

PLANNING COMMITTEE

APPLICATIONS FOR DEVELOPMENT

APPLICATIONS FOR DETERMINATION BY COMMITTEE

12/01428/FUL
EAST LANGTON

Erection of two detached dwellings with associated garages, hardstanding and landscaping; alterations to existing access;

Mr Ben Cripps

Land North Of
Stonton Road
Church Langton
Leicestershire

Target Date: 06/12/12

Recommendation

APPROVE for the following reasons and subject to the appended conditions and the completion of a satisfactory S106 Agreement or similar undertaking to secure the Affordable Housing Commuted Sum contribution detailed in this report:

The development hereby approved, by virtue of its design (form, mass, scale, proportions, style and materials), would be in keeping with the character and appearance of the site and surrounding area, would not harm the setting of the adjacent Conservation Area, would not cause significant harm to the amenities of surrounding residents/sites, would not adversely affect ecological, archaeological or arboricultural interests, and would not be detrimental to highway safety. The proposal, via Commuted Sum contribution, supports the delivery of affordable housing in the District. The proposal, therefore, complies with Policies CS1, CS3, CS5, CS8, CS11 and CS17 of the Harborough District Core Strategy, and no other material considerations, including conflict with Policy CS2 (as a 5 year housing land supply can be demonstrated), justify refusal of planning permission. Furthermore, the proposal complies with the National Planning Policy Framework (NPPF) and the decision has been reached taking into account Paragraphs 186 and 187 of the Framework.

Site Introduction:

The application site relates to a roughly square plot of land located adjacent to (outside) the Limits to Development of the rural village of Church Langton.

The site lies to the northeast edge of the village, alongside the unclassified Stonton Road. It accessed by an existing field gate which is set back from the highway carriageway edge.

The site lies outside the village's Conservation Area, although the southern corner of the site touches a corner of the Conservation Area and the site is considered to affect the setting of the Conservation Area. The proposal does not affect the setting of any Listed Buildings.

An Area TPO (21A1) runs within the site around the its southeastern (Stonton Road) and northeastern edges, consisting of a reasonably dense, 8-10m deep belt of mixed species trees. This belt of trees offers considerable screening for the inside of the site from these directions.

The private driveway serving Glebe Farm runs along the northeastern edge of the site. To the southwest of the site lies the No.5 Stonton Road dwelling. Diagonally opposite the site, to the south / southeast, lies the Hanbury Community Centre. To the front (southeast) and to the rear (northwest) of the site is open countryside.

The application site is undeveloped land mainly consisting of overgrown grasses and weeds.

The Proposal:

The proposal is for the erection of two detached two-storey dwellings with associated garages.

Amended Plans A have been submitted, which (as per 14/12/12 email from the applicant's agent) contain the following amendments:

"Following on from your previous observations regarding the size and scale both houses and the detached garage to Plot 1, please find enclosed the following in .pdf format.

*L277 / P04a for Plot 1
L277 / P05a for Plot 2*

These revised drawings illustrate a reduction in height of the individual properties, achieved by the following mechanisms:-

Plot 1 House

- *Omission of the attic storey, effectively lowering the eaves and ridge height;*
- *Omission of the roof windows / dormers in association with the above;*
- *Reduction in pitch from 45° to 42.5°;*
- *Lowering the wall plate to the oak framed rear projection.*

Plot 1 Garage

- *Omission of the attic storey, effectively lowering the eaves and ridge height;*
- *By removing the attic storey accommodation it has also been possible to omit the space occupied by the staircase thus shortening the length. (This has sent the forward face of the garage back into the site.)*

Plot 2 House

- *Reduction in the depth of the property, thus lowering the rise of the roof;*
- *Reduction in pitch from 45° to 42.5° for the main body of the building (In the interest of maintaining adequate head height and scale an proportion externally the 45° pitch has been retained to the forward projection of Plot 2.)*

In addition, a site elevation / section, drawing No L277 / P06, has been prepared to show the proposals in context. This drawing also contains an extract from the topographical survey onto which the footprints of the proposals have been identified. As the ground naturally grades down to the north, it is only proper for this change in levels to be recognised in the proposed development. The site section identifies the progressively lower finished ground floor levels moving northward from No.5 Stonton Road, through Plots 1 and 2.

There is approximately 1m of level difference between the three properties, resulting in the ground floor level of Plot 1 being some 500mm lower than No.5 and Plot 2 a further 500mm down. Whilst it has been necessary to assume a finished ground floor level for No.5 from the topographical survey, the eaves and ridge heights are determined on the survey so the

uppermost limits of both the existing context and proposals are accurately represented on drawing No L277/ P06. The difference between the ridge line of No.5 and Plot 1 is now approximately 300mm.

In order to offset the loss of bed and bathroom accommodation in Plot 1, the utility has been extended to form an en-suite within room-in-the-roof construction. This also visually improves the transition between the main two storey element and the single storey garaging. In addition the house now has an integral basement.

In association with the foregoing, we also enclose a revised version of drawing No L277 / P03a illustrating the new footprints, and amendments to the roofscape.

The physical height of Plot 1 has been reduced by 770mm in addition to it being founded at a level approximately 500mm lower than that of No.5 as identified on Drawing No L277/P06. Plot 2 has been reduced in height by 550mm from the submitted scheme and similarly founded a further 500mm down to accord with changing site levels.”

A 14 day neighbour and Parish reconsultation was immediately performed, with letters being prepared and posted on 17/12/12.

Relevant Policy Considerations:

National Planning Guidance

National Planning Policy Framework (published 27/03/12) – “The Framework”

Circular 11/95: Use of Conditions in Planning Permission

This Circular explains that conditions on planning consents should only be imposed where they robustly satisfy the six tests.

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

Community Infrastructure Regulations 2010

Planning (Listed Buildings and Conservation Areas) Act 1990 section 66 & 72 imposes special duty to consider conservation areas and listed buildings, including setting. Core Strategy Policy CS11 applies in this respect.

Ministerial Statement – ‘Planning for Growth’ (23/03/11)

The Development Plan

Section 38(6) of the Town & Country Planning and Compulsory Purchase Act 2004 requires that all determinations under the Act are made in accordance with the Development Plan unless material considerations indicate otherwise.

East Midlands Regional Plan, March 2009 (Government has stated its intention to revoke, but this is not in any way binding at the present time and the EMRP remains part of the Development Plan.)

The EMRP was adopted in March 2009 and provides the broad development strategy for the region up to 2026. The plan pursues an urban focussed strategy that directs the majority of development to existing urban areas.

Harborough District Local Plan

The Harborough District Local Plan was adopted in March 2001 and provided development polices for the District up to 2006. In September 2007, the Government (in line with the

Planning & Compulsory Purchase Act 2004) allowed some of the policies in the Local Plan to be 'saved' whilst work on the Local Development Framework Core Strategy continued, in order to avoid a policy vacuum.

On 14/11/11 the Harborough District Core Strategy was formally adopted, thereby replacing the majority of the Local Plan. Certain Local Plan Policies were, however, retained as part of the Core Strategy adoption. The following HDLP Policy has been retained as part of the Core Strategy and is relevant to the current application:

Policy HS/8 Limits to Development

Supplementary Planning Guidance

Supplementary Planning Guidance supplements the policies of the Local Plan. SPG was adopted by the Council in March 2003 following public consultation.

(Following Core Strategy adoption and pending Development Control SPD preparation and adoption, SPG has been 'saved'/retained by the Council as a material consideration, and it therefore remains appropriate to consider the advice in SPG, where applicable.)

The following SPG is considered to contain guidance relevant to the development:

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

SPG Note 3: Single Plot Development and Development of Small Groups of Dwellings

SPG Note 9: Landscape and New Development

SPG Note 10: Trees and Development

Planning Obligations Developer Guidance Note (September 2009)

This document sets out the Council's policy for securing Section 106 contributions.

Local Development Framework

Harborough District Council is well underway with work on its Local Development Framework (LDF). The Core Strategy Development Plan Document "Version for Council Adoption" was adopted on 14/11/11 to guide future development in the District to 2028.

Core Strategy

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*". Policy CS1 sets out a series of criteria that the Council considers necessary in order to achieve the objectives of the spatial strategy to 2028.

Policy CS2 covers delivering new housing and advises that the District's total housing requirement is 7,700 dwellings. Policy CS2 advises on the location/distribution of new dwellings, the relevance of Limits to Development and the importance that (b) "*All housing developments should be of the highest design standards (in conformity with Policy CS11) and have 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.*"

Crucially, Policy CS2 states (a, bullet point 2) "*Housing development will not be permitted outside Limits to Development (either before or following their review) 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 the Local Planning Authority presently possesses a 5 year supply of deliverable housing sites, the current proposal is clearly contrary to this element of Policy CS2.

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.

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 CS9 considers measures to address climate change.

Policy CS10 considers measures to address flood risk.

Policy CS11 promotes the highest design standards in all development and protection and enhancement of the built heritage of the District.

Policy CS17 relates to development in the countryside, rural centres or rural villages. It states that *“Rural development will be delivered as follows:”* Criterion (a) *“Billesdon, Fleckney, Husbands Bosworth and Ullesthorpe will be the focus for additional housing beyond that already built or committed. Housing in Selected Rural Villages will be on a lesser scale reflecting their size, character and service provision.”*

Church Langton is identified as a Selected Rural Village (CS17, Para 6.62).

Local Development Framework – Evidence Base

Leicester & Leicestershire Strategic Housing Market Assessment (SHMA)

The SHMA identified a need for 264 affordable dwellings in the District per annum up to 2016 (or 75% of the total annual housing requirement). The SHMA however, also recognised that a 75% affordable housing target is unrealistic due to viability issues. The Council's target is to achieve at least 90 affordable dwellings per annum.

Strategic Housing Land Availability Assessment (SHLAA)

The Strategic Housing Land Availability Assessment (SHLAA) was published in September 2010 and updated an earlier report prepared in March 2009. The report is intended to identify sites with potential for housing development, assess their potential and assess whether they are likely to be developed. This helps the Council to develop a more accurate picture of the potential housing land supply situation in the District.

Housing Land Supply Position

The 27th March 2012 formal publication of the NPPF deleted PPS3. However, the principle of LPAs maintaining 5 year housing supply targets has been carried into the NPPF (note Paras. 47-49):

Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5%...” (NPPF; Para. 47).

It is not considered that Harborough District Council has a record of persistent under delivery which would justify an increased buffer of 20%. Furthermore, while the Council is very keen to promote housing growth in sustainable locations in line with its Core Strategy, it is not considered to presently be judicious/prudent to promote a 6 year housing supply target when being mindful of the currently ongoing housing site allocations work to inform the new Local Plan.

In June 2010 the Council produced a paper entitled 'The Supply of Deliverable Housing Sites 2010-2015. This gave a 4.7 year supply of housing land at April 2010 with a shortfall of 98 dwellings over the five year period.

In October 2010 the Council published a 6 month update of their Supply of Deliverable Housing Sites. This gave a 4.4 year supply of housing land, a shortfall of 186 dwellings.

In March 2011 the Council demonstrated a 4.49 year supply of housing land with a shortfall of 165 dwellings over the five year period.

In October 2011 the Council demonstrated a 3.98 year supply of housing land with a shortfall of 338 dwellings over the five year period.

In April 2012 (04/04/12), the Council issued its most up to date Supply of Deliverable Housing Sites, which includes the NPPF advised 5% additional buffer. This gave a 31 March 2012 position of a 4.6 year supply of housing land, a shortfall of 133 dwellings.

The most recent October 2012 position is a 5.54 year supply of housing land, a buffer of 196 dwellings.

Consultations / Representations:

(Representations received are available to view in full on request.)

Highway Authority (LCC)

No objections. The following Conditions and Informative Notes are recommended:

"Conditions

1 *If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.*

Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

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.

3 *Before first use of the development hereby permitted the 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.)

LCC Ecology

No objections. Pleased to see existing tree belt retained and queries if there are measures to ensure the long-term retention of this feature. Clarifies certain errors in the submitted Curious Ecologists ecological report regarding what are native species trees (proposed to supplement/improve the existing woodland).

LCC Forestry

Has visited site. Agrees with the general observations in the Andrew Belson report of 4 July 2012. Ash T576 is in poor condition as described in the report. Oak T575 can easily be retained with minor tree surgery to remove deadwood (this is not shown to be removed). The tree groups effectively screen the internal parts of the plot and the removal of any trees necessary for the proposed development would not be particularly noticeable to the public. In my opinion there is no arboricultural constraint to the proposal.

HDC Housing Enabling and Infrastructure Manager

The Applicant has submitted a Design and Access Statement 1.1.10 which states that the client will enter into a Unilateral Undertaking to provide the maximum required £28,885 per dwelling as part of this application. We can accept this as the affordable housing statement.

HDC Environmental Health (Contaminated Land Officer)

No objections.

East Langton Parish Council

No formal comments received to original or amended plans.

However, it appears from a 26 November 2012 email from John Preston (Chair of PC) that the Parish may have reservations about the development because it proposes housing development outside Church Langton's Limits to Development.

Representations:

Original Plans:

6 letters of objection have been received from 4 different addresses (2 letters from No.5 Stonton Road, 2 letters from No.2 Stonton Road, 1 letter from Glebe Farm and 1 letter from Fieldfares, Stonton Road), raising the following points (full comments available on file):

- 1) To build beyond the building line, as the proposal does, is completely unnecessary;
- 2) The proposed houses are too large and are not in keeping with the existing properties along this line;
- 3) The houses are outside Church Langton village boundary and, as the Council does have a 5 year housing supply, the proposal is in conflict with Policy CS2 in this respect;
- 4) Plot 1's garages back onto No.5 Stonton Road's front garden and the side of the house – the proposal will thus decrease further the east and south daylight and leave just west/evening daylight;
- 5) No.5 Stonton Road will suffer residential amenity harm through loss-of-light to living room and study and loss-of-privacy to conservatory;
- 6) The Curious Ecologists report contains flaws;
- 7) During the 7 years that we have lived in Church Langton, there has been a disproportionate level of development on and immediately off Stonton Road with a total of 14 new homes (including 10 new build and four refurbishments of old school buildings);
- 8) Church Langton must be low down in the list of priority development sites.

Amended Plans A:

1 letter of objection received from No.5 Stonton Road, raising the following points (full comments available on file):

- 1) House 1 still extends well beyond the building line and will have a strong and detrimental impact when looking out of our lounge and study;

- 2) The development is still outside the village envelope, despite there being a significant oversupply of housing in the District.

Other Information:

History:

03/00148/TPO – Works to trees – County Council Decision.

No other planning history.

Reason for Committee Decision

This application is being reported to the Planning Committee for determination because of Member call-in (Christopher Holyoak, 26/11/12) and because approval represents a departure from Core Strategy Policy CS2.

Planning Considerations:

This application must be assessed against relevant national, regional and local policies. It should be determined in accordance with the development plan, unless there are material considerations that would indicate otherwise.

Para.49 of the Framework states that *“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.”* Harborough District Council can currently demonstrate a five year supply of deliverable housing sites. However, it is not considered that the intention of Para.49 of the Framework is to render Harborough District Council’s adopted Core Strategy housing policies entirely out-of-date and irrelevant in the event of a five-year supply deficit. Harborough District Council’s Core Strategy seeks, as clearly and articulately as possible mindful of pending allocations work to inform the new Local Plan (for example, on future housing sites), to promote housing growth in a sustainable manner, which embraces (inter alia) good design, heritage protection and green infrastructure development.

In relation to the current proposal, it is considered that the Core Strategy generally accords with the Framework, except with regard to Core Strategy Policy CS2 (Criterion a) which advocates that no new housing should be permitted outside Limits to Development unless there is a five-year housing supply deficit. Whilst the proposal conflicts with CS2 there is no inherent harm in this particular proposal being outside development limits. Positive weight should be attached to the proposal on the grounds that it proposes the delivery of additional housing readily accessible to the Core Strategy defined Selected Rural Village where development is not prohibited. To summarise Para.14 of the Framework with regard to this application: this development proposal should be approved without delay unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The Principle of Development

As covered above, Policy CS17 advises on the principle of residential development in Selected Rural Villages such as Church Langton.

Although the application site lies beyond/outside the Limits to Development of the village, it is well related, in both spatial and visual terms, to the village’s present Limits. The significant Area TPO belt around two sides of the site, and the adjacent dwelling immediately to the southwest (No.5 Stonton Road), give the site a partitioned character. The site does not have

a strong visual/aesthetic relationship with open rolling countryside (for example, the open field/countryside on the other, eastern, side of Stonton Road.)

It is considered that the proposal represents development of a suitably limited/small scale, which reflects the size and character of the village and the level of existing service provision (the site is very close to the village community hall and village school). Development of the site is not considered to, in principle, cause significant harm to the character and appearance (including setting) of the settlement, its Conservation Area, or the wider countryside surrounding the settlement.

Affordable Housing

The applicant, at Para 6.4 of their Design and Access Statement, states “*Whilst not being able to make provision on this site for affordable housing, Langton Homes have reinforced their commitment in this respect and will be entering into a unilateral undertaking with Harborough District Council to provide the maximum contribution of £28,850 per plot for offsite provision.*”

Based on the satisfactory signing of a S106 (or similar) legal agreement, it is judged that the proposal complies with Policy CS3 of the Core Strategy in this respect.

Design and Visual Amenity – Impact on the Character and Appearance of the Site and Surrounding Area (Including Impact on the Setting of the Conservation Area)

Substantial amendments to the proposed dwellings have taken place – see Amended Plans A.

Notably, in order to benefit the residential amenities of No.5 Stonton Road, the detached triple garage block serving the Plot 1 dwelling has been reduced in size, as follows:

	Original Plans	Amended Plans A
Breadth	10.1m	9.0m
Depth	6.0m	6.0m
Eaves Height	3.0m	2.3m
Ridge Height	6.5m	5.8m

The garage is considered to be a harmonious scale in relation to the Plot 1 dwelling. The fact that the front line of the garage steps forward circa 3.8m in front of the forward built line of No.5 Stonton Road does not cause any visual detriment to the scheme or its surroundings. The site is much more screened than existing dwellings on the west side of Stonton Road. Furthermore, the two proposed dwellings possess a very different character and appearance – style – to these existing dwellings, which are a late 1960s / early 1970s design/aesthetic, use lower quality materials and are considered to detract from the Conservation Area surroundings immediately opposite.

The fundamentals of the two proposed dwelling – their form/footprint siting within the plots, their scale, mass, proportions and style – are all considered to be of good design quality. Their footprint siting, following the linear form created by existing dwellings on the west side of Stonton Road, accords with the form of the settlement. Although the dwellings will be well screened by existing foliage, the proposed dwellings are considered to be attractive, follow basic local vernacular principles and will integrate well into their surroundings. Use of good quality materials is proposed in the Application Form (clay rosemary and natural reclaimed slate tiles, red facing brickwork and green oak frames, timber fenestration) and it is recommended that these details are controlled by Planning Condition.

The site slopes downhill by approximately 1m from southwest to northeast – plan L277, PO6 (13.12.12) demonstrates this and shows how the Finished Floor Levels of the two dwellings/garages have been stepped down accordingly and respect land gradients.

For both dwellings, their overall scale/mass and heights have been modestly, but tangibly, reduced (see detailed list of amendments in the “Proposal” section above); both dwellings are now suitably balanced and will not dominate their surroundings. The existing conifer hedge which runs along the rear (northwest) boundary of the site is proposed to be removed in order to open up countryside views for both dwellings in this direction. The hedge is of negligible public value and, subject to removal in accordance with ecological interests (e.g., outside the bird breeding season), its removal will not cause harm. Views of the dwellings from the wider countryside will be extremely limited. When travelling along the main approach towards the site, from the north/northeast along Stonton Road, as well as Public Footpath A78, the site will remain screened by the belt of trees around these sides of the site and the dwellings will remain relatively discreet within their surroundings.

It is considered that the two dwellings represent a logical and contained linear extension to the village along this west side of Stonton Road, which is in keeping with the form, scale, character and appearance of the settlement and the adjacent Conservation Area. The proposal does not represent overt or harmful encroachment into the countryside. No significant visual harm is identified which would substantiate refusal of planning permission.

A Landscape Scheme Condition is recommended to control the visual amenity of boundary treatments and the large (and more conspicuous) areas of surfacing materials proposed to the front parts of the site. The Submitted Site Plan (L277, P03, Rev A) demonstrates how supplementary tree/shrub planting may be achieved.

Residential/Neighbouring/General Amenities

No.5 Stonton Road is the only neighbour potentially affected by the plans:

In Amended Plan A format, the proposal does not affect a 45degree lines taken from the closest study window in the neighbouring No.5 Stonton Road dwelling. The proposal is not judged to lead to harmful loss-of-light, overbearing or loss-of-privacy to this neighbour (dwelling or outdoor amenity space) or other properties in the locality. The application site and proposed dwellings lie due north and northeast of No.5, which negates direct loss-of-light impacts. The Amended Plan A Plot 1 garage has been significantly reduced in scale/height. The garage is also proposed to be set at FFL circa 500mm below the FFL of No.5. Being mindful of existing and retained foliage, as well as distance separations between No.5 and the Plot 1 garage (and the likely installation of a 1.8-2m high close boarded timber fence, or some other type of formal boundary treatment, at time of development), it is now considered that the garage will not cause significant harm to the residential amenities of this neighbouring dwelling.

The installation of a 1.8-2m high close boarded timber fence, or some other type of formal boundary treatment, at time of development (prior to occupation) will ensure that ground floor privacy relationships are protected for No.5 – the southwest facing side elevation ceiling to floor glazing in Plot 1 will not cause direct overlooking/loss-of-privacy for No.5’s conservatory. It is proposed to control such matters by way of the aforementioned Landscape Scheme Condition.

It is not considered to be reasonable or necessary to remove Permitted Development Rights for either of the dwellings.

Highways Safety – Access, Parking and Turning

LCC Highway Authority (HA) does not object to the proposal. 3 Conditions and 2 Informative Notes are recommended by the HA in order to ensure the proposal does not have a detrimental impact on highway safety and, in turn, they are all Planning Officer recommended.

Church Langton qualifies as a Selected Rural Village. The village, therefore, possesses basic sustainability credentials and, although these are limited in extent, it is considered to be a settlement which is can to receive a modest amount of new housing over the current plan period without significantly compromising the sustainable transport objectives of CS5.

Other Issues – Ecology and Archaeology

The site has not been flagged up by LCC Ecology or Archaeology departments as possessing any ecological or archaeological constraints.

A Protected Species Watching Brief to remind the applicant of their obligations under the Wildlife and Countryside Act 1981 is recommended.

Other Issues – Arboricultural Interests

Area TPO 21A1 only protects trees standing at the time the Order was confirmed in 1971. The majority of trees making up the present belt of trees appear to date from after 1971 and would very unlikely be individually worthy of TPO. It is considered that the present public amenity benefits stem from there being a relatively dense belt of multifarious smaller trees wrapping around two sides of the site, giving a textured woodland feel to the edge of the site. This effect will be even more important should built development occur within the site. Therefore, a Planning Condition is recommended to place what would in effect be a “Woodland Order” over the Area TPO 21A1 demarcated belt of trees. This is a much more useful Order, which would protect all species, whatever size, as well as self-seeding and regenerating saplings, thereby protecting the visual value of the belt of trees in perpetuity. It would give the Local Planning Authority control to retain the woodland belt, where presently Area TPO 21A1 offers little protection.

Conclusion:

The proposal represents limited small scale additional development on the edge of Church Langton, which is in keeping with the form, character and appearance of the settlement and accords with Policy CS2, CS11 and CS17 of the Harborough Core Strategy in this respect. The proposal, albeit for two dwellings only, supports the delivery of new housing within the District, and offers a substantial Affordable Housing Commuted Sum contribution. The dwellings are well designed and would enhance the character and appearance of the settlement and its Conservation Area. The proposal would not lead to significantly adverse neighbouring amenity impacts and would not cause harm to ecological, archaeological or arboricultural interests. Furthermore, the proposal would not be detrimental to highway safety.

Conditions

1. The development hereby approved shall be begun within 3 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, and to enable the Local Planning Authority to review the position at the end of this period.

2. The development hereby approved shall be carried out in accordance with the following submitted plans: "Site Location Plan" (Drawing No. P01, dated 03.10.12); amended "Site Plan" (Drawing No. P03, Revision A, dated 13.12.12); "Street Elevations & Site Levels" (Drawing No. P06, dated 13.12.12); amended "Plot 1 – Plans and Elevations" (Drawing No. P04, Revision A, dated 13.12.12); amended "Plot 2 – Plans and Elevations" (Drawing No. P05, Revision A, dated 13.12.12); and "Tree Protection Plan" (Sheet No. 2114.TPP, dated September 2012). **Reason:-** For the avoidance of doubt.
3. No development shall commence on site until representative samples and/or satisfactory details of the materials to be used externally in the construction of the approved buildings have been deposited with and approved in writing by the Local Planning Authority (all bricks, tiles, including ridge tiles, doors, windows and rooflights, sills and lintels, corbel/dentil/string course brickwork, rainwater goods, bargeboards, fascias, soffits, finials and other external materials). Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity. **Reason:-** In the interest of visual amenity, to ensure that the materials used in the development are appropriate to the character and appearance of the site, its surroundings and the adjacent Conservation Area, and to accord with Policies CS11 and CS17 of the Harborough District Core Strategy.
4. The proposed ground levels of the site and the finished floor level of the development shall be implemented in accordance with the approved details, as shown on the following submitted plan: "Street Elevations & Site Levels" (Drawing No. P06, dated 13.12.12). **Reason:-** In the interests of visual and residential amenity, to safeguard the character and appearance of the site, its surroundings and the adjacent Conservation Area, and to accord with Policies CS11 and CS17 of the Harborough District Core Strategy.
5. For the period of the construction of the development, vehicle parking facilities and vehicle washing facilities shall be provided within the site and all vehicles associated with the development shall (wherever possible) be parked within the site and (wherever necessary) be cleaned prior to exiting the site so they do not deposit mud, gravel and other (loose) deleterious materials in the public highway. **Reason:-** In the interest of highway safety, to ensure that adequate off-street parking provision is made during construction (to reduce the possibility that the development of the site will lead to on-road parking dangers in the area) and to accord with Policies CS5 and CS11 of the Harborough District Core Strategy.
6. Notwithstanding the details shown on the approved plans, no development shall commence on site until full details of both hard and soft landscape works (including all access driveway, parking and turning area surfacing materials, as well as boundary treatment designs, dimensions and materials, and supplementary planting) have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape works shall be implemented in accordance with the approved details prior to first occupation of either dwelling. All planted material shall be maintained and replaced as necessary by the applicant(s) and/or owner(s) of the land at the time for a period of not less than 5 years from the date of planting. **Reason:-** In the interest of visual amenity, to ensure that the proposed development includes landscaping, planting, boundary treatments and surfacing materials which are appropriate to the character and appearance of the site and its surroundings, to ensure that the work is carried out within a reasonable period and is adequately maintained, and to accord with Policies CS11 and CS17 of the Harborough District Core Strategy.
7. All trees and foliage identified on the submitted plan "Site Survey" (Drawing No. P02, dated 03.10.12), except those which are shown to be removed as part of the development on the submitted plan "Tree Protection Plan" (Sheet No. 2114.TPP, dated

September 2012), shall be retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. This Condition serves the same purpose as a Woodland Tree Preservation Order. Any existing or future self-set trees/foliage are also protected under this Condition. Written permission will be required from the Local Planning Authority for any works to the trees/foliage protected under this Condition. **Reason:-** To protect the present and future group value of the collection of trees as a whole, to screen the development, in the interests of visual, ecological and general amenities and to accord with Policies CS8, CS11 and CS17 of the Harborough District Core Strategy.

8. The development hereby approved shall be carried out in accordance with the Section 8 "Conclusions" and Section 9 "Recommendations" contained in the submitted "Tree Survey, Arboricultural Implications Assessment Report and Arboricultural Method Statement" (Ref: 2114.AIA.Church Langton; Date of Inspection 4th July 2012), unless otherwise agreed in writing by the Local Planning Authority. **Reason:-** To protect the present and future group value of the collection of trees as a whole, to screen the development, in the interests of visual, ecological and general amenities and to accord with Policies CS8, CS11 and CS17 of the Harborough District Core Strategy.
9. If gates, barriers, bollards, chains or other such obstructions are to be erected to the vehicular access they shall be set back a minimum distance of 5 metres behind the highway (grass verge) boundary, shall be hung as to open inwards only and, thereafter, shall be retained as such in perpetuity. **Reason:-** To enable a vehicle to stand clear of the highway whilst the gates/obstructions are opened/closed and thereby protect the free and safe passage of traffic, including pedestrians, in the public highway. This Condition accords with Policies CS5 and CS11 of the Harborough District Core Strategy.
10. Before first occupation of the development hereby approved, drainage shall be provided within the site so that surface water does not drain into the public highway and, thereafter, shall be so maintained in perpetuity. **Reason:-** In the interests of general highway safety, to reduce the possibility of surface water from the site being deposited in the highway and causing dangers to highway users and to accord with Policies CS5 and CS11 of the Harborough District Core Strategy.
11. Before first occupation of the development hereby approved, the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) (as to be agreed under Landscape Scheme Condition 6) for a distance of at least 5 metres behind the highway (grass verge) boundary and, thereafter, shall be so maintained in perpetuity. **Reason:-** In the interests of general highway safety, to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) and to accord with Policies CS5 and CS11 of the Harborough District Core Strategy.

Informative Notes

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. 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.
3. It is recommended that no burning of waste is undertaken on site 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 production of any smoke on site could constitute a Statutory Nuisance under section 79 of the Environmental Protection Act 1990 and may result in Environmental Health proceedings being taken against the developer.
4. Building works, deliveries, or any site works in connection with the development shall only take place between the hours of 08:00-18:00 Monday to Friday, 08:00-13:00 Saturday and at no time on Sunday or Public/Bank Holidays. Failure to observe these hours and develop in an appropriate manner may result in Environmental Health proceedings being taken against the developer.
5. All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager (telephone 0116 3050001).
6. You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works to relocate the existing speed limit signs and village name plate to the southern side of the improved vehicular access. This will involve the amendment to an existing Traffic Regulation Order (TRO) and all costs associated with this shall be at the developers expense. Early engagement in this process is recommended as a TRO will usually take a minimum of 6 months to process.
7. In the interest of the character and appearance of the development, the countryside and the adjacent Conservation Area, the rooflights to be used in the hereby approved dwelling shall be a specialist conservation style rooflight, fitted flush with the roof plane (using recessing kits), and shall be retained as such in perpetuity. These details will be formally approved in due course under Condition 3.
8. The Local Planning Authority charge to discharge pre-commencement Conditions (£85 per application, not per Condition). Planning Condition Discharge (PCD) application forms can be downloaded from www.harborough.gov.uk/planning
9. The tree works hereby approved shall be carried out in accordance with British Standard 3998: 2010 (Recommendations For Tree Work).
10. The applicant is advised that protected wildlife species may be using the site as a nesting place/habitat. All such species are protected under the Wildlife and Countryside Act 1981. Should any such species, or evidence of them, be present or be suspected in the site (and potentially affected by the development), the applicant should cease development immediately and contact Natural England, The Maltings, Wharf Road, Grantham, Lincs., NG31 6BH (tel. 01476 584800). All workers should be made aware of the above.
11. Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981. Should birds be present in the trees affected by this application, any felling/surgery should be performed outside the bird nesting season (for example, deferred until autumn). Should bats be present in the trees affected by this application, the applicant should contact Natural England, The Maltings, Wharf Road, Grantham, Lincs., NG31 6BH (tel. 01476 584800).

12/01472/FUL – Market Harborough
NHS Leicester, Leicestershire & Rutland

Erection of a new hospital unit and ancillary
structures and works at St Lukes Hospital, 33
Leicester Road

Target Date: 08/02/13

Recommendation:

APPROVE for the following reason and subject to the appended conditions:

The development hereby approved, by virtue of it being an appropriate use class (D1), size and design would not adversely affect amenities of adjoining residents, nor result in additional traffic which would give rise to a road safety hazard. Furthermore, the development will provide a comprehensive healthcare facility for the town on one site. The proposal is therefore considered to accord with Harborough District Core Strategy Policies CS5, CS9 & CS11 and no other material considerations indicate that the policies of the development plan should not prevail. Furthermore, the proposal complies with The Framework and the decision has been reached taking into account Paragraphs 186 and 187 of The Framework.

Site:

The application site is located to the north of Market Harborough, adjacent to the Leicester Road. The site is on the edge of town, with open countryside to the north. Within the hospital site, the application site is located to the front, adjacent to the road and the access into the main site. The site is not within a conservation area, and there are no listed buildings on the site

The Proposal:

The proposal is for the erection of a new Hospital unit of approximately 2000sqm which will provide Primary Care facilities, Outpatient and Diagnostic facilities, OPD Therapies and facilities for staff and administration. The highest part of the building (the feature stairwell) will be 13.2m while the lowest part of the building will be 8.6m. The 2 storey flat roof section of the building fronting Leicester Road will accommodate photovoltaic cells, whilst the flat roof section adjacent to the existing hospital will accommodate external plant. The building is of a contemporary design featuring red brick, coloured glass and render.

Supporting information:

Design and Access/Heritage Statement
Planning Statement
Transport Assessment
Ecological Appraisal
Drainage Strategy
Sustainability Statement
Statement of Community Involvement
Arboricultural Survey and Arboricultural Impact Assessment

Policy:

National Policy:

National Planning Policy Framework (“The Framework”)
Ministerial statement “Planning for Growth”

Regional Policy:

East Midlands Regional Plan.

Harborough District Core Strategy:

Policy CS5 – Providing Sustainable transport.

Policy CS9– Addressing Climate Change
Policy CS11 – Promoting Good Design
Policy CS13 – Market Harborough

Supplementary Planning Guidance Notes:

Note 6 – Agricultural and equestrian buildings.

Consultations / Representations:

LCC Highways:

Comments Awaited

LCC Ecology:

The ecological survey submitted in support of the application (FPCR, September 2012) is satisfactory, provided that there are no works proposed to the existing buildings on site. The ecologist found the site to be of low ecological value and no protected species were found to be present on site. We would however, recommend that a Note to Applicant is forwarded with any permission granted, drawing the applicants attention to the recommendations within the report.

If this proposed development does impact on any existing buildings on site, we would appreciate clarification on the exact works on the exact buildings. As bats have previously been recorded on site, it is essential that their presence or absence is established prior to permission being granted for any works to existing buildings on site.

LCC Forestry:

Eight individual trees and one small group are proposed for removal to facilitate the development. 3 trees are categorised as “U” and would prudently be best removed in any event. Of the remaining 5, three are categorised as “C” and should only reasonably be retained if this would not otherwise constrain development and only two are higher quality “B” trees. The trees in the group are of relatively indifferent quality.

It would not be reasonable to refuse consent in order to retain these two better trees, nor would they merit any redesign of the building to accommodate them. The trees along Leicester Road effectively screen the internal parts of the site and would not be affected by the proposal which means that the removal of any trees necessary for the development would not be particularly noticeable to the public. The “Landscaping Strategy” plan indicates that a number of new trees will be planted after construction; these would more than compensate for those removed and provide a new generation of trees for the future.

LCC Archaeology:

Recommend conditions on any approval relating to a Written Scheme of Investigation

HDC Environmental Services:

Recommend conditions on any approval relating to hours of work and external lighting

Market Harborough Civic Society:

In view of the possibility of up to 1800 houses at Airfield Farm, we consider that there will be inadequate Public Car Parking. A Long and Short Stay Car Park will be needed, preferably F.O.C. Will the Ambulance Station site become available? A Bus Service will be required.

Leicestershire Design Review Panel:

- The site offers the opportunity for a landmark building
- The building could be enhanced by green bio-diversity such as a “living wall” or public art
- Landscaping outside the site could be enhanced
- Use of colour could be used

- The gable of concern could be treated with further glazing to reflect the main elevation and to add interest
- The design is modern and well articulated
- Idea of 'stepping down' the main elevation would lose the 'dramatic effect' currently shown and would look like an 'add-on'
- The building is well proportioned
- Could consider tranquil lighting rather than harsh 'white' lighting, particularly around the lobby/entrance area – so it appears inviting.
- Consideration should be given to the 'healing qualities' exterior and interior spaces can have. A design aspiration should be to create an environment where people feel positive, in spite of being there due to ill health.
- Provide more outdoor seating and landscaping
- Rainwater harvesting could be encouraged
- Trees with movement/colour should be also be encouraged

Representations:

1 letter of objection received (39 Tymecrosse Gardens) raising the following points: 1) There will be LOSS OF PRIVACY for us, as at present we can have our blinds/curtains open morning/night in our main bedroom and get dressed with the light on and no-one can see. By putting the 3 storey hospital up, this will invade our privacy and we will no longer be able to have the curtains/blinds open as and when we so wish to. 2) The development will take many months, if not years, to complete and the building contractors and all their machinery and the lorries will just take over early every morning, all day and early evening. I work from home and this will greatly impact on my work as I need to have peace & quiet to make phone calls and this will impose on my daily work. 3) The traffic from the construction guys themselves will be too much as no doubt they'll use the "service" road which runs at the end of our garden and down the slight slope - as it does with all the houses from 33 Tymecrosse Gardens upwards! This is not considerate at all as I guess they will also be working at weekends, so not only would we have early morning traffic noise, we'll also have weekend traffic noise and the construction vehicles ALL have the reversing beep beep beep sounds on so it's not as if we won't hear them all the time! 4) It will be too noisy full stop, the preparation, the building works, the finished product with all the patients coming in and out of the hospital, the visitors coming in and out of the hospital, the ONE WAY road around the hospital goes right past the end of our garden (*and others on Tymecrosse Gardens*) so it will be constant 24/7 traffic noise from the Construction Vehicles, to Staff Cars, to Service Vehicles, it'll just be constant and no we are not happy and do not agree with that at all. It is bad enough already with the small amount of "service" traffic who use this Service Road, let alone quadrupling it with all the other vehicles for patients, staff, visitors - that really is not on and again it'll be 24/7, so no we do not want that, especially in the summer warmer months when we are outside &/or have the windows open, it'll just be too overbearing! 5) It will be unsightly too, why have they chosen 3 storey's now, it was only going to be one/two max! It is nice to see the trees on Leicester Road and the houses over in The Woodlands, but all that view will be taken from us. 6) We are seriously worried about the fact that the value of our house WILL go down with having the Hospital built there and this is something we seriously do not want, it is not our choice to have the 3 storey building there, we do not want it. 7) I'm sure I speak for at least 15 houses in Tymecrosse Gardens who overlook the hospital grounds, but more so these concerns are for ourselves as we do not want to have our nice house and peaceful surroundings to be wrecked.

1 letter of comment received (81 Tymecrosse Gardens) raising the following points: 1) In the environmental report mention is made of the removal or retention of various trees on the site, but no mention is made of the hedgerow running the full length to the rear of the site. 2) Although my property does not back on to the hospital site, it does back on to the ambulance station. It will not be directly affected by the hospital development but we would like to ensure that the hedgerow which runs the whole length of the full site is not removed or damaged in any way. 3) This hedge appears to be an ancient hedge with a considerable number of bird

species, including bull finches, which from an environmental point of view we think is important to retain. The removal of this hedge would also affect our privacy.

Other Information:

Public Rights of Way:

None affected

History:

Application Number	Decision / Date	Description of Development
74/00845/3P	APPROVED - 18.12.74	upgrading of existing female ward block ; erection of incinerator house and flue; demolition of existing hospital buildings
75/00956/3M	APPROVED - 13.08.75	Extension to existing boiler house
80/02020/3C	APPROVED - 12.02.81	Proposed erection of wash centre
81/01640/3C	APPROVED - 15.12.81	Proposed erection of wash centre
81/02097/3G	NOT DETERMINED	Extension to ward 3 day room
85/00180/3G	NOT DETERMINED	Extensions to form linen store laundry etc
87/01675/3G	APPROVED - 26.10.87	Provision of new mortuary block
91/00105/3G	APPROVED - 25.04.91	Extension to form day room
94/02078/3P	APPROVED - 16.03.95	Erection of workshop and installation of air handling unit
96/01466/3P	APPROVED - 30.10.96	Single storey extension
97/00819/OUT	APPROVED - 16.10.97	Development of land by the erection of a two storey team base building
97/00820/OUT	APPROVED - 16.10.97	Development of land by the erection of a replacement storage facility
97/01322/FUL	APPROVED - 19.02.98	Erection of extension to hospital to form palliative care suite
98/00753/FUL	APPROVED - 25.09.98	Erection of temporary office accommodation
99/00184/FUL	APPROVED- 15.04.99	Erection of temporary building for office use
04/02012/OUT	APPROVED - 06.07.05	Proposed hospital and ambulance station development (siting and means of access to be considered)
08/00928/FUL	APPROVED - 15.12.08	Erection of fence and gate (palisade finishing)
09/01274/OUT	APPROVED - 13.01.10	Erection of an electrical substation and an endoscopy suite, provision of service yard and associated car parking (all matters reserved)
09/01522/FUL	APPROVED - 31.03.10	Erection of building to house transformer equipment
10/00586/FUL	APPROVED - 06.07.10	Erection of an endoscopy suite.
10/00660/PCD	APPROVED - 08.07.10	Discharge of conditions one to five inclusive of 09/01522/FUL
10/00984/FUL	APPROVED - 07.12.10	Erection of a shed for storage of medical supplies
10/01337/PCD	APPROVED - 06.12.10	Discharge of Conditions 2 - 8 of 10/00586/FUL
11/00831/NMA	APPROVED - 18.08.11	Alterations to external ramps, fenestration, car park, and internal layout (non-material amendments to 10/00586/FUL)

Information:

This application is being reported to the Planning and Regulatory Committee at the Development Control Manager's discretion as a matter of public interest.

Planning Considerations:

Policy Assessment:

As this application is for the erection of a new hospital unit on an existing site within Market Harborough, Policy CS11 of the Harborough District Core Strategy are considered most relevant.

Policy CS11 requires that that all development should respect the context in which it is taking place and respond to the unique characteristic of the individual site, be of a scale, density and design that would not cause damage to the qualities, character and amenity of the area and reflect the landscape in which it is situated. Furthermore the development where appropriate should encourage travel by a variety of modes of transport and should ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

Residential amenity:

The application site is bounded to the north by medium density housing development and to the south and west by low density housing development, as such, the impact of the proposal on the residential amenity of neighbouring properties falls to be considered. Concerns have been raised by residents in Tymecrosse Gardens regarding the loss of privacy, overbearing nature of the development and noise, both during construction and operation. The proposed building is approximately 99m from these properties at its nearest point. There is also a considerable change in levels between the site and the properties. This change in levels results in the highest point of the proposed building being lower than that of the dwellings in Tymecrosse Gardens. There are also a number of existing buildings between the site and the dwellings. Furthermore, there is a distance of approximately 57m between the proposal and the new building properties within The Woodlands, with the intervening round and mature boundary treatment on both sides of the road. To the west, there is approximately 70m between the proposal and 32 Leicester Road, again with intervening roads, and as such, it is not considered that there would be any overbearing impact upon the residential amenity of neighbouring properties.

With regards to the loss of privacy to properties on Tymecrosse Gardens, the 99m separation between the proposal and the existing dwellings will not result in any overlooking from the hospital building. Furthermore, there are no windows in this section of the building. The closest windows which would look towards the properties on Tymecrosse Gardens are approximately 125m from the dwellings. The properties in The Woodlands which are most affected by the proposal are aligned at an angle to the Hospital, and as such, through a combination of this angle and the boundary treatment of both the hospital site and the dwelling, it is not considered that there would be a any loss of privacy to these dwellings.

Concerns have also been raised regarding noise impact from the proposal. Noise impact during the construction phase can be controlled by condition, and a condition is recommended to ensure that a construction method statement is submitted and agreed prior to the commencement of development. This should address a range of issues, including working hours, piling techniques, the parking of vehicles of site operatives and visitors, and the loading, unloading and storage of plant and materials. With regards to operational noise, the site already operates as a hospital, and the new building is at the furthest point within the site from Tymecrosse Gardens. As such, it is not considered that any additional noise would increase levels significantly above the existing background levels. The parking area to the north of the site is relatively small, and is indicated as staff carparking, and as such there will not be a high turnover of usage of these spaces. Furthermore, the main circulatory route through the site for visitors would be to the front of the site, rather than through the staff area, and as such it is not considered that there will be any demonstrable detriment to residential amenity caused by the use of this existing feature. Therefore the application is considered to be in accordance with Policy CS11 of the Harborough District Core Strategy.

Highways and parking considerations:

Access to the site would be gained via the existing points of access to the site from Leicester Road. The site will operate a predominantly one-way system. 102 parking spaces have been identified for the site in total, 32 of these reserved for staff at the rear of the site. There are public transport links to the site, with bus stops on either side of Leicester Road just outside the site. The applicants have acknowledged that a Travel Plan is necessary for the site, however, one has not been submitted with the application. As such, a condition is recommended to ensure that a suitable Travel Plan be submitted and agreed by the LPA.

Design and impact on the Streetscene:

The site occupies a position on the main route into Market Harborough. Mature trees line the boundary to the frontage of the site, a feature which is to be retained as part of the proposal. The main Leicester Road frontage of the building is predominantly 3 storey, giving the building the stature and presence required for such a key site. The original submission was presented to the Leicestershire Design Review Panel who were largely supportive of the proposals and complimentary towards the design. One area which was highlighted to be looked at further was the gable end which would be visible when approaching the town along Leicester Road. Initial thoughts from Officers were that more of a feature should be made of this elevation in order to address this viewpoint, however, upon reflection and consideration, it was decided that, due to the line of sight around existing vegetation, the gable would not be the dominant feature, however, the design would benefit from an element of the front elevation being “framed” and wrapping round onto the end gable. This proposition was put to the architect, and the revised which is before us now was the result, with a glazed corner element wrapping round to the end gable and framing the front elevation with the stair well on the far corner. The materials are predominantly red brick, with the “hub” area being glazed in a variety of colours and framed by white render. The scale and design of the building are considered to be acceptable for the site and are considered to provide the town with a feature, place-making building on one of the main routes into the town. Consequently the proposal is considered to be in accordance with Policy CS11 of the Harborough District Core Strategy.

Other Issues:

There are a number of trees on site which it would be necessary to remove in order to facilitate the development. These have been assessed by LCC, and are not considered to be worthy of retention at the expense of the design of the site. The mature trees to the frontage of the site are to be retained, and it is proposed to plant new trees within the site. The hedgerow to the rear of the overall site is outside the application site, and as such will not be affected by the proposal. Furthermore, the hedgerow in question is not afforded any protection, and as such, any works which may be carried out on it would not require the benefit of any planning consents.

The building has been design to achieve a BREEAM “Excellent” rating through the use of a number of different technologies, such as Air to water heat pumps, Air source heat pumps and photovoltaic panels. The BREEAM “Excellent” rating exceeds the requirements of Policy CS9 which aims to achieve BREEAM “Very Good”.

Conclusion:

The proposal will provide the town with a comprehensive healthcare facility all located on one site. The design of the building is considered to be of high quality befitting of its location. Access arrangements for the site are considered to be acceptable, and it is not considered that there would be any detrimental impact upon the amenity of neighbouring residential properties. The proposal is therefore considered to be in accordance with the Harborough District Core Strategy.

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 No development shall commence on site until full details and samples of the materials to be used for the external finishes of the approved development 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.
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.
- 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. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity.
REASON: To ensure a satisfactory form of development which is compatible with the character of the surrounding locality and to accord with Harborough District Core Strategy Policy CS11.
- 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 The development hereby permitted shall be in accordance with the following approved plans 120160/A100 Rev A; SL/SOP/01; SDAM50069A/01; 120461/100/Rev C; 120461/101/Rev B; 120461/300/Rev A; 120160/A102/Rev A; 120160/A103/Rev C; 120160/A104/Rev C; 120160/A105/Rev C; 120160/A107/Rev A; 120160/A108/Rev A; 120160/A120/Rev B; 120160/A/D01/Rev B and 120160/A/D02/Rev B;
REASON: For the avoidance of doubt.
- 6 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
- 7 No development shall commence until a programme of archaeological work including a Written Scheme of Investigation (WSI) has been submitted to and approved by the local planning authority in writing. Thereafter, all development shall be carried out in accordance with the approved WSI.
REASON: To ensure satisfactory archaeological investigation and recording and to accord with the Harborough District Council Core Strategy Policy CS11.
- 8 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 demolition and 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

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

- 9 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site and to accord with Harborough District Core Strategy Policy CS11

- 10 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any trees and hedgerows to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) hard surfacing materials;
- (g) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (h) retained historic landscape features and proposed restoration, where relevant.
- (i) programme of implementation

Thereafter the development shall be implemented fully in accordance with the approved details and retained in perpetuity.

REASON: To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with Harborough District Core Strategy Policy CS11

- 11 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years from the date of first occupation of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the

development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and to accord with Harborough District Core Strategy Policy CS11

- 12 No development shall commence on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, 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 shall be retained as such in perpetuity

REASON: In the interests of the establishment and management of the landscaped areas and to accord with Harborough District Core Strategy Policy 11

- 13 No development shall commence on site until the trees on the site have been enclosed by protective fencing, in accordance with British Standard 5837 (2010): Trees in Relation to Construction. Before the fence is erected its type and position shall be approved by the Local Planning Authority, and after it has been erected it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

REASON: To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity and to accord with Harborough District Core Strategy Policy CS11

- 14 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site and to accord with Harborough District Core Strategy Policy CS11

12/01495/FUL – Broughton Astley
Applicant: David Wilson Homes East Midlands

Erection of 124 dwellings with associated access, parking and public open space, at Land off Frolesworth Road, Broughton Astley

Target Date: 30/01/13

Recommendation

REFUSE for the following reason:

The proposal, comprised entirely of housing development, would not result in a mixed use site and would fail to ensure the provision of additional retail, community facilities or employment opportunities to serve Broughton Astley. The proposal would therefore fail to comply with Policy CS16(a), and the aims and objectives of Policy CS16, of the Harborough District Core Strategy. In addition, Harborough District Council is currently able to demonstrate an up-to-date five year supply of deliverable sites for housing. The proposal would be sited outside Broughton Astley's defined Limits to Development, and would therefore result in an unjustified encroachment into the countryside, contrary to Policy CS2(a) of the Harborough District Core Strategy.

Informative Note: The decision has been reached taking into account 186-187 of the National Planning Policy Framework. The Local Planning Authority case officer has discussed the application in detail with the applicant's planning agent, explaining the aforesaid concerns and discussing solutions to overcome those concerns.

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 124 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):

Policy 2: Promoting Better Design
 Policy 3: Distribution of New Development
 Policy 13a: Regional Housing Provision (excluding Northamptonshire)
 Policy 14: Regional Priorities for Affordable Housing
 Policy 26: Protecting and Enhancing the Region’s Natural and Cultural Heritage
 Policy 29: Priorities for Enhancing the Region’s Biodiversity
 Policy 32: A Regional Approach to Water Resources and Water Quality
 Policy 35: A Regional Approach to Managing Flood Risk
 Policy 43: Regional Transport Objectives
 Policy 45: Regional Approach to Traffic Growth Reduction
 Policy 52: Regional Priorities for Integrating Public Transport
 Policy SRS 3: Housing Provision

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 Supplementary Planning Guidance Notes¹:

SPG Note 1: Design principles

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 developments²

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 (January 2013)

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.

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.

² 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.

Environment Agency:

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 alternative 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?

Access Officer (LCC):

No comments received to date

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:

Objects to the proposal, on the following grounds:

- Disappointed that the submission of this application has been presented before the completion of the Neighbourhood Plan, especially as we were led to believe that this developer was willing to work with them on the project
- That the planning application is contrary to HDC Core Strategy as further housing development should be accompanied by the provision of local infrastructure in accordance with Policy CS12
- That the proposed flood mitigation scheme is very likely to cause flooding in Old Rectory Close and Frolesworth Road, causing a danger to vehicle users and residents alike. The EA reports that the development site is outside their recorded flood plain, but on two occasions this year Frolesworth Road and surrounding fields (including the application site), roads and streets have been under water.
- The EA's report (Section 5.5.2) states that all 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 may be had from the site at all times using the mitigated flood prevention scheme, but photographic evidence shows how much water lies on Frolesworth Road heavy rain causing access to the site to be problematic.
- 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
- The Members would like it to be noted that surface water is present on the proposed development site for a number of weeks during the winter period and following heavy rain
- The Members raise concerns that no assessment has been made of the water level which backs up at the bridges and the 90 deg bend in Broughton Astley Brook, it appears only to go on the river / brook levels in general.

Frolesworth Parish Council:

Objects to the proposal and wishes HDC to take the following information/comments into account when arriving at a decision:

- The development will result in some 250 extra vehicles requiring access to and exit from the site. This will add considerable traffic to the Frolesworth Road, already the subject of a number of accidents, a proportion of which will pass through Frolesworth in order to access the A5.
- Whilst acknowledging that the applicant intends to incorporate storm water balancing ponds within the site there is concern that this will not be adequate to deal with the run off water from what is currently wholly agricultural land (the site is currently one third underwater)
- The public facilities in Broughton Astley such as shops, post office, library, car parks, GP Practice etc. are heavily used by Frolesworth residents and are not adequate for any further substantial population without further development. In particular the General Medical Practice is already heavily used and a potential further influx of patients will it is believed give rise to an unacceptable overloading of this facility.
- Frolesworth Parish wholly supports the stance taken by Broughton Astley Parish Council in opposing any extension to the building zone around Broughton Astley, specifically this proposed Frolesworth Road development, until additional infrastructure is in place to a standard equivalent to other similar sized population centres within the District and local area.

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 £3,549 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 £81,789.31 (primary education)
- Leicestershire Police – £48,593 is requested towards the development’s burden on local policing
- 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 has yet to submit comments or request a financial contribution 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]	Shared Owner Ship – 40%	TOTAL
Proposed site yield = 124	37	Total 22	Total 15	Total 37

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 make the following comments concerning the above planning application.

1. 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 Frontrunner 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.

2. Harborough District Council at long last can demonstrate a five year housing supply. This could justify a delay in determination until the end results of the Neighbourhood Plan are known. I feel sure that the Parish Council could share information with you to substantiate a likely outcome.

3. The question of highway matters still persist. It is difficult to support a call for more housing when this stretch of road is patently unsuitable for the traffic it currently engenders. It is basically the same road that had no more than two junctions, but now has six including a busy childrens nursery adjacent to a busy crossroads. This road was recently the subject of a Petition seeking traffic calming matters.

4. Flooding issues remain even at a time of only moderate rain. This causes Frolesworth Road to flood, sweeping water into Jubilee Road, flooding gardens and causing serious sewage problems to those properties nearest to Frolesworth Road. I cannot believe that more properties would not exacerbate this problem.

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:

53 letters of objection have been received from 44 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

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]

One letter of support received, issues raised include:

(1) It is virtually impossible to get on to the property ladder

(2) Development would be close to family/my home and close to good schools

Other Information

History:

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 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:

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 East Midlands Regional Plan (EMRP), 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 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. This will be achieved in the following way:

- (a) Development should be inspired by, respect and enhance local character, building materials and distinctiveness of the area in which it would be situated
- (b) All development should respect the context in which it is taking place and respond to the unique characteristics of the individual site and the wider local environment beyond the site's boundaries to ensure that it is integrated as far as possible into the existing built form of the District. New development should be directed away from undeveloped areas of land which are important to the form and character of a settlement or locality.
- (c) Development should be well planned to:
 - i) Incorporate safe and inclusive design, suitable for all to access;
 - ii) Make the most of local built and natural assets;
 - iii) Be of a scale, density and design that would not cause damage to the qualities, character and amenity of the areas in which they are situated;
 - iv) Ensure that the amenities of existing and future neighbouring occupiers are safeguarded;
 - v) Reflect the landscape or streetscape in which it is situated and include an appropriate landscaping scheme where needed;
 - vi) Enable adaptation, allowing for mixed uses with the potential to change use where appropriate;
 - vii) Enable adaptation, ensuring suitability for today's users and capability for alteration to suit users in a future changing climate;
 - viii) Where appropriate, encourage travel by a variety of modes of transport;
 - ix) Minimise waste and encourage re-use and recycling wherever possible.

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:

- (1) **Plan-led** – "with a high degree of predictability and efficiency"

- (2) **A creative exercise as well as one of scrutiny** – “finding ways to enhance & improve...places”
- (3) **Support sustainable economic development** [development here means growth]
- (4) **Design & amenity** – “high quality design and a good standard of amenity”
- (5) **Protection** – of the District’s intrinsic countryside character and its ‘urban vitality’
- (6) **Climate change** – renewable energy, low carbon footprint, re-use of buildings
- (7) **Environmental protection** – “conserving...the natural environment”, “reducing pollution”
- (8) **Effective use of land** – prioritising re-use of previously developed land
- (9) **Multiple benefits** from land use & mixed use developments
- (10) Conserve **heritage assets**
- (11) **Sustainable transport** – fullest possible use of public transport, walking and cycling
- (12) **Health, social and cultural wellbeing**, incl. delivering sufficient key services and facilities

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. While the site is reasonably central in location, the proposed development does little to promote the additional growth of local services and facilities in Broughton Astley, the fundamental driver behind Policy CS16.

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 (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. Their Neighbourhood Area application was approved in October 2012 following a 6 week period of consultation, and the draft Neighbourhood Plan was – at the time of writing – is about to be issued.

Given the progress made by the Parish Council and their intention to have a draft plan ready early in 2013, 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.

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 (17x 2 bed, 39x 3 bed, 47x 4 bed, 21x 5 bed) and tenures (inc. 37 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 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)

There are some elements of the design which need to be amended or reconsidered, though are relatively minor and can be suitably addressed by way of condition, either re landscaping or requiring amended elevation drawings for certain house types. These elements include:

- Some additional window detailing to certain plots (1, 5, 38/39, 44, 49, 53, 65, 70, 109, 117)
- Some revised window positions on certain plots (including Types 383, 408, 332 and 341)
- Siting of some garages altered to better safeguard future occupiers' amenity or improve visual amenity/provide more soft landscaping (10/11, 18/19, 30, 98 – 100, 115/116)

- Size of shared parking areas (e.g. 88-93)
- Meters moved off front elevations (Type P383)

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 relative lack of visual prominence, the relatively flat nature of the site, 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 NPPF. 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 is 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, 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).

Notwithstanding, Plot 72 would be only 26 metres from 17 Old Rectory Close, and Plot 67 only 30 metres from 15 Old Rectory Close. While achieving guideline separation distances, both are relatively close given their height (9.3m and 9.7m respectively). Plot 67 is 1 of the 3 tallest dwellings proposed, and 0.9m taller than Plot 68; e.g. these two could be switched.

Overall, however, 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 – ghost island – and certain aspects of the layout) 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.

Affordable Housing Provision:

The proposal for 30% affordable housing (37 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.

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>. It is extremely concerning that this work may be undermined, or appear undermined, by ad hoc decisions on planning applications. Nevertheless, a draft or consultation version of the Neighbourhood Plan has not yet been published, and HDC may be at risk of unreasonable behaviour allegations should it seek to resist development on any basis of prematurity.

Request by applicant’s planning agent for delay to application’s determination

The applicant has suggested a decision could be delayed pending negotiations with other stakeholders and/or landowners. This would not be a reasonable basis for HDC to delay a decision, which it is statutorily required to make. The applicant is not prejudiced as their ability to withdraw, resubmit and discuss with other owners is unaffected.

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 then 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 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.

However, the development would result in built development beyond the defined Limits to Development, would have an adverse impact 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 unjustified encroachment into the countryside, contrary to Core Strategy Policy CS2(a).

In addition, it is considered that despite its central location, the proposal site does not deliver the main aims of Core Strategy policy for Broughton Astley. Given the range of potential sites that are available in the settlement it is considered that, on balance, this proposal is unlikely to represent the most suitable development in terms of its contribution to enhancing service and facility provision in Broughton Astley.

Identification of the most appropriate sites for development, capable of delivering the much needed additional services and facilities for Broughton Astley, should be allowed to progress through the Neighbourhood Planning process, but notwithstanding, the current proposal for 100% housing, resulting in no provision of additional retail, community facilities or employment opportunities to serve Broughton Astley, does not accord with Policy CS16(a) or the aims and objectives of Policy CS16 of the Council's Core Strategy.

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

12/01544/CLU
GREAT BOWDEN

Certificate of Lawfulness of Existing Use for C3 Use
of land as residential curtilage (garden);

Mr Frank Haynes

50 Station Road

Target Date: 17/12/12

Recommendation

APPROVE as per the following Certificate Statement:

Town and Country Planning Act 1990: Sections 191-196

(Sections 191 and 192 were substituted by section 10(1) of the Planning and Compensation Act 1991.)

(Section 193 was substituted by section 10(1) of the Planning and Compensation Act 1991.)

(Section 195 was amended by paragraph 32 of Schedule 7 to the Planning and Compensation Act 1991 and paragraphs 1 and 3 of Schedule 11 to the Planning Act 2008.)

Town and Country Planning (Development Management Procedure) (England) Order 2010: Article 35

CERTIFICATE OF LAWFULNESS OF EXISTING USE

Date of the application for the Certificate: 22/10/12.

The Harborough District Council Local Planning Authority certify that the Use specified in the First Schedule hereto, in respect of the Land specified in the Second Schedule hereto (and edged red on the amended "Site and Location Plan" [drg no. JF/12.1; received 13 Nov 2012] attached to this Certificate), is lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The Local Planning Authority considers that satisfactory information exists to demonstrate that, on the balance of probability, the land has been used as C3 Use residential curtilage (garden) for a continuous period in excess of 10 years before application 12/01544/CLU was submitted, i.e. on and before 22 October 2012 (such that no enforcement action may then be taken in respect of the use).

First Schedule

C3 Use residential curtilage (garden)

Second Schedule

50 Station Road
Great Bowden
Leicestershire
LE16 7HN

What is a Certificate of Lawfulness of Existing Use Application:

The applicant is seeking to demonstrate that the red-edged parcel of land (identified on the amended "Site and Location Plan" [drg no. JF/12.1; received 13 Nov 2012]) has formed part

of their garden (and has been used as such) for the duration of their occupation of the dwelling 50 Station Road – “nearly 40 years” according to submitted supporting statements.

For the Local Planning Authority to issue a Certificate of Lawfulness of Existing Use, the present applicant needs to demonstrate that, on the balance of probability, the land has been used as C3 Use residential curtilage (garden) for a continuous period in excess of 10 years before application 12/01544/CLU was submitted, i.e. on and before 22 October 2012 (such that no enforcement action may then be taken in respect of the use).

No material planning policy considerations can be taken into account in the determination of a Certificate of Lawfulness application – it is solely an evidence-based assessment to be made ‘on the balance of probability’ (and not under the stricter ‘beyond reasonable doubt’ approach which is applicable in criminal law).

Relevant Legal Considerations:

THE 1990 TOWN & COUNTRY PLANNING ACT

Section 191(1) of the 1990 Act states that:

(1) If any person wishes to ascertain whether—

- (a) any existing use of buildings or other land is lawful;*
- (b) any operations which have been carried out in, on, over or under land are lawful; or;*
- (c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,*

he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

By virtue of Section 191(2), the local planning authority are required to issue such a Certificate if the uses or operations described in the application would be lawful on the basis that no enforcement action may then be taken in respect of them. Subsections (4), (5) and (6) of Section 191 explain the detail to be provided within the application/Certificate.

DOE CIRCULAR 10/97: ENFORCING PLANNING CONTROL: LEGISLATIVE PROVISIONS AND PROCEDURAL REQUIREMENTS

This Circular contains general advice as to how planning control should be enforced. Annex 8 is titled “*Lawfulness and the Lawful Development Certificate*” and explains a number of issues directly relevant to this application.

Paragraph 8.3 clarifies the meaning of Section 191(2) of the 1990 Act and explains that operations and uses are lawful if no enforcement action may be taken against them and they are not in contravention of any enforcement notice which is in place.

Paragraph 8.11 clarifies that the purpose of Lawful Development Certificate applications is to ascertain whether specific uses, operations or activities are lawful. Applicants must, therefore, describe precisely what is being applied for. Local planning authorities must assess whether, on the facts of the case and relevant Planning Law, the specified matter is or would be lawful.

Paragraph 8.12 advises that the onus of proof is firmly on the applicant to show that the development is lawful. A Lawful Development Certificate can be refused if this onus of proof has not been discharged. A refusal to issue a LDC is not necessarily conclusive that

something is not lawful: it may merely mean that, so far, insufficient evidence has been presented to satisfy the LPA that the use, operation or activity is lawful.

Paragraph 8.15 explains the relevant test of the submitted evidence. The Courts have held that the relevant test of the evidence on such matters is "the balance of probability". As this test will accordingly be applied by the Secretary of State in any appeal against their decision, a LPA should not refuse a Certificate because the applicant has failed to discharge the stricter, criminal burden of proof, namely "beyond reasonable doubt". Moreover, the Court has held (see *F W Gabbittas v SSE and Newham LBC* [1985] JPL 630) that the applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted. If the LPA have no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a Certificate "on the balance of probability". **The LPA should proceed on the basis that neither the identity of the applicant (except to the extent that he or she may or may not be able personally to confirm the accuracy of any claim being made about the history of a parcel of land), nor the planning merits of the operation, use or activity, are relevant to the consideration of the purely legal issues which are involved in determining an application.**

Representations:

Great Bowden Parish Council
Comments received 12/11/12.

The Parish Council submit pertinent comments under their Section 1, which states:

"Although the area under consideration is not an allotment, it is a plot of land under cultivation, and it is considered necessary to equate the area to that of an allotment for the purposes of this application. The applicant states in his letters it is used for soft fruit, vegetables and an orchard. In the case of Crowborough Parish Council Vs Secretary of State for the Environment (1981) it was found that the act of converting land previously used for agriculture into allotment gardens does not constitute development requiring planning permission. The case went on to say that the use of land for allotment purposes does not require planning permission because that use falls within the definition of agriculture in the Town and Country Planning Act 1990. The definition of agriculture under Section 336 of this Act states that it includes, amongst other things, horticulture and fruit growing.

As such, the applicant has not demonstrated that the use of the land has been that of a garden rather than agriculture especially as the definition of 'Agriculture' in the Town and Country Planning Act 1990, no reference is made to whether horticulture and fruit growing should be for sale to the public or for private consumption."

The remainder of the Parish Council's comments are immaterial in the assessment of a Certificate of Lawfulness of Existing Use application.

It is considered that the Parish Council raise valid points under Section 1 above. However, the assessment as to whether the land, on the balance of probability, has been used as garden land is considered to be more complex. There are two key multifaceted considerations:

- 1.) **The physical character and appearance of the land** – whether any physical demarcations (fences, walls, hedges, etc) exist between land accepted to be authorised residential curtilage and the application land; the nature and appearance of soft and hard landscaping features throughout (for example, lawns, planted borders, paths, rockeries, untended areas, etc); does the

authorised garden and application land appear to form one continuous parcel or not; are there domestic buildings, structures and/or other paraphernalia on the land (e.g., sheds, greenhouses, trampolines, swings, climbing frames, children's play houses, tennis courts, pools, clothes lines and so forth).

- 2.) **The functional use of the land** – how is the application land used; how is it tended and looked after; is it mown, cultivated; is it enjoyed as garden land in a function which is incidental to the occupation of a dwellinghouse.

The above synopsis of the two key considerations is not exhaustive, but is provided to give information on the types of matters given consideration by a local planning authority when assessing a Certificate application of the present type.

Representations:

Comments received from 7 separate addresses raising issue of planning merit (officer comment see 10/95 paragraph 8.15 reference above.

48 Station Road, Great Bowden – comments received referring to “*Crowborough Parish Council Vs Secretary of State for the Environment (1981) finding that the act of converting land previously used for agriculture into allotment garden does NOT constitute development requiring planning permission because that use falls within the definition of Agriculture.*” “*The use of agricultural land for growing vegetables, soft fruit and a line of fruit trees is insufficient to demonstrate garden use and does NOT meet the criteria to re-classify from agricultural.*”

A further letter of objection has been received dated 3rd December 2012 – available to view online or on file.

This letter makes the following points:

- Six objectors; all from within Parish.
- Nine supporters; none from within Parish, spreading to Chester, Norwich and Cornwall. Four are family members and expected to display loyalty. None validate a change to garden use.
- Two letters from the same address should be counted as one.
- The evidence/statements in the letters if insufficient to justify a change of use to garden.

(All comments available for inspection)

Assessment of Submitted/Available Information:

Planning History

The Local Planning Authority has access to historical microfilm planning records which relate to the application site, No.50 Station Road. An investigation of these records identified the following Planning History:

- MU/03088/MUDC – The erection of a bungalow and the formation of an access (03088) – Approved 28.07.1954.
- MU/03135/MUDC – The erection of a house (03135) – Approved 27.10.1954.
- MU/07532/MUDC – Extension to bungalow (07532) – Approved 05.01.1970.
- 86/00682/3P – Installation of dormer window – Approved 29.05.1986.
- 87/00753/3P – Use of part of existing pottery as a gallery – Approved 30.06.1987.

For each of the above records, Site Plans were found which indicate that the land in question was considered to form part of the garden of No.50 and to lie within the authorised garden boundaries (as drawn on the plans submitted for each application). Please refer to copy plan extracts (to be shown on the Committee Powerpoint slides). At each application point, it is reasonable to consider that the Council was provided with an opportunity to question whether

the stated land benefitted from lawful use as one garden entity – the apparent lack of investigation by the Council indicates that the nature/use of the land was not queried/contested. This plan evidence alone is considered to support a robust case for the applicant and indicates that the land has been used as one single garden entity for the requisite period of time (to substantiate granting a Certificate of Lawfulness).

Site Visit (12/11/12)

A parcel of land functioning as one garden unit to No.50 Station Road was observed, which lacked any physical delineation between 'authorised garden' and 'unauthorised garden'. Although part of the land was used as a vegetable/fruit growing area, this in itself is not unexpected within the boundaries of a garden. The majority portion of the land had the character and appearance of mature garden, there were signs of residential/garden use (children's play house, trampoline, grass tennis court area, garden paths) and there was no visual evidence to indicate that this was not historically the case (at least for the critical period under assessment: the past 10 years).

The Site Visit observations, combined with the above historical plan evidence, is considered to represent a robust case, which demonstrates that the land in question has, on the balance of probability, formed part of a single garden area serving No.50 Station Road and been used as such continuously for in excess of 10 years prior to the date of submission of application 12/01544/CLU.

Further Evidence presented by the Applicant

A range of photographic evidence and 9 supporting letters have been presented by the applicant. These letters and photographs provide a convincing body of evidence, which is considered to further substantiate the case for granting a Certificate

Other matters

This application was deferred at 18th December planning committee to allow consideration of additional comment and a planning committee site visit.

Conclusion:

A Certificate of Lawfulness of Existing Use as C3 Use residential curtilage (garden) land for the red-edged application site should be issued without delay.

RECOMMENDATION:

Grant Certificate

12/01579/OUT– Lutterworth
J & P Bond and Jayne Commercial Ltd
Target Date: 31/01/13

Demolition of existing dwelling; erection of 50
Dwellings with associated landscaping and
Hardstanding (all matters reserved) at James
Bond Caravan Park, Moorbarns Lane

Recommendation

REFUSE for the following reason:

1. Whilst the proposal would make a contribution to the delivery of housing, including affordable housing for Harborough District, without having an adverse impact on interests such as highway safety, residential amenity, cultural heritage, flooding or the character of the surrounding countryside, it would result in the loss of existing accommodation provision for the Travelling Showman community. Despite the identified benefits of the scheme, it is considered that the loss of the Showman's Plots is a substantial material consideration, and as such, the proposal is contrary to Policy CS4 of the Harborough District Core Strategy and Policy G of the Planning Policy for Traveller Sites (DCLG March 2012). This decision implements 186 & 187 of the Framework.
2. Insufficient information has been supplied by the applicants to prove that the proposal would not adversely affect any potential buried archaeological remains. Although there has been some previous disturbance to the site, it is considered that this would have been largely superficial and it is likely that any below-ground archaeological remains present would largely remain preserved *in situ*. As such an Archaeological Impact Assessment is required to fully assess the impact of the proposal. The proposal is therefore contrary to Policy CS11 of the Harborough District Core Strategy

Site:

The application site lies to the north of the A4303 on the southern edge of Lutterworth. It is elevated above the road which runs in a cutting alongside the application site. Access to the site would be from Moorbarns Lane which is no through road to the south of the A4303 and therefore access to the site would generally be from the north/north-east along Moorbarns Lane. There would be no direct access to the site from the A4303

The site comprises 2 elements. Approximately 15% of the site is a small field bounded by the A4303 to the south and Moorbarns Lane to the west. This field was reduced in size by the construction of the A4303. The second element which forms the remainder of the site is a showmans site known as the James Bond Caravan Park which is a series of small showmans yards. It is a long, relatively narrow site with the proprietors bungalow at the entrance. The entirety of this site has been covered in hardstanding material to support its use.

The Proposal:

The application seeks outline consent with the illustrative indicative layout showing 50 dwellings on a site which is mainly previously developed land. The proposal will maintain an access point to the 7 approved Showman's Pitches to the east of the site.

The application comprises the following: -

- 1) Planning application forms.
- 2) Planning Statement (this document) including Section 106 Obligation matters.
- 3) Design and Access Statement.
- 4) Archaeological appraisal.
- 5) Transport Statement.
- 6) Drainage Strategy.
- 7) Ecological Report.
- 8) Acoustic Report.

- 9) Location Plan.
- 10) Indicative/Illustrative Layout Plan.

Policy

National:

- The National Planning Policy Framework (The Framework):
The Framework was published in 27th March 2012 and replaced many of the planning policy guidance/statements. Para 14 explains what the presumption in favour of development means in terms of decision making and para. 17 sets out the core planning principles.
 - Section 4 concerns promoting sustainable transport.
 - Section 6 addresses delivering a wide choice of high quality homes, which explains supply of housing, mix density.
 - Section 7 requires good design which highlights the need for high quality and inclusive design for all development.
 - Section 8 promotes healthy communities.
 - Section 10 addresses Climate change, flooding and coastal change.
 - Section 11 is concerned with conserving and enhancing the natural environment.
 - Section 12 has regard to conserving and enhancing the historic environment.
- Planning policy for traveller sites:
 - Policy G (Major Development Projects)
- Community Infrastructure Regulations 2010:
The necessity test for planning obligations is a statutory requirement. Obligations must be necessary in planning terms to make development acceptable, directly related to the development, fairly and reasonably related in scale and kind of proposal
- Safer Places – ODPM - (April 2004)
- Planning for Growth (March 2011)

Regional:

- East Midlands Regional Plan

The East Midlands Regional Plan was adopted in March 2009 and provides the broad development strategy for the region up to 2026. The plan pursues an urban focussed strategy that directs the majority of development to the existing urban areas.

Policy 3 indicates that new development will be concentrated primarily in and adjoining the Principal Urban Areas (PUAs) of Derby, Leicester, Lincoln, Northampton and Nottingham.

Policy 12 states that outside of Derby, Leicester and Nottingham, employment and housing development should be located within and adjoining settlements. Such development should be in scale with the size of those settlements, in locations that respect environmental constraints and the surrounding countryside and where there are good public transports linkages.

Policy 13a sets out the required provision for each district over the period 2006-2026. For Harborough District, 350 dwellings a year need to be provided, a total of 7,000 dwellings over the plan period to 2026.

Policy 14 sets out the regional priorities for affordable housing. The policy outlines a total amount of affordable housing for each Housing Market Area (HMA) for monitoring purposes. For the Leicester and Leicestershire HMA the target is 26,500 affordable homes. The Policy

confirms that local planning authorities should adopt affordable housing targets in line with the conclusions of the most up-to-date Housing Market Area assessments for their area.

Local:

- **Harborough District Local Plan**

The Harborough District Local Plan was adopted in March 2001 and provided development policies for the District up to 2006. In September 2007, the Government (in line with the Planning & Compulsory Purchase Act 2004) allowed some of the policies in the Local Plan to be 'saved' whilst work on the Local Development Framework Core Strategy continued, in order to avoid policy vacuum.

On 14th November 2011 the Harborough District Core Strategy was formally adopted, thereby replacing the majority of the Local Plan. Certain Local Plan Policies were, however, retained as part of the Core Strategy adoption. The following HDLP Policies have been retained as part of the Core Strategy and are relevant: - Policy HS/8 Limits to development

- **Core Strategy**

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*". Policy 1 sets out a series of criteria that the Council considers necessary in order to achieve the objectives of the spatial strategy to 2028.

Policy CS2 deals with delivering new housing and advises that the District's total housing requirement of 7,700 dwellings will be provided in sustainable locations, such as Lutterworth which is defined as a Key Centre. Within Lutterworth at least 700 dwellings are proposed. The up to date figure for additional houses that remain to be planned for in Lutterworth is 439 (September 2012). Furthermore, a site at Leaders Farm is awaiting completion of the S106 agreement for 130 units which reduce this figure to approximately 309

The Policy states that 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 (SHMA) or other local evidence. The Policy also states that "*Limits to Development boundaries around settlements will be used to shape their future development*" and that "*Limits to Development will be reviewed through the Allocations DPD in order to enable the scale of new housing envisaged to be accommodated.*" The Policy clarifies that "*Housing development will not be permitted outside 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.*" Para.5.9 in explanation text states that Key Centres will be the focus for housing development.

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. A minimum of 30% of the total number of dwellings will be affordable within the Lutterworth housing sub-market area (unless lack of viability can be demonstrated).

Policy CS4 sets out provision targets for Gypsy, Traveller and Travelling Showpeople accommodation within the District. It states that a minimum provision will be made between 2006 and 2016 through a combination of the development control process and the Allocations DPD. Table 7 of the Core strategy (below) indicates the number of Gypsy and Traveller pitches and Travelling Showpeople plots, permitted between 2006 and (September) 2010.

Table 7: Planning permissions for Gypsy, Traveller and Travelling Showpeople pitches within Harborough District 2007 to 2010

	Permanent Pitches	Transit Caravan Capacity	Plots for Showpeople families
Total	26	14	26

Since 2010, 1 further plot has been given consent within the District giving a total provision of 27 plots. Policy CS4 states that a total of 29 plots shall be provided within the District (based on the GTAA) up until 2016, with further provision beyond 2016 to be based upon updated GTAA.

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 CS8 seeks to protect and enhance Green Infrastructure (GI) through securing a high quality, accessible and multi-functional GI network across both rural and urban areas of the District, which contributes to healthy lifestyles and a rich, diverse natural environment.

Policy CS9 considers measures to address climate change.

Policy CS10 considers measures to address flood risk.

Policy CS11 promotes good design standards in all development and protection and enhancement of built heritage.

Policy CS12 deals with delivering development and supporting infrastructure and seeks to ensure that appropriate measures are taken to mitigate the impacts of development and ensure that the necessary infrastructure to accompany development is provided.

- Supplementary Planning Guidance
 - *SPG Note 1 – Design Principles to be Applied in Harborough District*
The purpose of this note is to provide guidance on existing design in the District and to introduce the principles relating to good design
 - *SPG Note 2: Residential Development – Major Housing Sites*
The purpose of this note is to provide guidance on the design issues that need to be taken into account to achieve successful urban design in residential development in the District particularly with regard to major housing site. The submission of a masterplan is required for major sites
 - *SPG Note 9: Landscape & New Development*
The purpose of this note is to provide guidance on the landscape considerations that relate to development sites.
 - *SPG Note 10: Trees & Development*
The purpose of this note is to provide guidance for the retention, management and maintenance of trees during the construction of development, to prepare sites for new planting, and provide for future maintenance.
 - *SPG Note 11: Hedges & Development*
The purpose of this note is to provide guidance on the retention, planting and management of hedges in relation to new development.
 - *SPG Note 13: Crime Prevention & Reduction*

The intention of this note is to provide guidance for developers within Harborough District on how to create through careful design areas which are safe, feel safe and can be enjoyed.

- *SPG Note 16: Requirements for the provision of land for outdoor play space in new residential developments*
- *SPG Note 20: Monitoring of Housing Land*

- Planning Obligations Developer Guidance Note (September 2009)

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

- Assessment of Local Community Provision and Developer Contribution (October 2010)

This assessment considers 'community facilities' that are not already covered by other elements of the Council's Developer Contributions Guidance such as libraries, education, outdoor recreation, play areas etc. In particular it assesses indoor community facilities including village halls and indoor sports provision. It summarises for Lutterworth:

"The Town Hall in Lutterworth is well used for a range of community uses, and there are a number of other similar meeting hall type community facilities in the town, there is also a relatively new leisure and sports centre. Based on our consultation and desk review, the community infrastructure requirement in Lutterworth is to provide drama space as an extension of the leisure centre."

Leicester & Leicestershire Strategic Housing Market Assessment (SHMA)

The SHMA identified a need for 264 affordable dwellings in the District per annum up to 2016 (or 75% of the total annual housing requirement). The SHMA however, also recognised that a 75% affordable housing target is unrealistic due to viability issues. The Council's target is to achieve at least 90 affordable dwellings per annum.

Strategic Housing Land Availability Assessment (SHLAA)

The Strategic Housing Land Availability Assessment (SHLAA) was published in September 2010 and updated in 2011. The report is intended to identify sites with potential for housing development, assess their potential and assess whether they are likely to be developed. This helps the Council to develop a more accurate picture of the potential housing land supply situation in the District.

Gypsy and Traveller Accommodation Assessment (GTAA) (April 2007)

This report presents the findings from the research. For clarity, the report is divided into 17 chapters which fall broadly into 4 parts. The first part is background (Chapters 2 and 3). The second part (Chapters 4 to 10) presents the main findings of the survey relating to Gypsies and Travellers excluding Travelling Showpeople. The third part assesses future Gypsy and Traveller accommodation requirements 2006 to 2011 and 2011 to 2016 – for additional residential pitches (Chapter 11), transit accommodation (Chapter 12) and bricks and mortar housing (Chapter 13). Chapter 14 deals with Travelling Showpeople, including an assessment of requirements for additional accommodation provision. Chapter 15 deals with housing-related support for Gypsies and Travellers, including recommendations. Chapter 16 summarises existing planning, unauthorised encampment and housing policies towards Gypsies and Travellers and makes recommendations for their development. The final chapter (17) summarises assessments of future pitch requirements, and presents recommendations on site provision.

A revised GTAA is anticipated in early 2013 but publication date and contents are unconfirmed. There is no reasonable basis for delaying a decision prior to its availability.

East Midlands Council

In light of the recent High Court decision which confirmed that the Regional Plan will remain part of the statutory development plan until it is abolished by primary legislation, HDC asked

East Midlands Council (EMC) to assess the conformity of the 'Publication Version' of the Core Strategy against the requirements of the Regional Plan.

They concluded "the Core Strategy taken as whole would appear to be in 'general conformity' with the Regional Plan".

Consultations / Representations:

(Representations received are available to view in full on request)

Environment Agency:

The proposed development will be acceptable if a planning condition is included requiring the submission of drainage details to include:

- Surface water drainage system/s to be 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 (Required at Reserved Matters or Full application).
- Limiting the discharge rate and storing the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm.
- Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
- Details of how the on site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

Leicestershire County Council (Highways):

Having considered this proposal the Highway Authority has some initial concerns with the proposed development of the land for further housing. The applicant estimates that the proposal if permitted will be likely to generate some 289 vehicular trips each day.

- It is accepted from the submitted details that 2/3 of the existing showman's yards will be replaced (from 21 to 7 yards) and there will be a reduction in trips associated with the Showman's element of the site. However, in overall terms (whilst not quantified in the transport statement) there will be a likely significant increase in traffic generated to the site. Moorbarns Lane has provision for unlimited off street parking within bays for most of its length between its junction with Woodway Road and the application sites vehicular access. This is mainly to cater for parents parking at school start and finish times. Of particular concern is the affect intensification in traffic will have on the section of road to north east of the access for approximately the first 115 metres. This section of the lane becomes single width whilst the parking bay is in use. Additional use of the Lane at this point would not be in the interests of highway safety (particularly during the morning peak) as additional risk of conflict would occur. Additional risks to pedestrians (including school children) may also occur when considering the proximity of the site to the two local schools.
- Also of concern and which is unclear from the submitted details is how and where the retained Showman's Yards will be retained? If they are at the east of the site then how then how will they navigate the tight internal road system as shown in larger vehicles?

Leicestershire County Council (Ecology):

The ecological report submitted in support of the application (Ecolocation, October 2012) is satisfactory. We note that the ecological report covers two phases of proposed development on this site. Our comments relate purely to this application and the area termed 'Phase 1' in the report.

We note from the report that there was no evidence of protected species found within the application site, but that the site had potential to support protected species. Additionally, records of protected species close to the application site indicate that they are present within the vicinity. We would therefore recommend that a condition is forwarded with any permission granted to require updated protected species surveys for Badger, Bats and Reptiles prior to the development and reserved matters application, or every three years. This would ensure a current assessment of the site by protected species to be used and allow any necessary mitigation to be incorporated into the design of the development.

We would also request that the applicants attention is drawn (by a Note to Applicant) to the recommendations for ecological enhancements, detailed within section 6 of the report.

Leicestershire County Council (Archaeology):

The submission of the Archaeological Desk-Based Assessment (Finn 2012) is welcomed and confirms that the application site lies within an area of archaeological interest, with a potential for prehistoric, Roman and medieval features to be present. Although there has been some previous disturbance to the site, it is considered that this would have been largely superficial and it is likely that any below-ground archaeological remains present would largely remain preserved *in situ*.

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 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 Assessment would provide, it would be difficult in our view for the planning authority to assess the archaeological impact of the proposals.

Should you be minded to refuse this application on other grounds, the lack of archaeological information should be an additional reason for refusal, to ensure the archaeological potential is given future consideration.

LCC Traveller Liaison Officer:

Comments awaited

County Councillor (Cllr Page):

I am very much opposed to losing any showmen pitches which had to be allocated as part of an all over district policy provision

Any loss of this provision will lower HDC's numbers and it is not acceptable that the district is then responsible for the provision of further showmen pitches. It is not right that pitches can be just taken away for individual profit and then to put the onus back on the district to open up further land in the open countryside to regain this provision

Harborough District Council (Environmental Services):

Recommend approval subject to conditions relating to Contaminated Land surveys due to previous use of the site.

Lutterworth Town Council:

Awaiting Comments

Representations:

None Received

John Wycliffe Primary School:

- Concerns have been raised over the additional traffic on Moorbarns Lane. The school already has issues relating to traffic and parking outside the school grounds, particularly as peak times during the day.
- Moorbarns Lane is a no-through road.
- There is a query over the number of dwellings – one document refers to 55 and another to 50.
- The planned drawing doesn't appear to reflect the number of dwellings.
- Query raised over the nature of the dwellings - number of hardstandings and number of properties.

Section 106 requirements:

- Education

Primary Schools

The site falls within the catchment area of John Wycliffe Primary School. The School has a net capacity of 280 and 275 pupils are projected on roll should this development proceed; a surplus of 5 places after taking into account the 12 pupils generated by this development. An education contribution will therefore not be requested for this sector

High Schools

This site falls within the catchment area of Lutterworth High School. The School has a net capacity of 771 and 779 pupils are projected on roll should this development proceed; a deficit of 8 pupil places (of which 3 are existing and 5 are created by this development). There are no other high schools within a three mile walking distance of the site. A claim for an education contribution in this sector is therefore justified. In order to provide the additional high school places anticipated by the proposed development, the County Council requests a contribution for the high school sector. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Lutterworth High School. The contribution would be spent within 5 years of receipt of final payment.

Upper Schools

The site falls within the catchment area of Lutterworth College. The College has a net capacity of 2047 and 1949 pupils are projected on roll should this development proceed; a surplus of 98 places after taking into account the 5 pupils generated by this development. An education contribution will therefore not be requested for this sector

- Libraries

The County Council consider the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area. The proposed development on Moorbarns Lane is within 0.9 km of Lutterworth Library on George Street being the nearest local library facility which would serve the development site. It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought for materials, e.g. books, audio books, newspapers and periodicals etc for loan and reference use to account for additional use from the proposed development.

- Civic Amenities

There will be no request for contributions for this application as the nearest CA site at Lutterworth has sufficient capacity for a development of this size.

- Affordable Housing
30% of the units (15) to be transferred to RSL. Tenure split of 60/40 (9/6)
- Community Facilities
One of the S106 Developer Contribution Tests requires that the any developer contribution must be fairly and reasonably related in scale and kind to the development. Thus a one bedroom property is likely to require less village hall facilities than a five bedroom property and we need to create a charge that reflects the difference in scale. This is done in the following table, using information provided by the District Council on the number of assumed residents for various sized dwellings.

Cost of refurbishment is likely to be less than new build, and should be fairly reflected in contributions charged. Based on consultation with developers, we consider it appropriate to seek a 50% this reduction in contributions where internal refurbishment is to take place to improve capacity and efficiency of facility.

Table 5.1 Contributions reflecting scale and scope of development

No of bedrooms	1	2	3	4	5+
Assumed no of residents ³²	1.5	2	2.3	3	4
Charge per dwelling (per person charge of £433) for extension or new build	£650	£866	£996	£1,299	£1732
Refurbishment Costs assessed at 50% of extension / new build cost	£325	£433	£498	£650	£866

- Open Space

Other Information

Public Rights of Way:

None affected

History:

Application number	Decision / Date	Nature of Development
82/00631/3P	APPROVED - 06.07.82	Change of use from agricultural land to seasonal parking of showmens caravans trailers and equipment
83/00173/3P	APPROVED - 29.03.83	Siting of caravan
83/01358/3O	REFUSED - 08.11.83	Erection of a dwelling house
84/00861/3P	APPROVED - 31.07.84	Retention of showmens wintering quarters on a permanent basis and erection of caretakers bungalow
84/01497/3R	APPROVED - 14.11.84	Erection of caretakers bungalow
86/00137/3Z	APPROVED - 06.05.86	Continuance of existing use of site without compliance with condition 3 restricting number of caravans and residential trailers to 20 to give a new maximum of 40 caravans and residential trailers on 20 pitches on planning consent number 82/0631/3p
87/00817/3Z	APPROVED - 30.06.87	Continuance of use of site without compliance with condition 2 of planning consent no 82/0631/3P to allow siting of 2 caravans between 30th April and 1st October 1987

91/01575/3T	APPROVED - 30.10.91	Renewal of temporary permission for siting of 40 showmans caravans, trailers and equipment
92/00313/3P	REFUSED - 20.05.92	Add use of land for showman's quarters to include site coal store & delivery of coal to customer & erect of 2 maintenance buildings
93/00554/3P	APPROVED - 07.07.93	Use of land as showmans quarters for siting of caravans trailers and equipment (40 caravans)
94/00002/3P	APPROVED - 23.02.94	Continuation of use of site for siting of 40 showmans caravans, trailers and equipment
94/00459/3P	REFUSED - 17.08.94	Use of land as showmans quarters for siting of caravans trailers and equipment storage and distribution of fuel and the parking of fuel lorries
94/00853/3P	APPROVED - 22.06.94	Continuation of use of site for siting of 40 showmans caravans, trailers and equipment (renewal of 94/0002/3P)
94/01911/3P	APPROVED - 15.12.94	Continuation of use of site for siting of 40 showmans caravans trailers and equipment (renewal of 94/0853)
95/00976/3P	APPROVED - 26.07.95	Continuation of use of site of 40 showmans caravan trailers and equipment (renewal of 94/1911/3P)
01/00349/FUL	REFUSED - 30.05.01	Erection of freestanding wall to carry name plaque
02/00703/FUL	REFUSED - 29.07.02	Erection of two detached units of residential accommodation and associated parking

Planning Considerations:

Policy Assessment:

This application has to be assessed in the light of the relevant national, regional and local plan policies. It should be determined in accordance with the development plan unless there are material considerations that would indicate otherwise.

The fundamental issues associated with this application are considered to be:

Housing Land Supply Position

Deleted PPS3 required local planning authorities to ensure that there is a continuous five year supply of deliverable sites within their area. 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.

The 27th March 2012 formal publication of the NPPF deleted PPS3. However, the principle of LPAs maintaining 5 year housing supply targets has been carried into the NPPF (note Paras. 47-49):

Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%..."

The Councils' latest housing position:

The Council issued its most up to date Supply of Deliverable Housing Sites, which includes the NPPF advised 5% additional buffer. This gave a 31 September 2012 position of a 5.55 year supply of housing land.

Principle of Residential Use

The adopted Core Strategy identifies an additional 560 dwellings remaining to be planned for as of March 2011, (updated figure is 439 for September 2012) in Lutterworth. The scale of development (50 dwellings) is compatible with the scale of Lutterworth. The Council must continue to deliver housing or the next housing figures may drop below 5 years again. Paragraph 47 of the Framework 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. The applicants have stated that the site is available and deliverable now to be developed. Other sites identified within the SHLAA do not necessarily mean they are deliverable as they may have access, ownership issues.

The site is considered to be well related to the existing built form of the town and is within easy walking distances of services and facilities such as the Lutterworth High School, John Wycliffe Primary School and the red Arrow Public House. Lutterworth has been identified through the Core Strategy as a Key Centre and possesses a good range of services. The site is predominantly within the defined Limits to Development for Lutterworth as set out in Policy HS/8 of the Local Plan. Although these boundaries are due to be reassessed, it must be noted that the site is currently within the Limits. It is not an Area of Separation, Green Wedge, part of a heritage site. The application site is bounded to the north by a school, therefore the proposed residential use is compatible with the area.

The current use of the site is a Travelling Showmans yard. This use was established in 1982 when the site was originally laid out. The applicants have stated that the site has a lawful use for up to 14 plots, however, consent was granted on the site in 1993 for up to 40 caravans. An extension to the site was granted planning permission in 2009, and was recently renewed in 2012. The application site does not affect the 2009 extension, and access to the plots is indicated on the indicative layout. The current site is poorly laid out and does not conform to current design guidance for showmans sites. It is unclear how many plots are currently available on the site, however, in 2008 an application to the north of Lutterworth for a new Showmans site was considered at appeal on the basis that it would provide new accommodation for the residents of the James Bond site. As part of the appeal proceedings, the appellant (Mr James Bond) stated that 7 of the potential residents of the new site were currently residing at the James Bond Caravan Site. Whilst the site may not currently accommodate this number of plots, it is clear that it has done relatively recently. Furthermore, it is considered that the site could potentially accommodate 5 plots in accordance with site design guidance included in the Showmans Guild of Great Britain document "Travelling Showpeople's Sites - A Planning Focus (Model Standard Package) published in September 2007. As such, it is considered that the proposal before us would result in the loss of between 5 to 14 existing plots. As set out above, it is clear that currently Harborough District Council have a shortfall of Showman site provision of 2 plots up until 2016. The loss of a further 5 to 14 would result in a significant shortfall of up to 16 plots. Given the fact that HDC currently have a 5.55 supply of housing land for the settled community, it is not considered that the need for housing land outweighs the requirement to provide Showman's accommodation facilities, and as such there is no justification for the loss of the existing Showman plot provision.

In 2011, Inspector Philip Ware considered an appeal nr Welham, Market Harborough (APP/F2415/A/11/2144439 – available for inspection online) for a small Showman's site. As part of the Hearing and the Inspectors consideration of the Appeal, the question of the Need for Showman's plots was investigated. At para 23 of his decision letter, Inspector Ware stated "*Overall, it is clear that there is an accepted need for additional accommodation for travelling showpeople, and that this is not being met by available sites at present in the District. The existing level of local provision, the need for sites and the lack of alternative accommodation weigh significantly in favour of the appeal.*" As such, it is considered that this recent decision indicates that the District does have a requirement for plot which is not being met by existing sites, is a strong indication that any existing sites within the District should not be lost where it can be avoided.

Policy G of the Planning Policy for Traveller Sites states that local planning authorities should work with the planning applicant and the affected traveller community to identify a site or

sites suitable for relocation of the community if a major development proposal requires the permanent or temporary relocation of a traveller site. Local planning authorities are entitled to expect the applicant to identify and provide an alternative site, providing the development on the original site is authorised. During pre-application discussions with the planning applicant's representatives, the provision of replacement accommodation was discussed, however, it has been made clear in the applicant's Planning Statement that it is not their approach to provide replacement plots. This is based in part on the basis that policy CS4 does not protect existing sites, and that the GTAA states that residents will vacate unsuitable sites. Whilst neither of these points is debated by Officers, it is considered that, whilst there is a shortfall in provision, or where a proposal would create a shortfall in provision, a reasonable application of Policy CS4 should include consideration of retaining existing sites. CS4 is aimed at providing for Travelling Showmen's needs and it is sensible to consider loss of existing or potential accommodation. Furthermore, whilst it is accepted that the site may not currently be of a standard to retain residents, the site location is suitable (as concluded by the Inspector in the 2008 Appeal) and could potentially be reconfigured to provide 5 suitable plots. Furthermore, the Applicants have made no reference in their Planning Statement to the Planning Policy for Traveller Sites and appear not to have considered the requirements of Policy G of this Government issued document.

Layout and scale:

Notwithstanding the above and although this is an outline application with all matters reserved apart from means of access, information contained within the Design and Access Statement (DAS) and the Indicative Layout Plan illustrates how the site could be developed.

The indicative layout indicates the development will comprise approximately 50 dwellings on a area of 1.6ha representing a density of 31 per hectare (gross). This density is considered to be greater than that of the immediate surroundings, however, it is similar to that of the adjacent residential areas.

The development will include a mixture of two, three and four bedroom dwellings including short terraces, semi-detached and detached houses, with predominantly two storey properties. As the existing residential properties within the vicinity are predominantly 2 storeys high, and given the sites elevated position above the A4303, any subsequent reserved matters should ensure the proposed dwellings, particularly those around the fringes of the site, are a maximum of 2 storeys. A condition could be recommended to ensure that the development features a maximum of 2 storey properties.

Residential Amenity:

The application is in outline form with only the means of access to the site to be considered, and as such, the intricacies of residential amenity can not be fully investigated. However, it is considered that there is adequate space within the site to enable 50 dwellings to be accommodated without having a detrimental impact upon the residential amenity of the neighbouring properties. Issues surrounding residential amenity can be considered in more detail at the reserved matters stage. Therefore the application is considered to be in accordance with Policy CS11 of the Harborough District Core Strategy.

Highways and parking considerations:

The existing use of the total site is as a showman's site with permission for 21 showman's yards, 14 of these in the area identified for redevelopment whilst 7 will potentially remain. Traffic generated from this existing use is varied, being similar to a standard residential use when fully occupied but with the addition of heavy goods vehicles carrying showman equipment and mobile residential trailers. There is a local bus service, Service 84, linking Lutterworth with Leicester giving a 30 minute frequency service throughout the day. Service 58 between Market Harborough and Hinkley gives an hourly service, Service 140 between Leicester and Rugby also gives an hourly service. The nearest bus stop to the site is in

Woodway Road outside the Lutterworth High School, approximately 260 metres from the site entrance. The nearest Railway Station is in Rugby approximately 8.5 km south of the site.

The proposal is for 55 dwellings to replace the 14 Showman's yards. Pedestrian and vehicle access will be from a reconstructed access in the same location as the existing access to Moorbarns Lane. The access will meet the alignment, geometry and visibility splays required to promote road safety and meet the requirements for adoption as public highway by Leicestershire County Council as Highway Authority.

Details of the access will be submitted as part of a Reserved Matters application. It is estimated that for a development of this size on an edge of town site, the vehicular generation is likely to be in the region of 5.3 movements per dwelling per day, with 0.56 movements in the morning peak and 0.615 movements in the evening peak. In part, these movements will be offset by the removal of the traffic generated by the existing James Bond Caravan Park

However, in overall terms (whilst not quantified in the transport statement) there will be a likely significant increase in traffic generated to the site. Moorbarns Lane has provision for unlimited off street parking within bays for most of its length between its junction with Woodway Road and the application sites vehicular access. This is mainly to cater for parents parking at school start and finish times. Of particular concern is the affect intensification in traffic will have on the section of road to north east of the access for approximately the first 115 metres. This section of the lane becomes single width whilst the parking bay is in use. Additional use of the Lane at this point would not be in the interests of highway safety (particularly during the morning peak) as additional risk of conflict would occur. Additional risks to pedestrians (including school children) may also occur when considering the proximity of the site to the two local schools. Notwithstanding concerns the proposal has been available for several weeks and Leicestershire Highways do not recommend a refusal. If this council pursued such a refusal the lack of evidence and expert opinion to support that would place it at risk in the event of any appeal.

Pedestrian routes to the site have been investigated by the applicants. There is a good route along both sides of Moorbarns Lane towards the playing fields and onwards to the church, public houses, primary and High School and the Town Centre is less than a 1km walk away. The new access will link with the existing footway in Moorbarns Lane and onwards towards the Town Centre. Whilst there are no dedicated cycle routes in the vicinity of the site, the route to the schools and into the Town centre are on relatively quiet residential roads that do not create a barrier to cycling.

Furthermore, concerns have been raised regarding how the showmen vehicles will access the 7 plots to the east of the site. Access is shown to this area through the site, however, there are concerns over how easily the vehicles and equipment will be able to negotiate the corners throughout the site. However, as the submitted plan is purely an indicative layout, this is an area of concern which could be dealt with at a later stage such as Reserved Matters.

Archaeology:

The application site has been subject to previous disturbance, however, it is considered that this would have been largely superficial and it is likely that any below-ground archaeological remains present would largely remain preserved *in situ*. The application site lies within an area of archaeological interest, with a potential for prehistoric, Roman and medieval features to be present. Since it is possible that archaeological remains may be adversely affected by this proposal, an Archaeological Impact Assessment of the proposals is required in order to enable a full consideration of the proposal. Without the information that such an Assessment would provide, it would be difficult in our view for the planning authority to assess the archaeological impact of the proposals. As the application is being recommended for refusal,

it is not considered reasonable to request the applicants to go to the considerable expense of carrying out such a piece of work, and as such, Officers recommend a reason for refusal based upon the lack of information to prove that the proposal would not have a detrimental impact upon buried archaeology.

Countryside:

A small part of the site lies within open countryside. Within its overall context and notwithstanding Policy CS2 conflict, nothing is gained by adding that as a refusal reason.

Drainage/Flooding:

The submitted Drainage strategy has been assessed by the EA. It is considered that satisfactory drainage of the site can be achieved, and the EA have requested a condition be imposed requiring the submission of full drainage details for the proposal.

Planning obligation:

Representations received and existing HDC s106 guidance make various s106 requests including contributions towards affordable housing, community facilities, open space provision and education. These representations are available for inspection as background papers. The suggested contributions require justification related to the proposal consistent with the Council's Planning Obligations, Developers Guidance Note, 2009, the Framework and CIL Regulation 122. The following should be secured by obligation as development should not otherwise proceed:-

- 30% of total affordable housing (ie. 15 out of 50 dwellings) Tenure split and type to be agreed
- Delivery and maintenance contribution to on site/off site open space.
- Upper school contribution.
- Library contribution.
- Community facilities
- Highways works
- Monitoring fee.

Recent correspondence between HDC and applicant's agent:

The applicant emailed HDC 10th January to effect:

Obviously I am concerned about the approach you take and the draft report and formally request the opportunity of meeting and discussing the matter with you. This is a major and important scheme which I suggest warrants further consideration. The applicant is entitled to respond to the issues raised.

In relation to the provision of showmans sites I do not accept (as you suggest in your draft report) there is a shortfall of 2 (as explained in paragraph 4.27 of the Planning Statement). It would be useful to understand how you square that with my calculation (which is not addressed in the report). Further, it is not yet 2016.

Also on this subject you fail to deal with the surplus of sites (ie vacant sites) for travelers in the Lutterworth area.

You say the new GTAA is not helpful but since this is not a public document we are in no position to comment. Given that you know it is coming out it would be quite wrong to determine the application until the GTAA has been issued and considered and the applicant given the opportunity to comment on it.

I had understood it is normal to obtain comments from the gypsy and traveller liaison officer – there is no reference to their comments – and these are not among the documents on the website.

The report is misleading on the number of existing occupants/potential occupants of the site; it ignores the information provided with the application. The assertion that there would be a shortfall of up to 16 units is misleading. The plots on the site are mostly unoccupied and the number of plots on this site does not come in to the calculation of the 'target' of 29 referred to in policy CS4.

In short I question whether this issue has been comprehensively addressed in that it simply ignores the analysis put forward on behalf of the applicant.

I note 'highways reservations' but cannot find these on the website. We should have the opportunity of commenting on this – could you let me have the comments so I can forward it to our expert for consideration.

There are other, perhaps more minor, aspects which we would like to discuss.

As you may be aware the fee for the application is substantial and the cost of the various experts reports very considerable. I would request, therefore, a meeting as soon as possible. I can make myself available any day next week at a time to suit yourself in order to try and clarify some of the issues referred to above. Would you like to suggest a date/time?

HDC responded 11th January:

HDC has a statutory requirement to take a decision in January. Decisions on housing proposals should be taken expeditiously following submission to an LPA. You can withdraw the application and resubmit if you wish a decision to be delayed.

I see no reason why an informed decision cannot be taken as required of the LPA. I will consider your email and any planning committee report will be updated as appropriate. I do not think a meeting is necessary. A meeting is not required because of the costs expended. You will have opportunity to address the 22nd January planning committee to raise points

Applicant's further 11th January reply:

The recommendation hinges on the provision of showmans pitches. There is considerable content in the report on that subject but I consider it to be flawed for the following reasons:-

- 1. A new GTAA has been produced – you know its content (and Mark in his email justifies his recommendation by reference to it) but it is not in the public domain and therefore we cannot address it. How can it be open, fair to the applicant or transparent for you to justify a planning decision/recommendation by reference to a document the applicant cannot see?*
- 2. Mark relies on the fact that we are not putting forward an alternative site for existing residents – suggesting the development would cause a shortfall. He has not seen the consultation response from the gypsy and traveller liaison officer which will confirm independently of the applicant that those on the site have made their own provision to relocate outside the district and have purchased a site for the purpose.*
- 3. He does not address the calculation in my planning statement which establishes that 29 plots have already been provided in compliance with policy CS4.*
- 4. Further, he does not take account of the fact that there are 3 years until the 29 have to be provided. He describes it as a shortfall even though there are 3 years to go. Based on the number of sites he says have been provided to date (27 in the 7 years from 2007-2012), the provision has been 4.5per annum. Accordingly, far from there being a shortfall the indicators are that the provision is well ahead of schedule and an overshoot more likely. Perhaps this explains why so many of the sites, notably in the Lutterworth area, are unoccupied (see point 6 below).*
- 5. He fails to explain that this site plays no part in the 29 sites provided or to be provided since 2007.*

6. *He does not address the fact that there is a surplus of sites in the Lutterworth area (and has been for some years) of 7 sites on the James Bond extension and 10 at Fairacres. This surplus has existed for at least 3 years.*
7. *He does not address the issue raised in the GTAA that part of the provision relates to showmen leaving unsuitable sites. That is exactly what has happened here. The site is inadequate and the site largely vacated.*
8. *His assertion that the showmans sites which would be 'lost' should be added to the GTAA figure (which he says has a shortfall of 2) ignores the fact that this site was not one of those granted permission since 2007 and therefore does not come into the CS4 calculation. It ignores the limited occupancy level, the fact the residents will be relocating out of the area and his own calculation that the site is suitable for 5 plots on showmans guild criteria.*
9. *In relation to this latter point I challenge the proposition that 5 sites of Showmans Guild standards can be provided on the site.*
10. *Further, how can it be said that the site is capable of reconfiguration to provide 5 suitable sites but it increases the (claimed) shortfall by 14 – and all of this in circumstances where there are in fact 2 sites occupied by families who have already made arrangements to live outside Harborough.*
11. *Mark has sought to justify the view he expressed pre-application and taken no account of the information which has come through during the application from the applicant and the gypsy and traveller liaison officer.*
12. *He cites appeal evidence from 2008 but ignores and fails to record the information provided to him about occupation of the site in the application.*

I am sorry to have to be so critical but feel this issue needs closer and more careful consideration (perhaps after the new GTAA is published) as it would get if the matter were to go to appeal. Doing so would, I believe, lead you to a different conclusion.

This recent correspondence does not alter the officer recommendation. As previously mentioned delaying a decision for a GTAA report of uncertain content and date is not reasonable.

Conclusion:

The proposal on balance, would make a contribution to the delivery of housing, including affordable housing for Harborough District, without having an adverse impact on interests such as highway safety (notwithstanding concerns), residential amenity, flooding or the character of the surrounding countryside. Lack of archaeological information is currently a concern. Notwithstanding this, the proposal would result in the loss of established Travelling Showman accommodation which would leave the Council with a significant accommodation deficit. The proposal is therefore considered to be contrary to Policy CS4 of the Harborough District Core Strategy and Policy G of the Planning Policy for Traveller Sites.

12/01593/FUL – Stoughton
12/01594/LBC - Stoughton

Demolition of single storey rear lean-to,
erection of two storey rear extension.

Paul Limb and Rowan Smith

23 Gaulby Lane, Stoughton

Target Date: 07/01/13

Recommendation

12/01593/FUL

REFUSE - By virtue of the scale and design, the proposal would result in substantial harm to a grade II listed building and its setting. The substantial harm would not be outweighed by any significant public benefits. As such the proposal is contrary to Harborough District Core Strategy Policy CS11, Harborough District Supplementary Planning Guidance Note 5 and The Framework (Part 12).

12/01594/LBC

REFUSE - By virtue of the scale, position and design, the proposal would result in substantial harm to a grade II listed building and its setting. The substantial harm would not be outweighed by any significant public benefits. As such the proposal is contrary to Harborough District Core Strategy Policy CS11 and The Framework (Part 12).

Site:

The application site is located to the centre of the village of Stoughton. The property is a two storey part cruck-framed property that is the middle of three terraced properties. The house dates to the early 19th Century with a late 16th or early 17th century origins. The three properties appear to have been originally two and have been converted to three possibly in the 20th century. Stoughton is an estate village and has a character akin to this. The property is in a poor state of repair but is a Grade II Listed Building and is located within the Conservation Area.

The Proposal:

The proposal is for the demolition of the existing single storey lean-to and erection of a two storey rear extension.

Harborough District Core Strategy:

Policy CS11 – Promoting Design and Built Heritage.

National Planning Policy Framework (The Framework)

Part 12

Consultations / Representations:

Highway Authority:

No comments

Parish:

Despite the Conservation Officer's reservations about the extension, the parish council wholeheartedly support this application and commend the owners for their persistence and

diligence in restoring this very run-down property. The proposed extension is in line with similar (and permitted) work on adjacent property. We are, frankly, amazed that it should be queried.

Representations:

One letter of objection received raising the following points:

I feel that the current proposed plans would block light from our upstairs bathroom window and also from the roof lights in the kitchen extension. I also feel that the new window of the right hand bedroom will be very close to our garden and patio area and would result in us being overlooked and therefore would be a loss of privacy.

8 letters of support received raising the following points:

The property has been empty for several years and is in a state of disrepair, therefore it is beneficial that it is renovated and brought back in to use.

Other Information

Public Rights of Way:

None affected

History:

12/00352/LBC – Internal and external alterations including works to front boundary wall.

Information:

This application is being reported to the Planning Committee as more than five letters of support have been received.

Planning Considerations:

Policy Assessment:

As this application is for the erection of an extension to a listed building in a Conservation Area, Core Strategy Policy CS11 is considered most relevant. This policy 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. Furthermore development in a Conservation Area should be consistent with the special character of the area and heritage assets will be protected, conserved and enhanced. Chapter 12 of The Framework is also relevant, this advises that great weight should be given to assets conservation and any loss of or harm to significance should require clear and convincing justification

Residential Amenity:

By virtue of the scale and position of the proposed extension and as the neighbouring properties have existing extensions to the rear, no windows will be affected by the extension and therefore the proposal will not have an over bearing impact on the neighbouring residents or create an additional loss of privacy. Therefore the residential amenity of the neighbouring residents would be protected. The application is therefore considered to be in accordance with Policy CS11 of the Harborough District Core Strategy.

Design and impact on the Listed Building

The proposal is for a two storey extension to the rear of the property positioned on a similar footprint to the existing single storey extension. The existing single storey to be demolished is considered to be of limited historic value and therefore its removal in principle is

acceptable. The proposed extension will have a protruding gable with a cantilevered overhang and will be 6.3m to the highest point with the roof hipped at one end. The walls of the extension will be cedar clad. The proposed extension by virtue of its scale and design will appear as an incongruous feature on the Listed Building and will therefore harm the special character of the building. Furthermore the size of the proposed extension and due to the fact that it will obscure the entire rear elevation of the property will result in harm to the historic character of the building, this will not be negated by the lack of requirement to change the internal layout of the property. The layout of the first floor in particular will still be altered substantially to accommodate the new extension. The proposal will consequently harm the significance of the heritage asset and is therefore considered not to comply with Policy CS11 of the Harborough District Core Strategy and chapter 12 of The Framework.

Highways

The proposals will not result in an adverse situation with regards to highways safety. Therefore the proposals are considered to comply with policy CS11 of the Harborough District Core Strategy.

Other information

The neighbouring property number 25 has recently been granted permission for a single storey extension to the rear following negotiations to reduce the proposed two storey scheme to an acceptable single storey scheme. There is an existing two storey extension to the rear of number 21 however this is a historical addition and in no way sets a precedent for similar proposals.

Conclusion:

It is considered that the proposed extension would not have a detrimental impact on the residential amenity of neighbouring residents, however due to the size position and design of the proposal it is considered to adversely affect the special architectural or historic character of the Listed Building. The proposal therefore does not comply with the criteria set out in the Harborough District Core Strategy or The Framework.

12/01613/PCD and 12/01691/PCD

GREAT BOWDEN

Trustees of the Fernie Hunt

Discharge of conditions 2 (Residential Curtilage), 10 (Landscaping) and 15 (Archaeological Site Appraisal) of 12/01081/FUL & Discharge of condition 11 (Tree protection details) of 12/01081/FUL at Land opposite Fernie Hunt Stables, Nether Green

TARGET DATES: 31st December 2012 & 28th January 2013

Recommendation 1 (12/01613/PCD)

Discharge of conditions 2 (Residential Curtilage), 10 (Landscaping) and 15 (Archaeological Site Appraisal) of 12/01081/FUL

Recommendation 2 (12/01691/PCD)

Discharge of condition 11 (Tree Protection Details) of 12/01081/FUL

INFORMATION/RECOMMENDATION:

The Site

The application site is located to the north of Great Bowden. The site is bounded by open space to the east, west and north and residential properties to the south. The site is adjacent to the existing Fernie Hunt site which is currently occupied by stables, kennels and a paddock, but upon which work has commenced for its redevelopment. The site is within a Conservation Area. The Nether Green area of Great Bowden is characterised by a low density and varied form of development, predominantly consisting of large, two storey properties. The site is currently the home of the Fernie Hunt's kennel and new stable facilities.

Details of Consent

The application relates to the erection of a 3 bedroom workers dwelling to be associated with the Fernie Hunt stable and kennel site.

Conditions to be Discharged

2 Notwithstanding the details on the approved plans, no development shall commence on site until detailed plans showing the extent of the residential curtilage, and a revised passing place location 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, unless otherwise agreed in writing by the Local Planning Authority.

10 No development shall commence on site until full details of both hard and soft landscape works, including a programme of implementation, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented prior to occupation and in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

11 No development shall commence on site until details of the protective fencing to be used and its position around the trees have been submitted to and approved in writing by the Local Planning Authority (to comply with British Standard 5837:2005 'Trees in Relation to Construction' and in accordance with BS3998:1989 and all subsequent arboricultural

best practice guidance). The details as approved shall be maintained during the course of construction.

- 15 A site appraisal of the development area to supplement the existing desk-based archaeological Assessment (ULAS ref. 2008-063) shall be submitted to the Local Planning Authority for its approval prior to development commencing to include, if found necessary by the appraisal, field evaluation, by appropriate techniques including trial trenching, to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development.

Consultation Responses:

LCC Archaeology:

We have agreed a Written Scheme of Investigation with the archaeological contractor for undertaking a strip, plan and sample excavation in advance of the development works (attached). As this work should be undertaken prior to development commencing, we would recommend that the condition is not discharged at this stage.

Planning Considerations

Condition 2 relates to the extent of the residential curtilage for the proposed dwelling. The curtilage indicated is considered to be in accordance with details submitted as part of 12/01081/FUL, and as such, the details are considered to be acceptable.

Condition 10 relates to the details of the proposed landscaping scheme for the development. The scheme proposes the planting of three new Lime trees along the driveway to the stable complex. Furthermore, there will be a Hawthorn / Crab Apple / Dog Rose / Field Maple / Sweet Briar Rose hedge on the eastern boundary of the site. Within the site, there will be a mix of Privet Honeysuckle, variegated Greater Periwinkle, Cherry Laurel, Hypericum Calycinum, Red barked Dogwood, Lavender, and Rosemary. The hard surfaced areas will be hard bound gravel. It is considered that the proposed landscaping scheme would be acceptable.

Condition 11 relates to the details of Tree protection provisions for existing trees on site during the construction period. The Herras fencing around trees to be retained is considered to be acceptable to ensure compliance with condition 6.

Condition 15 relates to the submission of an Archaeological Site Appraisal to be submitted and approved in writing by the LPA. The applicants have submitted a written scheme of investigation for the site which has been agreed by LCC Archaeology and sets out how the site will be monitored, how any finds will be investigated and monitored along with reporting, archiving and results publication details. LCC have stated that, "as this work should be undertaken prior to development commencing, we would recommend that the condition is not discharged at this stage", however, the condition required the WSI to be submitted prior to commencement of development, and for works on site to be carried out in accordance with it. As such, as the WSI is considered to be acceptable by LCC Archaeology, in order to comply with the conditions, Officers recommend that Condition 15 be discharged subject to the development being carried out in accordance with the WSI.

Conclusions:

On the basis of officer opinion, the LPA consider that the details submitted pursuant to conditions 2, 10, 11 and 15 of 12/01081/FUL are sufficient to enable a full consideration of the detail, and as such, it is recommended that conditions 2, 10, 11 and 15 of 12/01081/FUL are discharged.

12/01633/REM – Broughton Astley

Erection of fifty dwellings, a scout hall, land for new pre-school or other school use, provision of allotments, public open space and associated landscaping (reserved matters of 10/01579/OUT) – Land off Crowfoot Way, Broughton Astley

Mr I P Crane

Target Date: 15/02/12

Recommendation:

APPROVE for the following reason and subject to the appended conditions:

In the opinion of the District Planning Authority, the development hereby approved would preserve the surrounding form and character of the 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. The proposal is therefore considered to comply with the National Planning Framework, Core Strategy Policies CS2, CS5, CS11 and CS16 and saved policy; HS/8 of the Harborough District Local Plan 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.

Information:

This application is reported to Committee because it relates to 10 or more units, as required under the adopted scheme of delegation.

Background:

This application relates to a site on the southern fringe of Broughton Astley. Outline planning permission was granted in 2011. Immediately to the South of the application site, a further outline application which included proposals for 111 dwellings, a sports hall, neighbourhood centre and sports pitches has been refused by the Local Planning Authority and is currently the subject of a planning appeal.

The Application site:

The application site abuts a residential housing estate to the North, Hallbrook Primary School to the West. To the East is a disused railway line and to the South open countryside. Footpath W55 runs adjacent to part of the northern site boundary.

Topography on the site varies, with the lowest parts of the site being the North West corner (land retained for new pre-school or other school use). The land generally rises towards a high point just to the South of the application site and also rises in the North East and East of the site.

This application proposes three vehicular accesses from Crowfoot Way, Murray Close and Geveze Way. Open space including a play area is shown in the centre of the application site, with housing to the East and West of this. As set out in the outline consent, the western part of the site is retained for a new pre-school or other school use. A scout hall with parking area is shown between residential housing and the land for school use, with semi-open natural space immediately to the North and South of the proposed scout hall. Allotments are proposed in the North East corner of the application site. Detailed landscaping plans have been submitted as part of this application to discharge conditions 22 and 23 of the outline application. The submitted information includes details of a tree belt as required by condition 23.

The applicant has submitted a 'Response to Outline Conditions' which confirms which conditions it is proposed to address via this application.

Following officer request, amended plans have been submitted and include the following changes:

- Amendments to improve the relationship with two existing dwellings (15 Crowfoot Way and 22 Geveze Way).
- Improved integration between affordable and open market housing.
- Improvements/detailing to one particular housetype (house type N).

Formal re-notification of revised plans has not been carried out, as the changes proposed are not considered to prejudice previous comments and are considered to improve the scheme. The decision not to formerly re-consult has been taken in accordance with circular 15/92 (Publicity for Planning Applications).

Policy:

National:

The Framework

Development Plan:

RSS8

Harborough District Local Plan (retained policies):

Policy HS/8- New Housing in Settlements with Defined Limits to Development

Core Strategy, adopted November 2011

The Core Strategy policies of relevance are:

Policy CS1: Spatial Strategy

Policy CS2: Delivering New Housing

Policy CS3: Delivering Housing Choice & Affordability

Policy CS5: Providing Sustainable Transport

Policy CS8: Protecting and Enhancing Green Infrastructure

Policy CS9: Addressing Climate Change

Policy CS10: Addressing Flood Risk

Policy CS11: Promoting Design & Built Heritage

Policy CS12: Delivering Development & Supporting Infrastructure

Policy CS16: Broughton Astley

Policy CS17: Countryside, Rural Centres and Rural Villages

Supplementary Planning Guidance Notes:

Note 1- Design Principles

Note 2- Residential Development

Other

Draft Neighbourhood Plan for Broughton Astley (January 2013)

Ministerial Statement "Planning for Growth" (23.03.11)

Consultations / Representation (responses summarised. Full details available for inspection on the application file):

Cllr Graves

- Object to location of scout hut, Parish Council should find a safer, more sustainable location through the Neighbourhood Plan process.
- Insufficient parking for scout hut, cul-de-sac location therefore no road space available for parking.

Local Residents:

Objections have been received on behalf of 7 properties. Full details can be viewed on the application file and include the following concerns:

- Object to any planning permission in Broughton Astley as Neighbourhood Plan still being prepared. Undermine democratic rights.
- Loss of privacy, land elevated.
- Overbearing impact without extensive ground levelling.
- Loss of open countryside.
- Road network cannot cope with the increased traffic. Access and safety issues with primary school and park close by.
- Does not commit the developer to deliver anything of actual benefit.
- No details on management of allotments. No parking/vehicular access. Burning of waste not desirable due to proximity of housing.
- No consultation with residents. Developer not addressed local concern.
- No justification for removal of hedge at the end of Murray Close when there are two other points of entry. Omitting this vehicular access would encourage trips to scout hut by means other than car and create safer route for cycling/walking.
- Travel plan, inadequate. Does not commit developer to anything of actual benefit and should be extended to whole village as scout hut will generate the greatest issue.
- More suitable places in the village for housing.
- Object to Murray Close being used as a through route, this access unnecessary and will affect amenity/character. Comments from Leicestershire Police suggest removal of this access.
- Exacerbate parking issues. Scout hall parking inadequate.
- Layout does not meet the aims of the original and will intrude into the surrounding countryside. Such a substantial change should mean all consultations on the original are void and should be redone.
- Impact on Badgers not provided.
- Insufficient traffic details in relation to Scout hut. What is planned usage? Remote location will increase car journeys to Beavers, Cubs and Scouts.

Environment Agency:

We have reviewed the above application and have no objection to the proposals as submitted.

Severn Trent Water:

No objection subject to inclusion of a condition to agree drainage scheme.

Leicestershire Police:

Confirm they will be making no comment on the application

Leicestershire Highways:

Initial observations: Recommend a number of conditions and notes to applicant.

Revised observations (09/01/13) altering conditions recommended and confirming acceptability of the Travel Plan.

LCC Ecology Team:

Initial comments: Object to proposed layout due to the potential impact on the dismantled railway wildlife corridor. A suitable buffer should be added between the dismantled railway and private gardens. The layout submitted with the outline application was acceptable.

Further comments: Further to the recent discussion we have had, we understand that a path behind the houses, adjacent to the dismantled railway is not satisfactory for safety concerns. We would prefer to see a good sized buffer on this boundary, as it prevents pressure on the patchwork removal of overhanging branches and prevents the local 'tipping' of garden waste over the rear boundaries of gardens into an ecological feature.

However, should this not be acceptable to the planning authority, we would recommend the following:

- No existing vegetation on this (west) boundary should be removed for the development (including the creation of gardens).
- A management plan must be in place to ensure that this boundary (and dismantled railway) is managed for its wildlife benefit. This should include details of on-going maintenance, including the trimming of shrubs as necessary. There is no specific detail relating to this boundary within the landscaping plan and we would therefore require this to be an additional document, to be provided as a condition of the development, prior to the commencement of works, should permission be granted.

We welcome the areas of semi-natural planting within the development and the inclusion of native species. We would, however, recommend that areas of these are managed for wildlife, with sections of hedgerows/shrubs being allowed to flower and fruit each year. This is particularly relevant for the boundaries which border countryside.

LCC Forestry Team:

The tree work specification and clear plans appear fine.

One of my proposed comments has already been addressed by Matthew, viz the substitution of ash (*Fraxinus* spp) on the planting schedule because of the increasing likelihood of *Chalara fraxinea* - ash dieback. The planting is largely native or naturalistic as befits the site location. I suggest planting another large-growing species with (as far as we know) no existing or likely pests and diseases, such as *Tilia platyphyllos* (or other *Tila* spp), *Quercus* varieties, *Fagus sylvatica*, *Carpinus betulus*, *Castanea sativa*, etc.

HDC Housing Strategy Manager:

Comments on original plans: Concerned about the locations of the affordable housing.

HDC Environmental Health:

Recommend standard conditions regarding working hours on site and burning on site.

HDC Neighbourhood and Green Spaces Officer:

Initial comments – require a number of changes to landscaping/boundary details.

Comments following receipt of revised landscaping plans:

- Boundary structure to be installed adjacent to drive of plot 1 (to designate private drive and POS).
- Boundary structure to be installed adjacent to plots 36 and 37 (to designate private drive and POS).
- I am also unsure about POS adjacent to plots 30 and 31. This is too small to be useful to HDC, would like to consider an alternative use or additional garden being conveyed to householders.
- I note the boundary for the POS has changed in front of plots 11 to 15 from drawing number 1189/001D (delineated by kneerail f3 on this dwg). I would be grateful if you could confirm the proposed boundary of the POS.
- I note the wooden bollard installation at 1.5m intervals to prevent vehicular access to open spaces. I would be grateful to receive the proposed dimensions and specification for the

bollards. Also at least one bollard on each piece of open space will need to be removable for maintenance access.

Comments on Landscape Specification and Maintenance to Follow.

Broughton Astley Parish Council:

Resolved: That the Parish Council objects to this planning application on exactly the same observations made on 29 November 2010, 24 January 2011 and 21 February 2011 as outlined below:

1. That the access into the new housing area would be created by extending through two currently quiet cul-de-sac areas and one off a bend on Geveze Way. The safety of the existing residents will be compromised by all access points.
2. That the village as a whole requires further infrastructure to support more housing and is even more prevalent now the convenience store and health centre have been removed from the plans.
3. That the increase in volume of vehicles on this busy estate will impact greatly on the existing residents, especially during the construction with heavy vehicles and noise being created.
4. Concerns are raised that the land beyond the proposed site will be later developed causing a further strain on the infrastructure, traffic, and schools in the village and also create an extremely large area of housing with minimal facilities.
5. It was also felt that to have a gap left in the trees, will encourage anti-social behaviour with the possibility of local youth taking motor bikes onto the adjacent land to ride on.
6. Although provision for allotments has been made, clarification would be required on how many plots this will provide, who will be responsible for managing them, what emergency access is available and what security arrangements will there be, what supporting services will be available? The size of allotment on the plans does not appear large enough to be sustainable. Concerns were also raised that as the allotments are sited within a corner of the developments, this could provide a secluded meeting ground for groups of youths.
7. The road layout has been done with the intention of providing access for further development and expansion of the site. Any proposal for further expansion would be objected to by residents and the Parish Council alike.
8. The access to the scout hut is not suitable due to the nature of its position. Other alternative sites are being identified within the draft Neighbourhood Plan.
9. The 15 spaces allocated in the car park area are wholly inadequate for the number of people that would use the facility and would force parking onto the residential streets.
10. The open space amenity cannot be classed as such as it is on the site of an active badger set and the Parish Council and residents oppose any development within close proximity. Who will provide the upkeep of the open spaces?
11. That the Parish Council were and are still disappointed at the land owner and/or developer are unwilling to work alongside them on the development of the Neighbourhood Plan and therefore, the proposed development is not and will not be supported within the contents of the Neighbourhood Plan being produced.
12. That the proposed development is against policy CS16 of Harborough District Councils Core Strategy.

Other Information:

History:

10/01579/OUT - Erection of fifty dwellings including scout hall, land for new pre-school or other school use, provision of allotments, public open space, access and associated landscaping (all matters reserved) (PERMITTED)

12/00494/OUT - Erection of 111 dwellings, a sports hall, neighbourhood centre, sports pitches and associated parking, open space, access and landscaping (outline application - all matters reserved) (REFUSED, APPEAL PENDING)

Planning Considerations:

Principle of Development:

The principle of residential development on the site is clearly established by the outline planning permission.

The principle issues for consideration thus relate to the details of the 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 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:

The proposal is considered an appropriate form of development that would not adversely affect the established character of the adjoining residential estate. The proposal allocates higher land towards the centre of the site for open space, which is considered to help minimise the impact of the development on the character of the surrounding countryside. Land also rises in the eastern part of the site, however there is good screening to this part of the site from the dismantled railway along the eastern site boundary.

A mix of two storey dwellings is proposed with a variety of houstypes and sizes. Heights would vary between 7.31 metres and 9.14 metres. The design of the dwellings is considered acceptable and would relate satisfactorily to the adjoining residential estate, with sufficient variations between houstypes within the development. Suitable materials could be agreed by condition, there being a mix of materials in the surrounding estate. The proposal uses corner houstypes and side features to address plots where there is a dual frontage.

The proposal is for three vehicular accesses, which are linked by a loop road. Three future links lead from the link road ending at the southern site boundary. Whilst the adjoining site to the South, has been refused planning permission, this is subject to a current appeal and the proposal to provide links is considered to future proof the development.

A scout hut is proposed to be positioned adjacent to the housing and would be 24 metres by 17 metres, with a height of 6.55 metres. The design is considered appropriate for the nature of the building.

Sustainability:

No details of sustainable construction/energy efficiency measures have been submitted with the application, however these were not required by condition at outline stage and therefore the proposal is considered acceptable in this regard.

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 approved under the outline consent and therefore would not impact on housing land supply.

Affordable Housing:

Amended plans have been received which improve the integration between affordable and open market housing, the affordable housing proposed by the application is now considered acceptable.

Crime/Security:

It is noted that representations consider the proposed access from Murray Close to be contrary to comments by Leicestershire Police in respect of the outline consent. The high permeability of the site would however be considered to reduce the amount of traffic using any particular access, reducing the impact on existing residents. The omission of the footpath along the northern boundary which was shown on the indicative plan at outline stage is considered to satisfactorily address safety and security concerns raised at outline stage in respect of the footpath. Open space now proposed is considered to be sufficiently overlooked.

The Parish Council raise concerns that the allotments are secluded and a gap left in trees could encourage anti-social behaviour, however Leicestershire Police have confirmed they do not wish to comment on the application. The allotments would be located close to housing, which provides some overlooking and general movements, therefore this is not considered to constitute a reasonable reason for refusal.

Ecological Issues:

The County Ecologist recommends an ecological buffer between rear gardens and the dismantled railway, however this is not considered desirable in terms of security and therefore the area of existing retained hedgerow shown on the layout plan is considered acceptable in this instance subject to the inclusion of a condition to require a management plan to protect the eastern site boundary and dismantled railway.

The proposal includes a 10 metre buffer between retained hedges/trees and built development and therefore a Bat survey is not considered to be required (in accordance with condition 27 of the outline planning permission).

It is noted that representations have raised concerns regarding Badgers however condition 16 of the outline consent requires the submission of a further survey and mitigation measures and this would be considered sufficient to ensure the protection of Badgers on and around the site.

Representations have commented that there is no justification for the removal of hedgerow to provide the access from Murray Close, however this is not considered to warrant the refusal of the application.

Scout Hall:

The proposed scout hall would be approximately 408 square metres (gross external) and comprises 2 interconnecting halls of 148 square metres. The Section 106 agreement attached to the outline consent requires up to 400 square metres of external floorspace made up of two interconnecting halls of at least 148 square metres (gross external) of floorspace each including toilet facilities, a small kitchen and a store room. It is noted that the 408 metres floorspace shown on the plan exceeds the specified 400 metres, however this is considered a gain to the facility, and therefore acceptable. Furthermore this application (if approved) would not remove the obligations set out in the section 106 agreement. The applicant has indicated that they would be willing to consider revising the details of the scout hall in a subsequent application to meet the needs of the user.

Highway Safety/Parking:

It is noted that concerns have been raised with regards to the level of parking for the scout hut and allotments and in general with regards to highway safety and access issues. The level of parking for the scout hut complies with the requirements of the section 106

agreement and no objections have been received from the Highway Authority. It is not considered that a significantly larger parking area would be desirable for the scout hut as this is likely to encourage car use and increase the landscape impact of the proposal. The Highway Authority are satisfied with the submitted Travel Plan.

Drainage/Flooding:

The Environment Agency has no objection to the proposal. Drainage and flooding issues are considered to be satisfactorily dealt with by conditions on the outline permission, which require the submission of further details.

Open Space:

Subject to no objections being raised by the Councils Neighbourhood and Greenspaces Officer to the amended plans, the proposed open space is considered acceptable and in accordance with the requirements of the outline planning permission. It is noted that the Parish Council and representations received have queried the responsibility/management of allotments and open space. This is dealt with by way of the section 106 agreement attached to the outline planning permission.

Landscaping:

Landscaping details submitted include details of planting to frontages, a tree belt as required by condition on the outline planning permission and boundary treatments. These details are considered satisfactory. The proposal includes significant landscaping which is considered appropriate for the edge of countryside location.

Residential Amenity:

The proposal is considered to comply with Council guidelines for separation distances to existing properties and would not be considered to result in significant adverse impacts to residential amenity.

In some instances, separation distances are not met between proposed dwellings within the site, however due to individual circumstances (for example separation by road) the relationships proposed are considered to provide satisfactory levels of amenity.

Finished floor levels would be agreed by way of condition (attached to the outline permission) to further ensure satisfactory relationships between dwellings.

Representations have raised concern regarding loss of amenity due to the alteration in character of Murray Close from a cul-de-sac to a through route. Whilst it is acknowledged that the character of this existing cul-de-sac would change, it would not be out of character with the wider residential estate and it is not considered that a reason for refusal on this basis is justified.

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.

Other issues

Representations have commented that the developer has not consulted with the public, however the Council has carried out its own consultation in accordance with statutory requirements.

The Parish Council are concerned the proposal is not supported by the emerging Neighbourhood Plan. A pre-submission consultation draft is now available, however as this application is for reserved matters, the principle of the development is considered to have been established.

Conclusion:

The proposal is considered to represent an appropriate form of development that would not adversely affect the surrounding form and character of the 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. The proposal is therefore considered to comply with the Framework, Core Strategy Policies CS2, CS5, CS11, CS16 and saved policy; HS/8 of the Harborough District Local Plan and no other material considerations indicate that the policies of the development plan should not prevail.

Conditions:

1. The development hereby permitted shall be in accordance with the following approved plans:

Open Space Plan 5099.OSP.12 REV.B
Boundary Planting 3 of 3 5099.PP.11 REV.D
Boundary Planting 2 of 3 5099.PP.10 REV.C
Boundary Planting 1 of 3 5099.PP.09 REV.D
Boundary Planting 5099.PP.08 REV.D
Planting Plan 5 of 5 5099.PP.07 REV.D
Planting Plan 4 of 5 5099.PP.06 REV. D
Planting Plan 3 of 5 5099.PP.05 REV.D
Planting Plan 2 of 5 5099.PP.04 REV.D
Planting Plan 1 of 5 5099.PP.03 REV.D
Planting Plan Overview 5099.PP.02 REV.D
Public Open Space 5099 / POS.01 REV.D
Street Scenes 1 of 2 7789/ 020C
Street Scenes 2 of 2 7789/ 023C
Boundary and Bin Details 7789/ 022A
Site Plan 7789/ 001G
Tree Protection Plan 5099 FE TPP 02 (Note the Development Layout is Superseeded)
House Type AAA 7789/ 005
House Type A 7789/ 003
House Type B 7789/ 004
House Type C 7789/ 006
House Type D 7789/ 007
House Type E 7789/ 008
House Type F 7789/ 009
House Type G 7789/ 010
House Type H 7789/ 011
House Type J 7789/ 012
House Type K 7789/ 013
House Type L Plot 12,48 7789/016
House Type L Plot 15 7789/ 015
House Type L Plot 26 7789/ 014
House Type M 7789/017
House Type N 7789/ 018A
Scout Hut 7789/ 019
Garages 7789/ 021

REASON: For the avoidance of doubt.

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 Harborough District Core Strategy Policies CS5 and CS11.

3. No walls, planting or fences shall be erected or allowed to grow on the highway boundary exceeding 0.6 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 accord with Harborough District Core Strategy Policy CS5 and CS11.
4. Any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller/shutter doors, 6.1 metres for up-and-over doors or 6.5 metres for doors opening outwards and thereafter shall be so maintained. 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 accord with Harborough District Core Strategy Policies CS5 and CS11.
5. 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. The wheel washing facilities provided shall be so maintained for the operational period of the development hereby permitted. REASON: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users and to accord with Harborough District Core Strategy Policies CS5 and CS11.
6. 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 Policies CS 5 and CS11.
7. Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve 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 thereafter be permanently so maintained. 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 Policies CS5 and CS11.
8. Before first occupation of any dwelling, its access drive and any turning space shall be surfaced with tarmacadam, 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 Policies CS5 and CS11.
9. 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 a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained. The access drive once provided shall be so maintained at all times. 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.

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 accord with Harborough District Core Strategy Policies CS5 and CS11.

10. 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 have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained. The access drive once provided shall be so maintained at all times. 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. 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 accord with Policies CS5 and CS11.
11. Landscaping shall be implemented and maintained as set out in the submitted Specification of Tree Works October 2012, Landscape Specification and Maintenance December 2012 and the permitted plans.
12. No development shall commence on site until a management plan relating to the western site boundary and the dismantled railway has been submitted to the Local Planning Authority and approved in writing. The management plan shall detail how the area shall be managed for its wildlife benefit. This should include details of on-going maintenance, including the trimming of shrubs as necessary. REASON: In the interests of nature conservation and wildlife and to accord with Harborough District Core Strategy Policy CS8.

Notes to Applicant:

1. All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001).
2. A public footpath / bridleway crosses the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.
3. 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.

12/01773/FUL – Market Harborough
Justine Hayward

Erection of two storey side and single storey
rear extensions at 120 Western Avenue

Target Date: 1st February 2013

Recommendation

APPROVE subject to the appended conditions and for the following reason:

The development hereby approved will respect the local character, building materials and distinctiveness of the area and be of a design that will not harm the quality, character and amenity of the area whilst responding to the unique characteristics of the individual site. It will safeguard residential amenity, cause no harm to the streetscape, is consistent with the character of the area and will not cause a highway traffic hazard. The proposal is therefore considered to accord with Harborough District Core Strategy Policy CS11 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 property is a semi-detached two storey house on the corner of Western Avenue and Farndon Road, towards the south of Market Harborough. The property faces south onto Western Avenue, with other residential properties to the east and south. To the north and west is a wide grassed area, adjacent to Farndon Road, which is designated Public Open Space. The house is built of facing buff-coloured brick, and has a concrete tile roof which is hipped on the west elevation. Parking is on an area of hardstanding on the frontage. The south boundary is marked with a dwarf wall; the boundaries to east and west have fences/hedges of approximately 1m in height; the north boundary has mature trees and shrubs. The site is within the Limits to Development of Market Harborough.

The Proposal:

The application is for the erection of a two storey side extension and a single storey rear extension. Amended plans have been received.

Reason for reporting to Planning Committee:

The application is reported to the Planning Committee as the applicant is an employee of Harborough District Council.

Policy

National Policy:

National Planning Policy Framework ('the Framework')

Harborough District Core Strategy:

CS11 – Promoting Design and Built Heritage

Local Guidance:

Supplementary Planning Guidance note 5 – Extensions to Dwellings

Consultations / Representations:

County Ecology: request a survey for bats

Market Harborough Civic Society:

Comment, "Is this encroaching on public open space? (as there seems to be a boundary change)." (9th Jan 2013)

Representations:

One letter received from the adjacent neighbour, making comments that: 1) proposal does not include any methods to address the existing drainage problems in the area (*officer note: this will be dealt with under the Building Regulations*); 2) proposal includes 'green belt' land (*officer note: the land is not 'green belt' but is public open space. The amended plans have removed any encroachment into this*); 3) loss of daylight into habitable room of neighbour (lounge). Any further comments following receipt of amended plans will be included on the Supplementary Information list.

History:

None relevant.

Planning Considerations:

Policy Assessment:

As the proposal is for an erection of extensions, policy CS:11 is considered most relevant. This requires a number of criteria to be met, such as the proposal should respect and enhance local character and the context in which it is taking place, safeguard residential amenity, reflect the streetscape, should have a safe and inclusive design which enables adaption for future users, should not have a detrimental effect on the visual amenities of the surrounding area, and where appropriate, should encourage travel by a variety of modes of transport.

Residential amenity:

The Civic Society comment regarding encroaching onto the public open space: the amended plans have removed this element from the proposal. One letter of representation was received, commenting on the original plans. The proposed single storey rear extension has a projection of 3.3m, sufficient to trigger the 45 degree rule. When taken from the nearest neighbouring ground floor window, the proposal does break this rule. However, bearing in mind that an extension of 3m projection could be erected as Permitted Development, and that this window is the second to this room, and that the window and the proposal both face north, there are insufficient grounds to refuse the application on loss of light. Neither will the proposal be overbearing on any neighbour: the bulk is towards the west side, away from the nearest neighbour. There are no proposed windows which would overlook any neighbour any more than the existing situation and the relationship between the site and its neighbouring properties will not change. There is not considered to be a detrimental impact to the amenity of any neighbour such as to warrant refusal and the proposal is considered to comply with CS11.

Design & Impact upon character of the area:

The amended plans show a subordinate design which is set down from the existing ridgeline and set back from the existing front elevation. The width of the side extension has been reduced, such that this does not dominate the existing dwelling or unbalance it, particularly from the street. All materials shall match existing. Special attention has been given to the west elevation, as this is highly visible from Farndon Road and features such as first floor windows and 'blocked up' openings have been incorporated to give interest to this elevation. The proposal is considered to have a harmonious and subordinate design

which reflects the streetscape and respects the local character and context. It therefore complies with CS11.

Highways and parking considerations:

The two storey extension will be over the site of the existing garage; however the applicant has demonstrated that sufficient off-street parking will still be retained within the curtilage. No alteration to access is proposed. Highways made no comments. The proposal complies with CS11.

Conclusion:

It is considered that the proposal complies with Policy CS11 and is recommended for approval.

Conditions / Reasons:

1. The development hereby approved shall be begun within 3 years from the date of this permission. Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to review the position at the end of this period.
2. The materials to be used in the construction of the external surfaces of the development hereby approved shall match, in material, colour and texture, 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 Policy CS11 of the Harborough District Local Plan.
3. Permitted Plans condition
4. Bat survey/ecology condition if required.

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. 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.

12/01714/CLU – Frolesworth
Kingsmead Marquees

Certificate of lawfulness of existing use for
the use of land for storage and the erection
of covered areas at Hall Farm Buildings at
Leire Road, Frolesworth

Target Date: 16th January 2013

Recommendation

APPROVE as per the following Certificate Statement:

Town and Country Planning Act 1990: Sections 191-196

(Sections 191 and 192 were substituted by section 10(1) of the Planning and Compensation Act 1991.)

(Section 193 was substituted by section 10(1) of the Planning and Compensation Act 1991.)

(Section 195 was amended by paragraph 32 of Schedule 7 to the Planning and Compensation Act 1991 and paragraphs 1 and 3 of Schedule 11 to the Planning Act 2008.)

Town and Country Planning (Development Management Procedure) (England) Order 2010: Article 35

CERTIFICATE OF LAWFULNESS OF EXISTING USE

Date of the application for the Certificate: 21/11/12

The Harborough District Council Local Planning Authority certify that the Use specified in the First Schedule hereto, in respect of the Land specified in the Second Schedule hereto (and edged red on the Location plan attached to this Certificate), is lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The Local Planning Authority considers that satisfactory information exists to demonstrate that, on the balance of probability, the land has been used for storage and the erection of covered areas for a continuous period in excess of 10 years before application 12/01714/CLU was submitted, i.e. on and before 21st November 2012 (such that no enforcement action may then be taken in respect of the use).

First Schedule

Use of land for storage and the erection of covered areas

Second Schedule

Hall Farm Buildings
Leire Road
Frolesworth
Leicestershire
LE17 5EA

What is a Certificate of Lawfulness of Existing Use Application:

The applicant is seeking to demonstrate that the red-edged parcel of land (identified on the Location plan) has been used for the open storage of marquee equipment and paraphernalia and that canopies over these materials have also been erected “for well in excess of 10 years” according to the application form.

For the Local Planning Authority to issue a Certificate of Lawfulness of Existing Use, the present applicant needs to demonstrate that, on the balance of probability, the land has been used in this way for a continuous period in excess of 10 years before application 12/01714/CLU was submitted, i.e. on and before 21st November 2012 (such that no enforcement action may then be taken in respect of the use).

No material planning policy considerations can be taken into account in the determination of a Certificate of Lawfulness application – it is solely an evidence-based assessment to be made ‘on the balance of probability’ (and not under the stricter ‘beyond reasonable doubt’ approach which is applicable in criminal law).

Relevant Legal Considerations:

THE 1990 TOWN & COUNTRY PLANNING ACT

Section 191(1) of the 1990 Act states that:

(1) If any person wishes to ascertain whether—

- (a) any existing use of buildings or other land is lawful;*
- (b) any operations which have been carried out in, on, over or under land are lawful; or;*
- (c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,*

he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

By virtue of Section 191(2), the local planning authority are required to issue such a Certificate if the uses or operations described in the application would be lawful on the basis that no enforcement action may then be taken in respect of them. Subsections (4), (5) and (6) of Section 191 explain the detail to be provided within the application/Certificate.

DOE CIRCULAR 10/97: ENFORCING PLANNING CONTROL: LEGISLATIVE PROVISIONS AND PROCEDURAL REQUIREMENTS

This Circular contains general advice as to how planning control should be enforced. Annex 8 is titled “*Lawfulness and the Lawful Development Certificate*” and explains a number of issues directly relevant to this application.

Paragraph 8.3 clarifies the meaning of Section 191(2) of the 1990 Act and explains that operations and uses are lawful if no enforcement action may be taken against them and they are not in contravention of any enforcement notice which is in place.

Paragraph 8.11 clarifies that the purpose of Lawful Development Certificate applications is to ascertain whether specific uses, operations or activities are lawful. Applicants must, therefore, describe precisely what is being applied for. Local planning authorities must assess whether, on the facts of the case and relevant Planning Law, the specified matter is or would be lawful.

Paragraph 8.12 advises that the onus of proof is firmly on the applicant to show that the development is lawful. A Lawful Development Certificate can be refused if this onus of proof has not been discharged. A refusal to issue a LDC is not necessarily conclusive that something is not lawful: it may merely mean that, so far, insufficient evidence has been presented to satisfy the LPA that the use, operation or activity is lawful.

Paragraph 8.15 explains the relevant test of the submitted evidence. The Courts have held that the relevant test of the evidence on such matters is "the balance of probability". As this test will accordingly be applied by the Secretary of State in any appeal against their decision, a LPA should not refuse a Certificate because the applicant has failed to discharge the stricter, criminal burden of proof, namely "beyond reasonable doubt". Moreover, the Court has held (see *F W Gabbittas v SSE and Newham LBC* [1985] JPL 630) that the applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted. If the LPA have no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a Certificate "on the balance of probability". **The LPA should proceed on the basis that neither the identity of the applicant** (except to the extent that he or she may or may not be able personally to confirm the accuracy of any claim being made about the history of a parcel of land), **nor the planning merits of the operation, use or activity, are relevant to the consideration of the purely legal issues which are involved in determining an application.**

Reason for reporting to Planning Committee:

The application is reported to the Planning Committee because in excess of five letters of objection have been received.

Representations:

Frolesworth Parish Council:

No comments received

Representations:

11 letters of objection received, from 8 properties. (For full details of representation, please see file)

Assessment of Submitted/Available Information:

Planning History

92/01350/3P granted planning permission for a large, rectangular-shaped barn to the east of the site to be used for the storage of marquees and associated equipment. Condition 6 of the approval restricts the barn for the "storage of marquees and associated equipment and for no other purpose (including any other purpose in Class B.8...)". Approved 21st October 1992.

99/00227/FUL allowed the south part of an agricultural barn to the west of the site to be used for light industrial/storage (B1/B8) and restricts the operations to :

- ~ Class B1 or for "storage and distribution of furniture and household appliances" only
 - ~ the hours of 7am to 1900 Monday to Saturday and at no time on Sunday, Bank or Public Holidays
 - ~ no open storage or display of any kind outside the building
- Approved 23rd June 1999.

00/01234/FUL was for Change of use of former grain drying and storage building to B1 (Light Industrial Use) (the north part of an agricultural barn to the west of the site) and approval was granted subject to conditions, including:

- ~ the use of the land and buildings shall be limited to class B1
- ~ no machinery shall be operated nor shall any processes be undertaken outside the building

~ the doors to the building shall be kept closed at all times when machinery is being operated or processes being undertaken within the building, except to allow access or egress
~ the hours were restricted to the same as the 1999 approval (above)
Approved 11th December 2000.

At each application point, it is reasonable to consider that the Council was provided with an opportunity to question whether there was lawful use of the land for storage and erection of canopies – the apparent lack of investigation by the Council indicates that the nature/use of the land was not queried/contested.

Following a complaint from a neighbour in 2005, an Enforcement case was opened (ref: 05/00150/COM). The complaint stated (amongst other things) that marquees were being stored in the yard and other marquees were being erected as covered storage, as well as other matters relating to hours of work. Upon investigation, the Council found no breach of Planning Permission, and no Enforcement action was taken.

This planning history evidence alone is considered to support a case for the applicant and indicates that the land has been used for storage and with covered areas for the requisite period of time (to substantiate granting a Certificate of Lawfulness).

Photographs

Two aerial photographs have also been submitted by the applicant, taken by Google Earth and including the dates: 1st January 1999 and 7th March 2006. These show a variety of outside storage and covered areas. Three photographs of outside storage/covered areas have been submitted, all dated 2004. A further 14 photographs have been submitted in addition, again showing outside storage and marquee structures covering some of this.

The Council's aerial photographs from 2006 and 2012 show a similar pattern of outside storage. Both photographs show a number of lorries and other vehicles parked in various places around the site, and also areas of open storage outside of buildings.

As one of the neighbours rightly points out, photographs simply prove that an activity/canopy for storage was in place at the time the photograph was taken. However, it is considered highly improbable that the external storage/covered areas were only in place for the photographs, and then removed, particularly as some of the images were taken by a satellite. It is clear that prior to 1999 the business had outgrown its existing building, hence the need to apply in 1999 and 2000 for use of the building to the west (and that to the north, subsequently demolished). If this pattern of growth continued (as the Statutory Declarations state), then additional equipment/materials had to be stored somewhere. The logical place for this is on site, outside of buildings, using some of the marquees to cover the stock and on balance it is considered probable that this has happened.

Sworn Declarations

The applicant has submitted five signed declarations in support of his application. All have been made as a "solemn declaration" under the Statutory Declarations Act 1832. All declarations state that there has been outside storage continuously for at least 10 years. Two state that this outside storage has been under covered areas or "storage canopies" continuously for at least 10 years. The sworn declarations are legally binding and are made on oath. They thus carry significant weight.

Neighbour comments

Neighbour and any parish comments have less weight as they are not made on oath and are not legally binding. However, they do serve to shed light on the activities and use of the site. The neighbours state that insufficient evidence has been submitted, raise planning matters (which cannot be considered as part of this Certificate application), and cast doubt

on the veracity of the evidence submitted by the applicant. Two of the letters state that storage/“abuse” of planning conditions has been happening for the last “two years”; one letter clearly states that “there was no outside storage [in the green area] when we moved to Frolesworth in 2009”. One letter states that when the writer “lived next door to Kingsmead it had some storage out of sight”. It should be noted that the former Plough & Harrow pub (to the south of the site) was demolished and new houses completed by July 2004; furthermore, part of Hall Farm was development into housing, with the new houses completed between October 2008 and August 2009. New residents to the village that live in these houses are most likely to have been affected by the business, and to have experienced the operations on site, however these residents cannot offer personal experience of a continuous 10 year use. All of the submitted letters, bar one, come from either the Hall Farm or Plough & Harrow developments. The one letter that does not, states that outside storage was evident “when I lived next door to Kingsmead” although no dates were given for this. The neighbour representation has been considered, and given limited weight.

Site visit

On the officer site visit of 14th September 2012, there were three buildings on site (two joined together to the west of the site) and three areas covered by marquee-style canvas. Various items of marquee paraphernalia, machines and other items connected with the business (for example fuel tanks, lorries, CCTV etc) were outside of the buildings, some under the covered areas.

Conclusion:

The Sworn Declarations, Planning History evidence and lack of Enforcement action indicate that, on the balance of probability, the land bounded by red lines on the site location plan has been used for storage and the erection of covered areas for application 12/01714/CLU was submitted, i.e. on and before 21st November 2012 (such that no enforcement action may then be taken in respect of the use).

12/01775/VAC – FOXTON
Applicant: Mr J. Hercock

Target Date: 30.01.2013

Removal of Condition 8 of 10/01361/FUL to allow development to take place without the provision of a metalled footway (to link application site and Main Street), at 61 Main Street, Foxton

Recommendation

APPROVE subject to the appended conditions and for the following reason:

The development hereby approved, by virtue of its scale, design, form and massing, would not adversely affect the living conditions of local residents, or result in additional traffic which would give rise to a road safety hazard, or adversely affect highway safety in the locality; would complement the character and distinctiveness of the site's surroundings and preserve or enhance the form, character and appearance of the settlement and Conservation Area, and would respond appropriately to the site's characteristics. The proposal therefore complies with Policies CS2, CS5, CS8, CS9, CS10, 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.

Site:

The application site is located within the village of Foxton, to the north of the canal, and faces south on to Middle Street. The site comprises garden land severed from 61 Main Street (a bungalow, dating from late 1950s), and slopes down significantly from west to east and south to north. The site is approximately square-shaped, with a street frontage measuring approx. 22-23 metres, and a plot width to the rear measuring approx. 20.5 metres across. There is an existing, substantial hedge to the southern boundary, and the site contains several fruit trees. The site is bounded to west, east and north by residential development, with bungalows to the west and north, garden land to the north, and a two-storey dwelling to the east. The application site is within the Foxton Conservation Area.

The Proposal:

The current proposal seeks planning permission for the removal of Condition 8 of 10/01361/FUL, to allow the approved development to take place without the provision of a metalled footway, which would link the application site and Main Street.

Policy

National Planning Policy Framework (NPPF) (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):

Policy 2: Promoting Better Design

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
CS5 – Providing Sustainable Transport
CS8 – Protecting and Enhancing Green Infrastructure
CS9 – Addressing Climate Change
CS10 – Addressing Flood Risk
CS11 – Promoting Design and Built Heritage
CS17 – Countryside and Rural Villages

Harborough District Local Plan:

Policy HS/8: Limits to Development

Local Supplementary Planning Guidance Notes³:

SPG Note 1: Design principles
SPG Note 3 – Single plot and small group developments, and Development within Conservation Areas
SPG Note 9: Landscape & New Development
SPG Note 11: Hedges & Development

Other

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

Safer Places – ODPM - (April 2004)

Consultations / Representations:

HDC Conservation Officer:

No comments received

LCC Highway Authority:

The Highway Authority (LHA) has previously had concerns in connection with the available visibility at the junction of Middle Street and Main Street and with conflict between pedestrians and vehicles on Main Street and Middle Street. However, following further consideration of the potential numbers of additional vehicle and pedestrian movements in connection with the planning permission for a single dwelling, the existing traffic and pedestrian flows, the extent of available land on which to site a footway, the low speed of vehicles and advice provided by the LHA to HDC planning officers it is unlikely that it would be possible to sustain a reason for refusal on highways grounds in the event of an appeal.

Parish:

Foxton Parish Council cannot see why this condition should be removed. It was put there to improve pedestrian safety to cater for extra vehicular movement from the new property. As far as I can see, nothing has changed.

We are also concerned that the application states hedgerow will be retained where possible wasn't the original plan that the hedgerow be replanted further back? We can't remember it being dependent upon someone's subjective view of whether it is possible

³ 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.

Representations:

Eight letters of objection have been received, raising the following points:

(1) Condition 8 was imposed in the interests of pedestrian safety; the Highway Authority (LHA) had previously raised safety concerns and an earlier planning application had been refused/withdrawn for this reason. The subsequent application included the proposed footpath and the LHA withdrew their objection.

(2) The footpath would improve visibility and allow safer passage for motorists; the original application raised safety issues for vehicles and pedestrians; to permit the development without the footpath would be detrimental and potentially dangerous

(3) The road at the top of Middle Street is narrow, dangerous and has no pathway on either side; traffic struggles to manoeuvre around this area, esp the library bus and refuse lorry; on-road parking takes place

(4) There has been an increase in traffic in the vicinity since the 2010 application; nothing else has changed to warrant removal of this Condition; the footpath is more necessary than before

Additional, non-material issues raised:

(5) Position of the approved access point; its impact to highway safety. *[Officer comment: The development has been granted planning permission, including its new access point.]*

(6) The hedge is currently overgrown and obscures visibility. *[Officer comment: The hedge could be pruned back without permission; this action does not rely on approval of the proposed footpath.]*

Other Information

History:

10/01361/FUL – Erection of a detached, one and a half storey dwelling – granted with conditions, 29.11.2010

08/01227/FUL – Erection of a detached, one and a half storey dwelling – granted with conditions, 10.12.2008

08/00081/FUL – Erection of one and a half storey detached dwelling – withdrawn 19.03.08 (pending refusal)

Planning Considerations:

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 East Midlands Regional Plan (EMRP) and the 'saved' policies of the Harborough District Local Plan (HDLP). As this application relates to the erection of a new dwelling within Foxton's defined Limits to Development and within designated Foxton Conservation Area, Policies CS5, CS8, CS11 and CS17 are considered most relevant. These policies can be viewed in full on the Council's website.

Principle

The principle of the dwelling, its impact on its surroundings and the character and appearance of the Conservation Area, its impact on the living conditions of neighbouring residents, and the principle of the new means of access has all been assessed, and granted planning permission under 10/01361/FUL.

The current proposal is solely for the removal of Condition 8 of planning permission 10/01361/FUL, to allow the approved development to proceed without the requirement to construct a new metalled footway from the approved access to the junction of Middle Street

with Main Street. Consequently this report focuses its assessment on the impacts of the proposed removal of Condition 8.

Impact upon character of the area and Conservation Area:

The required metalled footway would have a significant and adverse effect on the character and appearance of this part of Foxton Conservation Area, by virtue of its visual prominence, extent and nature. One of the principal characteristics of the Foxton Conservation Area is that of grass verges and hedgerows; the imposition of concrete in this location, at this relatively unspoilt location within the Conservation Area (i.e. large amount of green, limited amount of off-road concrete or similar), would be visually incongruous and out of keeping, resulting in the loss of the grass verge and the removal / replacement of at least part of the hedgerow.

For these reasons, the proposal would preserve or enhance the character and appearance of the Foxton Conservation Area, and thus comply with Core Strategy Policy CS11.

Residential amenity:

The current proposal would not have any significant effect on living conditions of local residents, either through loss of outlook, loss of light or overbearing, and therefore complies with Core Strategy Policy CS11 in this regard.

Highways and parking considerations:

The approved scheme would provide for a footpath connecting the approved new access on Middle Street with the junction of Middle Street and Main Street. It is noted that this is proposed on highway land and not within the application site.

Objectors to previous planning applications had queried whether the metalled footway would yield any benefit for local highway safety, and had opined that provision of such an area of hardstanding may encourage a greater prevalence of on-road parking.

The LHA has confirmed that Condition 8 would offer a wider 'highways gain' but would not necessarily be required in order to make the development acceptable. The LHA has indicated it would not be willing to defend at appeal a refusal of the current application and has confirmed therefore that it does not object to the removal of Condition 8.

In light of the LHA's comments, it is not considered reasonable to object to the current proposal, for the following reasons:

- (1) The expert advisor re highways issues has no objection to Condition 8's removal
- (2) The proposal would result in visual benefit to the Conservation Area
- (3) There are no other material considerations indicating that the metalled footway is a requirement of this development

Other Conditions of planning permission 10/01361/FUL require satisfactory parking and turning facilities within the site, on-site parking for construction vehicles, and pedestrian and visibility splays. These would all remain. The application is therefore considered to accord with Core Strategy Policies CS5 and CS11.

Conclusion:

The proposed removal of Condition 8 to require the construction of a metalled footway would preserve or enhance the character and appearance of this part of the Foxton Conservation Area, would safeguard the living conditions of local residents and would not adversely affect highway safety in the locality.

In addition, the proposed dwelling would constitute an appropriate form of development, would have a siting and massing that is in keeping with the scale, form and character of the locality, would preserve the character and appearance of this part of the Foxton Conservation Area, would not result in the loss of important open land, would not adversely affect residential amenity as there are no issues of overlooking created and will not be overbearing, and there is satisfactory parking provision; and thus the proposal would comply with Policies CS2, CS5, CS8, CS9, CS11 and CS17 of the Harborough District Core Strategy, SPG2 relating to separation distances and SPG3 residential developments.

Conditions / Reason:

1. The development hereby approved shall be begun within 3 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 Conditions 3, 4, 5, 7, 8, 9, 10, 13, 14 and/or 16 attached to this planning permission, the development hereby permitted shall be carried out in accordance with the following approved plans: '552 03 A' and '552 04 B', as well as '552 02 A' unless amended by the former two plans, and the Location Plan. Reason: For the avoidance of doubt.
3. Notwithstanding the details shown on the approved plans, no development shall commence on site until representative samples of the materials, including bricks, roof tiles, sills, headers, windows, roof lights and rainwater goods, to be used externally in the construction of the proposed dwelling hereby approved have been deposited with 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. Reason: In order that the property is constructed from materials appropriate to its location, to preserve or enhance the character and appearance of the Conservation Area, and to accord with Harborough District Council Core Strategy Policy CS11.
4. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and the proposed finished floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details. Reason: To ensure a satisfactory form of development that is compatible with the character of the surrounding locality, and to safeguard the living conditions of neighbouring occupiers, and to accord with Harborough District Council Core Strategy Policy CS11.
5. Notwithstanding the details shown on the approved plans, the window in the south-east elevation shall be fitted with obscure glass, and shall be fitted with a restrictor such that it is not fully openable, the details of which shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. The development shall be implemented fully in accordance with the approved details prior to the first occupation of the dwelling, and shall be retained as such thereafter and in perpetuity. Reason: To safeguard the privacy and living conditions of the adjoining residents and to ensure compliance with Harborough District Council Core Strategy Policy CS11.
6. 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 at first floor level including the roof without the further specific grant of planning permission from the Local Planning Authority. Reason: To safeguard the

privacy and living conditions of adjoining residents and to accord with Harborough District Council Core Strategy Policy CS11.

7. 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 to the dwelling hereby permitted, nor erection of outbuildings or hardstandings or gates, fences, walls or other means of enclosure, or any other form of development under Schedule 2 Parts 1 and 2 and Classes A and B of Schedule 2 Part 40, shall take place without the grant of further specific planning permission from the Local Planning Authority. Reason: To safeguard the appearance of the development and to accord with Harborough District Council Core Strategy Policy CS11.
8. All details of the proposed development shall comply with Leicestershire County Council design standards. Such details must include parking, turning facilities, surfacing materials and any gates that will front on to a highway. No development shall commence on site until these details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the development shall be constructed in accordance with the approved details and shall be retained as approved in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason: To secure a satisfactory form of development and in the interests of highway safety and the free flow of traffic and to accord with Policies CS5 and CS11 of the Harborough District Core Strategy.
9. Prior to the first use of the dwelling hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current design standards of the Highway Authority, and shall be so maintained in perpetuity. Reason: In the interests of highway and pedestrian safety and to accord with Policies CS5 and CS11 of the Harborough District Core Strategy.
10. Prior to the first use of the dwelling hereby permitted, visibility splays of minimum 2.0 metres by 25 metres shall be provided at the junction of the access with Middle Street. These shall be in accordance with the standards contained in the current County Council design guide, and shall be so maintained thereafter and in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above the adjacent carriageway level within the visibility splays. Reason: To afford adequate visibility at the access/junction, to cater for the expected volume of traffic joining the existing highway network, in the interests of highway safety, and to accord with Policies CS5 and CS11 of the Harborough District Core Strategy.
11. 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 safeguard the privacy and living conditions of adjoining residents and to accord with Harborough District Council Core Strategy Policy CS11.
12. For the period of the construction of the development, vehicle parking facilities shall be provided within the site, and all vehicles associated with development works shall be parked within the site. Reason: To ensure that adequate parking facilities are provided throughout the construction of the development in the interests of highway safety and to accord with Harborough District Council Core Strategy Policy CS11.
13. Notwithstanding the details on the approved plans, no development shall commence on site until details of the size and design of the rooflights indicated on the plans

hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be fully 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 a satisfactory form of development that is compatible with the character of the surrounding locality, and to preserve the character and appearance of Foxtan Conservation Area, and to accord with Harborough District Council Core Strategy Policy CS11.

14. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate the treatment proposed for all ground surfaces, together with the plant species and materials proposed and their disposition, existing trees and hedges to be retained, and fences and walls to be erected. All of these works shall be carried out fully in accordance with the approved details prior to the first occupation of the development, and shall be maintained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure that the proposed development includes a properly designed and suitably landscaped amenity area in the interests of visual amenity and the appearance and character of the Conservation Area, and to accord with Harborough District Council Core Strategy Policy CS11.
15. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition. The archaeological works shall be carried out by a suitably qualified body acceptable to the Local Planning Authority. Reason: To ensure satisfactory archaeological investigation and to accord with Harborough District Council Core Strategy Policy CS11 and the aims and objectives of the relevant sections of the National Planning Policy Framework.
16. Notwithstanding the details shown on the submitted plans, no development shall commence on site until a scheme for the retention, enhancement and replanting of the existing hedge has been submitted to and agreed in writing by the local planning authority. The hedge shall thereafter be retained as agreed, and maintained as such in perpetuity, unless otherwise in agreed in writing by the Local Planning Authority. Reason: In the interests of the visual amenity and character of the locality, to preserve the character and appearance of this part of the Conservation Area, and to accord with Harborough District Council 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. 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.
3. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Highways Manager - (telephone 0116 3050001).

4. The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the Highway boundary.

5. The Highway boundary is the hedge fronting the property and not the edge of the carriageway/road.
