

Alternatives

Following the original proposal to place the solar panels on the two-storey listed buildings, the LPA has discussed alternatives with the applicant. It is recognised that most solutions in this instance would have an appreciable impact on the significance of the listed building. One alternative which would likely have less impact is the installation of stand alone solar array in the grounds of the listed building, i.e. to its north. The grounds cover a substantial area and, with some selective and appropriate tree removal, could comfortably provide sufficient space for the same surface area of solar panels as are currently proposed (approx. 21.43 sq m). In this regard, it is noted on the 1886 OS map of Dunton Bassett that the majority of what is now the garden curtilage of The Elwells was separated from the dwelling by additional outbuildings (now demolished) and some form of enclosure (i.e. wall or similar). The 1886 OS map thus implies this area was not part of the original curtilage. This is relevant because it may add favourable weight to an alternative proposal for stand alone solar array within the garden to The Elwells.

Planning balance

There is support for the proposal from Core Strategy Policy CS9 and paragraphs 97 and 98 of the Framework. However, the proposal would cause significant harm to the character and setting of the listed building, though discernibly less impact than would have been incurred had the solar panels been installed on the front elevation of the two-storey listed building. Paragraph 134 of the Framework states that, “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”. In this instance it is considered that the renewable energy benefits offered by the proposed solar equipment would balance the substantial harm caused to the character and significance of the Grade II listed building, such that the adverse impacts of the proposal would not significantly or demonstrably outweigh the benefits.

Conclusion

The proposed solar equipment, by reason of its siting, nature, design, alignment, form and materials, would cause some harm to the character, setting and significance of the designated heritage asset, but would also result in public benefits through renewable energy generation. For the reasons discussed in this report, the proposal would thus accord with Policies CS9 and CS11 of the Harborough District Core Strategy and the National Planning Policy Framework.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. **Reason:** To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(Alternate wording for Condition 1 of the Listed Building Consent as follows)

The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent. **Reason:** To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out fully in accordance with the following approved plans: "Planning Application to install an Array of Solar Panels", "Photo 1", "Photo 2", specification sheet headed "HIT photovoltaic module SANYO", and the Site Location Plan. The array shall be installed in two parallel rows of equal length and equal number of panels, so as to form a regular-shaped rectangle, and shall be sited equidistant from eaves below and ridge above. Reason: In the interests of good planning, and for the avoidance of doubt, and to preserve the character and setting of the listed building, and to accord with Harborough District Council Core Strategy Policy CS11.

Notes to Applicant

1. A watching brief for all protected species of wildlife must be maintained at all times throughout the development. In the event of any protected species being discovered works shall cease, whilst expert advice is sought from Natural England.

13/00165/OUT – Broughton Astley
Applicant: David Wilson Homes East Midlands

Erection of medical centre and pharmacy,
with associated access and vehicle
parking (all matters reserved), at Land off
Frolesworth Road, Broughton Astley

Target Date: 10/05/13

Recommendation

APPROVE subject to a Section 106 or similar obligation for items set out in this report, and for the following reasons and appended conditions:

The development hereby approved would provide a community facility that meets an identified need, which is in an accessible and sustainable location central to the village, and which is capable of being delivered. While development in this location would affect the character of the countryside, the proposal generally satisfies the aims and objectives of the Framework, and the grant of permission would not undermine the likely achievement of policy objectives including the Council's adopted Core Strategy including CS16 and Planning for Growth (March 2011). While it would be far preferable and in the better interest of localism for a decision not to be taken prior to progress with the Broughton Astley Big Plan that itself does not merit refusal. The proposal would not adversely affect local highway safety, or the amenity of local residents, would not lead to an unacceptable flood risk and would not adversely affect local ecological or archaeological interests. The proposal therefore complies with Policies CS1, CS5, CS8, CS9, CS10, CS11 and CS16 of the Harborough District Core Strategy, addresses the key issues raised at Section 5 of the Draft Neighbourhood Plan, and no other material considerations indicate that the policies of the development plan should not prevail.

This decision implements paragraphs 186 and 187 of the Framework.

Site:

The application site is comprised of agricultural land, to the east of Frolesworth Road, south east of the existing recreation ground and play area. The site within the red line amounts to 0.33 hectares. Public Footpath W61 runs along the northern boundary of the site, beyond which are residential properties (Old Rectory Close). The eastern boundary is formed by a stream with fields and residential properties beyond (the closest properties being those located in Old Mill Road). The southern / south-western boundaries are formed by 'Mill Farm', with agricultural fields beyond. The site is bounded to the north and east by land proposed for 115 dwellings (cf. planning application 13/00164/FUL). The application site is outside the defined Limits to Development of Broughton Astley (and also outside any designated Conservation Area).and there are no other specific policy or land use designations.

The Proposal:

The application seeks Outline planning permission (all matters reserved) for the erection of a medical centre and pharmacy, with associated access and vehicle parking.

The application is accompanied by a Design and Access Statement, indicative layout plan, letter from a LSP Developments Limited (specialist primary care developer), a letter from the Orchard Medical Practice in support of the application, a schedule of their accommodation requirements, plus Transport Assessment, Flood Risk Assessment, Landscape and Visual assessment, geo-environmental site assessment and archaeological and ecological evaluations.

Policy

National Planning Policy Framework (“the Framework”) (published 27.03.2012):

Local Policy:

Harborough District Council Core Strategy

- CS1 – Spatial Strategy for Harborough (part (f) is relevant)
- CS5 – Providing Sustainable Transport
- CS7 – Enabling Employment and Business Development
- CS8 – Protecting and Enhancing Green Infrastructure
- CS9 – Addressing Climate Change
- CS10 – Addressing Flood Risk
- CS11 – Promoting Design and Built Heritage
- CS12 – Delivering Development and Supporting Infrastructure
- CS16 – Broughton Astley

Harborough District Local Plan:

Policy HS/8: Limits to Development

Local Supplementary Planning Guidance Notes :

- SPG Note 1: Design principles
- SPG Note 9: Landscape & New Development
- SPG Note 10/11: Trees/Hedges & Development
- Planning Obligations Developer Guidance Note (June 2009)
- Assessment of Local Community Provision and Developer Contribution (October 2010)

Other

- Broughton Astley Landscape Character Assessment and Landscape Capacity Study (2011)
- Draft Neighbourhood Plan for Broughton Astley (February 2013)
- Local Plan for Harborough District (including APPENDIX B Review of Core Strategy: NPPF Compatibility (3rd December Council 2012))
- Ministerial Statement – ‘Planning for Growth’ (23.03.11)
- Circular 11/95 – Use of conditions in planning permission
- Circular 06/05 – Biodiversity including statutory obligations within the planning system
- Community Infrastructure Regulations 2010
- Circular 01/2006 – Guidance on changes to the Development Control System
- Safer Places – ODPM - (April 2004)

Strategic Housing Land Availability Assessment (SHLAA)

The application site has been put forward for housing development as part of the SHLAA in connection with the preparation of the LDF. The Council’s response was that the land was free of constraints and could come forward for development within 6-10 years.

S106 Policy

There is clear government advice set out in the Framework concerning Section 106 Agreements and contributions required of developers, which must be necessary in relation to local and national planning policy and directly and fairly related in scale and kind to the proposed development.

Section 106 Agreements impose obligations on both the Developer and the Council. The Council’s Planning Obligations Developer Guidance Note and supporting document Provision for Open Space Sport and Recreation were adopted by the Council’s Executive on 21st September 2009.

Consultations / Representations:

Highways (LCC):

Initially had concerns re the level of parking provision, but has latterly confirmed that the proposed 41 car parking spaces is acceptable.

Initially had concerns that insufficient information had been submitted as part of the Transport Assessment to assess the potential impact of the medical centre. Subsequently an addendum to the Transport Assessment has been submitted and, prior to its submission, LCC Highways advised it was likely that its concerns would be overcome. Final consultee comments and recommended conditions will be reported to Planning Committee.

Environment Agency:

The Environment Agency responded to a previous application (your ref. 12/01495/FUL) which included the area of land subject to this current application. However, due to the size of this current submission and lack of environmental constraints (less than 1 hectare of new development in Flood Zone 1 on uncontaminated land) the Agency has assessed the application as having a low environmental risk and therefore does not wish to make a Formal response.

However, the Agency did find acceptable the proposed the sustainable surface water drainage scheme (SuDs) for 12/01495/FUL. Therefore, we would expect and encourage the Applicant to ensure that a SuDs scheme, which is compatible with an acceptable SuDs scheme for the current adjacent residential application (your ref. 13/00164/FUL), is adopted for the medical centre proposal.

Rights of Way (LCC):

No comments received to application 13/00165

Water authority (Severn Trent Water):

No objections subject to condition requiring sustainable urban drainage system (SUDS) and overall drainage strategy.

Environmental Health Officer (HDC):

No comments received

Contaminated Land Officer (HDC):

Submitted Geo-environmental Site Assessment is deficient in several respects (set out in full in detailed comments published on the Council's website). However, overall, no objections subject to conditions.

Leicestershire County Council Ecology:

No comments to make

Leicestershire County Council Archaeology:

Considers there to be no need for any archaeological work in association with the works proposed for the medical centre and associated parking etc. The archaeological evaluation undertaken as part of the wider scheme on this site (13/00164) suggests that archaeological remains are unlikely to be disturbed by the works covered by this particular application.

Primary Care Trust:

No comments received to date. Has been consulted

Broughton Astley Parish Council:

Following the Parish Council meeting on 25.03.13 the following has been RESOLVED that the Parish Council objects to this application on the following grounds:

1. That the Parish Council are disappointed that the submission for this application has been presented before the completion of the Neighbourhood Plan, especially as the developer is aware of the plans developments.

2. That the proposed flood mitigation scheme to prevent flooding to the development site, it is very likely to cause flooding in Old Rectory Close and Frolesworth Road causing a danger to vehicle users and residents alike. The Environment Agency report that the development site is outside their recorded floodplain, but on two occasions alone this year Frolesworth Road and surrounding fields (including the development site), roads and streets have been under water.

3. The Environment Agency's report (Section 5 5.2) states that whole of the built part of the site will remain unaffected and it is anticipated that the proposed access into the development from Frolesworth Road will remain dry enabling residents dry access and egress from the site at all times. The members would like it noting that dry access maybe had from the site at all times using the mitigated flood prevention scheme, but photographic evidence shows how much water lies on Frolesworth Road following heavy rain causing access to the site to be problematic.

4. The Members raise concerns that the traffic survey data was largely collected in the first week of the school summer holidays and that the traffic flows are greatly reduced and therefore is not a true reflection of the usual amount of traffic volume on a considerably narrow and often used road.

5. The Members would like it noting that surface water is present on the proposed development site for a number of weeks during the winter period and following heavy rain.

6. The Members raise concerns that no assessment has been made of the water level which backs up at the bridges and the 90° bend in Broughton Astley Brook, it appears only to go on the river / brook levels in general.

7. The Parish Council are aware that the previous application was withdrawn as it did not comply with Policy CS16 of Harborough District Councils Core Strategy. Whilst the Parish Council fully support the development of a Medical Centre or any other infrastructure within the village the proposed location for this application is considered inappropriate due to its poor accessibility. It would be built on the edge of the village, along a narrow but busy country road which will require the vast majority of users to access it by private vehicle due to its location and the lack of public transport available. The footpath along Frolesworth Road is also in poor state of repair and almost inaccessible to pushchairs and mobility vehicle users in places. During the Neighbourhood Plan development, more favourable and central locations have been identified in the village for such a facility and urge the District Council to respect the views and wishes of the residents of the village that have been voiced during this process.

Frolesworth Parish Council:

No comments received

Ward Councillor (Cllr Dann):

I wish to object to the planning applications 13/00164 and 13/00165 on the following grounds

1. The Site is wholly inappropriate due to well documented flooding issues.

2. The Location would impact upon road safety.

3. The Development would be totally contrary to the Neighbourhood Plan.

The case for the development of a medical centre has come at the eleventh hour without any prior warning and without any public consultation. I cannot see how any meaningful consultation could take place before the intended planning decision in April. At this stage the Parish had not had any dialogue with the medical practise and were not aware of their problems. If the medical centre is to relocate, public consultation should take place into the suitability of a new site.

Most of the work and consultation has been carried out regarding the production of our Neighbourhood Plan. The finalised document will not differ greatly from what it already contains, and therefore should be used as a tool when addressing planning matters.

I have seen other submissions relating to 1. and 2. above and would be confident to support them.

I rather think that these planning applications have sought to go under the radar; we should take time to reflect on the outcome of the Neighbourhood Plan, and be certain that what we put in place for Broughton Astley fits both the Core Strategy and Local Plan. I understand that each planning application must be judged on its own merit (although it is plain that these two applications are intertwined) however being able to demonstrate a five year housing supply must surely allow time for a more measured approach.

Further comments: The application comes at a time when Broughton Astley is working through the end results of their Neighbourhood Plan. They became one of the first Parish Councils to receive Fronrunner Funding to complete a plan, and this was made plain to all developers expressing an interest. Most developers seemed to have been on side. It is therefore disappointing that this application has been received at this time. The results of the plan will be important to local people and will demonstrate that under Localism they can share in the future development of their Village.

Generally I do not have a problem with the housing allocations for Broughton Astley. I do believe however that the general public should have a major say in where they are sited.

Representations:

47 letters of objection have been received from 38 households, raising the following points (for more details please refer to the letters on file):

Flooding / drainage issues

- (1) Frolesworth Road floods / is prone to flooding / frequently floods (Nov 2012 is cited, with photographs from several objectors), and thus development here would be unsuitable; the assertion in Section 3.1 of the submitted FRA that there has been no past flooding is incorrect
- (2) The site is on flood plain land (Zone 3a/3b) / is partially within a flood plain, and would adversely affect the existing flood risks on Frolesworth Road and surrounding streets
- (3) Proposal would increase the risk of flooding to existing development downstream of the application site
- (4) The inclusion of a drainage basin suggests the developer expects flooding to take place
- (5) Buildings should not be constructed here for the risks of themselves being flooded
- (6) The submitted FRA states that measures described would ensure that any flood risk is reduced to an acceptable level; local residents are concerned that the proposal would increase the flood risk; no developer can fix the current problem; the proposal would make things worse
- (7) A further independent survey should be commissioned

(8) If the development goes ahead the developer should be required by a covenant to use permeable materials if and when the medical centre and pharmacy replace driveways, lawns etc. to avoid the whole area being impermeable

(9) Broughton Astley needs major Flood Protection improvements, probably requiring “a radical restructuring of the drains/sewer system in the Frolesworth Road area and a major enhancing of the flow capacity of the Broughton Astley Brook all the way through Broughton Astley”; before any new development along Frolesworth Road is approved there needs to be a comprehensive overhaul of the currently totally inadequate sewage and drainage systems.

(10) The submitted FRA makes a series of subjective judgements based on flawed data; incl conflict between the 2008 and 2011 EA reports, and insufficient account taken of two significant flood events 28.06.2012 and 27/28.11.2012; experts predict that these events will become more frequent due to climate change; FRA (pg 6) states that there is no overland run-off water into the site – this is incorrect, and was witnessed by residents and Severn Trent engineers in Nov 2012; inappropriate to accept the EA’s river flood data

(11) At least twice in 2012 (cf. above dates) the local drainage system was observed not to cope with heavy rain situations; flooding occurred in Frolesworth Road, at the War Memorial gardens and the nearby crossroads area, due to combination of water coming down Frolesworth Road from the direction of the proposed development and the water coming up out of the drains. Some of the roadway in Willowbrook Close was also flooded to several inches depth by water which had appeared to come up from the drains.

Highway and transport issues

(12) Additional traffic / substantial increase in traffic would have an adverse effect on local highway safety, especially around the recreation ground, the nursery and at Six Acres; and would also adversely affect visibility from Mill Farm (adjacent to application site)

(13) Frolesworth Road is too narrow and regularly congested; please retain “as a country lane and not a death trap”

(14) Impact to dog walkers, horse riders, children accessing the park

(15) Adverse effect on pedestrians at proposed new access

(16) Insufficient parking proposed; proposal would result in on-road parking in locality, to detriment of highway safety; lack of detail about the proposed traffic island

(17) Submitted transport assessment makes assumptions and/or is unclear: Applicant’s submitted traffic survey report results are presented so as to present a favourable case; however, all the data referring to other junctions in the village is largely irrelevant; our main concern is the traffic volumes and safety on Frolesworth Road and at the crossroads next to the war memorial; results including the weekend naturally dilute the final averages; residents carried out their own vehicle count on 28.11.12 (results submitted with objection letter), recording peaks of over 400 cars per hour during peak hours AM and PM; applying the same statistical analysis to DWH’s submitted traffic analysis shows peak flow rates of 526 vehicles per hour AM and 472 per hour PM at war memorial cross roads; the submitted transport assessment makes “a series of assumptions” ref. transport modes used by residents;

(18) Submitted transport assessment “suggests that children will be able to walk to school on footpaths leading out from the North East of the plot. It should be noted that the riverside path is subject to regular flooding and is unlit, secluded and would be seen as an undesirable route by parents. The alternative route through Old Rectory Close is not a right of way. Access via the church yard is a permissive route only and we will actively seek to withdraw such permission if the development goes ahead. As a result of the distance and other issues, it is probable that parents living in the proposed houses will deliver their children to school by car, thus significantly adding to the traffic flows”

(19) Site of proposed access is regularly used for parking by mourners attending funerals and by local funeral director

Prematurity / Neighbourhood Plan

(20) This application should not be approved / determined until the Neighbourhood Plan (NP) is adopted, to ensure the proposed development meets the wishes of the village; it would be

contrary to the principles of the democratic decision making process to approve any major development until the NP is adopted; a deliberate attempt to circumvent the democratic process; the Draft NP is currently subject to consultation; the Parish Council expect developers to work with them once the NP has been adopted; going against the NP at this stage would throw the concept of NPs into disrepute and discourage other villages working towards the production of their own NPs

(21) The Draft NP specifically refers to current medical provision and points out that it is remote from the eastern side of the village. The current proposal would do little to improve this situation as it is only 10 minutes walk from the existing medical centre.

(22) The developer seeks to provide over 25% of the required number of houses for Broughton Astley, which could render priority sites unviable

Environment / ecological issues

(23) Proposal would adversely affect on local protected species of wildlife / flora and fauna

(24) The developer is obliged to commission an independent environmental assessment, to be carried out usually by English Nature (i.e. Natural England), where there is evidence that a development could cause adverse impact to nature

(25) Evidence of great crested newts, otters and freshwater crayfish at the site, and which would be affected by the proposal; plus water vole, kingfisher, pipistrelle bats, little egret, heron, woodpeckers; otters have been found in this area

Visual effect / footpath

(26) Adverse visual effect to this entrance to the village; the planned area is unspoilt with little new development; loss of agricultural green space; the development of countryside should be avoided

(27) Public footpaths are vital for our well-being and should be preserved; proposal would degrade the community amenity of rural footpaths (the Draft NP indicates BA residents attach a great deal of importance to these and to green spaces within the village); proposal would result in loss of a leisure facility

Location

(28) Not a suitable or sustainable location; too far from the village centre; the village (probably) needs additional medical centre facilities, but this is the wrong location; would be better to leave the health centre in its current location, and build another one at "the top end of the village to cover the estates up there"; with an ageing population the location of the medical centre needs further thought; no consideration has been given to the facility's location; the medical centre should be built at one of the large scale sites [N.B. this is one of the proposed large scale sites]; the existing medical centre site is close to Arkwright House (and other care homes), residents of which are likely to have higher than average need to access the surgery

(29) The proposal is too near to existing medical centres and pharmacy, and should be sited elsewhere in the village giving easier access to other village residents; should be sited near Speedwell Drive at the other end of the village (site HSG13 or HSG1)

(30) The site is outside the defined Limits to Development

(31) The village needs a comprehensive and inclusive medical centre, similar to the Coventry Road practice in Market Harborough, whereby minor surgical operations and other procedures

(32) Would impact on the separation between Broughton Astley and Leire, and encroach on Leire's boundary

(33) The proposed site is on the Draft Neighbourhood Plan's reserve list, and not one of the three preferred sites for development; therefore it should be withheld until a decision is made on the priority sites

(34) The proposed site is too far away from the village to comply with Policy CS5

Link to proposed housing development

(35) Surgery is conditional on the houses being built; a sweetener proposed by the developer
(36) The two applications (00164 and 00165) are linked, as the flood risk assessment and other reports submitted for this application apply to both proposals; separate assessments should be carried out for the two proposals

(37) Medical centre is only being proposed as a route to obtain permission for residential development; very underhand on the part of the developer; the village should not be 'bought'; it is obvious that the developer has no interest in providing an adequate Medical Centre

Other

(38) Adverse effect on living conditions of Mill Farm (e.g. privacy, overbearing)

(39) Proposal would cause noise and light pollution – the opening hours, and amount of people visiting this site by both vehicle and on foot would detrimentally affect residents who live adjacent to the site

(40) The proposal would exacerbate existing sewerage problems faced by local residents

(41) Has the Orchard Medical Practice proved the need or want for the proposed facility?

(42) Does the proposed medical centre form part of the Local Health Forum or Primary Care Trust development plan and future strategy?

(43) The proposal would not benefit the local community or yield any employment

(44) Placing the medical centre and pharmacy in Frolesworth Rd rips out important components of the village centre and risks blighting it as a "hub" location; the closure of the central GP surgery and its replacement together with an integrated pharmacy at Frolesworth Rd would leave two large properties empty for some time in the very centre of Broughton Astley and reduce footfall generally within this area, and have significant effect on visual appearance of properties and surroundings; would "kill off" the centre of the village

(45) Will the land be given free to the Local Authority? There is a history of privately funded public services coming at a high cost to their local communities esp with health services

Non-material considerations

(46) Lack of school places for occupants of the residential development proposed under 13/00164

(47) Five year supply of housing can be demonstrated

(48) Impact to residents' living conditions from residential development proposed under 13/00164

Other Information

History:

12/01495/FUL – Erection of 124 dwellings with associated access, parking and public open space – withdrawn pending refusal, 18.01.13

09/00157/OUT – Outline application for residential development (all matters except means of access reserved for subsequent approval) – refused, 08.07.2009

Reason for Report to Committee:

This application is being reported to the Planning Committee for determination because the application proposes more than 1,000 sq m of commercial floor space.

EIA Development

This application is not an EIA development in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Housing Land Supply Position

Paragraph 47 of the NPPF requires local planning authorities to ensure that there is a continuous five year supply of deliverable sites within their District. To be deliverable sites need to be available, i.e. available now; suitable i.e. the site offers a suitable location for

development now and would contribute to the creation of sustainable, mixed communities; and achievable i.e. there is a reasonable prospect that housing will be delivered on the site within five years.

In September 2012 the Council demonstrated a 5.5 year supply of housing land (which includes the NPPF advised 5% additional buffer) with a buffer of 196 over the five year period (this compares to 4.6 years -shortfall of 133 dwellings- in March 2012).

Planning Considerations:

Policy Assessment:

Section 38 (6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the relevant policies contained within the development plan unless material considerations indicate otherwise.

At the present time the Development Plan for the site comprises the adopted Harborough District Core Strategy, and the retained policies of the Harborough District Local Plan (HDLP). National guidance in the form of the National Planning Policy Framework, together with Government White Papers and Reviews, is also relevant.

Policy CS1 sets out the spatial strategy for Harborough which, for Broughton Astley (part (f)), is to provide “additional housing, employment, retail, leisure and community facilities” to serve the settlement and its catchment area

Policy CS5 advises that the majority of future development will be located in areas well served by local services to reduce the need to travel, where people can gain convenient access to public transport services for longer journeys and where local journeys may be undertaken on foot or by bicycle.

Policy CS16 specifically refers to Broughton Astley, stating that all sites on which additional housing is proposed will be examined as to their potential to bring forward land to help expand community, commercial and local employment provision, and proposals that help deliver land for new facilities will generally be supported. Part (a) of the policy states specifically that, “in considering future sites for housing development, mixed use sites which ensure the provision of additional retail, community facilities or employment facilities or employment opportunities to serve Broughton Astley will be supported”.

National Planning Policy Framework

Paragraph 14 sets out the much vaunted “presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.” For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - 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; or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 32 states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Assessment. Decisions should take account of whether: (a) the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, (b) safe and suitable access to the site can be achieved for all people; and (c.) improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development

should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 35 states that developments should be located where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

Paragraph 69 states that decisions should aim to achieve developments are safe and accessible, and contain clear and legible pedestrian routes and high quality public space, which encourage the active and continual use of public areas.

Paragraph 70 states that LPAs should plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities, ensure that established services are able to develop and modernise in a way that is sustainable, and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Main Issues

The three fundamental issues in this case relate to:

- (1) the availability of land within the village for such a development, and consequent need for release of Greenfield land for development outside the Limits to Development;
- (2) the extent to which the proposal complies with Policy CS16 of the Core Strategy, and
- (3) the resultant effects, including visual, landscape and wildlife, on the character and appearance of the countryside.

Principle

The proposal would bring forward an additional community facility to serve Broughton Astley (and its catchment area), and therefore complies with Core Strategy Policy CS1(f). The application site is outside (but adjacent to) the Limits to Development, in open countryside. The site is accessible to public transport and other community facilities and services, relates relatively well to the built up area, being located south of the narrow central part of Broughton Astley, and its proximity to Broughton Astley makes for a relatively sustainable location.

The site is within open countryside, and a permitted application would introduce additional built development into the open countryside, beyond the Limits to Development, contrary to Core Strategy Policy CS17, which states development will not be appropriate in the Countryside.

However, it is recognised by HDC and by Broughton Astley Parish Council that there is little or no scope for additional development such as large retail units, sports halls and medical centres within the existing Limits to Development and that sites on the edge of the settlement will be required. The application site benefits from a central location, certainly when compared to other sites proposed for development in the Council's SHLAA and Call for Sites, e.g. sites on Coventry Road and Dunton Road are to one end of the village and much less accessible to a majority of village residents.

It would be reasonable, therefore, to argue that Policy CS17 should not be applied in this instance, and that instead Policies CS1, CS11 and CS16 should be the relevant policies for consideration of principle and location.

Degree of compliance with Policy CS16:

Core Strategy Policy CS16 identifies Broughton Astley as a Key Centre and states that the settlement will provide an "improved range of services, facilities...and employment opportunities". Part (a) of the policy states that mixed use sites which ensure the provision of additional community facilities or employment opportunities to serve Broughton Astley will be supported, and part (c.) of the policy states that proposals resulting in the loss of local

services from the Principal Shopping and Business Area will be resisted, but that proposals for local service and business development which cannot be accommodated within this area will be supported elsewhere in Broughton Astley.

In support of Policy CS16, paragraphs 6.49 – 6.52 state,

“The provision of services, facilities... has not kept pace with the development of housing in Broughton Astley. There is considerable local support to assist Broughton Astley in becoming a more balanced sustainable settlement with a range of supporting commercial and community facilities which are commensurate with its population size” (para 6.49)

“...the strategy for Broughton Astley sets out a commitment to supporting the development of additional services and facilities...” (para 6.50)

“There is very limited opportunity for further development within or immediately adjoining the currently defined Principal Shopping and Business Area. Additional development... may therefore require consideration of locations outside the Principal Shopping and Business Area providing there is good accessibility particularly by non car modes.” (para 6.52)

In support of Policies CS12 and CS16, Appendix 2 of the Core Strategy lists the infrastructure requirements for individual settlements. For Broughton Astley, in addition to matters such as electricity and gas supply, policing, fire and rescue and green infrastructure, these are:

Schools: Extensions to existing primary and secondary school

Community facilities: Provide a new four court hall and land to meet current and new growth

Healthcare: “Deep amber” on the traffic light system

Recognising this need, David Wilson Homes and its partner LSP Developments Ltd have been in discussions with the Orchard Medical Practice (“the Practice”), and propose a new medical centre as part of the proposed development of 115 houses (subject of separate application 13/00164/FUL).

Dr Khalid, partner at the Practice writes in support of the proposal:

“The Orchard Medical Practice would like to notify you of our support for the [proposal] on Frolesworth Road... This site has been considered for development for a number of years but it has met a level of resistance due to the impact on local infrastructure not least our Surgery...”

Dr Khalid then mentions *“the current capacity issues which we have been experiencing over a number of years and is becoming a cause for concern”* and continues:

“Ed Sutton, Managing Director of LSP [who specialise in surgery developments] met with our Practice Manager, Justine Watkinson to consider if the GPs would be interested in relocating to Frolesworth Road as, on our existing site the Practice has no further scope to expand ...having already extended the original practice twice in recent years. Our Practice population has continued to increase and we are finding it increasingly difficult to deliver the services required by our patients and by the NHS. The site on Frolesworth Road would meet our needs and provide modern, fit for purpose Primary Care accommodation in conjunction with an integrated pharmacy”.

The Practice’s planning history can be summarised as: 1984 – New doctors surgery plus car parking (84/00714/3P), 1991 – Extension (91/01014/3P), 1993 – Extension (93/00868/3P), 1997 – Extension (97/00983/FUL)

Dr Khalid encloses a detailed Schedule of Accommodation that the Practice is seeking to provide, “to enable the Practice to deliver excellent patient care and to meet the current demands and expectations of the patients and the PCT”.

The current proposal would provide a facility that is supported by Core Strategy Policy CS16, which is in a location central to the village (i.e. a location is broadly equidistant from either end of the village and as accessible to those at the Dunton Road part of the village and those at the Coventry / Leicester Road part of the village), and which is supported – indeed actively sought – by the village’s existing health care facility.

In addition, Appendix 2 (Infrastructure Schedule) of the Core Strategy highlights health care provision in Broughton Astley as needing significant investment, and the supporting text to Policy CS16 recognises that there is little opportunity to develop such facilities in the existing village centre, a point highlighted by Dr Khalid.

In summary, the proposal complies fully with Core Strategy Policy CS16.

Broughton Astley’s Neighbourhood Plan: the Big Plan

Core Strategy Policy CS16(c.) makes clear that additional sites would be allocated (in conjunction with housing development where appropriate) to provide opportunities for growth of additional local services. In this case, the allocations would be made in the Neighbourhood Plan (NP).

In 2011 Broughton Astley Parish Council made a successful bid to become a Neighbourhood Planning Front Runner. Since then, the Parish Council have worked on the background evidence to support the drawing up of policies. This has included site assessment work, stakeholder and residents’ consultation events and questionnaires relating to options for development. The parish of Broughton Astley was formally designated as a Neighbourhood Area on 29th October 2012 and has moved quickly and proactively to produce a Draft Neighbourhood Plan (“The Big Plan for Broughton Astley”), published 6th February 2013, with the six-week consultation period from 7th February to 25th March 2013.

Having been through an initial consultation period, some weight could be attached to the draft NP. However, the degree of weight it may be given will depend on the clarity of its content, including the explanation and rationale for that content, and also on the extent to which it is helpful in assessing the proposal in question. That is, as an allocations document it should allocate land for specific development that is required.

Section 5 of the draft NP states that the key issues for wellbeing are:

- Long waiting times for Healthcare appointments
- Facilities at local medical centre need improvement
- Lack of suitability of the existing facilities including lack of car parking
- Existing facilities remote from the eastern side of the village
- No NHS Dentist availability [in] the village

These key issues, together with the evidence from the Practice itself, indicate that the existing facility is not suitable, is remote from the eastern side of the village and cannot be developed.

However, the draft NP’s proposed policy BANP5B is to work with the Primary Care Trust to “*seek developer contributions towards the extension or upgrading of local healthcare facilities to ensure they are convenient and accessible enough to meet the needs of local people*”.

It is evident too that the draft NP does not allocate any specific site(s) for a sports or community hall, and that its preferred site, presented to HDC and the Parish as a mixed use site, is not allocated for a mixed use, but apparently solely for residential development.

The Council planning policy team has submitted comments on the draft Plan. These include matters relating to the improving the justification of preferred sites and outlining more clearly the reasons behind selecting others (including this site) as a reserve site. The Parish are now considering all comments and seeking to amend the plan before submitting the NP to the Council for formal representations, examination and referendum during 2013/14.

At this moment, therefore, owing to the further stages that the Plan needs to follow before it is adopted, it is considered that little weight may be attached to the Draft Neighbourhood Plan.

Parish Council's view on proposal

In its comments on the current application, the Parish Council objects on the grounds of prematurity (i.e. the application being submitted prior to the NP's completion), flood risk, highway safety, and the application site being inappropriate due to its poor accessibility. The Parish states that, while it supports the principle of a new medical facility, the proposed development would be built on the edge of the village, and on a road which is inadequate for the purpose and which has a footpath in a poor state of repair.

Issues relating to flood risk and highway safety are considered below, but with regard to the location, any new facility will be built on the edge of the village, as there are no available sites within the village for such a facility.

The Parish also states that, "more favourable and central locations have been identified in the village for such a facility and urge the District Council to respect the views and wishes of the residents of the village that have been voiced during this process".

However, it is unfortunate that the Draft NP does not identify any such alternative sites. In addition, no evidence has been presented to demonstrate that there is any other site better located or more readily deliverable than that proposed.

Deliverability

The applicant proposes to provide the land and construct the building and the car parking area. There are no other planning applications for residential development / mixed use / community facilities coming forward at this time, and no other site coming forward has committed to undertaking the construction of a medical facility. The applicant advises that discussions are currently taking place between the PCT, the Practice and the applicant with regard to the transferral and management of the facility post-construction.

The applicant agrees to the proposal being subject of a Section 106 agreement, and to the above commitment (construction) being part of that agreement. In addition, the applicant has agreed to the Section 106 agreement including the following:

- Land made available for the specific purpose of constructing a medical centre and pharmacy for a minimum period of 5-7 years
- To set up a body of interested parties, to include HDC, Parish Council, LSP, the PCT and the developer, to form a working party to meet on a regular basis and report on progress
- To include a requirement for a vetted Business Plan for the medical centre construction to be agreed before any residential development commences

Further, the applicant states that there would need to be a detailed scheme and contract for the medical centre in place, and LSP confirms that it would take up to 2 years for a detailed

scheme for the medical centre to be designed and obtain planning permission, and a further 2 years to deliver on site.

It is therefore considered that the proposed medical centre is capable of being delivered, that there is a clear strategy and experienced partners in place to ensure delivery, and that the developer is committed to completion of a Section 106 agreement to require it to provide the medical centre.

In summary, the application site is centrally located, within close reach of schools, shops, recreation ground and public houses, and is considered to be one of the more sustainable sites, better in this respect than some of the sites identified in the Draft NP as being more preferable, and the development is capable of being delivered, and there is a clear strategy to ensuring its delivery. The proposal therefore complies with Core Strategy Policies CS1, CS11 and CS16.

Layout / Design

An indicative layout plan has been provided, showing that the medical centre would be situated fronting on to Frolesworth Road, between Mill Farm to the south and the new access road to serve the proposed residential development, with separate access from that access road for the medical centre, drop off/pick up point, and 41 car parking spaces, including 3 spaces for those with disabilities. It is considered that the proposal is capable of complying with Core Strategy Policy CS11 with regard to its layout.

Impact on the character of the area:

The application site is outside of the Limits to Development and is therefore situated in the countryside. The erection of a substantial building on this piece of land would change the character and appearance of the countryside. However, as noted above, it is recognised there will be a need to develop Greenfield sites.

There is a strategic need, therefore, to evaluate the suitability of land around the edge of Broughton Astley, to decide which Greenfield sites are most suitable, i.e. deliverable. To that end, the Lutterworth and Broughton Astley Landscape Character Assessment (LCA) and Landscape Capacity Study (2011), carried out for HDC by The Landscape Partnership, provides a detailed analysis of the landscape capacity of land in and around Broughton Astley, with a view to assessing potential suitability in landscape terms to accommodate future development. It must be noted that this study relates to visual and landscape impact, and that there are other important considerations (highways, wildlife, etc.) in the assessment of any application.

The application site, together with the land edged in blue on the site location plan, was considered as part of Parcel 7, part of the “Upper Soar – Broughton Astley Open Farmland” Landscape Character Area. The Landscape Capacity Study ranks a total of 22 land parcels around Broughton Astley.

The LCA concludes that the land parcel has “medium capacity” to accommodate residential development, subject to various mitigation measures, including the retention of existing landscape features and vegetation, including existing boundary hedgerows, attention to views in and out of the site, retention of existing public right of ways, additional planting along the western boundary of the site, and paying careful attention to the interface with Mill Farm.

In summary, it is considered that, subject to conditions to ensure the implementation of the proposed landscaping, the current proposal would accord with the conclusions of the 2011 LCA, and Core Strategy Policies CS11 and CS17, in being sustainable in landscape terms.

Residential amenity:

The indicative layout plan shows the proposed building to be sited at least 13 metres to the north of (the side elevation of) Mill Farm. It is considered that the proposed building is capable of being designed so as not to adversely affect the living conditions of those at Mill Farm, and would thus comply with Policy CS11 in amenity terms. No other neighbour or local resident would be significantly affected in this regard.

Access and parking:

The proposal would be located in a position well served by local services to reduce the need to travel, and where there is convenient access via public transport to locations within walking distance of the application site. The proposal would thus comply with Core Strategy Policy CS5(a). Safe pedestrian and cycling facilities can be secured by condition and, where necessary, by Section 106 agreement.

The local highway authority (LHA) considers the proposal to be acceptable in highways terms, subject to the imposition of appropriate conditions (to include the proposed new access, and works to Frolesworth Road including ghost island) and s.106 contributions in respect of public transport.

The LHA considers the level of parking provision to be acceptable. It is noted that the Practice currently has only 9 spaces for staff and relies on an adjacent public car park for customer parking. The current proposal represents a significant improvement in this respect.

In respect of the access arrangements, changes required have been discussed with the applicant's consultants and additional information is awaited. The proposal is therefore considered to accord with Policies CS5 and CS11 of the Core Strategy in this regard.

Archaeology/Ecology:

The relevant County Council officers have no objections to the proposed medical centre and associated works, and the proposal is thus considered to accord with Policy CS11 of the Core Strategy and the relevant paragraphs of the Framework.

Drainage:

As part of the application, the applicants submitted a full Flood Risk Assessment (FRA). It is noted that, along with highway safety and the Big Plan, flood risk is a major issue raised by objectors. However, the Environment Agency comments that for the medical centre alone it would not expect or require an FRA, due to the size of the application site. The EA has no objections to the FRA and overall proposal for planning application 13/00164/FUL and recommends that a condition be imposed to any consent, requiring a detailed surface water drainage strategy. It is therefore considered that the proposed development would comply with Core Strategy Policy CS10 and the aims and objectives of the Framework.

S106 Agreement or similar

This is discussed in more detail above, but in summary the applicant agrees to a S106 agreement, to ensure delivery of the medical centre, etc. Such an agreement would accord with the Council's Planning Obligations, Developers Guidance Note 2009 as well as the Framework, and CIL Regulations, and is necessary to make the development acceptable. Any approval should therefore be subject to the said obligation, as set out in more detail earlier in this report.

Prematurity

The Parish Council has made a very significant commitment to localism and Neighbourhood planning, demonstrated in: <http://broughtonastley.leicestershireparishcouncils.org/the-big-plan-for-broughton-astle.html>. However, as explained in detail above, it is considered that the draft NP requires revision, including specific site allocations, and further explanation regarding the application site, and therefore that little weight can be attached to it at this time;

and HDC may be at risk of unreasonable behaviour allegations should it seek to resist development on any basis of prematurity.

Conclusion:

In summary, the proposal's relationship with existing character and appearance in this particular location, its impact on highway safety, its degree of compliance with Policy CS16 and the status of Broughton Astley's Draft Neighbourhood Plan, are the critical issues.

The proposal would provide a community facility (and employment opportunity) that meets an identified need, which is actively sought by the village's existing health care facility, and which is in an accessible and sustainable location central to the village, indeed one of the most suitable sites in terms of its contribution to enhancing service and facility provision in Broughton Astley. The proposal therefore complies fully with Policies CS1 and CS16 of the Harborough District Core Strategy, and addresses the key issues raised at Section 5 of the Draft Neighbourhood Plan.

Further, the proposal is capable of being delivered, there is a clear strategy and experienced partners in place to ensure delivery, and the applicant is committed to completion of a Section 106 agreement to require it to provide the medical centre, and no evidence has been presented to demonstrate that there is any other site better located or more readily deliverable than that proposed.

The proposal accords with the conclusions and guidance of the (Lutterworth and) Broughton Astley Landscape Character Assessment and Landscape Capacity Study 2011.

In addition, the proposal would not adversely affect local highway safety, or the amenity of local residents, would respond appropriately to the site's characteristics, would not lead to an unacceptable flood risk and would not adversely affect local ecological or archaeological interests. The proposal therefore complies with Policies CS5, CS8, CS9, CS10 and CS11 of the Harborough District Core Strategy.

In light of the above reasons, the application is recommended for approval.

Conditions

1. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to and approved in writing by the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;
- (e) The means of access to the site.

The development shall be carried out in accordance with the approved details. Reason: The application was made for outline planning permission and is granted to accord with the provisions of Section 92 of the Town and Country Planning Act 1990 and Part 2 (5) of the Town and Country Planning (Development Management Procedure) Order 2010.

2. An application for approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission and the development hereby permitted shall begin not later than two years from the date of approval

of the last of the reserved matters to be approved. Reason: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. Except where amended by details agreed pursuant to the conditions of this permission, the development hereby permitted shall be implemented fully in accordance with the submitted plans drawing reference "949/100 Revision D" (the indicative site layout plan) and "S0000/500/03" (the Site Location Plan). Reason: For the avoidance of doubt.

4. No development shall commence on site until full details of the means of foul and surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity. Reason: To ensure the satisfactory drainage of the site and to accord with Harborough District Core Strategy Policy CS10.

5. The development hereby approved shall be implemented in accordance with the approved mitigation measures detailed in the submitted Flood Risk Assessment. Reason: In the interests of flood prevention and to accord with Harborough District Core Strategy Policy CS10.

6. The landscape matters to be submitted in compliance with Condition 1 shall (a) include the retention of existing landscape features and vegetation including mature hedgerows and additional planting to reinforce the western boundary hedgerows and other planting; and (b) minimise the amount of hardstanding, so far as reasonably possible, breaking up the hard surfacing for the car parking area and associated access with grassed areas and planting, and maximising the use of grasscrete and/or similar material. Development shall be carried out fully in accordance with the approved details. Reason: To safeguard the character and appearance of the area, and the visual amenity of the development, and to accord with Harborough District Core Strategy Policies CS2 and CS11.

7. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from construction works;
- h) measures for the protection of the natural environment;
- i) hours of construction work, including deliveries; and
- j) measures to control the hours of use and piling technique to be employed, where applicable has been submitted to, and approved in writing by, the Local Planning Authority.

The approved statement shall be adhered to throughout the construction period. Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and to accord with Harborough District Core Strategy Policy CS11.

8. No development shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- BS10175 Year 2011 Investigation Of Potentially Contaminated Sites Code of Practice;

- BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

The Verification Plan shall be prepared in accordance with the requirements of:

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 120 of the NPPF.

9. Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development. Prior to occupation of any part of the completed development, a report showing the findings of the Verification Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme; and
- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

Reason: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 120 of the NPPF

Notes to applicant

1. You are advised that this proposal will require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 821090). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.

2. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (Tel:- 0116 3052104/ 0116 3052202).
3. A letter of consent is required from the appropriate water authority (Severn Trent or Anglian Water) before connecting into the foul and surface water drains.
4. If the permitted plans involve the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.
5. It is recommended that no burning of waste on site is undertaken unless an exemption is obtained from the Environment Agency. The production of Dark Smoke on site is an offence under the Clean Air Act 1993. Notwithstanding the above, the emission of any smoke from site could constitute a Statutory Nuisance under section 79 of the Environmental Protection Act 1990.
6. A watching brief for all protected species of wildlife must be maintained at all times throughout the development. In the event of any protected species being discovered works shall cease, whilst expert advice is sought from Natural England

13/00164/FUL – Broughton Astley
Applicant: David Wilson Homes East
Midlands

Erection of 115 dwellings with associated access, parking and public open space (revised scheme of 12/01495/FUL), at Land off Frolesworth Road, Broughton Astley

Target Date: 10/05/13

Recommendation

APPROVE subject to a Section 106 agreement or similar obligation for items set out in this report, and to secure provision of 13/00165/OUT (if approved), and subject to no new material issues raised in response to additional consultation (on revised plans, deadline for comment Fri 19th April) and for the following reasons and appended conditions:

The proposal would make a contribution to the delivery of housing, including affordable housing for Harborough District and potentially medical facilities if linked to proposal 13/00165/OUT, without having an adverse impact on interests such as highway safety, residential amenity, cultural heritage and flooding. While introducing housing would affect the character of the countryside, the proposal generally satisfies the aims and objectives of the Framework, and the grant of permission will not seriously undermine the likely achievement of policy objectives including the Council's adopted Core Strategy including CS16 and Planning for Growth (March 2011). While it would be far preferable and in the better interest of localism for a decision not to be taken prior to progress with the Broughton Astley Big Plan that itself does not merit refusal. Given the identified benefits of the scheme, and notwithstanding the District currently demonstrates a 5 year supply of housing and housing development is not identified as appropriate in the countryside, a departure from Policies CS2 and CS17 of the Harborough District Local Plan is justified.

This decision implements paragraphs 186 and 187 of the Framework.

Site:

The application site is comprised of agricultural land in the form of two fields, to the east of Frolesworth Road, opposite the existing recreation ground and play area. The site extends to approximately 6.2 hectares. Public Footpath W61 runs along the northern boundary of the site, beyond which are residential properties (Old Rectory Close). The eastern boundary is formed by a stream with fields and residential properties beyond (the closest properties being those located in Old Mill Road). The southern boundary is formed by a mature native hedgerow with agricultural fields beyond. The western boundary is formed by 'Mill Farm' and Frolesworth Road itself. Public Footpaths W58 and W60 cross southern and northern parts of the site respectively. The application site is outside the defined Limits to Development of Broughton Astley (and also outside any designated Conservation Area) and there are no other specific policy or land use designations.

The site is relatively low lying at 85m AOD (above ordnance datum), and relatively flat – rising a maximum 1.8 metres over approx. 240 metres from northern to southern boundary. Landform rises gently to the north and west, reaching 100m AOD at Sutton Lodge and further south reaches 115m AOD at Leire Road.

The Proposal:

The application seeks full planning permission for the erection of 115 dwellings, associated garages and hardstanding, provision of public open space and construction of a new access.

The application is accompanied by documents including:

- Planning Statement, incorporating a Design and Access Statement (DAS);
- Transport Assessment;
- Landscape and Visual Assessment (LVA);
- Ecological Assessment;
- Archaeological evaluation
- Geo-Environmental Site Assessment;
- Flood Risk Assessment;
- Storm and foul water drainage report; and
- Section 106 Heads of Terms Summary
- Statement of Community Involvement (GIVE MORE INFO?)

Policy

National Planning Policy Framework (“the Framework”) (published 27.03.2012):

Paragraphs 6 – 9, 13, 14, 17 (presumption + core planning principles)

Paragraphs 18, 19, 20 (economy)

Paragraphs 29, 30, 32, 34, 35, 36 (transport)

Paragraphs 47, 49, 50, 52 (housing)

Paragraphs 56, 57, 58, 60, 61, 63, 64, 65, 66 (design)

Paragraphs 69, 70, 75 (healthy communities)

Paragraphs 93, 96, 97, 98, 99, 100-104 (climate change and flooding)

Paragraphs 109, 112, 117, 118, 119, 120 – 122, 123, 124, 125 (natural environment)

Paragraphs 126, 128, 129, 131, 132, 133, 134, 135, 136, 137, 139 (historic environment)

Paragraphs 186 – 206 (decision taking)

Regional Policy (East Midlands Regional Plan) – revoked 12.04.13

Local Policy:

Harborough District Council Core Strategy

CS1 – Spatial Strategy for Harborough (parts (a), (b), (h), (i) and (l) are relevant)

CS2 – Delivering New Housing

CS3 – Delivering Housing Choice and Affordability

CS5 – Providing Sustainable Transport

CS8 – Protecting and Enhancing Green Infrastructure

CS9 – Addressing Climate Change

CS10 – Addressing Flood Risk

CS11 – Promoting Design and Built Heritage

CS12 – Delivering Development and Supporting Infrastructure

CS16 – Broughton Astley

Harborough District Local Plan:

Policy HS/8: Limits to Development

Local Plan for Harborough District (including APPENDIX B Review of Core Strategy: NPPF Compatibility (3rd December Council 2012))

Local Supplementary Planning Guidance Notes⁴:

SPG Note 1: Design principles

⁴ Supplementary Planning Guidance Notes were adopted by the Council in March 2003 following public consultation, and supplement the policies of the Local Plan. Full Council has voted to retain the said SPGs and link them to Core Strategy policies as applicable, until a new Supplementary Planning Document is produced.

SPG Note 2: Major Housing Sites
SPG Note 9: Landscape & New Development
SPG Note 10: Trees & Development
SPG Note 11: Hedges & Development
SPG Note 13: Crime Prevention & Reduction
SPG Note 16: Requirements for the provision of land for outdoor play space in new residential developments⁵
SPG Note 20: Monitoring of Housing Land
SPD Affordable Housing (adopted February 2006)
Planning Obligations Developer Guidance Note (June 2009)
Assessment of Local Community Provision and Developer Contribution (October 2010)

Other

Broughton Astley Landscape Character Assessment and Landscape Capacity Study (2011)
Draft Neighbourhood Plan for Broughton Astley (February 2013)
Local Plan for Harborough District (including APPENDIX B Review of Core Strategy: NPPF Compatibility (3rd December Council 2012))
Ministerial Statement – ‘Planning for Growth’ (23.03.11)
Planning for Climate Change (supplementary national guidance) (April 2012)
Circular 11/95 – Use of conditions in planning permission
Circular 06/05 – Biodiversity including statutory obligations within the planning system
Community Infrastructure Regulations 2010
Circular 01/2006 – Guidance on changes to the Development Control System
Safer Places – ODPM - (April 2004)

Strategic Housing Land Availability Assessment (SHLAA)

The application site has been put forward for housing development as part of the SHLAA in connection with the preparation of the LDF. The Council’s response was that the land was free of constraints and could come forward for development within 6-10 years.

S106 Policy

There is clear government advice set out in the Framework concerning Section 106 Agreements and contributions required of developers, which must be necessary in relation to local and national planning policy and directly and fairly related in scale and kind to the proposed development.

Section 106 Agreements impose obligations on both the Developer and the Council. The Council’s Planning Obligations Developer Guidance Note and supporting document Provision for Open Space Sport and Recreation were adopted by the Council’s Executive on 21st September 2009.

Consultations / Representations:

Highways (LCC):

Comments on the submitted transport assessment and the capacity of Frolesworth Road’s crossroads junction with Station Road / Main Street and Cosby Road, and 6no other local junctions, as well as the proposed ghost island junction (considered acceptable) and various mitigation measures; overall, no objections subject to conditions, including a gateway feature / traffic calming, off-site pedestrian links, and new / improved footway facilities.

Environment Agency:

⁵ The provision of outdoor play space is required in all developments comprising 50 or more dwellings. The SPG states that such developments should provide a Local Equipped Area for Play, and those comprising 135 or more dwellings should provide a (Neighbourhood Equipped Area of Play) NEAP.

No objections subject to conditions: “the proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission”.

Highways Agency:

No comments received

Planning Policy (HDC):

Comments included within the body of the report.

Neighbourhood and Green Spaces Officer (HDC):

Planting – the use of species looks to be satisfactory. However, in the light of the current restrictions on *Fraxinus* spp, it may be worth considering use of an alternative.

Landscaping – I note the maintenance period of 12 months following practical completion which is satisfactory. I would like an alternative to wooden knee rail to be considered. The 100 x 100 mm knee rail is not sufficiently robust on open space areas, and alternatives include large diameter wooden bollards or a larger dimension knee rail fence, if no alternatives can be found. Can it be confirmed whether the balancing facilities are permanently wet or dry facilities. The profiling of these areas will need to be such that maintenance is possible. I would be grateful if the developer can confirm the profile.

Other issues – On Dwg Bir 4114- 03A there is a bridge across the watercourse to the southern end of the open space. Can it be confirmed whether this is to remain or be removed? Can the riparian ownership of the watercourse be confirmed?

Rights of Way (LCC):

Public Footpaths W58, W60 and W61 are affected by the proposed development site. Public Footpath W61 runs along the northern boundary of the site, Footpath W60 runs east to west through the proposed site and Footpath W58 runs through the south eastern corner of the site.

1. I note from the application plan that the intention is to divert part of Public Footpath W60 to run adjacent to the estate road and that Public Footpath W58 is proposed to remain on its existing Definitive Line. I have no objection to the proposed diversion as shown on Drawing No. S4622/100/01 - Planning Layout, as long as the following conditions are adhered to:-

2. An application for the diversion of Public Footpath W60 must be made under the provisions of the Town and Country Planning Act 1990. The sections of Footpath W60 shown by a solid red line on the attached plan (Overlay Plan 1.) and marked A-B, C-D and E-F must be included in the diversion application which needs to be submitted to Harborough District Council to process. This is to ensure that the public path is not obstructed on completion of the development and that the Definitive Map correctly shows the final route of the public path as it has been constructed and is to be maintained by the Highway Authority in the future.

3. Public Footpath W60, from point A to point F on the attached plan (which includes sections of the existing route and sections to be provided as new diverted routes) should have a minimum width of 2 metres and be provided with a tarmacadamed surface constructed to the County Council’s standard design specifications. This footpath should also be provided with clear and unencumbered verges of at least 1 metre either side, throughout its full length through the development site. This is to ensure that the footpath is fit for purpose on completion of the development and that its construction complies with

L.C.C. Rights of Way Developer Guidance Notes and the 6Cs Highways Design Guide standards.

4. The proposed link path between Footpath W60 and W61 (G-H on the attached plan) should have a minimum width of 2 metres and be provided with a tarmacadamed surface constructed to the County Council's standard design specifications. This footpath should also be provided with clear and unencumbered verges of at least 1 metre either side. The Applicants will either need to dedicate this linking path as a public right of way or offer it for adoption under a "Section 28" Agreement. This is to ensure that the footpath is fit for purpose on completion of the development and that its construction complies with L.C.C. Rights of Way Developer Guidance Notes and the 6Cs Highways Design Guide standards.

5. The surface of Public Footpath W61 from point J to K on the attached plan should be provided with a 2 metre wide tarmacadamed surface constructed to the County Council's standard design specifications. This is to ensure that the footpath is fit for purpose on completion of the development and that its construction complies with L.C.C. Rights of Way Developer Guidance Notes and the 6Cs Highways Design Guide standards. With the development of 124 dwellings the footfall on this public path will increase dramatically with a commensurate degradation of the existing informal surface. This will necessitate the provision of a tarmacadamed all weather surface.

6. Any trees or shrubs which are proposed to be planted adjacent to either existing footpath W58 or diverted footpath W60 should be set back by a minimum of 2 metres and be of species which do not spread. This is to ensure that the public footpaths are not obstructed by vegetation planted as part of the development.

7. Fingerposts and waymark posts should be installed at locations agreed with Leicestershire County Council. This is to ensure that the public are aware of the existence and location of the public rights of way and are encouraged to use them as an alternative to using motor cars to make local journeys.

8. No new gates or other structures affecting the footpaths should be constructed without prior approval of the County Council's Rights of Way Team (0116 305 0001). It is unlawful to construct a barrier across a public right of way without the lawful authority of the Highway Authority.

9. Before any work is carried out on the surface of the footpaths, prior consultation with the County Council's Local Area Rights of Way Inspector must be undertaken. This is because the County Council is responsible for ensuring that public rights of way are open and available to the public at all times and has a duty to make sure that the surfaces of public rights of way are suitably maintained and in a safe condition.

10. The Public Footpaths must not be re-routed, encroached upon, or obstructed in anyway. To do so may constitute an offence under the Highways Act 1980.

Water authority (Severn Trent Water):

No objections subject to condition requiring sustainable urban drainage system (SUDS) and overall drainage strategy.

Environmental Health Officer (HDC):

No comments received

Contaminated Land Officer (HDC):

Submitted Geo-environmental Site Assessment is deficient in several respects (set out in full in detailed comments published on the Council's website. However, overall, no objections subject to conditions.

Leicestershire County Council Archaeology:

No objections, subject to conditions: Appraisal of the Leicestershire and Rutland Historic Environment Record (HER) indicates the application area includes heritage assets with an archaeological interest (paragraph 128 of the Framework and Appendix 2).

Previous archaeological investigation of the site, including desk-based research, geophysical survey and evaluation trenching, has revealed evidence for four main phases of activity within the site:

- A prehistoric pit alignment within the south-western area of the application area
- Medieval occupation within the north-eastern part of the application area, dating from the 12th to 15th centuries
- Partially standing remains of a post-medieval farm complex in the north-eastern part of the application area. This may relate to the below-ground evidence for medieval occupation and represent the evolution of a medieval croft.
- Below-ground remains of a post-medieval windmill within the south-eastern part of the application area

The development proposals include works (e.g. foundations, services and landscaping) likely to impact upon those remains. In consequence, the LPA should require the developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (paragraph 141 of the Framework).

LCC Archaeology states that the applicant should therefore provide for an appropriate level of archaeological investigation and recording (further details available on application file).

Leicestershire County Council Ecology:

No objections in principle, subject to conditions: The land is currently in arable use and has poor existing wildlife value, apart from the boundary features. The layout and landscape proposals safeguard existing features of value. A good wildlife corridor is retained alongside the Broughton Astley Brook/River Sence, which is designated as a Local Wildlife Site and is of county-wide value; there are recent records for three protected species from the brook (Otter, Water vole and White-clawed Crayfish), and several veteran trees which meet LWS criteria in their own right. The hedgerows to south and west are also mostly retained intact, with buffer zones. Opportunities to enhance biodiversity have also been taken, with the construction of SUDS wetlands alongside the brook, creation of wildflower grasslands, and planting of native trees and shrubs throughout the open spaces. The choice of species shown on the landscape plans is acceptable.

The ecology report (Aspect, 2012) is satisfactory, and at this stage no further survey work is required. Evidence of badger foraging was noted, but no setts on site. Evidence of Water vole and Otter were found along the Brook. Some trees had bat roost potential, but none were identified. General mitigation for impacts on protected species is proposed in the document, summarised in section 5.13 of Aspect's report.

It will be necessary to update Badger, Water vole, Otter and Crayfish surveys prior to development, or every three years through the life of any planning permission. Bat surveys will need to be done of any of the identified trees of bat potential prior to their removal.

LCC Ecology expresses concerns re the potential impacts on the section of Broughton Astley Brook/R Sence LWS outside the present application boundary, to the north. The brook runs

in a narrow corridor between the Church and Church Close, and back gardens of properties. A footpath runs alongside the Brook. Specific concerns re any changes to this footpath to accommodate increased use that will be an inevitable result of the development, in particular any proposals to widen the path, alter the banks of the brook, or light the path. The brook supports Crayfish and Water vole, and the Church has Pipistrelle and Brown Long-eared Bat roosts. The bats will certainly be using this brook corridor as a foraging route. Any plans to alter this path and brook corridor will need to demonstrate that any impacts on these protected species can be adequately mitigated (e.g. through working methods, conservation of bankside and channel features and habitats, working times, and sensitive lighting schemes).

If improvements to the brook corridor and footpath to the north are sought through planning agreement or other means (the area is currently off-site), plans must include adequate mitigation for impacts on protected species.

Broughton Astley Parish Council:

Following its Parish Council meeting on 25.03.13 the following was RESOLVED that the Parish Council objects to this application on the following grounds:

1. That the Parish Council are again disappointed that the submission for this application has been presented before the completion of the Neighbourhood Plan, especially as the developer is aware of the plans developments.
2. That the proposed flood mitigation scheme to prevent flooding to the development site, it is very likely to cause flooding in Old Rectory Close and Frolesworth Road causing a danger to vehicle users and residents alike. The Environment Agency report that the development site is outside their recorded floodplain, but on two occasions alone this year Frolesworth Road and surrounding fields (including the development site), roads and streets have been under water.
3. The Environment Agency's report (Section 5 5.2) states that whole of the built part of the site will remain unaffected and it is anticipated that the proposed access into the development from Frolesworth Road will remain dry enabling residents dry access and egress from the site at all times. The members would like it noting that dry access maybe had from the site at all times using the mitigated flood prevention scheme, but photographic evidence shows how much water lies on Frolesworth Road following heavy rain causing access to the site to be problematic.
4. The Members raise concerns that the traffic survey data was largely collected in the first week of the school summer holidays and that the traffic flows are greatly reduced and therefore is not a true reflection of the usual amount of traffic volume on a considerably narrow and often used road.
5. The Members would like it noting that surface water is present on the proposed development site for a number of weeks during the winter period and following heavy rain.
6. The Members raise concerns that no assessment has been made of the water level which backs up at the bridges and the 90° bend in Broughton Astley Brook, it appears only to go on the river / brook levels in general.

Frolesworth Parish Council:

No comments received

Leicestershire Police:

No objections, but seeks S106 developer contributions.

Section 106 requirements:

Given the size of the site proposed for residential development the application triggers a requirement for Section 106 obligations in respect of affordable housing, community facilities and additional school places. Should Members be minded to grant permission for the development, the following requests have been made for Section 106 monies:

- Leicestershire County Council’s Director of Highways, Transportation and Waste Management has requested £3,291 towards the civic amenity site at Whetstone.
- Leicestershire County Council’s Director of Children and Young People’s Service has requested an education contribution of £19,358.42 (primary education)
- CHECK Leicestershire Police – £48,593 is requested towards the development’s burden on local policing
- CHECK Public Open Spaces – A total of £262,365.28 is requested towards new on site provision, with the following breakdown: Parks and gardens £40,039.29; Sports facilities £31,575.72; Amenity greenspace £28,282.53; Children and young people £128,040.11; Semi natural greenspace £54,566.90; Allotments £2,948.88; plus either £616,349.82 or £711,347.46 towards off-site contribution (smaller figure towards enhancement or higher figure towards new provision), split between the same categories as above, plus Cemeteries and Closed Churchyards.
- Leicester, Leicestershire & Rutland Primary Care Trust requests £91,617.24 towards existing GP/care facilities in Broughton Astley
- Harborough District Council’s Housing Strategy and Enabling Manager has requested that 37 units are *affordable* and are divided as follows:

Application Specifics	30% Requirement =	Rent – 60% [of which 30% Social Rent and 30% Affordable Rent]	Intermediate housing – 40%	TOTAL
		Social Rent 1x four bed houses 2x two bed bungalows (one adapted for wheelchair use) 6x one bed flats 2x two bed houses Affordable Rent 6x two bed houses 4x three bed houses	Intermediate tenure 10x two bed houses 4x three bed houses	
Proposed site yield = 115	35	Total 21	Total 14	Total 35

In addition, Leicestershire Highways requests the following:

- To comply with Government guidance in the NPPF, the CIL Regulations 2011, and the County Council’s Local Transport Plan 3, the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use:

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). 6 month bus passes (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £325.00 per pass (NOTE it is very

unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).

- New/Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263.00 per stop. Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £120.00 per display. Bus shelters at 2 nearest bus stops; to provide high quality and attractive public transport facilities to encourage modal shift. At £4,908.00 per shelter.

Ward Councillor (Cllr Dann):

I wish to object to the planning applications 13/00164 and 13/00165 on the following grounds

1. The Site is wholly inappropriate due to well documented flooding issues.
2. The Location would impact upon road safety.
3. The Development would be totally contrary to the Neighbourhood Plan.

The case for the development of a medical centre has come at the eleventh hour without any prior warning and without any public consultation. I cannot see how any meaningful consultation could take place before the intended planning decision in April. At this stage the Parish had not had any dialogue with the medical practise and were not aware of their problems. If the medical centre is to relocate, public consultation should take place into the suitability of a new site.

Most of the work and consultation has been carried out regarding the production of our Neighbourhood Plan. The finalised document will not differ greatly from what it already contains, and therefore should be used as a tool when addressing planning matters.

I have seen other submissions relating to 1. and 2. above and would be confident to support them.

I rather think that these planning applications have sought to go under the radar; we should take time to reflect on the outcome of the Neighbourhood Plan, and be certain that what we put in place for Broughton Astley fits both the Core Strategy and Local Plan. I understand that each planning application must be judged on its own merit (although it is plain that these two applications are intertwined) however being able to demonstrate a five year housing supply must surely allow time for a more measured approach.

Further comments: The application comes at a time when Broughton Astley is working through the end results of their Neighbourhood Plan. They became one of the first Parish Councils to receive Fronrunner Funding to complete a plan, and this was made plain to all developers expressing an interest. Most developers seemed to have been on side. It is therefore disappointing that this application has been received at this time. The results of the plan will be important to local people and will demonstrate that under Localism they can share in the future development of their Village.

Representations:

73 letters of objection have been received from 56 households, raising the following points (for more details please refer to the letters on file):

Flooding / drainage issues

- (1) Application site is a flood plain / partially a flood plain

- (2) Proposal would increase the risk of flooding to surrounding area, including neighbouring and nearby residential properties
- (3) Application site acts as a natural flood plain protecting existing dwellings; the proposal would remove the existing water retention facility; the stream adjacent to Old Rectory Close would not be able to cope, leading to flooding of nearby properties
- (4) Given that much of the site has flooded three times since 2009, it is inconsistent with government policy to build on these fields, e.g. from early July 2012 the fields visible from the road were flooded for nearly 2 months; we should improve already inadequate flood management before building on any more valuable flood plain
- (5) The applicant's submitted Flood Risk Assessment is a combination of partial information and speculation and should be regarded as unsound (e.g. para 3.1); the report lacks thoroughness and is difficult to take seriously; the proposed measures fail to consider the additional flood waters from the protected medieval field at Glebe Farm and others further along Frolesworth Road which habitually overflow into the local area
- (6) Current proposal would cause the existing flood plain to be raised by over 3 metres
- (7) The foul sewer on Frolesworth Road is at capacity and overloads at times causing sewerage to back up; additional development would exacerbate this problem
- (8) "The Broughton Brook catchment area at this time of year is intensively cultivated with winter wheat and barley. This sends, during periods of heavy rainfall, muddy overland flood water towards the River Broughton Brook. The Frolesworth Road now acts as the missing ditch. The result is that the foul drainage system in the whole area of Broughton Astley suffers from ground and surface water infiltration repeatedly causing sewage to flood homes and gardens in Jubilee Close and Frolesworth Road"

Location, land use designation and sustainability issues

- (9) Proposal is outside the village's defined Limits to Development
- (10) Proposal is 100% residential, contrary to Core Strategy policy
- (11) Proposal would be accessed off a country lane; such developments should, wherever feasible, be serviced from the main roads and kept within village boundaries
- (12) Proposal would compromise the separation between Broughton Astley and Leire; it is vital for the maintenance of Leire as an independent village that the existing undeveloped area is not further reduced
- (13) Alternatives: there are clearly a number of other proposed sites in the Big Plan which can be serviced off the main road with far less impact on the village in terms of traffic, outlook and retaining the countryside; there are at least 2 far more suitable sites; this is not the right site
- (14) The Broughton Astley Big Plan is not likely to recommend this site for development; the developer has gone ahead with this application without waiting for the publication of the results of the Big Plan; early indications suggest this site comes fifth in priority for development sites; the Big Plan should be reviewed / adopted before any decisions are made; the applicant has deliberately attempted to circumvent the democratic process (Big Plan) – ignoring the wishes of the community and proposing no benefits in return; total disregard for local democracy
- (15) The application site is not in the current development plan for the village

Housing Land Supply

- (16) Broughton Astley has 5.1 years of allocated housing development, rendering this current proposal unnecessary; there are numerous (one objector states c.124) new and large (4 bed) properties for sale in village – if these are not selling why do we need more?

Highways and transport issues

- (17) Proposal would create between 480 and 760 vehicular movements per day in an area that has a narrow approach road from both sides, a crossroads within 800m along with a children's nursery, play area and recreation ground and is less than 0.5 miles from a large school; would substantially increase the local accident rate; risk of fatalities

- (18) Impact to pedestrian safety, particularly children travelling to/from school
- (19) Parking on Frolesworth Rd between Teapots Nursery and the playing fields causes severe traffic problems; would be exacerbated by the proposal
- (20) Frolesworth road is already busy (high vehicle speeds) and yet needs to be safe as an important equestrian link between villages and for the children attending the main park
- (21) The increased traffic would make riding horses in this area very difficult
- (22) Traffic counts submitted in support of the proposal were insufficient; residents have carried out traffic counts in November, at the same points, and recorded greater vehicle numbers.

Environment/ecology issues

- (23) Irreversibility of proposal – development at too great a cost; not needed or wanted; site should be planted with trees rather than houses
- (24) Adverse impact to pleasant countryside
- (25) The brook is clean and supports a wide range of wildlife, kingfisher, crayfish, great crested newts, egrets and water voles (photographs submitted of these); otters; heron, buzzard, woodpecker; development would adversely affect this wildlife; pipistrelle and long-eared bats which roost in the church use the brook corridor as a foraging route; further protected species must be conducted and English Nature (Natural England) consulted; a full Environmental Impact Assessment is required

Infrastructure issues

- (26) Significant impact on congestion in the village centre; a proposal of this size would require a 2nd commercial centre for the village
- (27) Further strain to village's medical facilities (the Orchard Road surgery is already at capacity, and there is no NHS dentist), schools (no spare spaces for primary school children; children living at this development would need to attend primary schools outside the village), surrounding countryside lanes; no help toward job creation

Residential amenity and layout issues

- (28) Significant light and noise pollution for neighbouring residents
- (29) Loss of privacy and loss of sunlight to neighbouring residents, with particular reference to the plot closest to 15 Old Rectory Close

Other issues

- (30) Numerous inadequacies in submitted Transport assessment
- (31) Peaceful and reflective walks to the village cemetery would be tainted
- (32) If HDC approved this application it would fail in its 'duty of care' to protect the health and safety of the public
- (33) Developer does not want to contribute to any S.106 monies or the Community Infrastructure Levy [Officer comment: the applicant *has* agreed to complete a Section 106 agreement]

Other Information

History:

- 12/01495/FUL – Erection of 124 dwellings with associated access, parking and public open space – withdrawn pending refusal, 18.01.13
- 09/00157/OUT – Outline application for residential development (all matters except means of access reserved for subsequent approval) – refused, 08.07.2009

EIA Development

This application is not an EIA development in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Reason for Report to Committee:

This application is being reported to the Planning Committee for determination because the application proposes more than ten dwellings.

Housing Land Supply Position

Paragraph 47 of the NPPF requires local planning authorities to ensure that there is a continuous five year supply of deliverable sites within their District. To be deliverable sites need to be available, i.e. available now; suitable i.e. the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities; and achievable i.e. there is a reasonable prospect that housing will be delivered on the site within five years.

In September 2012 the Council demonstrated a 5.5 year supply of housing land (which includes the NPPF advised 5% additional buffer) with a buffer of 196 over the five year period (this compares to 4.6 years -shortfall of 133 dwellings- in March 2012).

Recent Appeal Decisions

Every proposal is considered on individual merit. The following decisions are nevertheless helpful in demonstrating the weight to be applied to material considerations including strategic housing assessments, five year supply, Development Plan policy including retained policies and landscape character assessments.

APP/T2405/A/10/2135068 Countesthorpe, Leicestershire including (para.17)

"...landscaping is important to provide a green structure and setting for development and to enable integration into the landscape, but is not a means of making otherwise unacceptable developments acceptable, especially with a long lead in period to achieve any degree of maturity and substantial screening"

APP/F2415/A/10/2128267 Berry Close, Great Bowden (para.15).

"The SHLAA and LCS recognise the ability of the site to accommodate housing, but this must be seen in the context of the status of the land as open countryside and the conclusions of these reports do not outweigh the aims of the Local Plan policies in this regard"

APP/F2415/A/09/2114425 Glebe Road, Market Harborough including (para.42)

'I consider that the contribution that the site would make to meet the requirement for a deliverable 5-year land supply and the need for affordable housing are material considerations of sufficient weight to outweigh the policy objection through non-compliance with saved LP Policy EV/5. I therefore conclude that the proposal should be allowed notwithstanding the conflict with saved LP policy'.

APP/F2415/A/10/2134083 Clack Hill, Market Harborough (para.38): *"The site is in a sustainable location and the relative lack of impact on the landscape is supported by the landscape impact assessment...contribution to 5-year housing land supply...outweigh the policy objection (i.e. EV/5 and PPS7)..."*

Planning Considerations:

Policy Assessment:

Policy CS1 sets out the spatial strategy for Harborough which is to "maintain the District's unique rural character whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services" to, among other things, enable the development of 7,700 dwellings across the District during the period 2006–2028.

Policy CS2 deals with delivering new housing and advises that the District's total housing requirement of 7,700 dwellings (total of 400 at Broughton Astley) will be provided in a sustainable manner. The Limits to Development boundary will be used to shape the town's future development, and will be reviewed through the Allocations DPD is needed in order to enable the scale of new housing required to be accommodated. Housing development will not be permitted outside the Limits to Development (either before or following their review), unless at any point there is less than a 5 year supply of deliverable housing sites and the proposal is in keeping with the scale and character of the settlement concerned. Housing development will be of the highest design standard, with a layout that makes the most efficient use of land and is compatible with the built form and character of the area in which it is situated. The mix of housing types provided as part of any new development should be informed by the most up to date Strategic Housing Market Assessment or other local evidence.

Policy CS3 deals with delivering housing choice and affordability and sets out a requirement that all residential developments within the District will be required to contribute towards meeting affordable housing needs. At sites in the Blaby Border Settlements sub market area a minimum of 30% of the total number of dwellings will be affordable

Policy CS5 advises that the majority of future development will be located in areas well served by local services to reduce the need to travel, where people can gain convenient access to public transport services for longer journeys and where local journeys may be undertaken on foot or by bicycle.

Policy CS11 states that, in recognition of the importance of good design and the built heritage of the District, the highest standards of design in new development will be sought to create attractive places for people to live, work and visit. Several criteria set out how this will be achieved.

Policy CS12 deals with delivering development and supporting infrastructure and requires developments to make contributions to infrastructure necessary to support the development

Policy CS16 specifically refers to Broughton Astley, stating that all sites on which additional housing is proposed will be examined as to their potential to bring forward land to help expand community, commercial and local employment provision, and proposals that help deliver land for new facilities will generally be supported. Part (a) of the policy states specifically that, "in considering future sites for housing development, mixed use sites which ensure the provision of additional retail, community facilities or employment facilities or employment opportunities to serve Broughton Astley will be supported".

National Planning Policy Framework

Paragraph 14 sets out the much vaunted "presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking." For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - 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; or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 17 sets out 12 core land-use planning principles that should underpin decision making (cf. report for 13/00060/FUL earlier in this agenda).

Paragraph 32 states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Assessment. Decisions should take account of whether: (a) the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, (b) safe and suitable access to the site can be achieved for all people; and (c.) improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 35 states that developments should be located where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

Paragraph 47 states that, where there has been a record of persistent under delivery of housing, Councils should have an additional buffer of 20% (over the five years worth of housing, i.e. a Sixth Year) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land. This is not land over and above HDC's housing target or 15 year supply of developable sites or broad locations but rather a frontloading of supply, i.e. the trajectory changes but not the overall total.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development, while paragraph 52 encourages new residential development to follow the principles of Garden Cities.

Paragraph 56 states that good design is a key aspect of sustainable development and indivisible from good planning. Paragraph 59 states that developments should establish a strong sense of place, create attractive and comfortable places to live and visit, optimise the potential of the site to accommodate development, respond to local character, and be visually attractive as a result of good architecture and appropriate landscaping. Paragraph 61 states that while visual appearance is very important, the development also needs to integrate well into the natural, built and historic environment. Paragraph 69 states that decisions should aim to achieve developments are safe and accessible, and contain clear and legible pedestrian routes and high quality public space, which encourage the active and continual use of public areas.

Paragraph 99 states that new development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.

Main Issues

The three fundamental issues in this case relate to (1) the provision for strategic housing requirements in the District, including the required five-year supply (plus additional 5% buffer) of deliverable housing land, and consequent need for release of Greenfield land for residential development outside the Limits to Development; (2) the extent to which the proposal complies with Policy CS16 of the Core Strategy, and (3) the resultant effects, including visual, landscape and wildlife, on the character and appearance of the countryside.

Principle / Five Year Housing Land Supply

The application site is outside (but adjacent to) the Limits to Development, in open countryside. The site is accessible to public transport and community facilities and services, relates relatively well to the built up area, being located south of the narrow central part of Broughton Astley, and its proximity to Broughton Astley makes for a relatively sustainable location. However, it remains the case that the site is countryside. As such, a permitted application would introduce residential development into the open countryside, beyond the

Limits to Development, contrary to Core Strategy Policy CS17, which states residential development will not be appropriate in the Countryside.

As at 30th September 2012 the Council had 5.54 years of housing supply (including a 5% buffer), and thus the Local Planning Authority (LPA) is currently able to demonstrate an up-to-date five year supply of deliverable sites for housing. Policy CS2(a) states that, should there be such a five year supply, housing development will not be permitted outside the Limits to Development. The LPA acknowledges that, in the case of Broughton Astley, there does not exist a sufficient number of sites on brownfield land to accommodate the need for new housing.

At this moment in time, therefore, the principle of development in this location fails to accord with Core Strategy Policy CS2(a).

Degree of compliance with Policy CS16:

Core Strategy Policy CS16 identifies Broughton Astley as a Key Centre and sets out a housing requirement of at least 400 dwellings to 2028. Taking into account completions and commitments, land for approx. 280 dwellings needs to be found through allocations in the plan making process. While Policy CS1 gives priority to previously developed land, the Core Strategy recognises that the vast majority of Broughton Astley's capacity is on greenfield land and the Strategic Housing Land Availability Assessment 2011 supports this conclusion.

Although it is accepted that future development will need to be accommodated beyond the current Limits to Development, CS policy for Broughton Astley seeks to redress the imbalance which has developed between housing and services/facilities in the village through support for mixed-use sites which ensure the provision of additional local retail, community facilities and employment opportunities.

Appendix 2 (Infrastructure Schedule) of the Harborough District Core Strategy highlights health care provision in Broughton Astley as needing significant investment – it is listed as 'Deep Amber' in the Red-Amber-Green traffic light system (with only Husbands Bosworth and Kibworth in greater need). Recognising this need, David Wilson Homes and its partner LSP Developments Ltd have been in discussions with the Orchard Medical Practice, and propose a new medical centre as part of the overall development, which is subject of planning application 13/00165/OUT.

Provided the medical centre is deliverable (assessed in more detailed in previous item 13/00165/OUT), the proposed development would ensure provision of an additional community (and employment) facility in Broughton Astley, and would therefore comply with Core Strategy Policy CS16.

It is considered that the proposal would only accord with CS16 if the medical centre is delivered, and it will be important to secure its provision through a Section 106 agreement.

Broughton Astley's Neighbourhood Plan: the Big Plan

Core Strategy Policy CS2(a) makes it clear that it is for the allocations (the Neighbourhood Plan in this case) process to direct the scale of new development to be accommodated and to review Limits to Development accordingly. Given that the Council can prove demonstrate a 5 year supply, it is for the allocations process (most likely through the Neighbourhood Plan) to identify the most suitable sites for future development.

In 2011 Broughton Astley Parish Council made a successful bid to become a Neighbourhood Planning Front Runner. Since then, the Parish Council have worked on the background evidence to support the drawing up of policies. This has included site assessment work, stakeholder and residents' consultation events and questionnaires relating to options for development. The parish of Broughton Astley was formally designated as a Neighbourhood Area on 29th October 2012 and has moved quickly and proactively to produce a Draft Neighbourhood Plan ("The Big Plan for Broughton Astley"), published 6th February 2013, with the six-week consultation period from 7th February to 25th March 2013.

Having been through an initial consultation period, some weight could be attached to the draft NP. However, the degree of weight it may be given will depend on, among other things, the clarity of the explanation and rationale for its conclusions and content

HDC has submitted comments on the draft Plan to help improve it and ensure it can pass Examination. These include matters relating to the improving the justification of preferred sites and outlining more clearly the reasons behind selecting others (including this site) as a reserve site. The Parish are now considering all comments and seeking to amend the plan

before submitting the NP to the Council for formal representations, examination and referendum during 2013/14.

At this moment, therefore, owing to the further stages that the Plan needs to follow before it is adopted, it is considered that little weight may be attached to the Draft NP.

Prematurity

The Parish Council has demonstrated a very significant commitment to localism and Neighbourhood planning, and has made exemplary progress. Therefore, it *could* be considered premature to approve this application in isolation of consideration of other, possibly more appropriate, sites that can deliver on the Core Strategy's priorities for Broughton Astley and upon which the local community will have had a say. It is extremely concerning that this Parish work may be undermined, or appear undermined, by ad hoc decisions on planning applications.

However, resisting a proposal on grounds of prematurity, however well intentioned, is likely to be viewed inconsistent with a central thrust of the Framework to provide for sustainable development and ensure supply of land for housing, to the extent that it is unlikely such an argument would prevail at appeal. HDC may be at risk of unreasonable behaviour allegations should it seek to resist development on any basis of prematurity.

The application site is centrally located, within close reach of schools, shops, public houses, the recreation ground and places of worship, and is considered to be one of the more sustainable sites, possibly better in this respect than some of the sites identified in the Draft Neighbourhood Plan as being more preferable, e.g. sites on Dunton Road.

Layout, scale and appearance

Core Strategy Policy CS2(b) states, in respect of new housing development, that the critical considerations are (1) the need for the highest design standard (in conformity with Policy CS11), (2) a layout that makes the most efficient use of land and that is compatible with the built form and character of its surroundings, and (3) an appropriate mix of housing types. It is noted that in the current application layout is a matter to be assessed.

The application site is no more visually prominent than the majority of other undeveloped areas around the edge of Broughton Astley, and is set lower than land to the south (there is a fall within the site of between 1.2m and 1.8m south to north). However, the site is close to one of the more historic parts of Broughton Astley, located around St Mary's Church and The White Horse public house. Old Rectory Close has formed the edge of this part of Broughton Astley for a lengthy period of time (c. mid 1960s) and the site retains a rural, countryside character. The proposed development would form the new edge of the town with the countryside. It is therefore important that the scheme is well designed so as integrate development with existing built form and to be visually unobtrusive. There should also be a transition from the development to the countryside.

The submitted layout plan shows a range of house types, sizes (16x 2 bed, 39x 3 bed, 45x 4 bed, 15x 5 bed) and tenures (inc. 35 affordable) and the scheme has potential to create a balanced community and provide attractive and functional outdoor areas – a significant portion of the site is set aside for open space, tree-lined and with existing tree planting in this area shown to be retained. There are a number of positive elements to the proposed design, including:

- Different types of dwelling (height, width, design), but commonality of character, which is not always a positive attribute, but in this case the common characteristics include flat cambered brick arches, mock-Georgian porches with small glazed section above front doors, stone lintels, ground floor hexagonal bay windows, sliding sash-style windows

- Feature dwellings at visually prominent plots, i.e. at entrance to development and other key points throughout
- House designs that turn corners and present double frontages
- Retention of a significant proportion of existing hedge and incorporation into public / green space with public footpath adjacent
- Existing trees and other planting retained to site's boundaries, most notably to the north (boundary with Old Rectory Close) and east
- Majority of footpaths segregated from highways by grass verges, including those adjacent to the main, circular road through the development
- Good flow, legibility (knowing where you are) and permeability (getting through the site)
- Multiple footpaths connecting the development to Church Close and path adjacent to brook

With regard to the scale, all dwellings would be 2-storey height, with heights varying between 7.15m (semi-detached, corner houses, type P332) to 9.7m (detached, type H500). Given the site's relative lack of visual prominence and relatively flat nature, these heights are considered acceptable; it is noted that the greater heights help achieve more traditional roof pitches. It would be important for the taller house types not to be close to neighbouring properties and this will be assessed later in the report.

Although the proposal's net density at 20 dwellings per hectare (dph) falls below the 30 dph mentioned in Policy CS2, this is considered appropriate to what is an edge of settlement location. It is noted that much of the open space is towards the eastern site boundary adjacent to the brook, retaining a "green corridor", but meaning that the gross density of the residential element is closer to 30 dph. In addition, it is considered that the proposed density and layout is characteristic of Garden Cities, a principle of housing layout and design supported by paragraph 52 of the Framework. In summary, it is considered that the proposed layout and scale accords with Core Strategy Policy CS2.

Impact on the character of the area:

The application site is outside of the Limits to Development and therefore situated in the countryside. The erection of dwellings on this piece of land would change the character and appearance of the countryside.

However, as noted above, in light of the need to provide a total of 400 dwellings at Broughton Astley over the plan period (up to 2028), with a current residual requirement of approx. 280, there will be a need to develop Greenfield sites. There is a strategic need, therefore, to evaluate the suitability of land around the edge of Broughton Astley, to decide which Greenfield sites are most suitable, i.e. deliverable.

To that end, the *Lutterworth and Broughton Astley Landscape Character Assessment (LCA) and Landscape Capacity Study* (2011), carried out for HDC by The Landscape Partnership, provides a detailed analysis of the landscape capacity of land in and around Broughton Astley, with a view to assessing potential suitability in landscape terms to accommodate future development. It must be noted that this study relates to visual and landscape impact, and that there are other important considerations (highways, wildlife, etc.) in the assessment of any application.

The application site, together with the land edged in blue on the site location plan, was considered as part of Parcel 7, part of the "Upper Soar – Broughton Astley Open Farmland" Landscape Character Area. The Landscape Capacity Study ranks 22 land parcels around Broughton Astley, finding only one (Parcel 3, south of Speedwell Drive/Foxglove Close) to be inappropriate for development in landscape terms.

The LCA states that views across Parcel 7 are moderately open, with Old Rectory Close properties having glimpsed views into the site (but these properties being partially contained

by vegetation), with “strong taller dense vegetation along the eastern boundary associated with the stream”. The LCA concludes that the land parcel has “medium capacity” to accommodate residential development, subject to various mitigation measures, including the retention of existing landscape features and vegetation, including existing boundary hedgerows, attention to views in and out of the site, retention of existing public right of ways, additional planting along the western and eastern boundaries of the site, paying careful attention to the interface with Mill Farm and the properties along Old Rectory Close and the flood zone associated with the tributary of the River Soar on the eastern boundary.

In summary, it is considered that, subject to conditions to ensure the implementation of the proposed landscaping, the current proposal would accord with the conclusions of the 2011 LCA, and therefore Core Strategy Policy CS2, in being sustainable in landscape terms.

Residential amenity:

The proposed development would have an impact on users of the existing public rights of way through the site, though all such rights of way would be safeguarded (the LCC Rights of Way Officer recommends conditions in this regard), and footpaths within the site would be linked to the path beside the stream to allow pedestrian access from the site to the school, church and public house.

The proposal would have an impact to the outlook of residential properties on Old Rectory Close, but would comply with required separation distances (the majority are 30 and 35 metres), and existing trees and other vegetation on the boundary would be retained (this can be required by condition). The closest relationships are between Plot 99 and 18 Old Rectory Close (distance of 22.5m), Plot 63 and 17 Old Rectory Close (distance of 27.5m) and Plot 58 to 15 Old Rectory Close (distance of 31.5m). The distance is required to be 14m; and in each case it is noted that trees and hedges intervene

Overall, therefore, the separation distances would accord with the Council’s Supplementary Planning Guidance, and a condition would be imposed on any planning permission to secure ground and finished floor levels. In summary, therefore, it is considered that the proposal would safeguard the living conditions of neighbouring residents, and thus the application accords with Policy CS11(c)(iv).

Access and parking:

The local highway authority (LHA) considers the proposal to be acceptable in highways terms, subject to the imposition of appropriate conditions (to include the proposed new access, works to Frolesworth Road inc ghost island) and s.106 contributions in respect of public transport. In respect of the access arrangements, changes required will already have been discussed with the applicant’s consultants. The proposal is therefore considered to accord with Policies CS5 and CS11 of the Core Strategy in this regard.

Archaeology:

The County Council archaeology team confirm that the site has archaeological interest (more detail above in Consultations section) that would require investigation work and recording prior to development taking place, and overall therefore considers the proposal to be acceptable subject to the imposition of appropriate conditions, specifically to require (1) a programme of archaeological work including a Written Scheme of Investigation (WSI), including historic recording, soil strip, (2) no demolition/development to take place other than in accordance with the WSI, and (3) no development to be occupied until the site investigation and post investigation assessment has been completed and provision made for analysis, publication and dissemination of results and archive deposition secured. The proposal is therefore considered to accord with Policy CS11 of the Core Strategy and the relevant paragraphs of the Framework.

Ecology:

Paragraphs 98 and 99 of Circular 06/05 (Biodiversity including statutory obligations within the planning system) states as follows:

“The presence of a protected species is a material consideration...It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision... The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances... However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected ...”

The County Council ecology officer confirms the proposals are acceptable in ecology terms, subject to imposition of certain conditions, requiring (1) tri-yearly update of various (named) protected species surveys, (2) additional bat surveys prior to the removal of any trees identified as having bat roost potential, and (3) a landscape management plan of the area of the site in and immediately adjacent to the “brook corridor” (more detail in their comments, available on the Council’s website). In light of these comments and subject to these conditions, the proposal accords with Policy CS8.

Drainage:

As part of the application, the applicants submitted a full Flood Risk Assessment (FRA). It is noted that, along with highway safety and the Big Plan, flood risk is a major issue raised by objectors. However, the Environment Agency has no objections to the proposal and recommends that a condition be imposed to any consent, requiring a detailed surface water drainage strategy. It is therefore considered that the proposed development would comply with Core Strategy Policy CS10 and the aims and objectives of the NPPF.

In response to detailed objections from local residents with regard to flood risk and ecology, the Environment Agency has provided this further comment:

“We note the receipt of information which identifies localised surface water flooding issues in the vicinity of the proposed development site. Flooding from surface water happens when the local drainage system cannot cope with the rainfall. It is extremely difficult to predict precisely where surface water flooding will happen as it is dependent on ground levels, rainfall, and the local drainage network.

“The Flood & Water Management Act (2010) has given Lead Local Flood Authorities responsibility for the management of local flood risk, which includes surface runoff, groundwater and flooding from ordinary watercourses (smaller rivers and streams).

“The watercourse to the east of the development site has several records of protected species, including water vole and white-clawed crayfish. Whilst the submitted ecological report is comprehensive with sound recommendations, specific measures will need to be taken for these protected species.

“Natural England guidance states that for sites such as this, survey work must have been done within two years prior to development works taking place in order for the surveys to still be valid. As the ecological survey submitted with this application was completed in August 2011 a new survey will be needed if works haven’t started before August 2013.”

Affordable Housing Provision:

The proposal for 30% affordable housing (35 units) accords with the requirements of Policy CS3; this is an important consideration in favour of the proposal. The Council's Housing Manager is supportive of this aspect of the proposal.

S106 Agreement or similar

Representations received make various s106 requests including contributions towards affordable housing, open space provision, care, policing & education. These representations are available for inspection as background papers. The suggested contributions have a detailed justification related to the proposal consistent with the Council's Planning Obligations, Developers Guidance Note 2009 as well as the NPPF, and CIL Regulations. Any approval should therefore be subject to obligations to secure these contributions.

Pre-application advice

In accordance with Council and Government policy pre-application advice was provided by the Council in 2012. Among other things this confirmed the proposal was within countryside and therefore contrary to Core Strategy Policy CS17, that the site scored well in the 2011 LCA, and confirmed the Council's five year housing land supply shortfall.

Conclusion:

In summary, the proposal's impact on the countryside and its relationship with existing character and appearance in this particular location, its degree of compliance with Policy CS16, the status of Broughton Astley's Big Plan, and its contribution to 5 year housing land supply and affordable housing provision, are the critical issues.

The proposal would provide much needed housing development, including affordable housing, within the District, and would contribute towards maintaining the Council's Housing Land Supply. This is a very major factor in the consideration of the application. Government statements in Planning for Growth and the National Planning Policy Framework (NPPF) underline the importance of housing delivery. The proposal also accords with the conclusions and guidance of the (Lutterworth and) Broughton Astley Landscape Character Assessment and Landscape Capacity Study 2011.

The development would result in built development beyond the defined Limits to Development, would have an adverse impact by introduction of housing on the character and appearance of the countryside, and Harborough District Council is currently able to demonstrate an up-to-date five year supply of deliverable sites for housing. The proposal would therefore result in an encroachment into the countryside, contrary to Core Strategy Policy CS2(a).

Identification of the most appropriate sites for development, capable of delivering the much needed additional services and facilities for Broughton Astley, should be preferably be allowed to progress through the Neighbourhood Planning process.

However, the proposal delivers one of the main aims of Core Strategy policy for Broughton Astley through the provision of a new medical facility, and the application site is centrally located with good access to key amenities; and unfortunately little decision-making weight can reasonably be attached to the Draft Neighbourhood Plan at this time. On balance, it is considered that this proposal represents a suitable site in terms of its contribution to enhancing service and facility provision in Broughton Astley, and the proposal accords with Core Strategy Policy CS16.

In light of the above reasons, the application is recommended for approval.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Unless amended by the requirements of Conditions X of this planning permission, the development hereby permitted shall be carried out fully in accordance with the following approved plans:
 Layout plan "S4622/100/01 Revision E"
 Topographical Surveys "S346/01" and "S346/02", Revision A
 Chimney and Eaves Plan "S4622-100-04" and Elevations
 Site Location Plan "S0000/500/02"
 House Type and Garage Drawings P206, P230, P383, T307, P332, P341, H404, H408, H411, H421, H433, H436, H451, H455, H469, H500, H533, H536, H597
 E015/E06/E27/E50
 Transport Assessment
 Landscape plans "Blr.4114_01D", "Blr.4114_02C" and "Blr.4114_03C"

Reason: In the interests of good planning, and for the avoidance of doubt.

3. No development shall commence on site until details of the existing and proposed ground levels and finished floor levels of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. Reason: To ensure a satisfactory form of development which does not cause demonstrable harm to the character of the surrounding locality or the living conditions of neighbouring residents and to accord with Policy CS11 of the Harborough District Core Strategy, Policy HS/8 of the Harborough District Local Plan, and the National Planning Policy Framework.

4. No development shall commence on site until details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity. Reason: To ensure the adequate provision of facilities and in the interests of visual/general amenity and to accord with Harborough District Core Strategy Policy CS11.

5. Notwithstanding the details submitted, no development shall commence on site until a schedule indicating the materials, including sills, headers, windows and other openings, to be used on all external elevations of the approved dwellings has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity. Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings and to accord with Policies CS1, CS11 and CS16 of the Harborough District Core Strategy.

6. The development hereby approved shall be carried out in accordance with the Flood Risk Assessment (FRA) dated March 2013, Final RevF, prepared by EWE Associates Ltd, and the following mitigation measures detailed within the FRA:
 - Limiting the surface water run-off generated by all events up to the 100 year plus climate change critical storm to Greenfield rates through a sustainable drainage scheme.
 - SuDS scheme to incorporate at least one train of treatment for roofs and 2 forms of treatment for driveways and highways.

- All development to be restricted to Flood Zone 1.
- 8m easement maintained from the Broughton Astley Brook.
- Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
- Finished floor levels are set no lower than 600mm above the appropriate 100 year plus climate change flood level
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure safe access and egress from and to the site, to reduce the risk of flooding to the proposed development and future occupants, and to accord with Harborough District Core Strategy Policy CS10 and the relevant paragraphs of the National Planning Policy Framework.

7. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:
- surface water drainage system/s designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
 - details of how the scheme shall be maintained and managed after completion.
 - an assessment of the affect of high tailwater levels on the flow control device and pond capacity using a range of storm durations.
 - if the pond is unable to discharge during high flows in the brook then it must be demonstrated that sufficient attenuation capacity is available within the drainage system.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, and to accord with Harborough District Core Strategy Policy CS10 and the relevant paragraphs of the National Planning Policy Framework.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no additional windows, dormer windows or other openings shall be formed in the highway-facing elevations of the development hereby permitted, including the roof(s), without the grant of further specific planning permission from the Local Planning Authority, unless the opening to be formed matches exactly the fenestration pattern, sills, headers, and height of sills and headers, of the original development. Reason: To safeguard the visual amenity and character of the development, and to accord with Policy CS11 of Harborough District Core Strategy.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or other form of enlargement, nor erection of outbuildings or hardstandings, but excluding development permitted under Schedule 2 Part 40 and Classes D, G and H of Schedule 2 Part 1, shall take place to Plots 10 – 12, 13 – 21, 23 – 28, 30 – 31, 35 – 36, 42 – 45, 47, 49 – 51, 54, 55, 58, 63, 68, 71, 75 – 77, 80 – 81, 84, 89 – 92, 94, 97 and 99 hereby permitted. Reason: To safeguard the living conditions of neighbouring occupiers, and to accord with Policy CS11 of the Harborough District Core Strategy.

10. No gates, barriers, bollards, chains or other such obstructions shall be permitted within 5 metres of the highway boundary, unless opening inwards. Reason: In the interests of highway safety and the free flow of traffic and in accordance with Policies CS5 and CS11 of the Harborough District Core Strategy.
11. Any shared private drive serving more than 5 but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the Highway boundary and shall have 6 metres kerbed radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times. Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway, and to ensure compliance with Policy CS5 of the Harborough District Core Strategy.

NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

12. Any shared private drives serving no more than a total of 5 dwellings shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the Highway boundary and have 2 / 4 metres control radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times. Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway, and to ensure compliance with Policy CS5 of the Harborough District Core Strategy.

NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

13. The gradient(s) of the access drive(s) shall not exceed 1:12 for the first 5 metres behind the Highway boundary. Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety, and to ensure compliance with Policy CS5 of the Harborough District Core Strategy
14. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained. Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users, and to ensure compliance with Policy CS5 of the Harborough District Core Strategy.
15. Any garage doors shall be set back from the Highway boundary a minimum distance of 5 metres in the case of sliding or roller/shutter doors, 5.6 metres in the case of up-and-over doors, or 6 metres in the case of doors opening outwards. Once provided, the development shall be so maintained thereafter and in perpetuity. Reason: To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway, and to ensure compliance with Policy CS5 of the Harborough District Core Strategy
16. Before the first occupation of any dwelling, car parking provision shall be made within the curtilage of that dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available

for car parking. Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to ensure compliance with Policy CS5 of the Harborough District Core Strategy.

17. No walls, planting or fences shall be erected or allowed to grow on or adjacent to the highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway. Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety, and to ensure compliance with Policy CS5 of the Harborough District Core Strategy.
18. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
 - (a) the parking of vehicles of site operatives and visitors;
 - (b) loading and unloading of plant and materials;
 - (c) storage of plant and materials used in constructing the development;
 - (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (e) wheel washing facilities;
 - (f) measures to control the emission of dust and dirt during construction; and
 - (g) a scheme for recycling/disposing of waste resulting from demolition and construction works,
 - (h) measures for the protection of the natural environment;has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and to accord with Harborough District Core Strategy Policy CS11.
19. Notwithstanding any details shown on the submitted plans, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: any existing trees, shrubs and hedges to be retained and measures for protection during the course of development; new tree and shrub planting; surface treatments to all footpaths and cycleways; fencing and boundary treatments, and all externally visible materials thereof; the proposed balancing pond; proposed finished levels or contours; and the position of services and/or drainage runs. Reason: To enhance the development, safeguard the appearance of the area, and to accord with Harborough District Core Strategy Policy CS11.
20. All hard landscaping works shall be carried out in accordance with the details approved pursuant to Condition 20 prior to the first occupation of the development. All soft landscaping shall be carried out in accordance with the details approved pursuant to Condition 20 in the first planting season following the first occupation of the development. Any trees or shrubs which within a period of 5 years from the completion of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. Reason: To ensure that the work is carried out within a reasonable period and is properly maintained and to accord with Harborough District Core Strategy Policy CS11.
21. All on site working, including demolition and deliveries to and from the site, associated with the implementation of this planning permission shall only be carried out between

the hours of 8 a.m. and 6 p.m. Monday to Friday, 8 a.m. and 1 p.m. Saturday and not at all on Sunday, Public and Bank Holidays. Reason: To ensure that as far as possible the proposed use does not become a source of annoyance to the nearby residents and to ensure compliance with Policy CS11 of the Harborough District Core Strategy.

22. The development hereby approved shall be implemented fully in accordance with the recommended mitigation for impacts on protected species as summarised in Section 5.13 of the submitted Ecological Assessment (Aspect Ecology, September 2012), and update surveys for Badger, Water vole, Otter and Crayfish surveys shall be carried out and submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development, and thereafter every three years, and the development shall be implemented fully in accordance with the approved details. Reason: In the interests of wildlife and nature conservation and to accord with Harborough District Core Strategy Policies CS8 and CS11.
23. No development shall commence on site until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions, and:
- The programme and methodology of site investigation and recording
 - The programme for post investigation assessment
 - Provision to be made for analysis of the site investigation and recording, and publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
- The archaeological works shall be carried out by a suitably qualified body acceptable to the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details. Reason: The site is likely to contain important archaeological remains and to accord with the Harborough District Council Core Strategy Policy CS11.
24. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 23 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. Reason: To ensure satisfactory archaeological investigation and to accord with the Harborough District Council Core Strategy Policy CS11.
25. No development shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:
- BS10175 Year 2011 Investigation Of Potentially Contaminated Sites Code of Practice;
 - BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
 - CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

The Verification Plan shall be prepared in accordance with the requirements of:

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 120 of the NPPF.

26. Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development. Prior to occupation of any part of the completed development, a report showing the findings of the Verification Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
 - Contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - Demonstrate the effectiveness of the approved Remedial Scheme; and
 - Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.
- Reason: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 120 of the NPPF.

27. All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycleways and shared use footway/cycleways) and visibility splays, and shall be submitted for approval by the local Planning Authority before development commences. Reason: To ensure a satisfactory form of development and in the interests of highway safety, and to accord with Policies CS5 and CS11 of the Harborough District Core Strategy.

Notes to Applicant

1. The applicant's attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.

2. If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.
3. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (Tel: 0116 3052104 / 0116 3052202).
4. You are advised that this proposal requires separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel: 01858 821090). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.
5. Your attention is drawn to the fact that this permission does not entitle you to obstruct the public right of way (and/or) bridleway which crosses the land to which this application relates. If it is intended to divert or stop up the right of way, the appropriate legal steps must be taken before development commences.
6. A watching brief for all protected species of wildlife must be maintained at all times throughout the development. In the event of any protected species being discovered works shall cease, whilst expert advice is sought from Natural England.
7. A letter of consent is required from the appropriate water authority (Severn Trent or Anglian Water) before connecting into the foul and surface water drains.
8. The Environment Agency (EA) recommends the adoption of water conservation measures in the new development. The EA recommends the installation of fittings that will minimise water usage such as low, or dual, flush WC's, spray taps and economical shower-heads in the bathroom. Powers showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. The EA recommends that, for outdoors, water butts are installed, or rainwater harvesting systems, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following these recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting and utilises a free supply of fresh water and reduces the costs to the environment and the householder.
9. It is recommended that no burning of waste on site is undertaken unless an exemption is obtained from the Environment Agency. The production of Dark Smoke on site is an offence under the Clean Air Act 1993. Notwithstanding the above, the emission of any smoke from site could constitute a Statutory Nuisance under section 79 of the Environmental Protection Act 1990.
10. To comply with Government guidance in the NPPF, the CIL Regulations 2011, and the County Council's Local Transport Plan 3, the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.

Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £50.18 per pack).

6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £331.20 per pass - NOTE it is very unlikely that a development will get 100% take up of passes, 25% is considered to be a high take-up rate).

1 x New bus stop including raised and dropped kerbs to allow level access and to support modern bus fleets with low floor capabilities. £3108.00 per stop.

Information display case to inform new residents of the nearest bus services in the area. At £138.00 per display.