

## All Agenda Items Common Planning Policy

### 1. Planning Policy Considerations

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 provides that planning applications must be determined in accordance with the provisions of the Development Plan (hereafter referred to as the 'DP'), unless material considerations indicate otherwise.

#### a) Development Plan

- 1.2 Section 38(3)(b) of the 2004 Act defines the DP as the DP documents (taken as a whole) that have been adopted or approved in that area.

- 1.3 The DP for Harborough comprises:

- The Harborough District Core Strategy adopted November 2011; and
- The saved policies of the Harborough District Local Plan adopted April 2001.

- 1.4 Material considerations include any consideration relevant in the circumstances which has a bearing on the use or development of land. The material considerations to be taken into account in considering the merits of these applications include the DP referred to above, the National Planning Policy Framework and the National Planning Policy Guidance, together with responses from consultees and representations received from all other interested parties in relation to material planning matters.

#### o Harborough District Core Strategy

- 1.5 The Core Strategy (hereafter referred to as the 'CS') was adopted in November 2011 and covers the period from 2006 to 2028.
- 1.6 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".
- 1.7 Policy CS2 sets out the housing land requirement and distribution.
- 1.8 Sun-section (b) of Policy CS2 advises all new developments should be of the highest design standard (in conformity with Policy CS11) and have a layout that makes the most efficient use of the land and is compatible with the built form and character of the area in which it is situated; contain a mix of house types; and have a minimum density of 30 dwellings per hectare.
- 1.9 Policy CS3 deals with delivering housing choice and affordability and sets out a requirement for all residential development to contribute towards meeting affordable housing needs and states that a minimum number of 30% of dwellings are expected to be affordable dwellings, with a minimum of 40% of dwellings to be affordable within the two highest value sub-market areas of Harborough Rural South West and Harborough Rural North and Central. *In August 2015 a judgement was made by the High Court, regarding a judicial review between West Berkshire District and Reading Borough Council and the Department for Communities and Local Government. The Court's decision (which upheld all of the issues raised by the Claimants) was that those parts of the National Planning Practice Guidance, along with the Written Ministerial*

*Statement (WMS), that reduced the affordable housing threshold to developments of ten or less units and introduced the vacant building credit November 2014 were not lawful and must not be treated as a material consideration. Planning applications should now be determined as if neither had been made, which was the pre November 2014 position. There is opportunity for DCLG to challenge the decision.*

- 1.10 Sub-section (a) of Policy CS3 states that where it can be demonstrated that these minimum requirements would make the development of a site unviable, a reduced percentage of affordable dwellings and/or change of tenure split will be negotiated.
- 1.11 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.
- 1.12 Policy CS8 policy seeks to secure a high quality, accessible and multi-functional green infrastructure network across both rural and urban areas of Harborough district which contributes to healthy lifestyles and a rich, diverse natural environment.
- 1.13 Policy CS9 requires new development to be directed towards the most sustainable locations; it will support and encourage the use of sustainable materials and construction methods and suggests that new non-residential developments over a certain size threshold should provide a percentage of energy on site.
- 1.14 Policy CS10 advises development will be directed towards areas at the lowest risk of flooding within the District. All new development will be expected to ensure that it does not increase flooding experienced in other areas and that surface water run off should be managed in all developments to minimise the net increase in the amount of surface water discharged into the local public sewer system.
- 1.15 In recognition of the importance of good design and the built heritage of the District, Policy CS11 seeks to ensure that the highest standards of design in new development will be achieved to create attractive places for people to live, work and visit. Heritage assets within the District, and their setting, will be protected conserved and enhanced, ensuring that residents and visitors can appreciate and enjoy them.
- 1.16 Policy CS12 aims to deliver the strategic objectives of the Plan and where appropriate, development will be required to contribute to funding elements of the Infrastructure Schedule (contained in Appendix 2 of the Plan), either by means of planning obligations entered into at the time of granting planning permission or in due course.

o Harborough District Local Plan – April 2011

- 1.18 The Plan was adopted in 2001 with an original end date of 2006. A small number of policies have been “saved” beyond that time.

b) Material Planning Considerations

o The National Planning Policy Framework

- 1.19 The National Planning Policy Framework (hereafter referred to as ‘The Framework’) published in March 2012 replaces previous national guidance set out in Planning Policy Guidance and Planning Policy Statements.

- 1.20 The overarching policy objective of the Framework is the presumption in favour of sustainable development. It identifies three dimensions to sustainable development: economic, social and environmental (paragraph 7). These are mutually dependent and in order to achieve sustainable development economic, environmental and social gains should be sought jointly and simultaneously through the planning system (paragraph 8). The presumption in favour of sustainable development is the “golden thread” that should run through both plan-making and decision-taking.
- 1.21 The Framework indicates that where development accords with an up to date DP it should be approved (paragraph 12). Even though the CS pre-dates the Framework it is considered that the DP as a whole is up to date and therefore this application should be determined in accordance with it unless material considerations indicate otherwise. The weight to be accorded to housing supply policies are subject to the ability of the LPA (hereafter referred to as the ‘LPA’) to demonstrate a 5 year housing land supply and this is discussed in more detail below.
- 1.22 Paragraph 14 of the Framework states that when making decisions on development proposals the decision maker should “approve development proposals that accord with the DP without delay”. It goes on to say where the plan is absent, silent or where relevant policies are out of date, permission should also be granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole, or specific policies in the Framework suggest development should be restricted.
- 1.23 Paragraph 17 sets out the 12 core ‘planning principles’ which should underpin decision making. Summarising, they: (1) are led by local plans which set out a vision for the future of the area; (2) enhance and improve the places where people live; (3) drive sustainable development; (4) secure a high quality of design and a good standard of amenity; (5) protect the diversity of different areas; (6) support the transition to a low-carbon future; (7) help conserve and enhance the natural environment; (8) encourage the re-use of land; (9) promote mixed use developments; (10) conserve heritage assets; (11) make full use of public transport, walking and cycling; and (12) improve health, social and cultural wellbeing.
- 1.24 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.
- 1.25 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.
- 1.26 The Framework sets out the Government’s key housing objective, which is “to boost significantly the supply of housing”. Paragraph 47 sets out how LPA’s should achieve this boost in the supply of housing, including a requirement to identify and annually update a supply of deliverable Sites sufficient to provide five years worth of housing against their housing requirements, with an additional buffer either 5% or 20% - the latter where LPA’s have demonstrated a record of persistent under delivery of housing.

- 1.27 Paragraph 49 provides that housing applications should be considered in the context of the presumption in favour of sustainable development and makes it clear that where a 5 year supply of deliverable housing land cannot be demonstrated then this is one circumstance where relevant policies for the supply of housing will be deemed out of date for the purposes of paragraph 14 unless adverse impacts would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate otherwise.

*Richborough Estates Partnerships LLP v Cheshire East Borough Council (March 2016) is a statement on the extent of NPPF Paragraph 49 and defines the relationship between housing and environmental policies including:- ...Our interpretation of the policy does not confine the concept of “policies for the supply of housing” merely to policies in the development plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites. It recognizes that the concept extends to plan policies whose effect is to influence the supply of housing land by restricting the locations where new housing may be developed*

- 1.28 Paragraph 52 notes that the supply of new homes can sometimes be best achieved through planning for larger scale developments, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities.
- 1.29 Paragraph 56 provides 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.
- 1.30 Paragraph 61 advises that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 1.31 Paragraph 69 advises that planning decisions should aim to achieve places which promote opportunities for meetings between members of the community through mixed use developments, strong neighbourhood centres and active street frontages and safe and accessible environments with clear and legible pedestrian routes and high quality public spaces.
- 1.32 Paragraph 75 seeks to protect and enhance public rights of way and access
- 1.33 To support the move to a low carbon future, new development should comply with adopted local plan policies on the requirements for decentralised energy supply and seek to minimise energy consumption (Paragraph 96).
- 1.34 Paragraph 103 advises that in determining planning applications consideration should be given to ensuring flood risk is not increased elsewhere.
- 1.35 Paragraph 109-115 address the protection and enhancement of the natural and local environment
- 1.36 Paragraph 118 advises LPAs when determining planning “to conserve and enhance biodiversity”.
- 1.37 To prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location (Paragraph 120).

1.38 In determining applications, LPA's should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 131)

1.39 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be (paragraph 132)

1.40 Paragraph 173 makes reference to delivery and viability in relation to development proposals and states:

“To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

1.41 Paragraphs 183-185 encourage communities to develop neighbourhood plans and advises that when the neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood.

1.42 The Framework advises LPA's to approach decision-taking in a positive way to foster the delivery of sustainable development (paragraph 186) and seek to approve applications for sustainable development where possible

1.43 Paragraph 196 reiterates Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which requires all applications to be determined in accordance with the DP unless there are material considerations which indicate otherwise and advises the Framework is a material consideration in planning decisions.

1.44 In respect of planning obligations, the Framework advises that these should only be used where it is not possible to address unacceptable impacts through a planning condition. They should, in addition, meet all of the following tests, which mirror those in the Community Infrastructure Levy Regulations 2010:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

1.45 Where obligations are being sought or revised, LPA's should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

1.46 Paragraph 206 advises LPA's to only impose planning conditions where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

1.47 Annex A to the Framework advocates how the Framework should be implemented. In particular it advocates:

- only due weight should be given to relevant policies in a Local Plan according to their degree of consistency with the Framework and
- the weight to be afforded to emerging plans, which is to be determined having regard to their stage of preparation, the extent of unresolved objections and the degree of consistency with the Framework.

o National Planning Practice Guidance

1.48 The National Planning Practice Guidance (hereafter referred to as the NPPG) published 6th March 2014 replaces a raft of previous planning guidance documents that have been cancelled as part of the Government's drive to simplify the planning process. The NPPG complements The Framework.

o New Local Plan

1.49 On 3 December 2012, the Council resolved to prepare a new Local Plan for Harborough District. Appendix B of the Report that went to Full Council included a Review of the Core Strategy: NPPF Compatibility. The new Local Plan will incorporate a focused review of the Harborough CS (adopted in November 2011) and will also identify key areas of land for development, thereby obviating the need for an allocations plan. The Plan will allocate the SDA in the manner approved under the current CS and will include strategic policies for the SDA that reflect the evidence in the SDA Master Plan (considered below).

1.50 The new local plan scoping consultation was completed in April 2013. The Scoping Consultation noted that the Plan Period would be extended to 2031 and that an increase in the annual housing requirement was likely. On 27<sup>th</sup> July 2015 Council agreed a draft Options Consultation paper for the emerging new Local Plan, and proposed consultation arrangements.

1.51 It is envisaged that the plan will be adopted in March 2017. Consequently, the emerging plan currently carries very limited weight in determining planning applications.

b) Other Relevant Documents

o Community Infrastructure Levy Regulations

1.52 The Community Infrastructure Levy (hereafter referred to as 'CIL') is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities to help deliver infrastructure to support the development of their area.

1.53 Regulation 122 of the CIL Regulations 2010 introduced into law three tests for planning obligations in respect of development that is capable of being charged CIL. This includes most buildings. Obligations should be:-

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development

9<sup>th</sup> November 2015 letter by Brandon Lewis MP, Minister of State for Housing and Planning included: *The Government attaches great importance to the effective and flexible negotiation of Section 106 planning obligations, including on affordable*

*housing, and intends to introduce a dispute resolution mechanism to help speed up Section 106 negotiations*

- o Circular 11/95 Annex A - Use of Conditions in Planning Permission

1.54 Although publication of the NPPG cancelled Circular 11/95, Appendix A on model conditions has been retained. These conditions are not exhaustive and do not cover every situation where a condition may be imposed. Their applicability will need to be considered in each case against the tests in paragraph 206 of the Framework and the guidance on the use of planning conditions in the NPPG.

- o Supplementary Planning Guidance

1.55 A series of guidance notes were adopted as Supplementary Planning Guidance (hereafter referred to as 'SPG') to the Harborough District Local Plan in March 2003. They cover a range of topics relating to layout and design issues. Council agreed (19th December 2011) to retain the said SPGs and link them to CS policies as applicable, until a new Supplementary Planning Document is produced.

- o 5 Year Housing Land Supply Statement

1.56 The Council produces bi-annual monitoring reports on the level of housing supply within the District. These reports include a five year housing land supply calculation and a housing trajectory for the remainder of the DP period. The latest report of 25th November covers the period from 1 October 2015 to 30 September 2020 and demonstrates a housing supply of 4.36 years.

- o Leicester and Leicestershire Strategic Housing Market Assessment, 2014

1.57 The Leicester and Leicestershire Strategic Housing Market Assessment (hereafter referred to as the SHMA) uses population and economic forecasts to predict the number and type of new homes needed to accommodate the growing population in the period to 2031 and to 2036 which will inform the new Local Plan for the District. The SHMA recommends that meeting the full objectively assessed need for housing in the District requires building 9,500 dwellings between 2011 and 2031, or 475 dwellings on average per year during this period. This compares to the a total requirement of 7,700 dwellings planned for in the Core Strategy between 2006 and 2018, or 350 dwellings on average per year during this period. This significant uplift in the number of dwellings required for the District is an important material consideration in the determination of this application.

- o Strategic Housing Land Availability Assessment

1.58 The Strategic Housing Land Availability Assessment (hereafter referred to as the 'SHLAA') identifies Sites within the District with potential for housing; assesses their housing potential in terms of suitability, availability and achievability and assesses when they are likely to be delivered

- o Planning Obligations Developer Guidance Note

1.59 The Planning Obligations Developer Guidance Note was approved by the Council's Executive in September 2009 and sets out the range of infrastructure, services and facilities that the Council will normally seek to secure via planning obligations in relation to development proposals within the District.

1.60 The Note advises if the requirement for developer contributions or for the provision of infrastructure result in viability concerns being raised it will be the responsibility of the applicant to provide an independent financial viability assessment to substantiate the situation. If the assessment is accepted as reasonable the Council may request lower contributions for a particular Site provided that the benefits of developing the Site outweigh the loss of the developer contribution.

1.61 There are two supporting documents associated with this guidance note:

- Provision for Open Space, Sport and Recreation (September 2009) which provides details of the arrangements for assessing contributions to open space; and
- Assessment of Local Community Provision and Developer Contributions (October 2010) which provides additional evidence to support the case for developer contributions to local indoor community and sports facilities.

o Statement of Requirements for Developer Contributions in Leicestershire

1.62 The Statement of Requirements for Developer Contributions in Leicestershire is the County Council's developer contributions policy document. The document was approved as Leicestershire County Council policy in November 2014.

o District Wide Landscape Character Assessment and Landscape Capacity Studies)

1.63 These assessments included an identification of Landscape Character Areas and a detailed analysis of the sensitivity of land around the edge of settlements and capacity to accommodate future development principally in landscape terms

- o District wide Landscape Character Assessment (September 2007)
- o Market Harborough Strategic Development Area Landscape and Visual Assessment (June 2012)
- o Leicester PUA Landscape Character Assessment and Landscape Capacity Study (September 2009)
- o Lutterworth and Broughton Astley Landscape Character Assessment and Landscape Capacity Study (December 2011)
- o Market Harborough Landscape Character Assessment (April 2009)
- o Rural Centres Landscape Character Assessment and Landscape Capacity Study (July 2014)

o Leicestershire Local Transport Plan

1.64 The 3rd Leicestershire Local Transport Plan (LTP3) covers the period 2011-2026. It sets out the transport vision and longer term strategy for the County and identifies priorities and objectives to help deliver the vision. Objectives include tackling congestion, improving access to facilities for all, reducing the impact of transport on the environment, and improving road safety.

1.65 The LTP3 focuses, in particular, on the need to tackle congestion by increasing the use of public transport, walking and cycling with less growth in car mileage. This would be achieved by improving access to facilities including employment, education, health care and food shops.

o Leicestershire County Council 6C's Design Guide



- 1.66 The 6Cs Design Guide (hereafter referred to as 6CsDG) deals with highways and transportation infrastructure for new developments
- o 6C's Green Infrastructure Strategy
- 1.67 The 6C's Green Infrastructure Strategy (hereafter referred to as '6CsGIS') was prepared on behalf of a partnership of local authorities and agencies for the East Midlands, setting out a strategic spatial framework needed to safeguard, manage, and extend networks of Green Infrastructure.
- 1.68 The 6CsGIS indicates a Sub Regional Green Infrastructure Corridor along the Grand Union Canal and an Urban Fringe GI Enhancement Zone.

#### Planning (Listed Buildings and Conservation Areas) Act 1990

- 1.69 Sections 66 & 72 impose a duty on Local Planning Authorities to pay special regard/attention to Listed Buildings/assets and Conservation Areas, including setting, when considering whether to grant planning permission for development. For Listed Buildings/assets, the Local Planning Authority shall "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (Section 66) and for Conservation Areas "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" (Section 72).

## Planning Committee Report

**Applicant:** William Davis Ltd And The Trustees Of The Late Jessie Dixon

**Application Ref:** 16/00037/OUT

**Location:** Land Off Winckley Close, Houghton on the Hill

**Proposal:** Outline application for residential development of up to 48 units dwellings with associated infrastructure and public open space (means of access to be considered).

**Application Validated:** 13.01.2016

**Target Date:** 13.04.2016 (Extension of Time Agreed)

**Consultation Expiry Date:** 24.05.2016 (Amendment B)

**Case Officer:** Nicola Parry

## Recommendation

Planning Permission is **APPROVED** for the following reason:

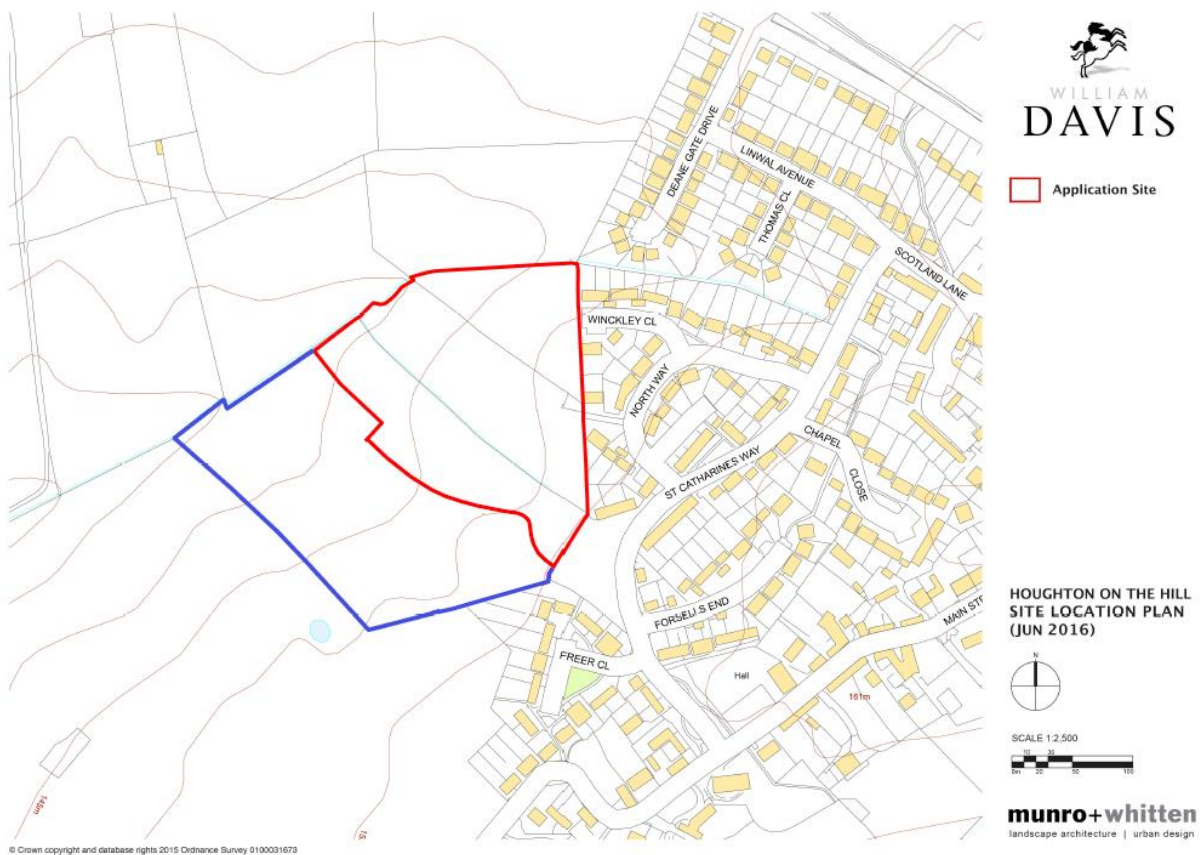
The development would through loss of this greenfield land result in limited and localised harm to the intrinsic character and beauty of the countryside. However, this harm can be reduced in time through robust landscape mitigation. The landscape harm identified is not considered to significantly and demonstrably outweigh the benefits by the provision of market and affordable housing in an area where there is not a Framework compliant supply of housing land and improvements to biodiversity. In addition, there are no technical reasons e.g. highway safety, heritage assets, ecological, flooding and residential amenity, to withhold planning permission. On balance, therefore, the development is judged to represent sustainable development in accordance with the Framework, relevant policies of the Core Strategy and in line with Paragraph 14, the development should be approved without delay.

### 1. Site & Surroundings

- 1.1 The application site (3.4ha) (hereafter referred to as 'the Site'), comprises three field parcels on a north-west facing slope located to the north-west of Houghton on the Hill. The site is predominately managed agricultural grassland, with the central and western field currently grazed by a small herd of cattle.



**Figure 1: Aerial Photo**



**Figure 2: Site Location**

- 1.2 The site is defined to the north, west and south east by hedgerows containing trees. A mix of agricultural land borders the site to the north, west and south. Existing residential development borders the site to the east on Winckley Close and North Way. Further

residential development lies to the south of Freer Close beyond a small public open space. The wider village settlement lies to the east and north of the site.

- 1.3 The site rises gradually from the southwestern edge of the site at 135m AOD, to the north western corner at 150m AOD.
- 1.4 A public right of way (D11) passes the site to the south and joins the surrounding highway network at Freer Close. This route connects the village with the A47 to the west.
- 1.5 There is a strategic gas main (Stretton Lane to Potter Hill) crossing the site.
- 1.6 Bushby Brook is located along the site's north and north-west boundaries. Bushby Brook is an ordinary watercourse which flows from north-east to south-west. Chalybeate Spring is located on the site. The spring issues near the top of the field and forms a watercourse along the southern field boundary which crosses the site. Chalybeate Spring outfalls into Bushby Brook.

## **2. Site History**

- 2.1 There is no previous site history.

## **3. The Application Submission**

### **a) Summary of Proposals**

- 3.1 The application seeks outline planning permission for residential development
- 3.2 With the exception of Access, which is proposed via an extension of Winckley Close, all other matters – Layout, Scale, Landscaping and Appearance are reserved.
- 3.3 The original submission sought permission for up to 71 dwellings. See **Figure 3** below



**Figure 3: Illustrative Masterplan (71 dwellings)**

- 3.4 The illustrative masterplan was subsequently updated in May 2016. See **Figure 4**
- 3.5 The May 2016 masterplan reduced the number of dwellings from 71 to 65 units, to provide an open vista from the existing area of public open space in a south westerly direction towards open countryside beyond. In addition Ecology asked the Applicant to create a wider buffer between the proposed development and the rear of existing gardens, as part of a new mitigation strategy.
- 3.6 The May 2016 also introduced a new hedgeline to divide the land in the control of the applicant. Part of the land would be planted as parkland, and the remainder (to the north-west of the new hedgeline) would remain more open, save for the planting of a supplementary copse at its western edge. The masterplan also showed the land concerned partially edged in blue, confirming that the landscaping strategy proposed could be secured by condition.





**Figure 4: May 2016 Illustrative Masterplan (65 dwellings)**

- 3.7 The Masterplan was updated again (10<sup>th</sup> June 2016) in order to overcome Officer reservations regarding the extent to which the proposed development might overlap the existing view westwards from the public open space at St Catherine's Way, and conversely the impact upon the views towards this part of the village from the west.
- 3.8 The site area in the location plan has been reduced in order to take the substantial majority of the land adjoining the St Catherine's Way public open space out of the proposed development area. This has reduced the dwelling number from the original 71 to 48. See **Figure 5**



**Figure 5: June 2016 Illustrative Masterplan (48 dwellings)**

#### **b) Schedule of Plans and Supporting Statements/Documents Submitted with the Original Application Submission**

3.9 The application was accompanied by the following drawings and supporting documentation:

- Site location plan
- Illustrative masterplan V6
- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Transport Assessment
- Tree Assessment Report
- Flood Risk Assessment
- Phase 1 Ecological Survey Report
- Geophysical survey report
- Archaeological Desk-Based Assessment
- Phase 1 Environmental and Geotechnical Engineering report

#### **c) Amended Plans and/or Additional Supporting Statements/Documents Submitted since Validation of the Application**

3.10 The following additional plans / supporting information has been provided by the Applicant, following the original submission:

#### **Amendment A: May 2016**

- Landscape and Visual Impact Assessment addendum
- Updated Illustrative Masterplan V6a
- Archaeology report
- Agricultural Land Classification report
- Great Crested Newt mitigation strategy
- Habitat survey report
- Review of JMP submission
- Updated site location plan
- Planting schedule
- Drawing 16-088 SK01 – illustrative sketch layout
- 15-500 BT04B: illustrative Blyth house type
- 15-500 BT06: illustrative Blyth house type
- 15-500 BT07: illustrative Blyth house type

#### **Amendment B: June 2016**

- Site location plan Rev A June 2016
- Illustrative masterplan V5c June 2016
- Illustrative masterplan open space provision
- Viewpoint 5, visual impression at year 10

#### **d) Pre-application Engagement**

- 3.11 The Applicant has engaged with Harborough District Council and the community of Houghton on the Hill prior to the submission of this planning application. This engagement is explained in more detail within the Statement of Community Involvement that accompanies the application. A summary of the engagement is outlined below.
- Public Consultation Event



- 3.12 A public consultation event was held on 12<sup>th</sup> October 2015 at Houghton Sports Pavilion from 3pm until 7.30pm. The event was well attended, with 73 people viewing the proposals and making comments.
- Discussion with Harborough District Council
- 3.13 A pre-application enquiry was submitted to the Council (the LPA) on 16<sup>th</sup> June 2015, and a meeting held with Officers thereafter. The written Officer advice was received 3<sup>rd</sup> August 2015.
- 3.14 The Officer made a series of comments in relation to the principle of development and on the design and layout of the proposal.

#### **4. Consultations and Representations**

- 4.1 Consultations with technical consultees and the local community were carried out on the original application submission and Amendments/Additional Information where necessary.
- 4.2 Site Notices were placed on 29.01.2016. The Press Notice was published on 04.02.2016
- 4.3 A summary of the technical consultee responses which have been received are set out below. Comments which relate to developer contributions are set out in **Appendix A**. If you wish to view comments in full, please request sight or go to [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)

#### **a) Statutory & Non-Statutory Consultees**

##### **4.4 National Grid**

There is a High Pressure Gas Pipeline in the vicinity and National Grid must be consulted before any works take place. A PADHI+ assessment should be carried out to determine the suitability of any development near such a pipeline.

##### **4.5 Health and Safety Executive (HSE)**

The Executive have developed PADHI+ (Planning Advisory for Developments near Hazardous Installations) – an internet based standing advice tool for Local Planning Authorities for consultation on applications in the vicinity to hazardous installations. PADHI+ concludes:

*“HSE does not advise, on safety grounds, against the granting of planning permission in this case.”*

##### **4.6 Severn Trent Water**

No objection to the proposal subject to condition requiring the submission of drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the LPA

##### **4.7 Leicestershire Police**

LP were not included in pre application discussions and the submissions do not refer to the justified case LP make .There is no heads of terms in the submissions. Police raise a formal

objection on sustainability grounds and because the development is unacceptable without the necessary Policing contribution.

#### 4.8 Leicestershire County Council Highway Authority (CHA)

Further to previous correspondence with the applicant concerning the scope required for the transport assessment of the above development proposal the CHA is content that, subject to the conditions and contributions outlined within this report, the application for outline planning permission for 71 dwellings and proposed means of access as shown off Winckley Close is generally acceptable in highway terms.

Whilst it is accepted that the development proposal will lead to a significant increase in vehicular trips on local roads, especially routing towards the A47, Uppingham Road, the impact of this would not lead to demonstrable severe harm as defined and necessitated within the National Planning Policy Framework (NPPF) such that the development proposal could be resisted on highway grounds.

Review of personal injury accident data on the local highway network demonstrates that there have been zero recorded accidents on the local network surrounding the proposed site. As such it could not be argued that the development proposal could lead to any degree of exacerbation of an existing highway safety issue.

A robust assessment of the developments' impact in vehicular trips has been undertaken and demonstrated that the key junctions identified operate within capacity.

A variety of local amenities are available within walking distance from the proposed development and an hourly bus service is available as a genuine alternative to the private motor car for trips into Leicester City or east towards Uppingham.

Consequently, and in accordance with the parameters set out in the National Planning Policy Framework, an argument of demonstrable severe harm caused by the development proposal could not be substantiated.

#### 4.9 Leicestershire County Council Senior Planning Archaeologist

##### *Original Comments*

We welcome the submission of the archaeological desk-based assessment and geophysical survey. These studies are supported by information held on the Leicestershire and Rutland Historic Environment Record (HER), which confirms that the site contains well-preserved medieval ridge and furrow earthwork remains and has considerable potential for the below ground presence of Prehistoric and Roman archaeological remains. Geophysical survey has revealed evidence for ditched enclosures which are of possible Prehistoric or Roman origin.

The preservation of archaeological remains is, of course, a "material consideration" in the determination of planning applications. The proposals include operations that may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information. Since it is possible that archaeological remains may be adversely affected by this proposal, we recommend that the planning authority defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals. This will require provision by the applicant for a field evaluation by trial trenching, to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid

or minimise damage by the development. Further design, civil engineering or archaeological work may then be necessary to achieve this.

*Revised Comments (following submission of trial trenching report)*

The archaeological assessment of the development area has concluded the site possesses a negligible potential for the survival of significant buried archaeological remains. This is despite the results of the developer's geophysical survey, which identified a series of anomalies interpreted as of potential archaeological interest. Subsequent trial trenching has demonstrated that these anomalies are of geological origin or correlate with the use of the ridge and furrow landscape. A single gully, lacking dating evidence was the sole feature of possible archaeological interest.

The central and south-western fields preserve well preserved ridge and furrow earthworks. Historic documents show that the parish was enclosed by Act of Parliament in 1765, it is therefore likely that the earthworks date from that period, although obviously reflecting a much earlier medieval arrangement of the former open field system. The surviving earthworks comprise one or more separate furlongs (parallel groups of lands (ridges)). The pattern of earthworks is unusual in that it appears to exclude the recorded chalybeate spring (mentioned in the Victoria County History), and also preserve evidence of varying widths of ridge, some of which appear to show subdivision/alteration of the system. As has previously been recommended, prior to any future development of the application area, a full record of the surviving earthworks should be completed, in order to provide some level of mitigation of their loss/truncation. We would also recommend that future development of the site preserve as much evidence as possible of the earthworks within the green/open space landscaping. On balance, however, due to the isolated character and relatively lack of complexity of this particular group of earthworks, we feel their loss can be off-set to an acceptable extent by the preparation of an appropriate record (e.g. LiDAR topographic survey).

In accordance with National Planning Policy Framework (NPPF), paragraph 129, assessment of the submitted development details and particular archaeological interest of the site, has indicated that the proposals, whilst unlikely to impact upon significant buried archaeological deposits, are likely to have a detrimental impact upon well preserved ridge and furrow earthworks. NPPF paragraph 141, states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development. In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological survey of the affected ridge and furrow earthworks.

4.10 Leicestershire County Council Senior Planning Ecologist

We would like to place a Holding Objection on this application, pending the results of further ecological surveys and the production of mitigation strategies.

4.11 Leicestershire County Council Lead Local Flood Authority – Senior Flood Technician

The proposed development will be acceptable subject to planning conditions relating to surface water and the watercourse.

4.12 Leicestershire County Council Forestry Team Leader

In terms of 'Means of Access', there would appear to be no arboricultural reason to refuse the proposed access – no trees of any significance would have to be removed. There is a small mature tree on the frontage of no.9 which would have to be avoided by any construction – that would be a matter between the developer and the householder (if consent were given.)

Naturally any proposed housing, roads or parking should be well outside the recommended RPA of retained trees (giving a good working space outside the protective fencing for site operation, scaffolding, etc.) as well as beyond any shade arcs of larger trees, to avoid future pressure to fell or heavily prune. Changes in levels should also be avoided near any of the retained trees' RPAs. . It is generally desirable for successful future tree retention for large trees to be accommodated on open spaces and 'greenways' rather than in private gardens, unless these are large (which is rarely the case in such developments).

#### 4.13 Leicestershire County Council (Developer Contributions)

- Education – Developer Contributions sought for the Primary, High School Sector and Upper School Sector. No requirement for primary school sector. The site falls within the catchment area of Houghton on the Hill Primary School. The School has a net capacity of 180 and 178 pupils are projected on roll should this development proceed; a surplus of 2 pupil places
- Libraries – No claim. Residents of this development would be more likely to use Leicester City Library
- Waste – No claim. The nearest Civic Amenity Site to the proposed development is located at Kibworth and residents of the proposed development are likely to use this site. The Civic Amenity Site at Kibworth will be able to meet the demands of the proposed development within the current site thresholds without the need for further development and therefore no contribution is required on this occasion.

#### 4.14 Harborough District Housing Enabling and Community Infrastructure Officer

Our Affordable Housing requirement will be to seek 40% Affordable Housing of the total site yield In accordance with Policy CS3. We will not stipulate our specific unit mix for the affordable house types at this point in time. We will provide our exacting requirements if and when a full application is submitted. This ensures greater accuracy in our request for specific unit types and accords more accurately with our housing need profile at a point when the scheme is more likely to be progressed.

#### 4.15 Harborough District Council Neighbourhood and Green Spaces Officer

Because of the location of the site to the west of Houghton on the Hill and the acknowledgement in the landscape and visual assessment that (page 28)

*'Its [ the development] visual impact is minimal when seen from afar and these as well as modest adjacent views to the development can be mitigated within the design of the development. The form of the development means that the extension to the village can be integrated in a visually constrained manner.'*

A higher level of natural and semi natural greenspace should be required to allow for the mitigation within the design of the development. It is considered therefore that the development should be considered to be in a rural location and 8.5ha of natural and semi natural greenspace per 1000 population should be required.

The masterplan does not contain amounts of POS that are proposed, but the concept of screening the new development from the surrounding country side is good. I will be pleased to comment further when detailed landscape plans are available.

The provision for Children and Young People amounts to a LEAP, the design of which should fit the surroundings and use natural play structures. Any SUDS structures should provide additional habitat and biodiversity. An off site contribution will be required for additional burial spaces to be spent in the accessibility threshold of 2km. The provision of on site Outdoor Sports facilities and allotments may not be suitable on site, and an off site contribution can be discussed with the Local Authority to provide additional or upgraded facilities within the accessibility threshold for the typologies.

A landscape management plan will need to be provided by the developer to give certainty that the POS will be managed and maintained satisfactorily in perpetuity if undertaken by a management company.

4.16 Harborough District Council Parish Liaison and Engagement Officer

Developer contribution sought to be used to improve community facilities in the locality.

4.17 Houghton on the Hill Parish Council

*Original comments:*

- i) Whilst it is understood that Houghton on the Hill will have some development in the future and that Section 106 agreements can provide benefits, the Parish Council feels that rapid expansion in a short time frame, will cause great pressure on village facilities mainly the village hall, the recreation ground and roads, primarily Main Street.
- ii) Development needs to be handled in a sensitive, responsible, democratic and accountable way and with proper consultation with residents. Proposals should comply with the HDC Core Strategy.
- iii) There are currently four separate potential development sites whose developers had either applied for or been granted planning permission within the previous year.
- iv) Although the Houghton Neighbourhood Plan is currently immature, it is important that any applications are considered against a holistic view of the community and not in isolation.

In addition to consultants' submissions (minute 27-01/16 refers) it was resolved to object to the proposals on grounds of:

- Landscape and Rural Character
- Housing and Site Layout
- Parking/Traffic and Road Safety
- Public and Personal Transport
- Ecology and Heritage
- Village Development

*Revised Comments on Amendment A (18th May 2016):*

The Parish Council's observations remained substantially similar to those submitted following its February 2016 meeting

#### 4.18 Leicester Airport (Leicestershire Aero Club Ltd)

The developers should be aware that the site is directly in-line with one of our frequently used Runways (22/04) and as such will cause annoyance due to low flying aircraft on either approach or take-off. In the case of the latter, noise levels will be greater when runway 04 is in use as the aircraft will be operating under full power.

#### **b) Local Community**

4.19 The application has generated a significant level of objection from the local community. To date 248 letters of objection have been received (this includes further comments following Amendment A and B). Any comments made following Amendment C will be reported in the Supplementary Information Report on the day of Committee.

4.20 Several of the objection letters/emails/on-line comments received are very detailed and whilst regard has been had to these in assessing this application, it is impractical to copy these verbatim. By far the largest concern raised by local residents relates to the proposed access of Winckley Close (a cul de sac) and the associated traffic implications this will have on the surrounding roads and the village itself; other concerns raised and in no particular order, related to the location of the high pressure gas pipeline and the potential safety implications; the visual impact on the landscape; loss of wildlife generally, impact on protected species (notably badger and great crested newts); aviation noise and safety (light aircrafts/helicopters from Leicester Airport); loss of village identity; coalescence with Bushby/Leicester; loss of agricultural land; outside the village boundary; impact of facilities (notably the primary school and GP surgery); loss of ridge and furrow; increase in village population; pre-empting the outcome of the Neighbourhood Plan; development not needed in light of recent approvals along the A47; development should be refused for the same reason as the Stretton Lane application and should be further refused in light of the appeal decision and the inspector's conclusions.

Comments on the latest 48 House Masterplan on behalf of the Winckley Close Group of residents. 22.6.16:

Landscape Character Assessments are based on national guidance.

The study subjects Houghton on the Hill to a focused "Condition and Strength of Character Matrix" which exercise produces a result of "Conserve and Restore". This is one down from the strongest possible result of "Safeguard and Manage".

The report also gives the same overall sensitivity rating of 30 to Stretton Lane (Landscape Unit number 9) (planning consent already refused on appeal) and Units numbers 7 and 8 (rating 31 and 30) which make up the proposed Winckley development site. Of these Landscape Unit number 8 (basically land to the west of St Catherine's Green and North Way) has its primary sensitivity criterion of "slope analysis" rated at 1, i.e. extremely sensitive to development.

This points to the importance of preserving the slope falling away from St Catherine's Green to the west and down to Bushby Brook in its entirety and not just partially. The revised Masterplan with its 48 houses still consumes a large proportion of the slope. A panoramic photo from St Catherine's Green (attached) tells its own story. Houghton is "on the hill" because it is a hilltop settlement. St Catherine's Green is on the western ridge of that hill. We should seek to "Conserve and Restore" the westward slope that leads from it. We should not build on it because to do so is to damage the visual character of the village both looking towards it and from it and to cause further blurring between High Leicestershire and the Leicester Fringes.

A twelve page sustainability representation was received 22<sup>nd</sup> June and can be viewed on the HDC website. It concludes: *Ten of the thirteen NPPF chapter headings are conflicted by this proposal.*

*There are more than thirty instances where the WC proposal fails to meet NPPF sustainability criteria as listed. Therefore this development is unsustainable according to the formal and legislated definitions. Our view is that the developer's claim that the development is sustainable has not been justified. As such we ask that the Winckley Close proposal be refused.*

## **5. Planning Policy Considerations**

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 instructs that planning applications must be determined in accordance with the provisions of the Development Plan (DP), unless material considerations indicate otherwise.
- 5.2 Unless stated, an explanation of the development plan policies; material considerations, evidence base and other documents referred to can be found at the beginning of the Agenda under 'All Agenda Items Common Planning Policy'

### **a) Development Plan**

- *Harborough District Core Strategy*
- 5.3 The following aspects of the Core Strategy are relevant to this application:
- *Policy CS1 (spatial strategy)*
  - *Policy CS2 (housing)*
  - *Policy CS3 (housing choice and affordability)*
  - *Policy CS5 (transport)*
  - *Policy CS8 (green infrastructure)*
  - *Policy CS9 (climate change)*
  - *Policy CS10 (flood risk)*
  - *Policy CS11 (design)*
  - *Policy CS12 (supporting infrastructure)*
  - *Policy CS17 (rural centres, villages and countryside)*
- *The saved policies of the Harborough District 2001 Local Plan*
- 5.4 Of the limited number policies that remain extant, Policy HS/8 (Limits to Development) should be noted.

**POLICY HS/8**

**THE DISTRICT COUNCIL WILL GRANT PLANNING PERMISSION FOR DEVELOPMENT WITHIN THE DEFINED LIMITS TO DEVELOPMENT OF SETTLEMENTS INDICATED ON THE PROPOSALS MAP INSETS, WHERE THE FOLLOWING CRITERIA ARE MET :-**

- 1. THE DESIGN AND LAYOUT OF THE DEVELOPMENT IS IN KEEPING WITH THE SCALE, FORM CHARACTER AND SURROUNDINGS OF THE SETTLEMENTS;**
- 2. THE DEVELOPMENT DOES NOT CONFLICT WITH POLICY HS/9;**
- 3. THE DEVELOPMENT DOES NOT ADVERSELY AFFECT THE AMENITIES OF RESIDENTS IN THE AREA.**

**b) Material Planning Considerations**

5.5 Material Planning Considerations relevant to this application:

- *The National Planning Policy Framework (The Framework / NPPF)*
- *National Planning Practice Guidance (PPG)*
- *Five Year Housing Land Supply Statement*
- *Supplementary Planning Guidance*
- *Houghton on the Hill Landscape Character Assessment and Landscape Capacity Study (April 2016) – Potential Rural Centre*

A total of 20 different Land Parcels were assessed at Houghton on the Hill. The Site is identified as Land Parcel 8 and is assessed as having 'Medium' landscape capacity.
- *Parish Plan (2004) & Village Design Statement (2004)*

From analysis of the consultation questionnaire 203 of the 348 respondents (58%) expressed appreciation of the beautiful countryside around the village. Specifically mentioned were the view across the fields from the back of the church, those from the Weir Lane Playing Field, the views towards Thurnby from St. Catharine's Green / Deane Gate Drive / Freer Close.
- *Houghton of the Hill Neighbourhood Plan*

Houghton on the Hill Parish Council applied for the designation of a Neighbourhood Area on 21 May 2015 under the Neighbourhood Planning (General) Regulations 2012.

The Houghton Neighbourhood Plan Working Party had completed a first draft of the Neighbourhood Plan which provided quantitative measures of the preferences of the community for development in particular areas of the village and Winckley Close was not a preferred site. Whilst the plan would not be complete in the timescale of this application, the quantitative data was likely to be available before this application was determined.



➤ *Emerging Local Plan - Options Consultation*

The Council undertook an Options consultation on its emerging Local Plan which expired on 30 October 2015. The consultation document upgraded Houghton on the Hill from a Selected Rural Village to a Rural Centre in light of evidence published in a Settlement Profile (May 2015) which stated that the Village had at least 4 out of the 6 key services (and a daily scheduled bus service) required for such settlements.

The document included a series of growth options to meet the Council's housing need which showed Houghton on the Hill delivering as much as 172 new homes up to 2031.

➤ *Settlement Profile (May 2015)*

Houghton on the Hill has the services to support its continued designation as a Selected Rural Village. With 4 out of the 6 key services it has the level of services to become a Rural Centre. Whether Rural Centre status is appropriate given its location between Billesdon (a Rural Centre) and Thurnby and Bushby will need to be considered further. It has the capacity to accommodate growth but there are constraints which could impact on the delivery of sites. Development would need to be sympathetic to the village's numerous heritage assets, the High Leicestershire landscape setting, traffic concerns and to any specific housing needs of the village.

➤ *Strategic Housing Land Availability Assessment*

The site is identified in the SHLAA as being potentially suitable; available and potentially achievable for residential development (Ref: A/HH/HSG/01).

➤ *Strategic Housing Market Assessment*

The Assessment concluded that Harborough's priority should be to ease its '*extreme market housing affordability*', support the provision of additional affordable housing and support growth in employment / labour supply. Its overall conclusions were that the highest demand in market housing was for 2/3 bed market houses and 1/2 bed affordable homes.

#### **d) Other Relevant Documents**

5.6 The following documents should be noted

- The Community Infrastructure Levy Regulations 2010, S.I. No.948 (as amended)
- Circular 11/95 Annex A - Use of Conditions in Planning Permission
- ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)
- Planning Obligations Developer Guidance Note
- Leicestershire Planning Obligations Policy
- Leicestershire County Council Local Transport Plan 3 (LTP3)
- Leicestershire County Council Highways Authority 6Cs Design Guide

#### **6. Assessment**

##### **Principle of Development**

- 6.1 The Site lies outside the defined Limits to Development of Houghton on the Hill (as established by the Harborough District 2001 Local Plan, Policy HS/8). For planning assessment purposes the site represents undeveloped countryside (greenfield land).

- 6.2 Policy CS2 is the strategic policy specific to housing delivery. It directs 2420 dwellings to the Rural Centres and Selected Rural Villages. Houghton on the Hill is a Selected Rural Village. It is of particular relevance that the policy states:-

*“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.”*

- 6.3 Core Strategy sets out a housing target of 350 dwellings per annum based on the now revoked Regional Spatial Strategy. The latest evidence of objectively assessed housing need (OAHN) is set out in the Strategic Housing Market Area (SHMA) 2014. This recommends a total housing requirement of 9,500 dwellings between 2011 and 2031, or 475 dwellings per annum.

- 6.4 The LPA's latest assessment of 5 year supply was published on 25 November 2015. It is for the period 1 October 2015 to 30 September 2020. The LPA can demonstrate a supply of 4.36 years. The Council can not therefore demonstrate a five-year land supply and as consequence *“relevant policies for the supply of housing should not be considered up-to-date”* (NPPF, Para 49).

- 6.5 The Court of Appeal gave judgment on 17th March 2016 in the combined appeals of Suffolk Coastal District Council v. Hopkins Homes Limited and Secretary of State for Communities and Local Government, and Richborough Estates Partnership LLP v. Cheshire East Borough Council and Secretary of State for Communities and Local Government [2016] EWCA Civ. 168 addressing the meaning and effect of Paragraph 49 of the NPPF. Among other things, it held that '[relevant] policies for the supply of housing', meant 'relevant policies that affect the supply of housing' and so including:

*‘[...]policies whose effect is to influence the supply of housing land by restricting the locations where new housing may be developed—including, for example, policies for the Green Belt, policies for the general protection of the countryside, policies for conserving the landscape of Areas of Outstanding Natural Beauty and National Parks, policies for the conservation of wildlife or cultural heritage, and various policies whose purpose is to protect the local environment in one way or another by preventing or limiting development’ (Lindblom LJ, para [33]).*

- 6.6 Such restrictive policies *may* have the effect of constraining the supply of housing land, in which event if an LPA is unable to demonstrate the requisite five-year-supply then relevant policies are liable to be regarded as not up to date for the purposes of The Framework Paragraph 49 and so out of date for the purposes of The Framework Paragraph 14 (presumption in favour of sustainable development).

- 6.7 However, that is not an end to the matter, because if a policy is caught by Paragraph 49, that doesn't render it meaningless; it is still part of the Development Plan as the Judgment makes clear at para 42:

- 6.8 *“The NPPF is a policy document. It ought not to be treated as if it had the force of statute. It does not, and could not, displace the statutory “presumption in favour of the development plan”, as Lord Hope described it in City of Edinburgh Council v Secretary of State for Scotland [1997] 1 W.L.R. 1447 at 1450B-G). Under section 70(2) of the 1990 Act and section 38(6) of the 2004 Act, government policy in the NPPF is a material consideration external to the development plan. Policies in the NPPF, including those relating to the “presumption in favour of sustainable development”, do not modify the statutory framework for the making of decisions on applications for planning permission. They operate within that*

*framework...It is for the decision-maker to decide what weight should be given to NPPF policies in so far as they are relevant to the proposal”.*

- 6.9 Importantly the Court said the weight to be given to ‘out of date’ development plan policy will vary according to the circumstances, *“including, for example, the extent to which relevant policies fall short of providing for the five-year supply of housing land, the action being taken by the local planning authority to address it, or the particular purpose of a restrictive policy”.* The Court emphasised that ‘weight’ is always a matter of planning judgment for the decision-maker.
- 6.10 Limits to Development were adopted 15 years ago, in the context of different national planning policy and based on now out-of-date housing need evidence. Policy HS/8, as well as aspects of Development Plan policies which reference HS/8 (e.g. CS2a and elements of CS17), represent restrictive blanket policies on new housing development outside Limits; taken literally, such policies limit new housing development to within the 2001 defined Limits to Development of Houghton on the Hill. Policy HS/8 is inconsistent with relevant policies on sustainable housing development contained in the Framework. Moreover, the Council resolved (December 2012) that the Core Strategy was not compliant with The Framework on several grounds and that it should prepare a new Local Plan to replace it. The emerging Local Plan puts forward a criteria-based policy in substitution of defined limits altogether.
- 6.11 Having full regard to the recent Judgement, Officers consider limited weight should be given to Local Plan Policy HS/8, CS2a and elements of CS17.
- 6.12 In circumstances where relevant policies are out-of-date Paragraph 14 of the Framework is engaged and advises that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Nonetheless, in making any such assessment of adverse impacts and benefits, appropriate weight should be attached to all aspects of Development Plan policies which are not out-of-date and which remain in accordance with the Framework.

#### **Locational sustainability / Accessibility**

- 6.14 Houghton on the Hill is currently identified in the Core Strategy (2011) as a Selected Rural Village. However, it is noted that the Emerging Local Plan is likely to upgrade the village to a Rural centre based on its services and facilities.

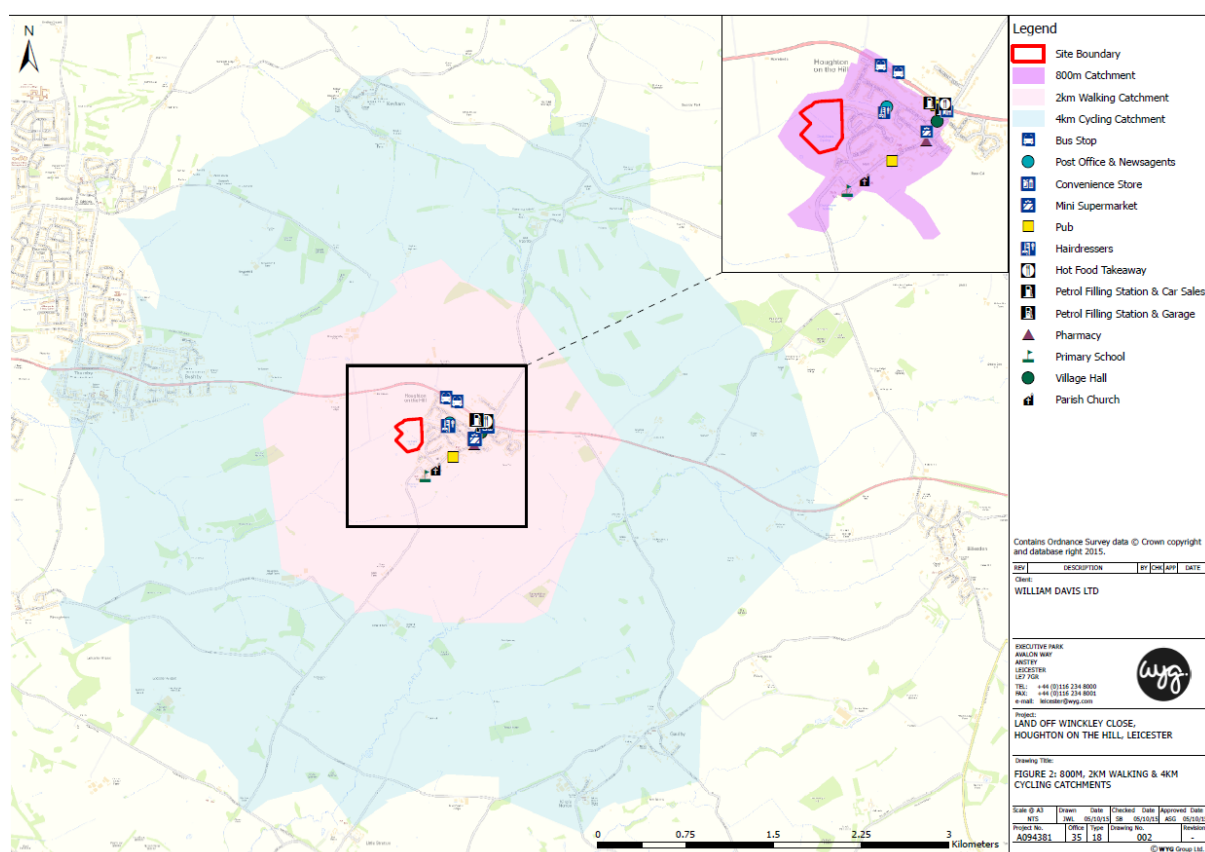
- Pedestrian & Cycle Accessibility

- 6.15 The Chartered Institution of Highways and Transportation provides guidance on acceptable walking distances and suggests that a preferred maximum walking distance of 2km is applicable for commuting or school trips. The DfT in their “Transport Statistics on Cycling in Great Britain” state that the average length of a cycle journey is 2.4 miles (3.84km). It can therefore be concluded that approximately 4km represents a reasonable average cycling distance. A distance of 4km from the centre of the proposed development incorporates all of Houghton-on-the-Hill.

**Figure 6** shows the walking and cycling catchments from the site and this illustrates that the following local amenities and facilities are within a reasonable walking and cycling distance of the proposed development:

- Houghton On The Hill C of E Primary School

- Village Hall
- Parish Church
- Mini Supermarket
- Post office and Newsagents
- Pharmacy
- Hairdressers
- Petrol Station and Garage
- Public houses
- Hot food takeaway
- Bus stops



**Figure 5: Facilities Plan**

6.16 Policy CS5 supports new development that is located in areas well served by local services which reduces the need to travel for occupants. The services available within Houghton on the Hill as illustrated above are within a short walk and would be sufficient to meet the day to day needs of a village community and residents of the development will not be rely upon travel to other settlements for basic amenities.

6.17 The Planning Practice Guidance (PPG) recognises that rural housing is essential to ensure the viable use of local services. The additional population associated within the proposal would be likely to increase custom for the shop and patronage of the services on offer, thus enhancing the prospects of the future retention of these services.

- Public Transport

6.18 The nearest bus stops to the proposed development are located on Main Street (although buses are routed along St. Catherines Way at off peak times there are no stops on-street). The Main Street stop is located less than 220m from the proposed pedestrian access connection off St. Catherines Way, to the east of the St. Catherines Way / Main Street priority T-junction. The Main Street bus stops have seating and timetable display cases. There are additional bus stops, laybys and bus shelters on the A47 Uppingham Road that are approximately 720 metres from the site access.

6.19 The bus service 747 (the frequency of which is outlined in **Table 1**), operated by CentreBus, serves the stops of St. Catherines Way, Main Street and A47 Uppingham Road. At peak times the bus route is along the A47 Uppingham Road but at off peak times the buses divert through the village.

**Table 1 – Local Bus Services**

Stop	Route	Frequency (minutes)				
		AM Peak (07:00 – 09:00)	Daytime	PM Peak (16:00 – 18:00)	Saturday	Sundays
St. Catherines Way	Leicester – Houghton-on-the-Hill - Uppingham	-	60	-	60	No Service
A47 Uppingham Road	Leicester – Houghton-on-the-Hill - Uppingham	60	60	60	60	No Service

6.20 The 6Cs Design Guide states that in rural areas ‘the walking distance (to bus stops) should not be more than 800m’. The proposed site is within these walk distances in the peak and off-peak times of day.

6.21 To encourage use of sustainable modes of travel County Highway Authority are requesting that travel packs and passes be provided by the developer, and improvements to the nearest bus stop (raised kerbs, shelter etc) are provided including real time information on bus times at an appropriate stop. Furthermore, the Applicant proposes to construct a footpath link by way of Grampian condition up to the boundary with the Council’s owned public open space (St Catherine’s Green) and provide a financial contribution towards the creation of the remainder of the footpath link by the Council across the existing open space. This contribution would be provided via the S106 agreement and would encourage residents to walk to the village amenities including the primary school.

6.22 The site is well situated to enable new residents to access village services by walking or cycling. Overall, the site is considered to be sustainable in terms of its location.

Highways

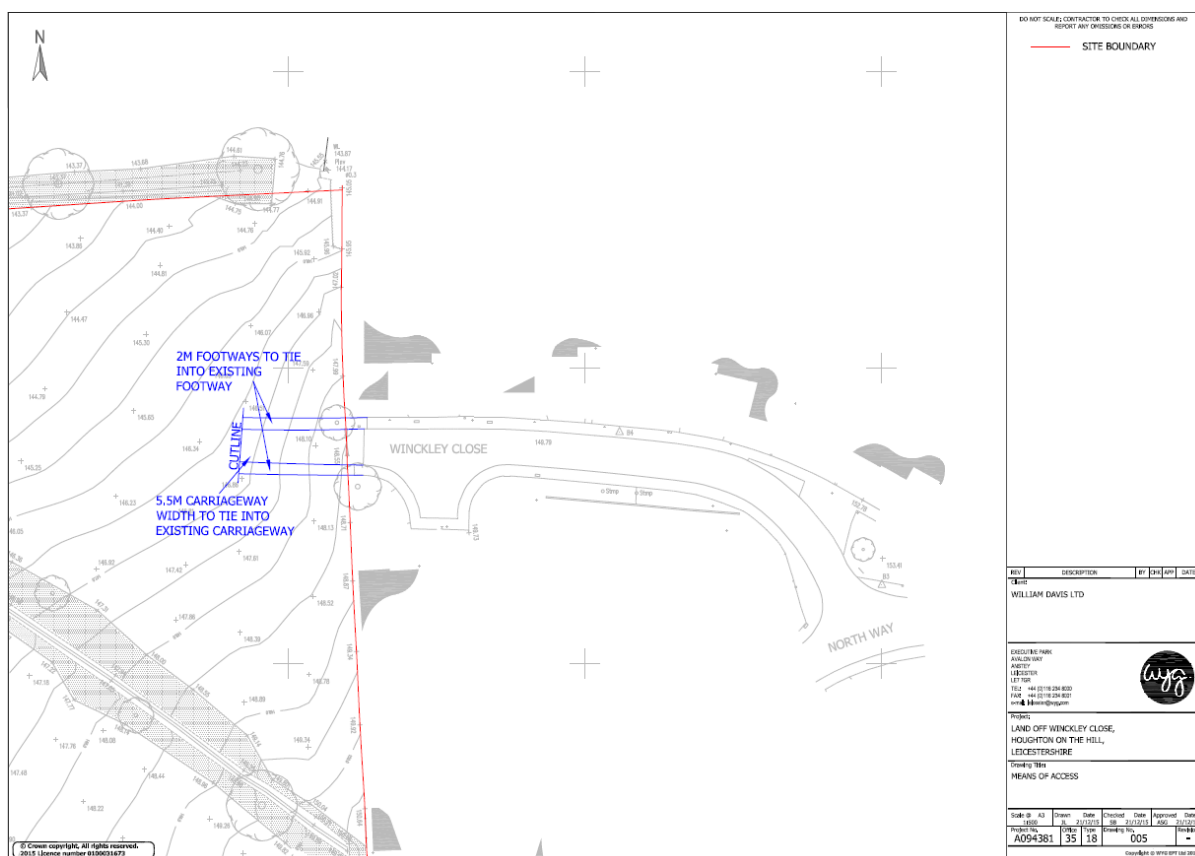
6.23 Access is a matter for consideration as part of this application.

- Existing Highway Network

- 6.24 Winckley Close is a residential estate road that connects to North Way via a simple priority T junction approximately 90m to the east of the proposed vehicle site access connection. Winckley Close is a single carriageway route with footways on either side of the carriageway and associated street lighting is present. It has a carriageway width of approximately six metres with footway widths of generally two metres.
- 6.25 Winckley Close is subject to a 30mph speed limit. There are no parking restrictions present and the route has frontage access to the majority of dwellings with off-street car parking provided for most dwellings through garages or private drives. There are 11 dwellings served off Winckley Close.
- 6.26 To the east of Winckley Close, North Way continues as a single carriageway residential estate road connecting to St. Catherines Way, providing access to the local trunk road A47 Uppingham Road via St. Catherines Way, Linwal Avenue and finally Deane Gate Drive.
- 6.27 St. Catherines Way also provides access to Main Street, leading to Stretton Lane, a local access road providing a route to locations south of Houghton-on-the-Hill.

- Proposed Vehicle Site Access

- 6.28 Vehicular access to the site is proposed via an extension of Winckley Close, as shown in **Figure 7**. It is proposed that the extended route to serve the new development would have a carriageway width of 5.5 metres with footways on either side of the carriageway having a width of 2m.



**Figure 7: Proposed Access**

○ Traffic Survey

- 6.29 Classified junction turning counts were undertaken (by WYG Transport Planning on behalf of the Applicant) at the A47 Uppingham Road / Deane Gate Drive junction during the weekday morning and evening peak periods on Tuesday 29 September 2015.
- 6.30 This survey shows that the main road is busy at peak times and that traffic volumes in and out of Deane Gate Drive are low. Vehicles exiting or entering the side road from the A47 experienced little or no delay. Traffic volumes on the roads between the site and Uppingham Road are very low and there is no traffic congestion caused by the volume of traffic. There is some congestion on Main Street, particularly at school drop off time, caused by the number of vehicles, deliveries to businesses, the presence of on-street parking and the narrow roads and bends at the south end of Main Street.

○ Trip Generation

- 6.31 Average trip rates have been obtained for the periods 08:00-09:00 and 17:00-18:00 hrs. County Highway Authority (CHA) have requested the use of 85th percentile trip rates, to provide the most robust assessment possible. This results in the following summary of the weekday AM and PM peak hour 85<sup>th</sup> percentile trip rates.

Peak Hour 85<sup>th</sup> percentile Trip Rates (Per Dwelling)

Peak Hour	Trip Rate (per dwelling)		
	Arrivals	Departures	Total
AM (08:00 – 09:00)	0.321	0.405	0.726
PM (17:00 – 18:00)	0.353	0.412	0.765

- 6.32 Using these trip rates the estimated trip generation for a 48 dwelling development the reduction from the original illustrative dwelling number (71 dwellings) is as follows:

Peak Hour Trip Generation 48 dwellings (71 dwellings in brackets)

Peak Hour	Trips (Vehicles)		
	Arrivals	Departures	Total
AM (08:00 – 09:00)	15 (23)	19 (29)	34 (52)
PM (17:00 – 18:00)	17 (25)	20 (29)	37 (54)

- 6.33 It can be seen from the above that the predicted vehicular trip generation associated with a proposed development of 48 dwellings would be 34 trips (two-way) during a typical weekday morning peak hour and 37 trips (two-way) during a typical weekday evening peak hour. This represents a 35% and 32% reduction respectively on the original illustrative dwelling number of 71.

- o Trip Distribution / Assignment

- 6.34 Development-related vehicle trips have been distributed onto the highway network using local Census journey to work data for the Harborough 011 Middle Layer Super Output Area (2011 data). The data shows that the large majority of new vehicle trips (75.8%) are likely to travel to/from Leicester and the most likely route for that traffic will be via Winckley Close, North Way, St. Catherines Way, Linwal Avenue, Deane Gate Drive and the A47 Uppingham Road. Small proportions of traffic are expected to travel to/from the other directions, 16.8% to the south via Stretton Lane, 4.8% to/from the east via the A47 and 2.5% to the north via Ingarsby Lane.

- 6.35 This distribution of traffic means that there will be very small volumes of traffic travelling through the village centre along Main Street. Trips within the village to Main Street and the primary school are well within easy walking distance of the proposed development and will not generate a significant number of vehicle trips for these purposes.

- o Highway Impact Assessment

- 6.36 The trip distribution forecast shows that the most of the generated traffic will travel through the A47 Uppingham Road / Deane Gate Drive T-junction. No other junctions are likely to experience any capacity issues caused by existing or new traffic.

- 6.37 **Table 4** shows the change in traffic flows at the junction and the percentage change when comparing 'with' and 'without' development flows.



**Table 4 - Highway Impact Assessment (A47 Uppingham Road / Deane Gate Drive T-junction)**

Peak Hour	Total Junction Flow Base Without Development Flow (pcus)	Development Flows (pcus)	% Change
AM Peak (07:45 – 08:45)	1264	43	3.4%
PM Peak (17:00 – 18:00)	1060	45	4.2%

- 6.38 The results in **Table 4** shows that the small number of two-way development flows during each peak hour will result in a small change in total flows through the A47 Uppingham Road / Deane Gate Drive T-junction. A maximum increase of 4.2% during the PM peak will have a minimal impact on the local highway network.
- 6.39 CHA have reviewed the submitted Transport Assessment and advised in its view, *“the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF”*.
- 6.40 The Parish Council, commissioned JNP consultants to carry out a review of the transport issues associated with the proposed development. The JNP report raised a number of concerns relating to:
- Under provision of off-street parking spaces
  - Transport sustainability
  - Junction capacity

- 6.41 CHA have reviewed the JNP report and have provided the following response:

*“I have read the report which seems to largely confirm many of our conclusions that the proposed development is sustainably located with a variety of transport options to employers and amenity, gains access in accordance with our design guidance and aspects such as parking provision can be conditioned to be in accordance with standards at the reserved matters or full application stage.*

*Whilst the report doesn't appear to offer a definitive recommendation to the CHA I can surmise that the JNP report recommends an assessment of cumulative impact in the area be undertaken and specifically in relation to the capacity of the A47 / Deane Gate Drive junction and for a future year scenario.*

*The report makes no assertion that any aspect of the proposed development should be considered 'severe' as outlined in the NPPF but given that the cumulative impact as referenced above is suggested “may significantly impact the highways network” (para 4.2.4) I have addressed the CHA's consideration of this point below.*

*The applicant has proposed a quantum of development which falls short of our policy threshold for a full transport assessment. However, a robust assessment of the developments' impact in vehicular trips has been undertaken by the applicant and demonstrates that the key junctions identified operate within capacity with any increase certainly not a 'severe' increase which the CHA could entertain defending at appeal.*

*As such it would be unreasonable for the CHA to necessitate the JNP suggested level of investigation from the applicant for the scale of development proposed. On the basis of the appropriate and reasonable investigation undertaken and given the lack of any other*

*conclusion within the JNP that proposes a demonstrable impact of the development proposal which the CHA might consider residually 'severe' as outlined in the NPPF the CHA would maintain its position and as per the formal response previously given."*

- 6.42 At the request of local residents the Case Officer (14<sup>th</sup> March 2016) walked with residents from the proposed access point, traversing North Way and St Catherine's Way, along Main Street, down Scotland Lane/Linwal Avenue and back to the site entrance to understand their concerns in relation to highway matters (amongst others).
- 6.43 The Case Officer fully acknowledges the concerns raised by the local community with regards to current traffic problems and highway safety more generally. However, the LPA are guided by the advice of the CHA and they have stated that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF.
- 6.44 Therefore, subject to Conditions and the Applicant agreeing to enter into a S106 Agreement to provide contributions to secure travel packs; 6 month bus passes, two per dwelling and the provision of information display cases at the two nearest bus stops, the proposal is judged to accord with Policies CS1, CS5 and CS11 in respect of highway considerations.

#### Landscape Character / Capacity

- 6.45 Core Strategy Policy CS11 and CS17(c) advises *"rural development will be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape character area in which it is situated"*.
  - Context
- 6.46 At a national landscape scale, the Site lies within Natural England's National Character Area (NCA) 93 'High Leicestershire'. The NCA description, of High Leicestershire', amongst other things, states:
 

*Characteristic small historic villages, usually located on high ground, such as Kings Norton and **Houghton on the Hill**, comprise buildings clustered around prominent spired churches of limestone or ironstone..."*
- 6.47 Under Statements of Environmental Opportunity which form part of the NCA profiles, only, SEO1 is relevant to the site: *"Protect and appropriately manage the strong visual and historic character of this varied and sparsely settled rural landscape of broad rolling ridges and wide secluded valleys – maintaining the settlement pattern and features of High Leicestershire, in particular its areas and features of archaeological and heritage interest, including the field patterns, ridge and furrow, ancient woodlands, country houses and village churches – to enhance sense of place and history so that the area can be enjoyed by all for its tranquillity."*
- 6.48 At a regional level Houghton on the Hill falls entirely within Landscape Character Type 5C: Undulating Mixed Farmlands. At a county and district level Houghton on the Hill falls within the High Leicestershire Landscape Character Area.
- 6.49 The local landscape has a reasonable network of Public Rights of Way (PRoW) in the form of footpaths and bridleways. Generally they have a pattern of following the 'ridgelines, linking outlying settlements with one another and the edge of Leicester. These rights of way generally follow field boundaries that are defined by mature hedgerows. These hedgerows

act as visual screens often containing views to the field or directing the eye along the right of way.

- 6.50 The nearest public right of way to the site is the footpath D11, which leaves Freer Close in Houghton on the Hill towards Bushby and passes the southwestern part of the site. The mature hedgerow with trees restricts views to up or down the path with the occasional glimpses into the field to the right of the walker, with open views to the left. It is a pleasant walk along the path. Footpath D12 spurs off footpath D11 after crossing Bushby Brook to join the A47 with partial views into the central part of the site.
- 6.51 Adjacent to the site is St Catherine's Green, an area designated in the 2001 Local Plan Proposal Map as Important Open Land and is included as a site of sport, recreation and open space which Policy CS8 specifically seeks to protect.
- Houghton the on the Hill Landscape Character Assessment and Landscape Capacity Study (2016).
- 6.52 As part of the evidence to inform the new Local Plan, The Landscape Partnership (TLP) were commissioned by the Council to evaluate the Landscape Character and Landscape capacity of Houghton on the Hill.
- The site forms part of Parcel 8 and a small part of Parcel 7. Both Parcels were assessed as having Medium capacity for development subject to mitigation measures..
- 6.53 The application was accompanied by a Landscape and Visual Appraisal and accompanying illustrative document (munro + whitten). The appraisal studies the effects of the development on:
- i) the landscape character and landscape resources of the site and its environs, and
  - (ii) the visual amenity experienced by people in through and surrounding the proposed development.
- 6.54 The LVIA considers the sensitivity of the landscape in **Medium** and the magnitude of the change is considered to be **Minor**, the significance of the impact is found to be **Slight**.
- 6.55 Of the 12 viewpoints initially identified using The Zone of Theoretical Visibility, only six viewpoints were fully assessed against the effect of the proposed development. The others (7-12) being discounted following a site visit by the author of the report which identified no views available to the site from these locations.
- 6.56 The assessed viewpoints are outlined below:

**VIEWPOINT 1 - Winckley Close**

Elevation 150m AOD

Distance 0m

Bearing to site West

Receptor Views from residential dwellings and vehicles traveling along on WinckleyClose.

Extent of view to site The site abuts the field boundary, with views into the northern part of the site from gaps in the hedge and through the field gate.

Elements of the view The ground vegetation is visible with hedgerows and mature trees beyond.

Sensitivity High

Magnitude of change High

Significance of change **Substantial**

#### **VIEWPOINT 2 - Public Open Space off North Way**

Elevation 155m AOD

Distance 20m

Bearing to site West

Receptor Users of the Public Open Space, medium distance views from vehicles and residential dwellings off St Catherine's Way.

Extent of view to site The site abuts the boundary of the POS with partial views through the boundary hedgerow and trees.

Elements of the view Screening influenced by ground vegetation, mature hedgerow and trees.

Sensitivity High

Magnitude of change High

Significance of change **Substantial**

#### **VIEWPOINT 3 - Footpath D11**

Elevation 145m AOD

Distance 5m

Bearing to site North

Receptor Users on footpath traveling SE/NW, a 3m gap from a 350m stretch of footpath.

Extent of view to site View through gap in mature hedge, partial views into the site.

Elements of the view

Sensitivity

Magnitude of change

Significance of change

Screening effect of ground vegetation, mature trees and hedgerow to field boundary, edge of settlement forms the backdrop.

High

Medium

**Substantial/ Moderate**

#### **VIEWPOINT 4 - Footpath D7**

Elevation 155m AOD

Distance 300m

Bearing to site North

Receptor Users on footpath travelling SW/NE

Extent of view to site No view to site due to mature hedgerow and tree cover.

Elements of the view: Arable fields, mature trees and hedgerow, houses along A47 on horizon.

Sensitivity High

Magnitude of change

Significance of change

Negligible

**No change**

#### **VIEWPOINT 5 - Footpath D11**

Elevation 145m AOD

Distance 500m

Bearing to site East  
Receptor Users on footpath travelling E/W  
Extent of view to site Open medium distance views into part of the site  
Elements of the view Agricultural fields, mature trees and hedgerows, village fringe and church spire on horizon.  
Sensitivity Medium  
Magnitude of change Medium  
Significance of change **Moderate**.

**VIEWPOINT 6 - Footpath D12**

Elevation 155m AOD  
Distance 350m  
Bearing to site South  
Receptor Users on the footpath traveling N/S  
Extent of view to site Partial medium distance views into part of the site  
Elements of the view Agricultural fields, mature trees and hedgerows, village fringe and church spire on horizon.  
Sensitivity High  
Magnitude of change Medium  
Significance of change **Substantial/ Moderate**.

- 6.57 The LVIA concludes that the visual impact of the scheme is minimal and that the closer adjacent views to the site are modest.
- 6.58 The Council appointed The Landscape Partnership (TLP) to review the LVIA.
- Landscape character effects.
- 6.59 In terms of the effects on landscape character TLP agree with the LVIA that the extent of effects would be relatively localised and would be restricted to within 1 km to the west and north-west of the site.
- 6.60 In contrast to the LVIA, TLP consider the sensitivity of the local landscape character area within which the site is located is **Medium- High**. TLP consider that with a Moderate to High level of change at a local level this would result in a **Moderate to Substantial/Moderate** effect at Year 1 both on the site and immediate area. The effect on the wider area including much of the Leicester Fringes LCA and High Leicestershire-Central LCA is considered to be relatively modest. The relatively sloping nature of the site means that built form would be prominent in the southern field from the west and have an adverse effect on the existing character of the locality.
- Visual effects
- 6.61 In visual terms TLP agree with the overall findings of the LVIA (with the exception noted below) on the extent of views and in general the levels of effect and significance at Viewpoints 1-12. There would be no notable effects on Viewpoints 7-12 as these are essentially outside the visual envelope of the development.
- 6.62 TLP agree that there would be substantial effects from public Viewpoints 1 and 2 close to the eastern site boundary. TLP also agree that there would be a Substantial/Moderate effect from D12 to the west as illustrated by Viewpoint 6. However, TLP consider that the effect on Viewpoint 5 would be greater than assessed in the LVIA (Moderate) and there would rather be a Substantial effect particular at Year 1 due to the prominence of the southern

field in the view and the high sensitivity of the views from the public footpath. TLP have also identified that there would be views (at least to the north of the site) from the A47 albeit resulting in a Slight level of impact. The visual effects on some of the adjacent residential properties at North Way would be notable and locally significant due to the change in outlook and to a lesser extent on Freer Close and St Catharine's Way due to intervening vegetation and falling topography. However, with a suitable layout and scale it is considered that this interface could be acceptable in terms of residential amenity.

- Comments on the original scheme (71 dwellings)

6.63 TLP considered the submitted Illustrative Masterplan (V5a – original submission) generally provided a reasonable basis for a residential scheme on the site that is broadly appropriate to the site and its local context. However, further enhancements were required to: improve the interface to the western edge with the open space/countryside (and in views from the west towards the site and village), improve the visual links to the countryside from the existing open space off St Catharine's Way and clarification as to how hedgerows and trees will be retained within the development.

- Applicant's Response to TLP Review

6.64 Following comments in TLP's Review, the Applicant submitted additional documents, including a LVIA addendum; updated illustrative masterplan (reducing scheme up to 65 dwellings) and an amended site location plan (blue land added), in support of the application in relation to landscape and visual effects. These additional documents were reviewed by TLP.

6.65 The LVIA addendum includes an assessment of two additional viewpoints, from positions on the A47. The addendum considers the impact to be Moderate from Viewpoint 13 and Moderate-Slight from Viewpoint 14. TLP agree with these judgements

6.66 A number of features were included in the revised masterplan as shown on Drawing V6a (April 2016). These included:

1) New 'view slot' to the west created by the removal of five units to the southern boundary. TLP consider this is a net benefit to the scheme as a view to the countryside would be retained albeit framed by housing to the north. The character of the wider view from the open space at St Catharines Way would still be affected by the new development but a modest retention of the countryside view to the west is a net improvement over the original scheme. The additional gap of open space would also allow the retention and safeguard the boundary vegetation without overshadowing of the closest properties in the proposed development.

2) A copse is added to the north-west corner near the stream. TLP consider this is a net benefit and will in the medium to long term help to soften views from the west of the public footpath D11 and advise fast growing species (willow or poplar) would be appropriate in this location.

3) A new hedge with trees is indicated to the north of the proposed housing partially along the line of the red line. TLP welcome this, however, they are still not clear how the remaining area of land to the north within the blue line will be managed. Officer Note: A landscape management plan can be requested by way of condition.

4) Additional planting of 'parkland' trees to the west of the red line. This is outside the red line but within the blue line. TLP consider this will assist in the integration of the proposed scheme. However TLP recommend that this area should be included as part of the public open space within the scheme to ensure access to the public footpath to the west of the blue line.

6.67 In summary TLP considered:

*"Significant visual effects would occur from public Viewpoint 2 and some of the adjacent properties that back onto the site and also from Viewpoints 5 and 6 to the west of the site on local rights of way in the short term. These effects could in time also be reduced with a robust and substantive mitigation scheme that could be included as part of a detailed submission.*

*The availability of the blue land for additional planting and mitigation as part of the application is very important to mitigate the proposals. While there will still be a significant visual effect in the short term TLP consider that with the space available within the blue land and red line that the proposals could be moderated to a satisfactory degree in the medium to long term with a suitable landscape scheme.*

*The creation of a 'View slot' to the southern boundary to the countryside is a benefit along with the previous extension of the open space on St Catharine's Way into the development. There will be a change in outlook from this open space but other areas will become available on the remainder of the red line and blue line to the wider countryside*

*The scheme would not have such an adverse impact on the skyline, entrance to the village or setting of the Conservation Area compared with the Stretton Road site recently dismissed on appeal"*

6.68 Although, landscaping is a reserved matter, the case officer considered it necessary for the Applicant to demonstrate that successful mitigation could be achieved. The Applicant submitted a visual representation of the site when seen from Viewpoint 5, 10 years after development (**Figure 8**).

6.69 The visual was modelled based on the OS data available at 1:25,000 scale, using a generic house 8.5m to the ridge placed onto a ground plane laid over known contours. It does not allow for cut and fill works. All trees are assumed to be planted at 2.5m high and anticipated to be 8.5m high after 10 years, based on the typical growth of the Common Oak, one of the more slower growing native trees. The model was fitted into the existing photo by reference to fixed datums around the site linked to the model wire frame.



Existing view towards the village from the public footpath west of the village



View towards the village from the public footpath 10 years after planting.

Parkland tree planting to the south within open meadow with new hedgerow and hedgerow trees developing a visual foil to the western edge of the new houses.  
Based on a typical ridge height of 8.5m

Viewpoint 5

Visual impression 10 years after planting

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### Figure 8: Visual Impression 10 years after planting

6.70 As can be seen from **Figure 8** the proposed development would not break the village skyline and the views to the church spire would not be interrupted. However, the case officer was concerned the visual showed a significant amount of roof with steeper roof pitches visible. While the pitch is not in itself a problem it does increase the massing and impact of the scheme to a degree from this view, with the effects more so in the winter.

6.71 *The Applicant was also asked for a representative view from the public open space at St Catherine's way (viewpoint 2). However, they did not feel that it would be informative. "The effect of the development in that view may alter significantly depending upon whether a viewpoint is taken at the outer edge of the existing open space, from further within it, or from St Catharine's Way itself"*

- Houghton on the Hill Landscape Capacity Study

6.72 This document was not published at the time of the reports of the application site produced by TLP in March and April 2016. In relation to the now published document the importance of the views from Parcel 8 and the open space on St Catharines Way is emphasised as follows:

*'There are public views from the adjacent area of open space off St. Catharine's Way. .... The most accessible public views of the Parcel are from the existing area open land south-east of the Parcel, the public footpaths further to the west and in views from the A47 road to the north. The view from the open space is important as it provides one of few visual links from within the village to the wider rural landscape.'*



- **Important views to be retained**  
There are important local views from the open land on St Catharine's Way into the surrounding countryside. This provides a connection to the rural landscape to the west. There are also reciprocal views from the public footpath to the west of the village where the sloping field forms a notable feature leading up to the vegetated horizon and landmark of St Catharine's church spire on skyline. From these views the Parcel plays a relatively important role in the setting of the village.
- **Additional planting**  
 Additional planting should include the enhancement of existing hedgerows together with additional planting running along the contours to provide internal subdivision of any potential development.
- **Development layout**  
 The development should be in keeping with the character of the village with building densities similar to those in the surrounding residential areas allowing space for internal landscape features. .... Pedestrian access should also connect the Parcel to the existing area of open space off St Catharine's Way. The visual links into and out of the village at St Catharine's Way should be retained.
- **Open space provision and green infrastructure**  
Open space provision should focus on the area adjacent to the existing open land off St Catharine's Way and also on the lower slopes to the west towards the stream corridor where it is likely that surface water drainage features would be required.

- 6.73 In the context of the above published capacity study it can be seen that the proposed layout (Amendment A 65 dwellings) did meet some of the recommendations for mitigation measures. However, even with the two views from the open space the character would change significantly – as accepted in the Applicant's LVIA. The one view to the north west is contained by housing and the second view to the west is relatively narrow.
- 6.74 To notably reduce this effect, TLP advised the development would need to be pulled back further from the southern part of the site to create a wider and stronger link with the countryside.
- 6.75 The Applicant was asked that consideration be given to reducing the spatial extent of the housing in order to maintain the existing view westwards from the public open space at St Catherine's Way, and conversely the impact upon the views towards this part of the village from the west. To address the concerns raised the scheme has been further amended.
- 6.76 The reduction in the redline application area to exclude much of the southern field is a notable improvement by allowing for a wider extent of the views to the open countryside from the open space on St Catherine's Way to be retained. An area of new open space and a pedestrian link is still provided which is also a benefit. The change to the layout in TLPs opinion "sufficiently reflects the findings and guidelines in the 2016 Houghton on the Hill Capacity Study for Parcel 8 to retain the important view while still allowing some development on the parcel"
- 6.77 The revised visual impression from viewpoint 5 at year 10 (See **Figure 9**)



Existing view towards the village from the public footpath west of the village



View towards the village from the public footpath 10 years after planting.

Open field retained to the south, new hedgerow and hedgerow trees defining the new open space at the top of the slope.  
Based on a typical ridge height of 8.5m

Viewpoint 5

Visual impression 10 years after planting

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**Figure 9: Amended Visual Impression 10 years after planting**

6.78 As can be seen from Figure 9, the majority of the sloping field that contributes to the setting of Houghton on the Hill is retained in its existing form. This is a notable improvement. The proposed housing will be seen to the edge of the field initially and in the winter but with the revised extent of the developed site and landscape proposals would help assimilate the development to an acceptable level from the wider views .

○ Conclusion on Landscape

6.79 A development of 48 units would result in the loss of 2 1/2 fields, including the loss of ridge and furrow (a matter which is discussed in further detail in the 'Heritage' section below). The sloping nature of the topography, together with the existing substantial hedgerows on the boundaries would contain most views. The latest amendment has reduced the impact from Viewpoint 5 and from the wider views. Boundary hedges are largely retained but there would be loss internally at road access points, and pressure for change where hedges are within rear gardens. However the loss is small and can be mitigated through enhancements to those hedges to be retained and by placing a condition /covenant on the hedges within individual plots at reserved matters.

6.80 The southern part of the site (within the blue line boundary) is free from built development to retain the view towards St Catharine's Church, which is a noticeable landmark from the west and in particular from Footpath's D11 and D12. The landscape mitigation to the western part of the site is therefore critical to achieve successful integration of a scheme. The mitigation includes, a new native hedgerow, together with a copse of trees and parkland. Furthermore, the Applicant has agreed to an advanced planting scheme which can be secured by way of condition.

6.81 The open space on St Catherine's Way provides a public view out to the rural landscape and the illustrative layout has been adjusted to retain these views.

- 6.82 The effect of the development from private locations close to viewpoint 1 and with a view of the site would be substantial and for this reason, bungalows are indicated along the majority of the eastern boundary (again a matter which is discussed in further detail in the 'Residential Amenity' section below).
- 6.83 The proposed development is considered to be acceptable in landscape terms subject to conditions requiring the Applicant to undertake advanced planting along the western boundary in particular before any construction works begin and the submission of a landscape management plan.

## **Design**

- 6.84 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.85 CS2(b) advises all housing development should be of the highest design standard (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.
- 6.86 Design (layout and appearance) is not a matter which is currently for consideration. Notwithstanding this, a proposed indicative masterplan (updated), as illustrated below, has been prepared, which together with the Design and Access Statement (DAS) (and subsequent Addendum) demonstrates how the site could be developed. It should be noted it does not preclude alternative layouts as part of a subsequent reserved matters or detailed planning application, providing the underlying principles established in the DAS are satisfied.



**Figure 10: June 2016 Illustrative Masterplan**

6.87 The illustrative masterplan and supporting information demonstrate:

- A residential development comprising up to 48 dwellings on a site area of 3.4ha (excluding POS and SUDs) which equates to a density of 20 dwellings per hectare.
- The site will be accessed from Winckley Close through the continuation of the existing highway. This will be the principal vehicular / pedestrian access.
- Bungalows along some of eastern boundary
- Lower density properties along the western boundary
- A new public open space designed as an extension of the existing one on St Catherine's Way; with proposed tree planting along the edge of the open space and the residential road
- The provision of a new pedestrian link onto St Catherine's Green to encourage sustainable links to the village centre to the east, including the primary school to the south east and bus stops on St Catharines Way
- Dwellings would be designed with privacy strips / gardens to the front (various depths) parking to side or front and rear gardens of various sizes/depths – Note: Parking should wherever possible be to the side of the properties rather than to the front to minimise the visual impact of cars particularly as seen from further afield to the west and from the open space area off St Catharines Way
- Dwellings arranged in small groups, in pairs or individually.

- Development restricted to 2 storeys in height across the majority of the site but with two and half storey as potential feature buildings in the street scene;
- Lower density development on the outer edges of the site to reduce visual impact from the west e.g. detached or semi-detached dwellings.
- The DAS identifies three different character types, Traditional, Modern and Traditional Interpretation. The DAS encourages future designers to look to the Traditional character of the settlement as seen around Main Street and Scotland Lane for inspiration in future style and built form – Case officer considers this appropriate for this site.
- The retention of existing hedgerows and trees, except where required to be removed to facilitate access
- Attenuation ponds, with wetland meadow grass, as apart of a strategy for sustainable urban drainage.
- Provision of a woodland copse and a new native hedge outside of the red line application boundary but within the blue line boundary and therefore controlled by the applicant. Furthermore, leaving the blue land free from built development would preserve the view towards St Catherine's Church from the west across and maintain the landscape setting.
- A 12.2m wide 'easement' corridor along the alignment of the strategic gas main (Stretton Lane to Potter Hill). This corridor could be enhanced into a 'green' route.

○ Housing Mix and Density

6.89 The housing mix is currently unknown but will include a mix of dwelling types and tenures in accordance with the SHMA 2014. In accordance with Policy CS3, 40% of the development is proposed to be offered as affordable housing. This equates to 19 dwellings.

6.90 The indicative masterplan seeks to make efficient, effective use of land and offers a design which has been driven by the characteristics of both the site itself and the village. The proposed quantum equates to an average residential density of approximately 25 dwellings per net developable area (NB: Net calculations exclude public open space and SUDs features). Mindful of the above, it is judged that the proposed lower density is appropriate for this site.

○ Public Open Space and Green Infrastructure

6.91 As mentioned previously, the indicative masterplan includes provision for an extended Green adjacent to St Catherine's Green. Informal open space and groups of semi natural space to the south and west of the development is also proposed within the red line boundary with additional green infrastructure in the blue line.

6.92 The overall amount of Public Open Space has been designed in accordance with Policy CS8.

6.93 The illustrative masterplan provides a good indication of how the development may proceed on site.

## Ecology

- 6.94 An Extended Phase 1 Habitat Survey (prepared by REC) accompanied the application.
- Statutory and Non-Statutory Designated Sites
- 6.95 The Survey confirms there are no statutory designated sites within 1km of the proposed development site. Consultation with Leicestershire & Rutland Environmental Records Centre identified one non statutory designated site for nature conservation within 1 km of the site boundary ( Bushby Spinney (Local Wildlife Site).
- Biodiversity Action Plans
- 6.96 A search of Defra's Magic Map Website identified many areas of UKBAP habitat. Of note were two areas of Deciduous Woodland BAP Priority Habitat to the west (including Bushby Spinney as identified above). Other areas of woodland BAP habitat are situated beyond 1km to the north. A traditional orchard BAP habitat feature is situated to the east of Houghton on the Hill, 1.5km from the proposed development site.
- Habitats
- 6.97 The main habitats identified with the three field parcels were:
- 1) Grasslands - the western and central field parcels were improved grassland and the eastern field was an area of poor semi-improved grassland)
  - 2) Hedgerows and Trees - The boundary hedgerows tend to be species poor but are all UK BAP priority habitats.
  - 3) Waterbodies - A fast flowing, narrow stream flowed west along the northern boundary; a dry ditch; a ditch dry at the southern end but had low flow in the northern section and was discharging into the stream; nearest pond was situated approximately 80m to the west, across the area of improved field outside of the application site and beyond a hedge. The pond was situated on the boundary of a large arable field.
- 6.98 Small sections of hedgerow removal is required ( to facilitate access provisions), it is recommended that this is used as an opportunity to enhance the retained sections. Enhancements could include gapping-up to increase species richness and improved management practices to promote taller and bushier growth. It is also recommended that the development proposals retain the mature trees situated within these hedgerows.
- 6.99 The illustrative masterplan shows retention of hedges. However, many of these are retained in private rear gardens and the ability to ensure they are retained in the long term is difficult to guarantee as there would be pressure for lopping and cutting back which would weaken their integrity and ecological value. The Applicant has proposed to safeguard these hedges via a covenant.
- Protected Species
- Amphibians*
- 6.100 The terrestrial habitats within the site have some suitability for amphibians but this was restricted to the boundary hedges and central hedge feature. The site did not contain any

significant waterbodies that could provide suitable conditions for breeding amphibians and there were no such features in close proximity to the proposed development site.

- 6.101 A pond (P1) was situated to the west, across short grassland, situated on the boundary of an arable field. The pond was approximately 80m for the proposed development site. An amphibian survey of P1 was undertaken in spring 2015 (in a separate study undertaken by FPCR) and it was confirmed that the pond supported no populations of great crested newt. As such, there will be no impact on this group.

#### *Avifauna*

- 6.102 During the site survey, a few common and widespread bird species were identified. Of note was occasional house sparrow, bullfinch and dunnock associated within the hedgerows. The site's boundary hedgerows could support a range of nesting species during the breeding season, thus, it is recommended that any vegetation removal is undertaken outside of the breeding bird season (March to September inclusive).

#### *Badger*

- 6.103 During the site survey no setts (used or disused) were identified and no other burrowing mammal evidence (e.g. rabbits) was apparent on site. A mammal trail was evident along the southern boundary, entering H3 and included a badger print. A mammal trail at the northern end of hedgerow (H3), crossing the stream was also evident but no discernible prints were observed. It was considered that badgers forage in the locality and there were no barriers to prevent badgers foraging or travelling across the site. A distant main sett was encountered during the survey. The sett was considered to be a main breeding sett with at least ten active entrances, fresh latrines, prints and spoil. The sett was beyond 150m of the proposed development site.
- 6.104 Badgers can quickly establish setts and it is thus recommended that an updated survey of the site for badger setts is undertaken within 6 months of any site development works commencing (including site preparation works such as soil stripping). If an active sett(s) is found to be present within or near to (within 20m), it is recommended that an appropriate mitigation strategy is prepared and implemented. This may include the licenced closure of the sett(s).

#### *Bats*

- 6.105 During the survey a visual assessment of all trees and buildings within and adjacent to the site was undertaken to determine their potential to support bat roosts. No trees were assessed as having Category 1 bat roosting potential. Eleven trees were assessed as having Category 2 bat roosting potential. A number of the trees were ivy clad and although no obvious bat roosting potential was noted, the ivy supported some features which may have limited potential for use by bats. The trees tended to be of an age and size that elevated surveys may result in cracks or crevices being found. All other trees assessed during the survey were classified as having Category 3 bat roosting potential (i.e. trees with no potential to support bats).
- 6.106 The majority of the habitats within the site were suboptimal in terms of foraging as they included managed grasslands and lacked complex features such as varied grass swards and wetland areas. The hedgerow features were relatively short sections of an extensive hedgerow network in the locality considered unlikely to support high number of foraging bat species. It is considered more likely that the greater function of the site is to facilitate commuting along the hedgerows, particularly H1 and H4 along the stream corridor.
- 6.107 It is considered that impacts to bats can be avoided through the retention and enhancement of the boundary hedgerows and trees. In the event that development requires the loss of



any of the Category 2 bat roosting potential trees it is recommended that felling is conducted under Reasonable Avoidance Measures, which include a soft fell approach.

- 6.108 The main body of the site is of low ecological value and thus development provides the opportunity to significantly enhance the sites biodiversity.
- 6.109 County Ecology reviewed the Extended Phase 1 Habitat Survey and placed a Holding Objection on the application, pending the results of further ecological surveys and the production of mitigation strategies.
- 6.110 A GCN mitigation strategy and Habitat Survey were sent directly to County Ecology on 26<sup>th</sup> February 2016. They accepted the GCN mitigation strategy, provided that the recommendations outlined were incorporated into the layout.
- 6.111 With regard to the habitat survey, they maintained their recommendation that an additional survey should be completed at the optimal time of year (between late March and mid-October). This additional survey has been undertaken and the survey report concludes that the indicators are all common and widespread species, and with the exception of meadow buttercup, are all at relatively low frequency. None of the field parcels at the site meet the grassland Local Wildlife Sites selection criteria.
- 6.112 County ecology confirmed (May 2016) they were satisfied with the updated botanical survey (REC, April 2016)
- 6.113 Therefore, subject to Conditions the proposal is judged to accord with Policy CS8 and CS11 in terms of ecological considerations

## **Forestry**

- 6.114 A tree survey was undertaken by FPCR in January 2015. A total of thirty two individual trees, nine groups of trees and three hedgerows were surveyed as part of the arboricultural assessment.
- 6.115 The species of individual trees identified were; Sycamore, Ash, Silver Birch and Whitebeam. The species of trees in groups identified were; Ash, Hawthorn, Elder, Willow, Silver Birch, Crab Apple and Blackthorn. Hedgerow species identified were Ash, Hawthorn and Beech.
- 6.116 Of the individual trees surveyed 71% were in Category C (Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm). 24% were in Category B (Trees of moderate quality with an estimated remaining life expectancy of at least 20 years). 5% were Category U (Trees in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years). A mature ash tree situated to the south of the site (T26) was considered to fall within Category A (Trees of High Quality / Value)
- 6.117 No significant tree loss will be required to facilitate the proposed development. The removal of a low quality tree group (TG5) will be required to facilitate the access road. To facilitate the proposed primary access roads throughout the site will require the removal of small sections of tree cover within TG2 and TG4, generally considered low quality and the loss of this can be replaced with new tree planting as part of the supporting landscaping scheme for the development. The removal of T18 is required to facilitate plot 3 as the position of the residential plot significantly encroaches upon the RPA of this tree.
- 6.118 It will be necessary to pay close attention to the layouts of the residential parcels at the detailed design stage to ensure root protection areas of those trees selected for retention



can be fully accommodated. The existing trees on site, situated around the field boundaries, are to be retained and incorporated into the proposals within landscape buffer strips.

- 6.119 County Forestry have confirmed that in terms of 'Means of Access', there would appear to be no arboricultural reason to refuse the proposed access – no trees of any significance would have to be removed. There is a small mature tree on the frontage of no.9 which would have to be avoided by any construction.
- 6.120 As the application is outline only, County Forestry have also advised it should be perfectly possible to accommodate the recommended RPA of retained trees (giving a good working space outside the protective fencing for site operation, scaffolding, etc.) as well as beyond any shade arcs of larger trees, to avoid future pressure to fell or heavily prune. They have advised changes in levels should also be avoided near any of the retained trees' RPAs. It is generally desirable for successful future tree retention for large trees to be accommodated on open spaces and 'greenways' rather than in private gardens.

### **Flooding and Drainage**

- 6.121 A Flood Risk Assessment (FRA) prepared by jpp consulting accompanied the application.
- 6.122 Policy CS10 (Addressing Flood Risk) states that development will be directed towards areas at the lowest probability of flooding within the District, with priority given to land within Flood Zone 1. The EA flood map shows the site is located within Flood Zone 1, and so is considered suitable for residential development

- Proposed Surface Water Drainage

- 6.123 Surface water drainage is proposed to discharge into the Bushby Brook along the site's north western boundary and will be attenuated to a Qbar greenfield runoff rate of 5.4 l/s via a vortex flow control device. To achieve this surface water will be attenuated via a detention basin in the north-west corner to accommodate a 1 in 100 year event plus an allowance of 30% for climate change.

The LLFA has confirmed that a connection based on greenfield run-off rates is acceptable in principle; however Land Drainage consent will be required once detailed proposals have been designed. Other sustainable methods of attenuation (SUDS) are incorporated into the proposals, namely an attenuation pond and swales.

- Proposed Foul Water Drainage

- 6.124 Foul water drainage is proposed to discharge to Severn Trent Water's existing sewer network. There are two foul water sewers in very close proximity. Severn Trent Water have confirmed that they have capacity for the additional foul flows from the proposed development.

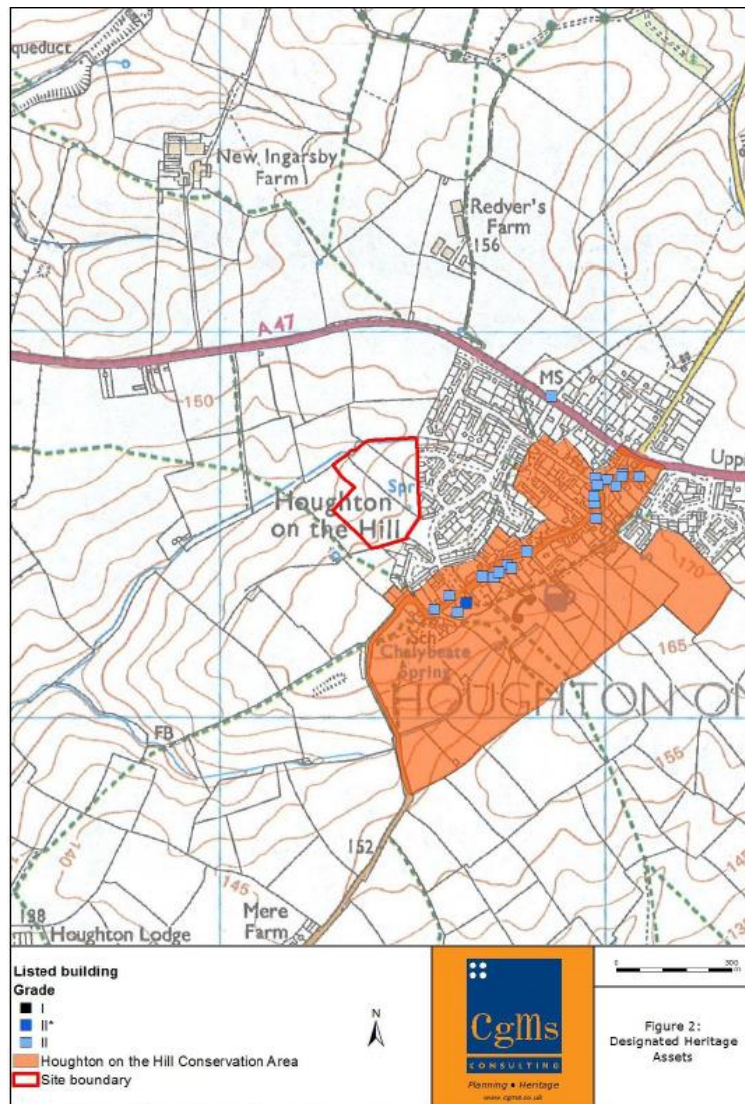
- 6.125 The proposals including the FRA have been considered by Leicestershire County Council as Lead Local Flood Authority and subject to planning conditions, no objections have been raised to the development. Therefore, the proposals are judged to accord with Policy CS10 in respect of flooding and drainage considerations

### **Loss of agricultural land**

- 6.126 The applicant's commissioned Reading Agricultural Consultants Ltd to investigate the Agricultural Land Classification (ALC) and soil resources to assess whether the site falls within 'best and most versatile (Grade 3a or above).
- 6.127 The report concludes that the application site is grade 3b (not best and most versatile) but long term improvement through removal of the ridge and furrow could produce 3a grading.
- 6.128 The development would not therefore result in the loss of best and most versatile agricultural land and as such the proposed development would not be contrary to The Framework Para 112.

## Heritage

- 6.129 An Archaeological Desk-Based Assessment (DBA) was submitted with the application.
- Designated Heritage Assets
- 6.130 There are no designated heritage assets (Listed Buildings, Scheduled Monuments, Conservation Areas, Registered Battlefields or Parks and Gardens) on the site.
- 6.131 The nearest Listed Buildings to the site are Manor Farm and The Church of St Catherine on Main Street, Houghton on the Hill, they are respectively 235m and 200ms from the site. The Houghton on the Hill Conservation Area covers the older core of the village from the A47 Uppingham Road south along Main Street. This area is 200ms distant from the application site (see **Figure 11**)
- 6.132 The site is detached from the designated Houghton on the Hill Conservation Area, with existing post-war estate development lying between. The development will not therefore have an impact upon this designated heritage asset.



**Figure 11: Designated Heritage Assets**

- Non-Designated Heritage Assets and other archaeological monuments

- 6.133 There was low to moderate potential for as yet to be discovered remains of pre-historic and Roman origin and low for all other periods. The assessment identified that there was a concentration of Roman find spots to the south.
- 6.134 The site visit conducted as part of the DBA identified ridge and furrow in the southern fields of the site. The assessment concludes the ridge and furrow is not exceptionally well preserved, does not form part of a more complex system of earthworks, nor is it complete.
- 6.135 In terms of the heritage significance of ridge and furrow, the DBA says:

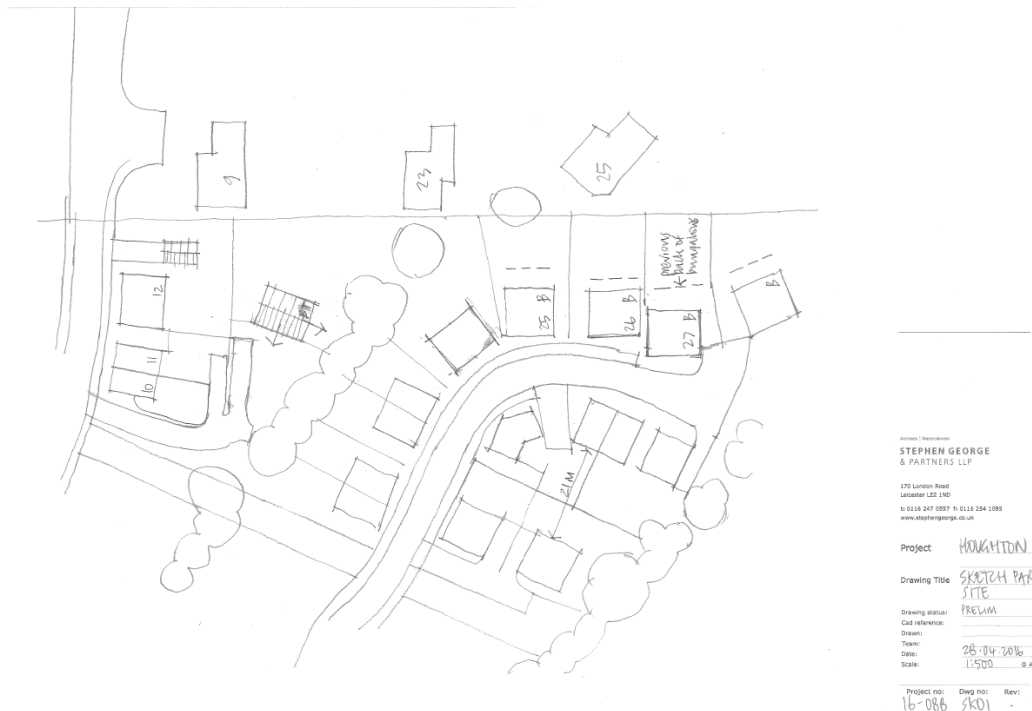
*"It is not an unusual survival in the locality and is part of once extensive and now eroded set of landscape features that has some visual appeal but which, unlike most significant earthworks, contains within its own matrix little or nothing of archaeological interest. As such it is difficult to assess it as being of anything other than of local importance. Furthermore, the study site does not form part of the setting of any designated heritage asset in the wider*

*vicinity and therefore the ridge and furrow cannot be considered to contribute to the significance of any designated heritage assets”.*

- 6.136 A geophysical survey (MOLA, 2015) of the development area identified a number of possible anomalies of archaeological interest which may have represented elements of an Iron Age or Roman enclosure. However, interpretation of the results was hindered by intense magnetic interference from a gas pipe which crosses the site from north-east to south-west.
- 6.137 Further archaeological investigation in the form of trial trenching has been undertaken. Ten trial trenches were excavated in accordance with an approved Written Scheme of Investigation. No features of archaeological significance were encountered during the course of the evaluation.
- 6.138 County Archaeology have advised the proposals, whilst unlikely to impact upon significant buried archaeological deposits, are likely to have a detrimental impact upon well preserved ridge and furrow earthworks. This is considered to result in less than substantial harm as outlined in Para 134 of the Framework and therefore weighs against the scheme. However, on balance, due to the isolated character and relatively lack of complexity of this particular group of earthworks, they consider their loss can be off-set to an acceptable extent by the preparation of an appropriate record (e.g. LiDAR topographic survey) and also recommend that future development of the site preserve as much evidence as possible of the earthworks within the green/open space landscaping. Therefore, the harm identified is considered to be outweighed by the proposed mitigation and the public benefits, which in this case the provision of 48 dwellings of which 19 will be affordable.

#### **Residential Amenity**

- 6.139 Core Principle 4 of the Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings and this is also reflected in CS Policy CS11.
- 6.140 As layout, scale and external appearance of the proposed development is a Reserved Matter, it is not possible to provide a detailed assessment on whether or not the amenity of existing residential areas/properties located adjacent to or within close proximity will be affected in terms of loss of light (overshadowing), Loss of privacy (overlooking) or over dominant or overbearing structure
- 6.141 At the request of local residents, the case officer visited several properties on 14<sup>th</sup> March 2016 to assess the impact of the development. It was apparent from this site visit that the outlook from these and other affected properties would alter significantly with built development replacing open aspect. The case officer has sympathy with these residents, however, the planning system does not exist to protect private views. The fact that a development would be visible from existing dwellings is not an indication of harm. Furthermore, the illustrative masterplan indicates single storey dwellings (bungalows) on the eastern edge of the site (adjacent to existing development) to reduce the impact and potential for overlooking / visual intrusion and further supporting information has been provided (through a sketch layout) to illustrate that the development could be accommodated which could comply with the Council's design guidance policy. See **Figure 12**



**Figure 12: Sketch Layout**

6.142 During construction there would be some adverse impacts on residential amenity. However, a planning condition requiring a Construction Environmental Management Plan to be approved and implemented could be imposed on any grant of planning consent to limit the disturbance and inconvenience that may arise when building works are undertaken. In addition to planning controls, the Environmental Protection Act provides a variety of safeguards in respect of noise, air and light pollution.

## 12. Other Matters

### ○ Gas Pipeline

6.143 As is illustrated in **Figure 13**, the Site is within close proximity to a High-Pressure Gas Pipeline. National Grid has no objection to the principle of the proposal, but has advised that separate approval will be required from National Grid prior to any development commencing.

6.144 In addition to National Grid, the Health and Safety Executive does not advise, on safety grounds, against the granting of planning permission.



**Figure 13: Location of Gas Pipeline (source National Grid)**

- Ownership of St Catherine's Green

6.145 The illustrative masterplan includes a new off-site pedestrian/cycle route between the south end of the development and St. Catherine's Way, across the open space of St Catherine's Green. The Green is owned by HDC. Whilst land ownership is not a planning matter, sustainable links to key facilities are a material consideration. The Council's Asset's Manager has advised a right of access may be available subject to negotiation with the current or future owner. Given that the footpath/cycle link is required to encourage trips within the village, including to the primary school, to be made by sustainable modes, it is recommended that an obligation should be entered into, to make available a route across this land.

- Stretton Lane Appeal Decision

6.146 The appeal decision was issued on 22 March 2016. The proposal was for the erection of up to 32 dwellings on land to the south of Stretton Lane: an area to the south of the application site. Whilst each application should be determined on its individual merits, the appeal decision is a relevant material consideration.

6.147 The Case Officer would contend there are differences between the appeal site and the application site in the following important respects.

1. The appeal site was "prominently located on a plateau ridge and upper valley slope and is elevated in relation to the surrounding undulating countryside and if approved

would be “exposed on the skyline where it would be seen as a noticeable expansion of the extent of the village” (para 18 & 25 of the Inspector’s decision respectively)

2. The appeal site directly adjoins the Conservation Area
3. A public footpath passes directly through the appeal site.
4. The application site would not have an adverse impact on the skyline, entrance to the village or setting of the Conservation Area.

6.148 The Case Officer would contend that it is clearly not the case that because the Stretton Lane appeal was dismissed, so should the current application. It is for the Committee to weigh the planning balance between the application proposal’s benefits and its adverse effects.

- Separation of Settlements

6.149 Concerns have been raised that the development would make ‘*a substantial inroad into current separation area between Houghton and Bushby*’. It should be noted the land between Houghton and Bushby is not designated as an ‘Area of Separation’. Notwithstanding this, Officers do not consider the development which would be 2km from the eastern edge of the associated built up area of Bushby would result in a significant reduction in the land between Houghton on the Hill and Bushby.

- Recent Housing Approvals

6.150 Reference has been made by the local community and the parish council with regards to the recent approvals of residential development along Uppingham Road, Houghton in the Hill (15/01975/OUT (70 dwellings) & 13/01641/OUT (16 dwellings)).

6.151 The Case Officer acknowledge these recent housing commitments for the village; however as previously referred to earlier within this report; the Council can not demonstrate a five year land supply and in the absence of up to date housing polices, decision makers are required to determine the proposal in line with the presumption of sustainable development (Para 14 The Framework)

6.152 Furthermore, whilst the distribution of growth within the District and the level of that growth is a matter that will be determined through the emerging local plan, it is very clear that whatever growth strategy is adopted, Houghton on the Hill, as a sustainable settlement, (which is likely to be upgraded from a Selected Rural Village to a Rural Centre) will need to accommodate further housing growth beyond that already committed.

- Neighbourhood Plan Status

6.153 Concern has ben expressed that the application is pre-empting the outcome of the Neighbourhood Plan. Whilst Officers acknowledge the work that the community has undertaken so far, the Plan has not been formally submitted to the Council for consultation. Accordingly, no weight can be attributed to this Plan.



- Leicester Airport

6.154 Leicester Airport has objected to the application (on the same grounds as per Stretton Lane); whilst these concerns are noted, the Inspector agreed with the Council that that “adequate living conditions could be provided for the future occupiers of the proposed houses in relation to noise from Leicester Airport”(para 34 of the decision notice) on Stretton Lane did not comment on these concerns; furthermore, the CAA has been advised of the recommendation to approve the application and have made no comment.

### Planning Obligations

6.155 Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism for securing benefits to militate against the impacts of development.

6.156 Those benefits can compromise, for example, monetary contributions (towards public open space or education, amongst others), the provision of affordable housing, on site provision of public open space / play area and other works or benefit's that meet the three legal tests.

6.157 Planning obligations must be:

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development

6.110 These legal tests are also set out as policy tests in paragraph 204 of the Framework.

6.158 Policy CS12 provides that new development will be required to provide the necessary infrastructure which will arise as a result of the proposal. More detailed guidance on the level of contributions is set out in The Planning Obligations Developer Guidance Note, 2009 and Leicestershire Developer Guidance Note 2014.

6.159 **Appendix A** identifies the developer contribution sought by consultees, an assessment as to whether the requests are CIL compliant and a suggested trigger point to advise when the contribution should be made.

6.160 Officers consider that all requests are CIL Regulation 122 and 123 compliant.

### Conclusion / Planning Balance

7.1 The Framework requires LPAs to grant planning permission for sustainable development. Para.7 states: “There are three dimensions to sustainable development: economic, social and environmental”.

7.2 In social terms, the development would increase the supply and choice of housing including affordable housing in line with Objectively Assessed Housing Need in an area where there is not a Framework compliant supply of housing land. The development would contribute to evidence-based social and environmental infrastructure needs in the locality.

7.3 The development would also contribute towards economic growth during the construction period in terms of employment. In the longer term the additional population would be likely to increase spending, for instance in the local shops and help support the range of other local services including the local bus service which would help maintain their viability.



- 7.4 The site is located on the edge of a sustainable settlement, within a reasonable walking/cycling distance to the village centre which contains facilities and services.
- 7.5 The development, through loss of this greenfield land would result in limited and localised harm to the intrinsic character and beauty of the countryside. This harm can be reduced in time through robust landscape mitigation and off set by improvements to biodiversity.
- 7.6 The development will result in less than substantial harm to a non designated heritage asset -ridge and furrow-, but this harm is outweighed by the proposed mitigation, retention of some within open space and the public benefit of the proposal, housing development.
- 7.7 Good design is a key aspect of sustainable development; whilst layout and appearance are reserved matters, the illustrative masterplan and supporting information indicate a high quality design could be developed that respect the rural setting of the village and safeguard the amenity of existing residents.
- 7.8 Statutory consultees are satisfied that the development will not adversely affect highway safety, ecological or archaeological interests or result in increased flood risk.
- 7.9 The proposal is judged to represent sustainable development in accordance with the Framework. There are no adverse impacts which would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole and therefore in accordance with para 14 of The Framework, the application should be approved without delay.

## **8. Recommended Planning Conditions**

- 8.1 If Members are minded to approved the application a list of suggested conditions is attached to **Appendix B**

## Appendix A – Planning Obligations – Based on 48 Dwellings (16/00037/OUT)

Request By	Obligation	Amount /Detail	Delivery	CIL Justification	Policy Basis
LCC	Education	<p>Primary School Sector Requirement £</p> <p>High School Sector Requirement £</p> <p>Upper School Sector Requirement £</p>	To be agreed	<p>The site falls within the catchment area of Houghton on the Hill C of E Primary School. The School has a net capacity of 180 and 200 pupils are projected on the roll should this development proceed; a deficit of 20 places after taking into account the 14 places generated by this development. . A total of 6 pupil places are included in the forecast for this school being funded from S106 agreements for other developments in this area and have to be discounted. This reduces the total deficit for this school to 14 pupil places.</p> <p>The 14 places generated by this development cannot therefore be accommodated at nearby schools and a claim for an education contribution of 14 pupil places in the primary sector is justified.</p> <p>This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Houghton on the Hill C of E Primary School.</p>	<p>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule),</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014</p> <p>The Framework 2012: which seeks to “deliver sufficient community and cultural facilities and services to meet local needs”.</p>

				<p>This site falls within the catchment area of Oadby Gartree High School. The School has a net capacity of 793 and 890 pupils are projected on roll should this development proceed; a deficit of 97 pupil places. A total of 88 pupil places are included in the forecast for this school being funded from S106 agreements for other developments in this area and have to be discounted. This reduces the total deficit for this school to 9 pupil places.</p> <p>There are no other high schools within a three mile walking distance of the site.</p> <p>The 9 places generated by this development cannot therefore be accommodated at nearby schools and a claim for an education contribution of 9 pupil places in the high school sector is justified.</p> <p>This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Oadby Gartree High School.</p> <p>This site falls within the catchment area of The Beauchamp College. The</p>	
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				<p>College has a net capacity of 2109 and 2401 pupils are projected on roll should this development proceed; a deficit of 292 pupil places. A total of 93 pupil places are being funded at this college from S106 agreements for other developments in this area which need to be discounted and reduces the total deficit for this college to 199 (of which 192 are existing and 7 are created by this development). There are no other upper schools within a three mile walking distance of the site. A claim for an education contribution in this sector is therefore justified</p> <p>This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at The Beauchamp College.</p>	
LCC	Highways		To be agreed	<p>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.</p> <p>Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (LCC may be able to supply</p>	<p>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule),</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014.</p> <p>Leicestershire County Council Transport Plan 3</p> <p>The Framework 2012 Para 35</p>

				<p>these at the developers' cost).</p> <p>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 area (LCC may be able to supply these at the developers' cost).</p> <p>Contribution towards equipping the nearest bus stop(s) with Real Time Information (RTI) system; to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift.</p>	
LCC	Monitoring Fee	County contribution 0.5% of contributions or £250 per contribution		<p>It is appropriate for the Council to recover costs associated with the negotiating, production and subsequent monitoring of developer contributions. This covers the legal costs of creating agreements, any costs associated with obtaining independent or specialist advice to validate aspects of the contributions</p>	<p>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule),</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014.</p>

				and the costs of monitoring the payment and implementation of schemes and funding.	
HDC	Affordable Housing	40% of the total number of units to be affordable	To be agreed	<p>A fundamental objective of the CS is to meet to meet the need for affordable housing (CS Strategic Objective 1 and CS Policy CS2. CS Policy CS3 seeks a proportion of new dwellings within developments to be affordable.</p> <p>The 2014 SHMA indicates that 272 affordable dwellings are required in the District per annum up to 2031. The SHMA also recognises that this is unrealistic. The Council's target is to achieve 90 affordable dwellings per annum.</p> <p>Providing affordable housing on site will result in an inclusive, sustainable development. The size and tenure of the affordable housing is based on the current needs of those on the Council's waiting list.</p>	<p>Core Strategy Policy CS3</p> <p>HDC Guidance Note: The provision of affordable housing on 3 plus units of developments.</p> <p>The Framework (Para 50)</p>
HDC	Community Facilities	Calculation based on the number of bedrooms: 1 bed - £650.00 2 bed - £866.00	50 % to be paid prior to commencement of development	<p>A development of this scale, a community facilities contribution is required to make this development acceptable in planning terms</p> <p>The requested contribution would be allocated to a project delivering benefit to the Houghton on the Hill</p>	<p>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule), <u>Community Facilities and Developer Contributions</u> (Roger Tym and Partners 2010)</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014</p>

		<p>3 bed - £996.00</p> <p>4 bed - £1299.00</p> <p>5 bed - £1732.00</p> <p>Total community facility request* £47,808 for new build/extension projects</p> <p>*this figure will alter according to the finalised housing numbers and mix. Currently based on the average figure for a 3 bedroom dwelling)</p>	<p>50 % to be paid on completion of the total number of dwellings</p>	<p>community, primarily the new residents of the development.</p> <p>Project's include the:</p> <p>Village Hall;</p> <p>Pavillion;</p> <p>St Catherine's Church</p> <p>Methodist meeting rooms</p> <p>St Catherines Church</p> <p>Village School</p> <p>The calculation is based on HDC Assessment of Local Community Provision and Developer Contribution (Roger Tym Report), which highlights a need for more and improved community facilities within the area to increase capacity.</p>	
HDC	Open Space	To be provided on site. Minimum Area (ha) provided;	To be agreed	CS Policy CS8 refers to open space standards and the need for new residential development to make provision to meet the needs generated where there is a local	Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule) <u>Planning Obligations Developer Guidance Note 2009,</u> <u>Provision for Open Space Sport and</u>

		<p>together with sum for maintenance minimum areas of POS if HDC adopts*</p> <p>Parks &amp; Gardens = 0.0552ha and £15,078.71</p> <p>Amenity Greenspace = 0.09936ha and £10.650.99</p> <p>Natural and Semi Natural Greenspace 0.9384ha and £116,448.87</p> <p>Children and Young People =0.03312ha and £48,219.74</p> <p>To be provided off</p>	<p>deficiency. The Developer Guidance note also provides detailed requirements for open space.</p> <p>A commuted sum for maintaining the open space over the first 15 years (if transferred to the Council) is necessary to ensure the continued delivery and upkeep of the open space.</p>	<p><u>Recreation</u></p> <p><u>The Framework (Para 73)</u></p>
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		<p>site. Financial contribution:</p> <p>Outdoor Sports Facilities £90,599.98</p> <p>Allotments £3, 296.76</p> <p>Cemeteries and Burial Grounds £9,646.09</p>			
HDC	Performance Bond	TBC if required		In the event of payments required at some future date, the applicant may be required to enter into a bond with a bank or insurance company in order to prevent any default in payment through bankruptcy, liquidation or refusal to pay.	<u>Planning Obligations Developer Guidance Note 2009</u>
HDC	Monitoring Fee	District contribution – 15% of application fee or £250 per contribution		It is appropriate for the Council to recover costs associated with the negotiating, production and subsequent monitoring of developer contributions. This covers the legal costs of creating agreements, any costs associated with obtaining independent or specialist advice to validate aspects of the contributions and the costs of monitoring the payment and implementation of schemes and funding.	<u>Planning Obligations Developer Guidance Note 2009</u>

HDC	Footpath Link	Creation of footpath link over St Catherine's Green to /from the development site	TBC	A footpath link is required in the interests of encouraging sustainable travel between the site and the village amenities and bus stops including the primary school.	The Framework Para 35 and 73
NHS England		Internal reconfiguration of Practice  £ 40,974	TBC	<p>The proposed site is within the practice boundary of the Bushby Branch surgery which is located within 1.5 miles of the development. The Practice main site Billesdon surgery is located within 2.5 miles of the development. These Practices are the closest to the development and therefore likely to feel the impact of the increased population.</p> <p>After discussing the development with the Practice they have concluded that to ensure, they can meet the needs of the increase in population they will need to make internal reconfiguration to expand the space within the dispensary and reception to allow them to provide services to the increase in population at the Billesdon Main Site</p> <p>The cost per sqm has been identified by a quantity surveyor experienced in</p>	

				health care projects.	
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\* If the developer elects to maintain the POS there will be no commuted sum to pay. It is unlikely HDC will adopt the open space on site and an option should be given in the S106 to allow the developer or Parish Council to maintain whichever is preferred.

## **APPENDIX B – Suggested Conditions for 16/00037/OUT**

### **1. Reserved Matters**

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

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development; and
- (d) The landscaping of the site.

The development shall be carried out in accordance with the approved details.

#### **REASON:**

The application was made for outline planning permission and is granted to accord with the provisions of Section 92 of The Town and Country Planning Act 1990 and Part 3 (6) of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

### **2. Time Limits**

The development hereby approved shall begin before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

**REASON:** To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

### **3. Approved Plans**

The development hereby permitted shall be carried out in accordance with the following approved drawings:

Site Location Plan Rev A June 2016

### **4. Parameter Plans**

The details to be submitted in accordance with Condition 1 shall be in general accordance with the principles and parameters described and illustrated in the Design and Access Statement and Illustrative Masterplan V5C June 2016

**REASON:** To ensure the development results in a form of development which is appropriate to its context and safeguards existing residential amenity and to accord with Policies CS1, CS8, CS11 and CS17c of the Harborough District Core Strategy.

### **5. Levels**

The layout and landscaping details to be submitted in accordance with Condition 1 shall include details of existing and proposed levels of the site and the finished ground floor levels of dwellings, garages and other structures. The development shall thereafter be implemented in accordance with the approved details.

**REASON** To ensure that the work is carried out at suitable levels in relation to adjoining properties and the wider surroundings, having regard to amenity, landscape, biodiversity,

access, highway and drainage requirements and to accord with Policies CS1, CS8, CS11 and CS17c of the Harborough District Core Strategy.

6. Boundary and Surface Treatments

The landscaping details to be submitted in accordance with Condition 1 shall include details of the position and design (dimensions and materials) of all boundary and surface treatments (including details of paths, driveways and all public areas). The boundary and surface treatments shall be provided to each dwelling before that dwelling is first occupied, or in accordance with an approved phasing plan.

REASON: To enhance the appearance of the development, in the interest of visual amenities and to accord with Policies CS1, CS8, CS11 and CS17 of the Harborough District Core Strategy.

7. Landscape Management Plan

The landscaping details to be submitted in accordance with Condition 1 shall include a a Landscape Management Plan which shall include the specification, the timing of the completion of and the arrangements for the management and maintenance of:

- I. All areas of informal and formal open space to be included within the development
  - II. Children's play areas including all LEAP's and NEAP's
  - III Sustainable Urban Drainage Systems, watercourses and other water bodies
  - IV. Green Infrastructure linkages including pedestrian and cycle links, public rights of way and bridleways.
  - V. Detailed planting plan for the southern and western boundary
- The Landscape Management Plan shall thereafter be implemented in accordance with those details.

REASON:

To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area and to accord with Policy CS8 and CS11 of the Harborough District Core Strategy.

8. Storage Facilities for Refuse and Recycling Materials

No development shall commence on site until details of storage facilities for refuse and recycling materials (wheelie bins) have been submitted to and approved in writing by the Local Planning Authority. The storage facilities shall be provided for each dwelling in Accordance with the approved details before that dwelling is first occupied and, thereafter, shall be retained as such in perpetuity.

REASON: To ensure the adequate provision of refuse and recycling storage facilities, in the interests of visual amenities and general amenities and to accord with Policies CS1, CS11 and CS17 of the Harborough District Core Strategy.

9. Construction Method Statement

No development shall commence on site (including any site clearance/preparation works), until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of oils, fuels, chemicals, 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 and road cleaning arrangements
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
- h) measures for the protection of the natural environment;
- i) hours of work on site, including deliveries and removal of materials; and
- j) full details of any piling technique to be employed, if relevant.
- k) location of temporary buildings and associated generators, compounds, structures and enclosures
- l) details of the routing of construction traffic

REASON: To minimise detrimental effects to neighbouring amenities, the amenities of the area in general, the natural environment through pollution risks, and dangers to highway safety during the construction phase and to accord with Policy CS11 of the Harborough District Core Strategy.

#### 10. Foul Drainage

Notwithstanding the details submitted with the Outline application, no development shall commence on site until full details of the design, implementation and maintenance/management of the foul drainage for 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 timetable and shall be retained as such in perpetuity.

REASON: To ensure the satisfactory drainage of the site/development and to require and, to minimise the risk of pollution and to accord with Policy CS10 of the Harborough District Core Strategy.

#### 11. Surface Water

No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority. Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year + climate change. Where discharging to a sewer, this should be modelled as surcharged for all events above the 1 in 30 year, to account for the design standards of the public sewers.

REASON: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

12. Watercourse

No development approved by this planning permission shall take place until such time as a detailed assessment or hydraulic model of the watercourse has been submitted to, and approved in writing by, the local planning authority. The currently proposed layout indicates that there are a number of structures including residential properties located in close proximity to the watercourse on the eastern boundary of the site. Whilst the site is located within Flood Zone 1 the watercourse is unlikely to have been modelled due to the size of the catchment and therefore represents an unknown risk. The watercourse assessment should identify the capacity within watercourse channel, the inflows for the 1 in 1 year, 1 in 30 year and 1 in 100 year + climate change allowance (20% for watercourse assessments)

REASON:

To assess the risk from the watercourse and ensure that no properties are placed at risk of flooding from the watercourse.

13. Watercourse Maintenance

No development approved by this planning permission shall take place until such time as a detailed assessment of the access requirements for watercourse maintenance has been submitted to, and approved in writing by, the local planning authority. As land owner and riparian owner of the watercourse, there are certain responsibilities for watercourse maintenance; this responsibility will be passed on to the plot/ land owners adjacent to the watercourse, the introduction of permanent features adjacent to the watercourse has the potential to prevent access for the appropriate equipment to maintain the watercourse and increase the flood risk to the site.

REASON:

To prevent an increase in flood risk to the proposed development or adjacent land through limited access for riparian maintenance.

14. Materials Details

The external appearance details to be submitted in accordance with Condition 1 shall include details of the materials to be used externally in the construction of dwellings and other buildings (all bricks, including brick bond style, tiles, including ridge tiles, render types and colours, any date stones, garage door and other doors, windows, sills and lintels, corbel/dentil/string course brickwork, rainwater goods, porch canopies, 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 are appropriate to the character and appearance of the development and the surrounding area (including the setting of the nearby Conservation Area and Listed heritage assets) and to accord with Policies CS1, CS2, CS11 and CS17 of the Harborough District Core Strategy.

15. Highway Design Standards

All details of the proposed development shall comply with the design standards of the Leicestershire County Council Highway Authority (as contained in its current design standards document; The 6Cs Design Guide). Such details must include parking and turning facilities, access widths, gradients, surfacing, and visibility splays. No development

shall commence on site until details have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure a satisfactory form of development, in the interest of highway safety and to accord with Policies CS5 and CS11 of the Harborough District Core Strategy.

16. Access Drive Material

Before first use of the development hereby permitted the access drive, shown generally on drawing ref: 005, shall be a minimum of 5.5 metres wide for at least the first 5 metres behind the highway boundary with a minimum 0.5 metre margins on either side for at least the first 10 metres and surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 25 metres behind the highway boundary and shall be so maintained at all times.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, not cause problems or dangers within the highway and to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

17. Car Parking Provision

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.

18. Biodiversity Management Plan

No development shall commence on site until a Biodiversity Management Plan has been submitted to and agreed in writing by the LPA and thereafter be implemented in accordance with those details.

REASON:

To ensure the proper management and maintenance of biodiversity enhancements within the site in the interests of amenity and the character and appearance of the area and to accord with Policy CS8 and CS11 of the Harborough District Core Strategy.

19. Ecological Appraisal

The development hereby approved shall be carried out in accordance with the recommendations in section 6 of the Extended Phase 1 Habitat Survey (REC, January 2016) and the GCN Mitigation Strategy (REC, February 2016).

REASON: To ensure species identified are protected during the construction period and safeguarded following completion of the development

20. An updated ecology survey

An updated ecology survey shall be carried out (in optimum conditions) either in support of the Reserved Matters Application, or prior to the commencement of the development (whichever is first) if either of these happen after Spring 2017 and the results and mitigation measures 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 and shall be retained as such in perpetuity.



REASON: In the interests of wildlife and nature conservation and to accord with Harborough District Core Strategy Policy CS11.

21. An updated badger survey

An updated badger survey shall be carried out within 1 month prior to the start of the development and the results and mitigation measures 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 and shall be retained as such in perpetuity.

REASON: Badgers have been recorded close to the application site, and to ensure they are protected during the construction period and safeguarded following completion of the development

22. Programme of Archaeological Earthwork

No soil stripping or other ground disturbance shall take place within the development area until a programme of archaeological earthwork survey has been completed. The survey methodology, analysis and reporting will be detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

The programme and methodology of survey

The programme for post-investigation assessment and analysis

Provision to be made for publication and dissemination of the analysis and records of the site investigation

Provision to be made for archive deposition of the analysis and records of the site investigation

Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

REASON: To ensure provision for suitable investigation and recording of the significance of any heritage assets to be lost (wholly or in part) as a results of the development

23. Footpath Link

No dwellings shall be occupied on site until a scheme has been submitted to the local planning authority which secures a free and unencumbered pedestrian and cycle access from the new development to St Catherine's Green and a timetable for its provision. The pedestrian and cycle access shall be constructed in accordance with the approved scheme.

Reason: In the interests of good design; to encourage sustainable travel links between the existing and proposed development as shown in the illustrative masterplan and to accord with Policy CS8 and CS11 of the Harborough Core Strategy.

### **Recommended Informative Notes**

1. Building Regulations

The Applicant is advised that this proposal will require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. 01858 821090). As such, please be aware that complying with Building Regulations does not mean that the Planning Conditions attached to this Permission have been discharged and vice versa.

2. County Highway Advice to Applicant

The applicant is advised of the informatives attached to the County Highway Authority response to the planning application

3. Lead Local Flood Authority Advice to Applicant  
The applicant is advised of the information contained within the Lead Local Flood Authority response to the planning application
4. Leicestershire County Ecology  
The applicant is advised of the information contained within the Leicestershire County Ecology response to the planning application dated 25.05.16
5. Landscaping Planting  
All landscape tree and shrub planting throughout the site shall be of local native species only
6. SUDS and Biodiversity Enhancement  
SUDS features shall be designed to maximise opportunities for wildlife, for example, through the creation of wetland habitat features.
7. The applicant is advised to submit a layout
  - whereby existing hedgerows are not incorporated within individual plots
  - ridge and furrow is retained as much as possible within open space
  - suitable habitat for Great Crested Newts

## Planning Committee Report

**Applicant:** Ann Jennifer Jones and Francis Jackson Homes Ltd

**Application Ref:** 16/00115/OUT

**Location:** Land East Side of Mill Lane, Gilmorton

**Proposal:** Outline planning application for up to 27 No dwellings (including affordable housing), plus accesses to the public highway (means of access to be considered only)

**Application Validated:** 25/01/16

**Target Date:** 25/04/16 (extension of time agreed)

**Consultation Expiry Date:** 09/03/16

**Site Visit Date:** 29/02/16

**Case Officer:** Chris Brown

## Recommendation

Planning Permission is **APPROVED**, for the reasons set out below, subject to;

- The conditions set out in Appendix A
- The S106 schedule set out in Appendix B

Overall it is considered that the proposed dwellings, by virtue of their siting, appearance, scale and massing, the proposal would be acceptable and would not adversely affect local highway safety or give rise to a road safety hazard. The application site is in open countryside, though adjacent to the Limits to Development, with capacity to accommodate development, and relates relatively well to the built up area. The Council is unable to demonstrate an up-to-date five year supply of deliverable sites for housing, and therefore finds support from Policy CS2(a). This is a very important material consideration that weighs strongly in favour of the proposal.

In the absence of a five year housing land supply, paragraph 14 of the Framework is engaged, and therefore permission granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits. The scale, design and form of the development respects the character of the surrounding area and it will integrate with the existing built form. Residential amenity is safeguarded, and LCC Highways have raised no objections to the proposal. The proposal therefore complies with Policies CS1, CS2, CS3, CS5, CS11, CS12 and CS17 of the Harborough District Core Strategy.

## 1. Site & Surroundings

1.1 The site is located to the east side of Gilmorton, fronting both Mill Lane to the west of the site and Kimcote Road to the south of the site. The site is bordered by the Grade II Listed Maytree Cottage to its south west corner, with development across Mill Lane to the west of the site and the more modern Tealby Close development to the south of the

site across Kimcote Road. To the east are open fields, with open fields also to the north of the site across an access road to Tealby Farm Nursery.



**Figure 1: Site Location**





**Figure 2: View east across the site**



**Figure 3: view north from Kimcote Road**





**Figure 4: view north along Mill Lane**

1.2 The site is open in appearance, and relatively flat, with a slope of approx. 0.5m to the south east corner of the site. The site has established hedgerows to all boundaries of the site, well maintained and to a height of approx. 1-1.5m, and interspersed with trees. Further trees and vegetation reaches approx. 4-5m in height adjacent to Maytree Cottage. The site is set back approx. 3.0m from the highway (Mill Lane) by a grass verge.

1.3 The Site sits east of existing development along Mill Lane, characterised by a row of terraced cottages (6 dwellings in total), with further north the rear elevations of a further 3 dwellings that front to Porlock Drive. To the south of the site, across Kimcote Road, are the more modern (80's/90's) dwellings of Tealby Close. The site is adjacent to limits to development for Gilmorton, but not located within or adjacent to a conservation area.

## **2. Site History**

2.1 The Site has no relevant planning history.

## **3. The Application Submission**

### **a) Summary of Proposals**

3.1 The proposal seeks outline planning approval for the erection of up to 27 dwellings, with means of access to be considered only. An indicative layout of the site has been provided as part of the application, showing one vehicular access from Mill Lane to the west, with a further single access to the north of the main access, serving one dwelling only. No public open space provision is identified in the proposed layout, with only landscaping setting back the development from Mill Lane, with open space instead covered further in the draft S106 contributions.

- 3.2 The indicative layout proposes 8 affordable dwellings, of which 3 will be affordable bungalows. These are accepted on a '2 for 1' basis as affordable units due to the high District-wide requirement for affordable bungalow provision, which together with 3 further two bed affordable dwellings and 2 further 1 bed affordable dwellings brings the total affordable housing provision on site to 40% (as accepted as 11 dwellings).
- 3.3 Of the market dwellings proposed, 5 dwellings are proposed as 4 bed dwellings, with the remaining 14 proposed as 3 bed dwellings, although the application is outline only with all matters reserved except means of access. The design and access statement submitted with the application proposes a mix of single and two storey dwellings on the site (with 3 affordable bungalows identified, as above), with a proposed maximum ridge height of up to 8.50m. The indicative layout shows 5 dwellings fronting Mill Lane and set back from Mill Lane, with then a mix of individual dwellings and groups of dwellings accessed from the main access road in to the site. The proposed affordable dwellings are shown to the southern boundary of the site, with 5 dwellings, including 2 bungalows, fronting Kimcote Road.
- 3.4 The indicative layout shows the retention of the existing hedge boundaries to the site (accept to provide for access), together with further tree planting to both the boundary and within the site. The layout is indicative only, with landscaping to be conditioned, however with a preference for any reserved matters application to retain the existing hedge boundaries.

## **b) Documents submitted**

### **i. Plans**

- 3.5 The application has been accompanied by the following plans –

Indicative Site Layout FRA/213/PA/001B  
Location Plan

### **ii. Supporting Statements**

- 3.6 The application has been accompanied by the following supporting statements –

Design and Access Statement  
Flood Risk Assessment (February 2016, updated May 2016)  
Landscape Appraisal (February 2016)  
Ecological Survey (March 2016)  
Topographical survey (x 2)  
Housing Supply Assessment  
Archaeology Desktop Study (March 2016)  
Preliminary Ecology survey (March 2016)  
Amphibian Assessment (June 2016)

## **c) Pre-application Engagement**

- 3.7 Prior to submitting the planning application the site has not been subject to a pre-application. However, discussions were held with Raj Patel, Housing Enabling Officer, prior to the submission regarding affordable housing provision.
- 3.8 The site has also been submitted as part of the Strategic Housing Land Availability Assessment (SHLAA). The site, reference A/GN/HSG/04 is one of several sites within Gilmorton, and is identified as potentially suitable, potentially available and potentially achievable for development, with a capacity of up to 27 dwellings in a settlement identified as a Selected Rural Village in the Core Strategy.

#### **4. Consultations and Representations**

- 4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 28<sup>th</sup> January 2016, and included a site notice put up on 13<sup>th</sup> October 2015. The consultation period expired on 15<sup>th</sup> February 2016.
- 4.2 Firstly, a summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to: [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)

#### **a) Statutory & Non-Statutory Consultees**

##### ***Gilmorton Parish Council***

- 4.3 Object to the application, and raise the following points.
- Visual impact on the village would be altered through development to entrance to the village
  - Proposed footpath is not linked to the existing
  - Cumulative traffic impact on the village
  - No ecology survey submitted
  - Impact on the village school and medical services
  - Village shop could face competition from a supermarket due to increased development
  - Gilmorton could be classed as a rural centre if permitted

##### ***LCC Highways***

- 4.4 The Local Highway Authority advice is that, in its view the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the Conditions and Contributions as outlined in this report.

- 4.5 Proposed conditions for:

1. Footway provision (provision of footway to north and south of proposed site access, and widening and enhancement of existing footway to west side of Mill Lane),
2. Design Standards (parking and turning, access widths, gradients, surfacing, signing and lining, and visibility splays)
3. Traffic / site management plan

##### ***HDC Housing Enabling Manager***

- 4.6 Our Affordable Housing requirement will be to seek **40%** Affordable Housing of the total site yield In accordance with Policy CS3. On a site proposal of **27** units, this will equal 10.8 units rounded up to **11 AH units**. Our current tenure split requirements



are for the affordable requirement to be provided as 60% affordable rented and 40% to be provided as intermediate or shared ownership. However we will be flexible in our approach to tenures. We will not stipulate our specific unit mix and tenure split for the affordable house types at this point in time.

- 4.7 We will provide our exacting requirements if and when a full application is submitted or at Reserved Matters Stage. This ensures greater accuracy in our request for specific unity types and accords more accurately with our housing need profile at a point when the scheme is more likely to be progress.

- 4.8 A wider strategic assessment for delivering AH is currently under review. We may as a result consider other options / ways for delivering AH. Please make the applicant aware of our AH requirements. I have requested needs data from HHS. The applicant is advised to contact our RP partners at the earliest opportunity to discuss AH.

***Environment Agency***

- 4.9 Thank you for consulting the Agency on the above proposal. However, since the proposal is for a site greater than 1 hectare in Flood Zone 1 your authority should consult Leicestershire County Council [flooding@leics.gov.uk](mailto:flooding@leics.gov.uk) as lead Local Flood Authority for their comments regarding surface water drainage.

***HDC Environmental Health***

- 4.10 No comments

***Severn Trent Water***

- 4.11 I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.

- 4.12 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

***LCC Archaeology***

- 4.13 The Leicestershire and Rutland Historic Environment Record (HER) shows that the site lies within an area of archaeological potential, lying on the eastern side of the medieval and post-medieval settlement core of Gilmorton village (MLE9865). Maytree Cottage is a Grade II listed 18th century cottage (1292193) constructed of cob and thatch, which is located immediately to the south-west of the application area on Mill Lane. The first edition OS survey map of Gilmorton shows that Maytree Cottage was one of a row of cottages which extended northwards along Mill Lane at this time. It is not known whether any remains of the cottages survive above ground at this stage. However, the application area is likely to contain archaeological remains relating to the post medieval settlement and shrinkage of Gilmorton village, and there is also the potential for the presence of remains which pre-date the post-medieval period.

- 4.14 The preservation of archaeological remains is, of course, a “material consideration” in the determination of planning applications. The proposals include operations that may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information. Since it is possible that archaeological remains may be adversely affected by this proposal, we recommend that the planning authority

defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals.

- 4.15 This will require provision by the applicant for:
1. An Archaeological desk-based Assessment & Historic Building Assessment
  2. A field evaluation, by appropriate techniques including trial trenching, if identified necessary in the assessment, to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development. Further design, civil engineering or archaeological work may then be necessary to achieve this.
- 4.16 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.
- 4.17 *Additional comments received on receipt of the Archaeology Survey (March 2016):*
- 4.18 The report includes photographs of Mill Lane dating from circa 1908-1914, which show the row of buildings which were formerly located along the western boundary of the application area. These appear to include a variety of domestic and agricultural buildings, including at least two pre-19<sup>th</sup> century thatched cottages. During the course of the site visit, the presence of building rubble was noted along the verge on the eastern side of Mill Lane, although it was not noted how or if this might relate to the buildings that formerly stood in this area. Works associated with the proposed development are likely to have a damaging impact upon any below-ground structural remains or other archaeological deposits associated with occupational activity within the back-yards of the buildings formerly located on Mill Lane. The few isolated finds dating from the prehistoric and Roman periods located in the vicinity are indicative of nearby activity and settlement- the potential for the presence of archaeological remains dating to these periods within the application area should therefore not be discounted.
- 4.19 In accordance with National Planning Policy Framework (NPPF), paragraph 129, assessment of the submitted development details and particular archaeological interest of the site, has indicated that the proposals are likely to have a detrimental impact upon any heritage assets present. NPPF paragraph 141, states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development. In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording. The Historic & Natural Environment Team (HNET) will provide a formal Brief for the latter work at the applicant's request.
- 4.20 If planning permission is granted the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable

indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

- 4.21 We therefore recommend that any planning permission be granted subject to the following planning conditions (informed by paragraphs 53-55 of DoE Circular 11/95), to safeguard any important archaeological remains potentially present:

1) No development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within Written Schemes of Investigation, submitted to and approved by the local planning authority in writing.

2) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (1).

3) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Schemes of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

- 4.22 The Written Schemes of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

- 4.23 The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

***LCC Ecology***

- 4.24 This proposed development site is within 500m of a number of ponds. Suitable terrestrial habitats for Great Crested Newt are present, both on-site and linking the pond to the development site, including hedgerows and rough grassland. The development will cause these features to be impacted. For these reasons, in accordance with Trigger F of our local validation criteria, we recommend that a survey of the pond and Great Crested Newt terrestrial habitats is carried out and submitted before the planning application can be determined.

- 4.25 We would also recommend that a badger survey of the site is completed and submitted in support of the application. We have records of badger in the vicinity of the site and there is a possibility that they may be using features such as hedgerows on the application site and may therefore be impacted by the development.

- 4.26 The site appears to currently comprise grassland. We would therefore recommend that a habitat survey is completed, in accordance with the attached Habitat Survey Protocol.

- 4.27 We also have some concerns with the proposed layout of the site. Plot boundaries appear to be immediately adjacent to hedgerows. We would request that this is amended to have a 5m buffer between hedgerows and plot boundaries in order to aid their retention. Without this they are likely to be subject to piecemeal management and removal.

- 4.28 *Further comments received on receipt of Ecology report:*
- 4.29 The ecology report submitted in support of the application (Conservation Constructions, March 2016) identifies that additional survey is required. We would recommend that this additional survey is completed and submitted, with a mitigation strategy if appropriate, prior to the determination of the application.
- 4.30 The report indicates that the site comprises recently sown, uniform, grassland, with some diversity of herb vegetation in the margins. The hedgerows surrounding the site were considered to have some biodiversity value. No badger setts were recorded on site, although badger dung pits were found in the eastern boundary hedgerow. There were no trees or buildings on site that would be suitable for roosting bats.
- 4.31 A brief assessment of the site has been made for the presence (or otherwise) of great crested newts (GCN). GCN have recently been recorded within 500m of the site to the north-west and a further pond to the east of the site was assessed as having 'good' potential to support GCN. Section 5 of the report identifies that further GCN survey is required before a full assessment of the site is made. We are in agreement with this and would recommend that full GCN surveys of ponds with an HSI value of average or above are completed in accordance with standard local and national protocols prior to the determination of the application. Should GCN be recorded a mitigation strategy should be submitted.
- 4.32 Further comments received from LCC Ecology on receipt of the Amphibian Assessment (June 2016):
- 4.33 The GCN survey submitted in support of the application (Herpetologic, June 2016) is satisfactory. Ponds 4 and 5, to the south and west of the application site, tested positive for GCN. Additionally, previous surveys have identified that a population of GCN are present to the north/west of the application site and we are in agreement with the conclusions of the report that these are likely to form one larger population. The mitigation methods proposed for the site are satisfactory and we would request that compliance with this is requested as a condition of the development. In order for the condition to be discharged we would recommend that the applicant is required to submit a 'site diary' completed by their ecologist containing details of all visits to site and site findings as well as confirming compliance with the strategy. As this site will require the use of temporary amphibian fencing we would recommend that the applicant discusses any requirements for an EPS licence with their ecologist. The recommendations for ecological enhancement contained within the report from Conservation Constructions (March 2016) should also be followed.
- 4.34 The presence of protected species around, but not on, the site highlight the importance of providing buffers between the hedgerows and proposed developments, in order to provide a corrido for animals to move.  
A management plan should be required by condition to ensure that these buffers are managed in a biodiversity-friendly way.
- 4.35 Finally, ecology surveys are only considered to be valid for a period of two years. We would therefore request that an updated survey for badgers and GCN is submitted in support of either the Reserved Matters application or the commencement of the development, whichever is soonest after May 2018.

***Neighbourhood and Green Spaces Officer***

- 4.36 I note that the POS is not included in the indicative masterplan, and therefore assume that off site contributions are preferred. This means that the commuted sum figures become redundant because there is no POS to be adopted by either HDC or the PC.
- 4.37 Please note that HDC will work with the PC and other local organisations to provide an area of natural or semi natural greenspace within the vicinity of the village of Gilmorton. The natural and semi natural greenspace contribution should therefore be included in the calculations for POS unless confirmation is received that it is not possible to proceed with a project. If a suitable project does not proceed the S106 will make provision for the sum to be repaid to the developer.
- 4.38 Further proposed contributions are set out in Appendix B.

***LCC Flood Risk Management***

- 4.39 The proposed development is not acceptable and we would advise refusal on the following grounds.
1. Advice – SuDS (Refusal)
- 4.40 The proposed application does not show sufficient assessment and utilisation of sustainable drainage systems (SuDS). The Written Ministerial Statement regarding sustainable drainage systems (HCWS161) indicates that preference should be given to the use of SuDS, unless demonstrated to be inappropriate. The LLFA do not consider the use of underground storage or box culverts as a suitable storage and treatment system without assessment of alternative SuDS features and expect any future surface water drainage scheme to assess the use of SuDS options in line with CIRIA C753 The SuDS Manual.

***Overcoming our objection***

- 4.41 The application should include an outline drainage strategy that utilises holding sustainable drainage techniques with; the incorporation of sufficient treatment trains to maintain or improve the existing water quality, the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. The drainage strategy should also demonstrate consideration of natural catchments, overland flow paths and exceedance routes within the development.
- 4.42 The applicant has noted the contents of the above representation, and has submitted a revised site layout plan incorporating sustainable drainage systems, a revised surface water drainage strategy, and revised Flood Risk Assessment.
- 4.43 Further to receipt of the above information, the LLFA have no objection to the proposal, subject to a surface water condition.

***LCC S106***

- 4.44 Developer Contributions set out in Appendix B – Planning Obligations

***Sport and Health Development Officer***

- 4.45 Developer Contributions set out in Appendix B – Planning Obligations

***HDC Conservation Officer***

- 4.46 The property Maytree Cottage on the corner of Mill Lane and Kimcote Road is a grade 2 Listed Building, the proposed development will enclose the Listed Building on two sides and consequently will alter the street scene and therefore its setting. However as the proposal is an outline proposal it is possible that any harm could be mitigated. My main concern is the properties along Mill Lane and I consider that these should be moved further away from Maytree Cottage to reduce the impact. Furthermore the design of the new dwellings will be key to ensure that they are in keeping with the surrounding area. Therefore the principle of developing this area with housing is I believe acceptable and will not result in harm to the setting of the Listed Building subject to the final layout and design.

## **b) Local Community**

- 4.47 59 objections received, from 46 households, of which 55 of the objections are from Gilmorton residents. A further 1 letter of support received, and 1 neutral letter received, both from Gilmorton residents.

- 4.48 Throughout the objections received, the two main issues raised throughout are:

- Highway impact of the development
- School Capacity

- 4.49 Highway issues raised in respect of the proposed development include:

- Increased volume of traffic through the village
- Speed of traffic approaching the village
- Visibility at the Mill Lane/Kimcote Road junction
- Loss of small parking area
- Current on street parking around the junction and Crown pub
- No public transport available
- No footpath shown on eastern side of Mill Lane
- Noise pollution

- 4.50 Infrastructure issues raised in respect of the proposed development include:

- Capacity constraints of the existing primary school
- Impact on Lutterworth health services

- 4.51 Other issues raised:

- Impact on the countryside / views
- Not in keeping with the village
- Impact on the listed Maytree Cottage
- Amenity impact through overlooking
- Noise of construction
- No affordable housing needed
- Affordable housing should be more integrated within the scheme
- Ecology impact
- Neighbourhood Plan process
- Water pressure
- Land ownership for access

- Drainage

4.52 Issues raised in support of the application:

- Need for more houses nationally, and more affordable houses locally
- Assist business viability
- Will not impact on village

4.53 Issues raised in neutral comments received, and on some objections:

- Road maintenance and poor surfacing condition

## **5. Planning Policy Considerations**

5.1 Please see above for planning policy considerations that apply to all agenda items.

### **a) Development Plan**

- *Harborough District Local Plan*

5.2 Relevant Policy of HS/8 – Limits to Development. The site is located adjacent to existing limits to development for Gilmorton (across both Mill Lane and Kimcote Road).

- *Harborough District Core Strategy (Adopted November 2011)*

5.3 Relevant policies to this application are, CS1, CS2, CS3, CS5, CS11 and CS17. These are detailed in the policy section at the start of the agenda, with the exception of Policy CS17, detailed below.

5.4 Policy CS17 of the Core Strategy sets out the Council's approach to development in the rural centres, selected rural villages and the countryside. Policy CS17 identifies Gilmorton as a Selected Rural Village, based on its service provision of a pub, post office/food shop and primary school, with development in Selected Rural Villages to be on a lesser scale than Rural Centres, with Rural Centres to be the focus for rural affordable and market housing, additional employment, retail and community uses to serve the settlement and its rural catchment area. In all cases development will be on a scale which reflects the size and character of the village concerned, the level of service provision and takes into account recent development and existing commitments.

5.5 Policy CS12 sets out how infrastructure will be provided alongside residential development.

### **b) Material Planning Considerations**

- *Supplementary Planning Guidance*

5.6 The Supplementary Planning Guidance Note that is relevant to this application is Note 2 Major Housing Sites.

### **c) Other Relevant Information**

- Reason for Committee Decision

5.7 This application is to be determined by Planning Committee as the application is a major application (above 10 dwellings).

## 6. Assessment

### a) Principle of Development

- 6.1 The village of Gilmorton is identified within CS17 as a Selected Rural Village (having a minimum of 2 key services and therefore considered sustainable), and the settlement of Gilmorton does have identified Limits to Development, and the site falls outside of and adjacent to this. Policy CS2 outlines that;
- 6.2 *'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.'*
- 6.3 The centre of the site is within 200m of a pub, within 400m of the village shop and post office, and within 600m of a primary school. Gilmorton is also the second largest Selected Rural Village in the District (after Great Bowden).
- 6.4 As the Council is unable to demonstrate a 5yr supply, and the site is adjacent to limits to development of a sustainable settlement (Selected Rural Village), the principle of development therefore is considered in compliance with the Core Strategy.
- 6.5 Whilst objections have been received regarding the principal of additional development in Gilmorton, the Local Plan Options Consultation (September 2015) identified a total of 30 completions and commitments for Gilmorton from April 2011, with a further 11 dwellings subsequently permitted (Broughton Hall Fencing, Mill Lane, and Sleath's Farm) in April 2016, with a further residual requirement ranging from 17 dwellings to 91 dwellings.
- 6.6 Whilst progress on the Local Plan is still pending further testing and evidence gathering with regards to a preferred Option, the Core Strategy Option 2 sets out a requirement of an additional 65 dwellings for Gilmorton to 2031. Further, taking both this application (up to 27 dwellings) and the recent permissions (11 dwellings) together (up to 38 dwellings in total), this is still a lower requirement than 6 of the 9 Options presented.

### b) Housing Requirement and Housing Land Supply

- 6.7 The Council presently does not have a 5yr Housing Land Supply. If this application were approved it would provide up to 27 additional dwellings.

### c) Technical Considerations

1. Scale, appearance and landscaping
- 6.8 These are Reserved Matters and not to be assessed under the current application. However, in landscape terms, the site is considered to have capacity to accommodate development.
- 6.9 The indicative layout proposed, showing retention of the existing boundary hedgerows and trees to all boundaries of the site, together with additional planting



and allocation of larger gardens throughout the site, is considered acceptable in landscape terms with the existing features largely maintained. Some of the west side boundary hedgerow will be lost as a result of the creation of an access to the development, however further planting along this boundary is identified, with development to be set back from this boundary. Further landscaping details will be conditioned, whilst the height of proposed buildings will be kept to no higher than two storeys in height, with 3 dwellings identified as single storey, and no dwellings above 4 bedrooms in size identified on the indicative layout.

- 6.10 The application site is outside of the Limits to Development and is therefore situated in the countryside. The erection of dwellings on this site would change the open, rural and undeveloped character and appearance of the countryside to the east side of Mill Lane. If the site was to be developed, it would form the new edge of the settlement with the countryside, and therefore it is important that the scheme is well designed so as integrate development with existing built form and to be visually unobtrusive.
- 6.11 Although indicative, the layout of the site shows the dwellings set back behind the existing line of hedgerow along Mill Lane, and from Kimcote Road to the south, with 5 dwellings fronting Mill Lane, and a further 5 fronting Kimcote Road, and a series of 3 further roads within the scheme providing access to a number of the proposed dwellings. Existing boundaries to the south, east and north of the site are maintained, with the site also assessed in the context of existing development to the south of the site (Tealby Close), with further dwellings continuing north of the site on the western side of Mill Lane. The site is low in density, with the overall site having a density of 25 dwellings per hectare.
- 6.12 A Landscape Appraisal was requested as part of the application, and subsequently submitted by the applicant (February 2016). The Landscape Appraisal notes the retention and enhancement of the existing boundaries of the site, and concludes that adverse impacts arising from the proposed development are limited to the immediate vicinity of the site only, and that development is therefore acceptable in landscape and visual grounds.
- 6.13 The Landscape Appraisal makes the following recommendation, to be taken forward through conditioning landscaping, and as part of a reserved matters application:
- 'To preserve the integrity of views towards the village, it is recommended that the northern and southern boundary hedgerows be strengthened with additional native tree planting to further filter views into the Site and present an attractive edge to Gilmorton village. In addition, the hedgerows should be permitted to grow up in height and any gaps planted up.*
- To ensure that the proposed development is in keeping with the village and to reinforce local character it is recommended that the landscaping scheme for the development includes a proportion of holly trees, planted within hedgerows and verges.'*
- 6.14 The Landscape Appraisal also identifies that the proposed development will be viewable in part from footpath Y52 when approaching the village (to Kimcote Road), however suggests that the visibility of the proposed development could be reduced through the strengthening of the site boundary vegetation.



**Figure 5: Illustrative Layout**

## 2. Drainage and flooding

- 6.15 As part of the application, the applicants submitted a Flood Risk Assessment (FRA). The Environment Agency has no objections to the proposal following the submission of information, with Severn Trent Water proposing a condition regarding surface water and foul sewerage. The site is not located in Flood Zone 2 or 3.
- 6.16 Leicestershire County Council, as the Lead Local Flood Authority have been consulted, with the flood risk assessment (FRA) amended to take account of their request for SUDS to be incorporated into the development. The revised FRA incorporates SUDS into the scheme, showing that the site is capable of accommodating SUDS, however this is not in correlation with the proposed indicative layout above.
- 6.17 The indicative layout (figure 5 above) was then subsequently amended to suitably accommodate SUDS into the indicative layout, with a separate surface water drainage strategy plan (Figure 6 below) submitted by the applicant. The proposed surface water drainage strategy sets out a series of swales to the boundaries of the site, use of gravel drives and a storm cell, and box culverts through the centre of the site to accommodate surface water run off.
- 6.18 The Lead Local Flood Authority (LLFA) have been consulted on the revised Flood Risk Assessment, and revised indicative layout submitted by the applicant, and have

withdrawn their initial objection to the scheme with a surface water drainage strategy now aligning with the indicative layout, with a surface water condition proposed. It is therefore considered that the proposed development would comply with Core Strategy Policy CS10 and the aims and objectives of the Framework.



**Figure 6: Surface Water Drainage Strategy**

### 3. Ecology

6.19 An Ecology Survey document has been submitted as part of the application. The survey states that;

*'The site is opposite existing residential development on Mill Lane to the west and Kimcote Road to the south. To the north and east is farmland. There are no ponds or other water features associated with the site but there are 6 ponds within 500m. Three occur in cluster to the north west, beyond Mill Lane, and include the village pond and two others within the curtilage of Broughton Hall. The village pond supports a breeding population of great crested newt. Another is the remains of a moat on the west side of the village in a garden setting and the remaining two are to the south east and south of the site in permanent pasture. One of these has good connectivity to the site the other is separated by road'.*

6.20 Further great crested newt surveys with recommendations have been submitted (June 2016). The further survey concludes:



*'The proposals for up to 27 dwellings east of Mill Lane do not impact on any aquatic habitats used by great crested newts within the village of Gilmorton. The proposal site provides limited terrestrial habitat for the newt population compared to the wider area. The hedgerows on the site provide suitable corridors and shelter.*

*The proposals provide new habitats, or rather the potential for new habitats for the newt population. The proposed swales could become new aquatic habitats for newts and other wildlife species in the area. Flooded areas around those swales could provide new habitats for frogs, invertebrates and mammals as a result of the development.*

*The proposals do not threaten the newt population as it will remove sub optimal terrestrial habitat and leave the most suitable habitats on the site.*

*The impact of the development is likely to be low and may only affect a few newts which may cross the farmed field of grassland. It is not significant enough to expend lots of time and money on the usual course of action – extensive exclusion fencing, trapping and destructive searches.*

*A more pragmatic, conservation minded approach is recommended for the proposals which already go some way to provide for the newt population and other wildlife'.*

- 6.21 Recommendations proposed in the survey include adopt newt friendly practices when it comes to drainage, kerbstones, and landscaping design to provide a safe environment (as possible) for any newts which may venture into the development area after it has finished. Sustainable drainage is proposed. It is recommended that gully pot drains should also be avoided.
- 6.22 The report further recommends that suitable conditions for all works to be in accordance with the recommendations of the survey are sufficient to overcome any harm.
- 6.23 The ecology report finds no evidence of badgers or badger setts on site or within 15m of the boundary, and no suitable bat habitats.
- 6.24 LCC Ecology have stated that they welcome the proposed layout submitted with the application and are pleased to see that the existing hedgerows on site are to be buffered from the development and not incorporated into plot boundaries. A management plan is also requested through condition, and it is further noted that an updated survey for badgers and great crested newts is submitted in support of either any reserved matters application, or the commencement of development, whichever is soonest.
- 6.25 Should this outline permission be granted, it is requested that the final layout is in accordance with the current illustrative masterplan, particularly with regard to the buffers between the development, hedgerows and watercourse.

#### 4. Highways

- 6.26 Access to the site will be provided by one access serving 26 of the proposed dwellings, with a further access serving 1 dwelling to the west of the site from Mill Lane (plot 1). The proposed access will be approx. 5.00m in width with additional footways of approx. 2.00m in width. The proposed access is located approx. 70m from the Kimcote Road junction to the south, and approx. 35m from the Tealby Farm access to the north.

- 6.27 The proposal is set within approx. 10m of the existing 30mph speed limit zone, with the Design and Access Statement proposing moving the 30mph sign north along Mill Lane, to the north of the Tealby Farm access, to the north of the site boundary. Further, as part of permission 16/00145/OUT, condition 6 (Off site Highway works), proposes relocating the existing 30mph sign approx. a further 150m north along Mill Lane, to accommodate the proposed development of up to 8 dwellings. The proposed conditions from LCC Highways for design standards for this application will also take into account road signage as part of the reserved matters or discharge of condition. Further road markings are also identified as part of this permission.
- 6.28 Visibility splays are shown as unlimited to the south to Kimcote Road (approx. 70m south, in excess of the 43m required), and approx. 73m north along Mill Lane.
- 6.29 The presence of the row of 5 dwellings proposed to front Mill Lane will also provide a more visual definition of built development to the east side of Gilmorton, with a knock on effect of slowing down traffic already within a 30mph zone.
- 6.30 Objections have been raised regarding the effect of the development on the staggered T junction south of the site of Mill Lane / Kimcote Road and Lutterworth Road. No safety audit of this junction has been provided as part of the application; however LCC Highways have no objections to the application on highway safety grounds. In terms of cumulative impact of traffic on the village, the additional 27 dwellings to this site is not considered severe by LCC Highways. Gilmorton is sited approx. 3 miles from Lutterworth and the M1, with this, together with Leicester City, the likely main attractions for commuter traffic from the development. Whilst any traffic heading to these locations will initially head south from the site and use the staggered T junction, the impact of traffic moving through the centre of the village is not considered to be severe.
- 6.31 Objections have also been raised regarding the loss of existing car parking for residents of the cottages along Mill Lane. While a pull in area exists north of Maytree Cottage, opposite the row of cottages to the west of Mill Lane, this is not in the ownership of these dwellings, and is not designated as lawful parking provision. This is also not within the proposed footway provision from the access to the site as shown on the indicative plan, although is within the red line boundary of the site.
- 6.32 Objections have also raised an issue of on street parking on Kimcote Road, south of the site, for use of the Crown pub, located south of the staggered T junction. This is only proposed as an issue during some evenings during theme nights at the pub, and is not considered to be increased through this application, with sufficient off street parking to be provided to serve the needs of the proposed dwellings. Further, due to the close proximity of the site, additional dwellings are not considered to add to existing on street parking for use of the pub, or the other village pubs.

## 5. Heritage

- 6.33 The proposed development is not sited within or adjacent to any Conservation Area, however the development is in close proximity to a Grade II Listed Building, Maytree Cottage, on the corner of Mill Lane and Kimcote Road. In the Listing description, the building is described as an 18<sup>th</sup> century cottage, of plastered cob with a straw thatched roof, with end stack to left and single eyebrow dormer to right, at one and a half storeys high. An additional modern extension has been added to the south side, together with a modern brick double detached garage, permitted in 2007, to the side and rear to the south east of the plot.

- 6.34 The proposed indicative plan shows development to the north and east of Maytree Cottage, with a pair of semi-detached 3 bed dwellings to the north, and a row of 3 affordable 2 bed dwellings to the east. The proposed plan is indicative only at this stage, however shows side elevations facing Maytree Cottage, at a distance of approx. 16m to the north (to the two storey side elevation), and approx. 18m to the east, with the detached double garage in between. As the application is outline at this stage, with potential to move the dwellings along Mill Lane and to ensure the design and materials of the dwellings is in keeping, and with additional significant landscaping existing to the boundary of Maytree Cottage, the proposed development is not considered to impact upon the Listed Maytree Cottage or its setting, with its prominent frontage on to Mill Lane maintained.
- 6.35 Objections have been raised regarding an impact on views towards the Grade II Listed Mill, approx. 700m to the north of Kimcote Road. Whilst some glimpses are possible from Kimcote Road to the Mill, these are at a considerable distance from Kimcote Road and the site, and the proposed development is not considered to impact upon the setting of the Mill. Further, the proposed development is not considered to impact upon views from the footpath running east from Kimcote Road, with northerly views to the Mill maintained.
- 6.36 LCC Archaeology have stated that the application area is likely to contain archaeological remains relating to the post medieval settlement and shrinkage of Gilmorton village, and there is also the potential for the presence of remains which pre-date the post-medieval period.
- 6.37 An archaeology survey has been submitted as part of the application, of which LCC Archaeology have commented:
- ‘The report includes photographs of Mill Lane dating from circa 1908-1914, which show the row of buildings which were formerly located along the western boundary of the application area. These appear to include a variety of domestic and agricultural buildings, including at least two pre-19<sup>th</sup> century thatched cottages. During the course of the site visit, the presence of building rubble was noted along the verge on the eastern side of Mill Lane, although it was not noted how or if this might relate to the buildings that formerly stood in this area’
- 6.38 On receipt of the archaeology survey, LCC Archaeology have proposed 3 conditions should permission be granted, including a written scheme of investigation to be carried out prior to commencement of development.

## 6. Residential Amenity

- 6.39 The proposed development may have an impact on the living conditions of residential properties, whether real or perceived, but the indicative layout submitted demonstrates that development can be achieved which meets required separation distances to neighbours (SPG Notes 2: Residential Development – Major Housing Sites and SPG Note 5: Extensions to dwellings) and without causing harm to neighbours through loss of outlook, privacy or light, and the proposal is therefore considered acceptable in residential amenity terms and accords with Core Strategy Policy CS11.
- 6.40 Distances from the proposed indicative layout show separation distances of at least 21m from all neighbouring existing dwellings. All proposed dwellings on the indicative layout are in excess of 21m from neighbouring dwellings, with the exception of Maytree Cottage to the south west corner of the site that is approx. 16m from Plot 25 at its closest point. The indicative plan is outline only, with no proposed elevations or

floorplans provided, although with a side facing elevation to Maytree Cottage proposed, and therefore any potential overlooking or overbearing impact to Maytree Cottage may be able to be overcome through reserved matters. Objections have been raised from residents of Tealby Close regarding overlooking, however the proposed dwellings are approx. 27m (from no. 2 Tealby Close) and approx. 37m (from no. 3 Tealby Close) at the closest points and across Kimcote Road, well in excess of the 21m as specified in supplementary planning guidance. No harm to existing residential amenity is considered as a result of the proposed scheme.

- 6.41 Within the indicative layout provided, amenity of potential residents within the scheme is safeguarded, with distances between principal elevations of the dwellings shown as in excess of 21m. However, one exception is between plots 7 and 10, where the distance between the two front elevations is 16m, as opposed to the 21m required. Whilst this falls below the guidance distance, this is not considered as a reason for refusal, with the proposed layout indicative only, with the final layout, house types and elevations as reserved matters as therefore any impact is able to be overcome.

## 7. Affordable Housing Provision

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- 6.42 The proposed development seeks to provide 8 affordable units on site. Of the affordable units to be provided, 3 are to be affordable bungalow provision.
- 6.43 The affordable bungalow provision (3 units) is accepted on a '2 for 1' basis. This results in the total provision of in effect 11 affordable units on site, to meet the required 40% affordable housing provision, in line with Core Strategy Policy CS3.
- 6.44 The provision of the affordable units, including the affordable bungalow provision, has been identified in discussions with the Housing Enabling Officer, and is supported. The provision of the affordable units has evolved through the application process, with initially 4 bungalows to be provided revised to 3 bungalows and two 1 bed affordable units, as requested by the Housing Enabling Officer.

## 8. Gilmorton Neighbourhood Plan

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- 6.45 Gilmorton Parish Council is in the early stages of creating a Neighbourhood Plan. A Neighbourhood Area has been designated and a consultant appointed to help do the work. The plan is considerably way off even any pre-submission consultation and as such, cannot be accorded significant weight at present.

## 9. Infrastructure

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- 6.46 A number of objections have raised concerns regarding the capacity of the primary school in the village (Chandler C of E Primary School), stating that the school is both at capacity and unable to expand further.
- 6.47 This issue has been taken up further with LCC Education, with LCC Education stating that whilst the school is currently full, a deficit of places is forecast for the foreseeable future. LCC have also stated that whilst there is limited scope for expansion of the school, some scope exists for internal alterations to accommodate additional pupils.
- 6.48 With regards to future school capacity, and the impact of the proposed development, LCC have also provided further comments:

*'The school currently accommodates a number of pupils from other catchment areas. Depending on the timing of occupation of the proposed dwellings and the age of the pupils arising from them, some out-catchment pupils who would be admitted to*

*Reception in the school in future years may be 'pushed-back' to their own catchment school. However, if these schools were full, or are forecast to be so, a 'domino effect' of the new housing may felt in other schools across the wider area. Any pupils applying for other year groups would only be admitted if there was a place available. If no place were available, they may be admitted to an alternative school in the area with a place'.*

- 6.49 The situation described above is also similar to a recent permission for 70 dwellings in Houghton on the Hill (15/01975/OUT), where the school is currently full, however with a significant number of out of catchment pupils. This permission, for a significantly higher number of dwellings, well exceeding all current planning applications and permissions in Gilmorton, was approved in March 2016.
- 6.50 Further S106 contributions for education provision arising from the development are set out in Appendix B.

#### **d) Sustainable Development**

- 7.1 The Framework identifies three dimensions to sustainable development – economic, social and environmental. Taking each of these in turn the following conclusions can be reached.

○ Economic

Provides economic development in the building of up to 27 dwellings, including up to 27 dwellings towards the Council's 5yr supply, currently a shortfall. The development would also generate New Homes Bonus funding for the Council to invest in facilities and infrastructure in the area, in addition to the S106 contributions the development would generate. As well as the direct economic benefits related to employment generation and investment, the proposal will deliver up to 27 dwellings.

○ Social

Provides up to 27 new dwellings, which contributes to housing need, including up to 8 affordable dwellings. The site can also be accessed a foot/cycleway to the south of the site, which may contribute towards health and well being, and the centre of the site is within 200m of a pub, within 400m of the village shop and post office, and within 600m of a primary school.

○ Environmental

The proposal is in keeping with the character and appearance of the surrounding area, and well sited to the eastern and northern boundaries of the village. Additional planting and retention of existing hedges and trees will help to improve bio-diversity and enhance the environment. It is therefore considered that it will have not have a negative impact on the environment.

#### **7. The Planning Balance / Conclusion**

- 7.1 Overall it is considered that, on balance, the proposed dwellings, by virtue of their siting, appearance, scale and massing, the proposal would be acceptable and would not adversely affect local highway safety or give rise to a road safety hazard.
- 7.2 The proposal would provide housing development within the District, and would contribute towards the Council's Housing Land Supply. The National Planning Policy Framework provides an undertone of the importance of housing delivery and this site is considered to be sustainable. The site is adjacent to the Limits to Development for Gilmorton, a Selected Rural Village.



- 7.3 The application site is in open countryside, though adjacent to the Limits to Development, with capacity to accommodate development, and relates relatively well to the built up area. The Council is unable to demonstrate an up-to-date five year supply of deliverable sites for housing, and therefore finds support from Policy CS2(a). This is a very important material consideration that weighs strongly in favour of the proposal.
- 7.4 In the absence of a five year housing land supply, paragraph 14 of the Framework is engaged, and therefore permission granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits.
- 7.5 The scale, design and form of the development respects the character of the surrounding area and it will integrate with the existing built form. Residential amenity is safeguarded, and LCC Highways have raised no objections to the proposal. The proposal therefore complies with Policies CS1, CS2, CS3, CS5, CS11, CS12 and CS17 of the Harborough District Core Strategy.

## APPENDIX A – Planning Conditions

### 8. Planning Conditions

8.1

#### Planning Permission Commencement

- 1) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

#### Reserved Matters

- 2) An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990.

#### Materials Schedule

- 3) No development shall commence on site until a schedule indicating the materials to be used on all external elevations of the approved dwelling 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 visual amenity and the character and appearance of the area and to accord with the Harborough District Council Core Strategy Policy CS11.

#### Surface Water

- 4) No development approved by this planning permission shall take place until such time as a detailed surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections, cross sections, construction details and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year + climate change. Where discharging to a sewer, this should be modelled as surcharged for all events above the 1 in 30 year, to account for the design standards of the public sewers.

REASON: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

#### Written Scheme of Investigation

- 5) No development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within Written Schemes of Investigation, submitted to and approved by the local planning authority in writing.

REASON: The site is likely to contain important archaeological remains and to accord with the Harborough District Council Core Strategy Policy CS11.

**Development in accordance**

- 6) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (6).

REASON: The site is likely to contain important archaeological remains and to accord with the Harborough District Council Core Strategy Policy CS11.

**Archaeology recording**

- 7) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Schemes of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

REASON: To ensure satisfactory archaeological investigation and to accord with the Harborough District Council Core Strategy Policy CS11.

**Footway**

- 8) Development shall not begin until details of design for off-site highway works for the provision of a footway to the north and south of the proposed site access on the western side of Mill Lane have been approved in writing by the local planning authority; and no dwelling in the development shall be occupied until that scheme has been constructed in accordance with the approved details. Footway widening and enhancements are also to be provided on the western side of Mill Lane.

REASON: The highway fronting the site has no separate facility for pedestrians and the proposal would lead to an increase in pedestrian movement along the highway. The footway is therefore required for the safety of pedestrians.

**Design Standards**

- 9) All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences.

Note: Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.

REASON: To ensure a satisfactory form of development and in the interests of highway safety.

**Construction traffic/site traffic management plan**

- 10) No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that

construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

#### **Landscaping**

- 11) 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) 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

#### **Construction Method Statement**

- 12) 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) storage of plant and materials used in constructing the development;
  - d) wheel cleaning facilities;
  - e) hours of construction work, including deliveries;
  - f) measures to control the hours of use and piling technique, if any, 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

#### **Development in Accordance with Ecological Survey**

- 13) The development hereby approved shall be implemented in accordance with the approved mitigation measures detailed in the Ecological Survey and Amphibian Assessment, including the provision of a management plan.
- REASON: In the interests of wildlife and nature conservation and to accord with Harborough District Core Strategy Policy CS11

#### **Additional ecology surveys**

- 14) No development shall commence on site until further ecological surveys for badgers and great crested newts have been carried out (in optimum conditions) in support of either the Reserved Matters application or the commencement of the development, whichever is soonest after May 2018, and the results and mitigation measures 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: In the interests of wildlife and nature conservation and to accord with Harborough District Core Strategy Policy CS11.

### 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). At reserved matters stage footway improvement measures need to be identified on the western side of Mill Lane in the vicinity of where pedestrians cross from the eastern side and then improvements identified from that point towards the south (towards the junction and the village).
- 2) 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.
- 3) It is recommended that no burning of waste on site is undertaken unless an exemption is obtained from the Environment Agency. The production of dark smoke on site is an offence under the Clean Air Act 1993. Notwithstanding the above the emission of any smoke from site could constitute a Statutory Nuisance under section 79 of the Environmental Protection Act 1990.
- 4) A watching brief for protected species 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
- 5) You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
- 6) If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under s.23 Land Drainage Act 1991. This legislation is separate from the planning process. Guidance on this process and a sample application form can be found via the following website:  
<http://www.leicestershire.gov.uk/Flood-risk-management>  
No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.
- 7) The LLFA note that the industry best practice at the time of developing the FRA may have been CIRIA C697 in relation to the SuDS design, but that new guidance has been produced in the form of CIRIA C753. The LLFA would recommend that the SuDS designs refer to the new guidance, including where the following aspects are detailed: treatment requirements and maintenance schedules for the surface water system.
- 8) Please note, it is the responsibility of the LPA under the DEFRA/DCLG legislation (April 2015) that the adoption and future maintenance of SuDS features should be discussed with the developer and a suitable maintenance schedule agreed before commencement of the works.

## Appendix B – Planning Obligations

Request By	Obligation	Amount /Detail	Delivery	CIL Justification	Policy Basis
LCC	Civic Amenities	£0		<p>Email dated 15<sup>th</sup> February 2016;</p> <p>Each proposed development is assessed and considered on finite capacity for current waste inputs; waste generated from n existing site, however, may not easily be accommodated. Whe a need for additional provision, site contributions will be prima as compactors extensions and/or redevelopment of the exis location as appropriate.</p> <p>The nearest Civic Amenity Site to the proposed developme proposed development are likely to use this site. The Civic A demands of the proposed development within the current site t and therefore no contribution is required on this occasion.</p>	<p>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule),</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014</p>
LCC	Education	£78,401.58 (primary school contribution only, no secondary contribution identified)	Prior to first occupation	<p>Email dated 15<sup>th</sup> February 2016;</p> <p>The site falls within the catchment area of Gilmorton Chandler C of E Primary School. The School has a net capacity of 210 and 223 pupils are projected on the roll should this development proceed; a deficit of 13 pupil places. . A total of 5 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and have to be discounted. This reduces the total deficit for this school to 8 pupil places.</p> <p>There are no other primary schools within a two mile walking distance of the development. A claim for an education contribution is therefore justified.</p> <p>In order to provide the additional primary school places anticipated by the proposed development the County Council would request a contribution for the Primary School sector of £78,401.58. Based on the table above, this is calculated the number of deficit places created by the development (6.48) multiplied by the DFE cost multiplier in the table above (12,099.01) which equals £78,401.58.</p>	<p>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule),</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014</p>

				<p>This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Gilmorton Chandler C of E Primary School.</p> <p>The contribution would be spent within five years of receipt of final payment.</p> <p>The site falls within the catchment area of Lutterworth College. The College has a net capacity of 1200 and 824 pupils are projected on roll should this development proceed; a surplus of 376 pupil places after taking into account the 5 pupils generated by this development. A total of 8 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and have to be discounted. This increases the surplus for this school to 384 pupil places.</p> <p>This site falls within the catchment area of Lutterworth College. The College has a net capacity of 847 and 670 pupils are projected on roll should this development proceed; a surplus of 177 pupil places after taking into account the 1 pupil generated by this development.</p>	
LCC	Highways	Up to £20,331	To be agreed – RTI system prior to first occupation, travel pack to each dwelling on occupation	<p>Email dated 26<sup>th</sup> February 2016;</p> <p>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:</p> <ul style="list-style-type: none"> <li>• 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).</li> <li>• 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</li> </ul>	<p>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule),</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014.</p>

				sustainable travel modes other than the car (can be supplied through LCC at (average) £350 per pass.	
LCC	Libraries	£0		Email dated 15 <sup>th</sup> February 2016;  No claim required for library services. The proposed development would not have any adverse impact on current stock provision at the nearest library which is Lutterworth.	Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule),  Leicestershire Planning Obligations Policy Adopted 3rd December 2014.
LCC	Monitoring Fee	County contribution 0.5% of contributions or £250 per contribution	Prior to commencement	To be advised	Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule),  Leicestershire Planning Obligations Policy Adopted 3rd December 2014.
HDC	Community Facilities	£13,446 (this figure will alter according to the finalised housing numbers and mix. Currently based on the average figure for a 3 bedroom dwelling)	50% to be paid prior to commencement, 50% to be paid on completion of 50% of the total number of dwellings	Email dated 12 <sup>th</sup> May 2016  Playing Fields Pavilion The Pavilion and Sports field are owned by Gilmorton Community Playing Fields Association, a registered charity. The Sports field hosts, Football & Cricket, whilst the hall provides facilities for Table Tennis, Dancing, Keep Fit, Toddlers Club, Scouts & Cubs along with numerous social bookings for parties, events and fund raising.  The Playing Field area is a valuable open space for the village and no revenue is received for casual use by residents.  The Pavilion was built in 1992 and many of the original fittings	Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule), <a href="#">Community Facilities and Developer Contributions</a> (Roger Tym and Partners 2010)  Leicestershire Planning Obligations Policy Adopted 3rd December 2014



				<p>and fixtures are still in place. Maintenance is an on going process, as and when funds allow. These funds are derived mainly from fund raising and the surplus of any income over expenditure.</p> <p>By improving sustainability this will ensure an accessible and usable facility for new residents from the various developments.</p>	
HDC	Open Space	<p>Off site contribution for all typologies below, up to £103,854.43</p> <p>Minimum typologies to be included on site: Parks and gardens: 0.03105ha, sports facilities: 0.09936ha, amenity greenspace : 0.05589, natural and semi-natural greenspace</p>	<p>50% should be provided prior to occupation of 50% of the dwellings. The remainder of the contribution should be paid prior to occupation of 90% of the dwellings.</p>	<p>Email dated 26<sup>th</sup> February 2016;</p> <p>I note that the POS is not included in the indicative masterplan, and therefore assume that off site contributions are preferred. This means that the commuted sum figures become redundant because there is no POS to be adopted by either HDC or the PC.</p> <p>Please note that HDC will work with the PC and other local organisations to provide an area of natural or semi natural greenspace within the vicinity of the village of Gilmorton. The natural and semi natural greenspace contribution should therefore be include in the calculations for POS unless confirmation is received that it is not possible to proceed with a project. If a suitable project does not proceed the S106 will make provision for the sum to be repaid to the developer.</p> <p>I will be pleased to comment further when a detailed landscape plan is available.</p>	<p>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule)</p> <p><a href="#">Planning Obligations Developer Guidance Note</a> 2009, <a href="#">Provision for Open Space Sport and Recreation</a></p>

		: 0.52785ha, children and young person provision: 0.01863ha, allotments: 0.021735ha , greenways: 0.08073			
HDC	Waste	No comments received			Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule), <a href="#">Planning Obligations Developer Guidance Note 2009</a>
HDC	Performance Bond		TBC	In the event of payments required at some future date, the applicant may be required to enter into a bond with a bank or insurance company in order to prevent any default in payment through bankruptcy, liquidation or refusal to pay.	<a href="#">Planning Obligations Developer Guidance Note 2009</a>
HDC	Monitoring Fee	District contribution – 15% of application fee or £250 per contribution	Within 14 days of commencem ent	It is appropriate for the Council to recover costs associated with the negotiating, production and subsequent monitoring of developer contributions. This covers the legal costs of creating agreements, any costs associated with obtaining independent or specialist advice to validate aspects of the contributions and the costs of monitoring the payment and implementation of schemes and funding.	<a href="#">Planning Obligations Developer Guidance Note 2009</a>

HDC	Affordable Housing	30% contribution required as 11 units including 3 affordable bungalows.	Submit affordable housing scheme prior to commencement	<p>Email dated 29<sup>th</sup> January 2016: Our Affordable Housing requirement will be to seek <b>40%</b> Affordable Housing of the total site yield In accordance with Policy CS3. On a site proposal of <b>27</b> units, this will equal 10.8 units rounded up to <b>11 AH units</b>. Our current tenure split requirements are for the affordable requirement to be provided as 60% Affordable rented and 40% to be provided as intermediate or shared ownership. However we will be flexible in our approach to tenures. We will not stipulate our specific unit mix and tenure split for the affordable house types at this point in time.</p> <p>We will provide our exacting requirements if and when a full application is submitted or at Reserved Matters Stage. This ensures greater accuracy in our request for specific unity types and accords more accurately with our housing need profile at a point when the scheme is more likely to be progress.</p> <p>A wider strategic assessment for delivering AH is currently under review. We may as a result consider other options / ways for delivering AH. Please make the applicant aware of our AH requirements. I have requested Needs data from HHS. The applicant is advised to contact our RP partners at the earliest opportunity to discuss AH. I am also attaching our guidance note to be forwarded onto the applicant.</p>	Core Strategy Policy CS3, HDC Guidance Note: The provision of affordable housing on 3 plus units of developments.				
NHS	Health	Up to £20,000	50% should be provided prior to occupation of 50% of the dwellings. The remainder of the contribution should be	<p>Email dated 19<sup>th</sup> May 2016: The development is proposing 27 dwellings which based on the average household size in Harborough District Council area of 2.44 per dwelling (2001 Census) could result in an increased patient population of 66.</p> <p>The calculation below shows the likely impact of the new population in terms of number of additional consultations. This is based on the Dept of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.</p> <table><tr><td>Consulting room</td><td></td></tr><tr><td>Proposed population</td><td>66</td></tr></table>	Consulting room		Proposed population	66	<p>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule),</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014.</p>
Consulting room									
Proposed population	66								

			paid prior to occupation of 90% of the dwellings.	<table><tr><td>Access rate</td><td>5260 x 1000 patients</td></tr><tr><td>Anticipated annual contacts</td><td>0.066 x 5260=347.16</td></tr><tr><td>Assume 100% patient use of room</td><td>347.16</td></tr><tr><td>Assume surgery open 50 weeks per year</td><td>347.16/50 = 6.94</td></tr><tr><td>Appointment duration</td><td>15 mins</td></tr><tr><td>Patient appointment time per week</td><td>6.94x15/60= 1.74 hrs per week</td></tr></table> <p>Treatment room</p> <table><tr><td>Proposed population</td><td>66</td></tr><tr><td>Access rate</td><td>5260 x1000 patients</td></tr><tr><td>Anticipated annual contacts</td><td>0.066 x 5260 = 347.16</td></tr><tr><td>Assume 20% patient use of room</td><td>347.16 x 20% = 69.43</td></tr><tr><td>Assume surgery open 50 weeks per year</td><td>69.43/50 = 1.39</td></tr><tr><td>Appointment duration</td><td>20 mins</td></tr><tr><td>Patient appointment time per week</td><td>1.39 x 20/60 = 0.46hrs per week</td></tr></table> <p>The proposed site is within the practice boundary of the two practices located in Lutterworth. Both practices are the closest to the development and therefore likely to feel the impact of the increased population.</p> <p>No capacity issues have been highlighted by the practices however the practices have stated that additional equipment will be needed to manage the additional patients.</p> <p>ELRCCG is requesting a capital contribution from the developer towards the practices request for additional equipment to cater for the additional patients</p>	Access rate	5260 x 1000 patients	Anticipated annual contacts	0.066 x 5260=347.16	Assume 100% patient use of room	347.16	Assume surgery open 50 weeks per year	347.16/50 = 6.94	Appointment duration	15 mins	Patient appointment time per week	6.94x15/60= 1.74 hrs per week	Proposed population	66	Access rate	5260 x1000 patients	Anticipated annual contacts	0.066 x 5260 = 347.16	Assume 20% patient use of room	347.16 x 20% = 69.43	Assume surgery open 50 weeks per year	69.43/50 = 1.39	Appointment duration	20 mins	Patient appointment time per week	1.39 x 20/60 = 0.46hrs per week	
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Leicesters hire	Police	No comments			Core Strategy: Policy CS12																										

Constabulary		received			Appendix (Infrastructure Schedule)	2
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## Planning Committee Report

**Applicant:** Manor Oak Homes

**Application Ref:** 16/00286/OUT

**Location:** Land to South and West of Priory Business Park

**Proposal:** Outline planning permission for up to 11,368m<sup>2</sup> of commercial/industrial floorspace, up to 882m<sup>2</sup> of office floorspace and up to 294m<sup>2</sup> of retail floorspace (all matters other than means of access are reserved)

**Application Validated:** 24.02.16

**Target Date:** 11.05.16

**Case Officer:** Nicola Parry

## Recommendation

Planning Permission is **APPROVED** subject to conditions and a planning obligation(s) to secure items set out in Leicestershire Highways representation (appendix B)

### 1. Site & Surroundings

- 1.1 The application site (hereafter referred to as the 'Site') comprises 9.02 hectares (22.27 acres) of 'greenfield' land and is roughly triangular in shape, located on the east of Kibworth Harcourt, beyond the Limits of Development.



**Fig 1: Site Location**

- 1.2 The site includes two agricultural fields that are separated by an existing ditch running north-south through the site. This effectively splits the site into two parts: a large western area and a smaller eastern area. Along the site's boundaries there are hedgerows and trees to the north, a landscaped earth bund to the south east and a hedgerow to the southwest. In a central location in the western part of the site, there is a small copse which forms a memorial.

- 1.3 The site is enclosed by man-made features on all sides. The northern site boundary is formed around the existing Priory Business Park and Wistow Road, beyond which are arable fields. The south-eastern boundary comprises Warwick Road and immediately to the east of this, 'Kibworth Meadows' a new residential estate development, allocated under the Harborough Local Plan (2001) (Ref: KB/1), with reserved matters (06/01209/REM) for 660 dwellings on the site. Also to the southeast of the site to the west of Warwick Road is an existing flood attenuation pond associated with this residential development. The south-western boundary is formed by the Midland Main Line railway Line, beyond which are arable fields.

## 2. Site History

- 2.1 The submission of this application follows on from a previous application on the site which was withdrawn in December 2015:

### 15/01152/OUT

*Outline application for mixed development comprising up to 8,350sqm new employment floorspace (B1b and B1c), an Extra Care Village comprising up to 85no. two bedroom units, and land for a local centre comprising up to 1,200sqm for a doctor's surgery and pharmacy (D1 use), up to 1,025sqm for offices (B1a use) and up to 240sqm retail floorspace (A1 use). All matters other than means of access are reserved for consideration at a later date.*



**Fig 2: Withdrawn Scheme (15/01152/OUT)**

- 2.2 The current application was included on 3<sup>rd</sup> May 2016 Agenda. However, Members were asked to DEFER the application following advice received from County Highway Authority:

*“As discussed the Highway Authority has re-considered its advice given in the observations dated 21<sup>st</sup> April 2016, and is of the view that these observations should be withdrawn and further time is required to review and fully understand the impacts of the proposal and explore the potential options for mitigation of the cumulative impact of development.*

*As such it is requested by the County Highway Authority that this application be deferred by the Local Planning Authority to enable necessary time to complete the above work”.*

### **3. The Application Submission**

#### **a) Summary of Proposals**

- 3.1 The proposal seeks outline planning permission for a mixed use development consisting of:

- 28 No. B1c, B1b and B2 Class commercial units totalling up to 11,375m<sup>2</sup> (122,439 sq.ft) floor space
- A retail unit up to 294m<sup>2</sup> (3165 sq.ft) floor space
- Offices (B1a) up to 882m<sup>2</sup> (9493 sq.ft) floor space
- A large new public open space to the west of the site;
- New vehicular and pedestrian access of Wistow Road to serve commercial / industrial units;
- Two upgraded vehicular and pedestrian access points and a new pedestrian access to be created off Warwick Road to serve new commercial / industrial units, new offices and retail unit;
- On-site parking
- Sustainable Urban Drainage Systems (SuDS) will be utilised on site, with an attenuation basin in the south of the site, two attenuation ponds in the corridor of open space running east-west through the site and a long thin attenuation feature to the east of the site.
- Pedestrian links will be provided throughout the site and in particular from Warwick Road in the east through a central green corridor connecting to the public open space to the west of the site.

#### **b) Schedule of Plans and Supporting Statements/Documents**

- 3.2 The following plans have been submitted for consideration:

- Dwg 40405 003 - Location Plan
- Dwg 40405 002B – Indicative Site Layout

- 3.3 In addition to the submitted plans, the application has been supported by the following documents

- Design and Access Statement
- Planning Statement incorporating statement of community involvement
- Community Involvement
- Transport Assessment
- Flood Risk Assessment including Drainage Strategy



- Environmental Ground Check
- Incoming Services Appraisal
- Landscape and Visual Impact Assessment
- Industrial Market Overview
- Local Centre Travel Plan
- Tree Report
- Ecological Assessment
- Archaeological desk-based heritage assessment

3.4 During the course of the application, the following additional information has been submitted in support of the application:

- Email from a current occupier of the Priory Business park looking to expand in the current area and expressing interest in space on the application site.
- Email from Agent confirming the use class applied for.

#### **c) Pre-application Engagement**

- 3.5 Prior to submitting the withdrawn scheme, the applicant undertook a programme of consultation with the Council's Business Support Manager, Kibworth Neighbourhood Plan Steering Group and members of the public at a public exhibition held between 2pm and 8pm on Wednesday 24th June 2015 at Kibworth Cricket Ground, Fleckney Road.
- 3.6 Prior to submitting the current scheme, the revised proposals were sent to Ward Members and the Parish Council, offering meetings if required.
- 3.7 In addition, the applicant sought pre-application advice on the revised scheme at a meeting held with Officers on 20 January 2016, in which a sketch layout scheme was provided. Officers asked The Landscape Partnerships (TLP) to provide comment on this revised sketch scheme, which was provided in an email response on 21 January 2016.

#### **d) Environmental Impact Assessment**

- 3.8 The Applicant requested that the local planning authority during the previous application (LPA) to adopt a screening opinion in respect of the submitted planning application. The LPA advised the Applicant that the an Environmental Impact Assessment was not required based on the schemes scale, nature and location. A copy of the response is available at [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)

### **4. Consultations and Representations**

- 4.1 Consultations with technical consultees and the local community were carried out on the application.
- 4.2 Site Notices were placed and a Press Notice published in the Harborough Mail on 17<sup>th</sup> March 2016
- 4.3 A summary of the technical consultee responses which have been received are set out below. Comments which relate to developer contributions are also set in detail at **Appendix A**. If you wish to view comments in full, please go to [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)

## **a) Statutory & Non-Statutory Consultees**

### **4.4 Severn Trent Water**

No objection to the proposal subject to the inclusion of a planning condition relating to the submission of drainage plans

### **4.5 Lead Local Flood Authority**

The proposed development will be acceptable subject to planning conditions relating to surface water and finished floor levels are attached to any permission granted.

### **4.6 Leicestershire Police**

Looking at the application submissions I see that Policing is excluded from the heads in the Planning Statement. Police raise a formal objection on sustainability grounds and because the development is unacceptable without the necessary Policing contribution

### **4.7 County Highway Authority**

The Local Highway Authority advice is that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to Conditions and Contributions.

### **Revised LCC Highway observations 22<sup>nd</sup> June 2016 Conclusion**

Notwithstanding the comments above should the LPA be minded to approve the application the CHA would ask that the following conditions and contributions are included in order to mitigate the impacts of the development on the local highway network.

**See Appendix B for a full copy of this representation.**

### **4.8 County Archaeology**

The trenching has confirmed and clarified the results of the desk-based assessment and follow-up geophysical survey, the latter having identified an extensive landscape of potential archaeological anomalies.

As a consequence, it is recommended that to prior to the impact of development upon the identified heritage asset(s) the applicant must make arrangements for and implement an appropriate programme of archaeological investigation.

We therefore recommend that any planning permission be granted subject to the planning conditions, to safeguard any important archaeological remains potentially present

### **4.9 Leicestershire County Council Ecology**

No evidence of protected species was recorded on site. However, a number of trees on the northern boundary were considered to have some potential as bat roosts. We would request that the applicants' attention is drawn to the full recommendations in section 6.2 of the report. Ecology surveys are only considered valid for a period of two years. Therefore a condition should be forwarded with any permission granted requiring an updated survey to be submitted either with the reserved matters application, or prior to the commencement of the development, should either of these take place after March 2017 (two years from the date of the survey). This will allow an updated assessment of the habitats and protected species on site to be made.

The development provides an opportunity for biodiversity enhancement. The current proposals provide areas of landscaping and open space and we would request that the landscaping is designed for biodiversity, particularly in the areas around the new and proposed detention basin and the area bordering the railway. We welcome the inclusion of a

wildflower meadow and native shrub planting in the proposed area of open space as well as the retention of the existing area of woodland.

#### 4.10 Leicestershire County Council Forestry

The proposed development is within the boundaries of open agricultural or unmanaged fields, and as such there are few internal feature trees, save the central memorial spinney G4 and the other recently planted native/naturalised species G1/2/3 forming developing screens to the new residential layouts to the east of Warwick Road.

The outline development layout appears accommodated within the 'vacant' areas of the fields with no significant tree removals, and the report provides all the necessary information to allow new structures to be distanced appropriately from any retained trees, adjusting the layout modestly as required.

#### 4.11 Harborough District Council Neighbourhood and Green Spaces Officer

POS is included to the north west corner of the site, with link paths back to the entrance opposite Kibworth Meadows and other links to office space and industrial units. The links are important to retain to improve the accessibility for office workers and the public.

The illustrative masterplan (40434 006B) indicates inclusion of water attenuation areas and/or swales. The inclusion of these, while important for their engineering function and mitigation against flooding, is also important for additional habitat and planting for wildlife. I would encourage the developer to bring forward a planting scheme that will enhance the biodiversity of the site by thoughtful planting of the swales and basins.

The nature of the site requires large amounts of parking. A repeat of the parking issues at Rockingham Road, Market Harborough must be avoided and careful consideration of the number of spaces should be given.

Accessibility for sustainable transport (walking and cycling) should be made. Warwick Road is a recommended route for cycling (LCC cycling map), and consideration should be given to additional signage paid for by the developer in the vicinity of the development to direct cyclist on safe routes to and from the site.

There is a designated off road cycle and footpath from School Road and Hillcrest Avenue that is not shown on the County Council cycle map (Appendix E ) that was designated as part of the Warwick Road development. Improved signage may increase use of this route.

Further, the parking areas should include permeable surfacing with swales to remove excess water rather than a conventional piped drainage system.

The POS proposed will require a landscape management plan for approval prior to commencement of development.

#### 4.12 Kibworth Harcourt Parish Council ( in full)

*"Kibworth Harcourt Parish Council strongly objects to Manor Oak Homes' application for an employment site off Warwick Road (application 16/00286/OUT) for the following reasons:*

*Kibworth's roads and junctions are at capacity. This development has one small retail store which will not stop people trying to travel on congested roads into the centre of Kibworth to shop. The additional workforce located at the site will only increase the amount of traffic on the roads.*

*This development is outside the limits to development set out in core strategy. It does not*

*contribute to HDC's 5-year housing supply and as such there is no case for its development.*

*Development in Kibworth needs to be considered cumulatively: Kibworth needs an integrated and sustainable solution to traffic, housing and employment which cannot be achieved until HDC has fully consulted on the potential Strategic Development Areas and the Kibworth Neighbourhood Plan.*

*The size and density of the development on the skyline will have a negative visual impact upon local conservation areas.*

*Proposals to locate the public open space at the rear of the site rather than on Warwick Road are unsuitable as this will attract anti-social behaviour."*

#### 4.13 Kibworth Beauchamp Parish Council (in full)

*"Kibworth Beauchamp Parish Council expresses considerable concern regarding the impact of this proposed development on neighbouring roads. Access to the site will be via the A6 roundabout, which is already at capacity. Access to the A6 will be via the junction of Warwick Road and Wistow Road which is likely to carry considerably more traffic if other planning applications (David Wilson Homes and Manor Oaks) are approved.*

*The Parish Council re-emphasizes the need to assess the cumulative effect of the present wave of major planning applications on the road infrastructure, particularly the roundabout at the junction of the A6 and Wistow Road where a housing development by Manor Oaks has already been approved.*

*All commercial and business activity requires access to the main arterial transport routes which, in the case of Leicestershire, means the M1/M6 links to the north, south and West Midlands and the A14 to the east coast; inevitably his proposal will cause unacceptable heavy traffic on the roads that connect to this network including the Market Harborough-Lutterworth route through small settlements including Theddingworth, Lubbenham and North Kilworth.*

*A further concern is that HGVs and other commercial vehicles will use the country roads through Wistow Park and Wigston to access the regional road network in order to avoid the likely queues on the A6. A commercial park of this size is not sustainable in Kibworth because of its isolation from the above-described road network."*

### **b) Local Community**

4.14 4 letters of objection have been received (88 Barnards Way, 15 Ploughed Way, 12a Dover Street, The Estate Office, 1 Polwell Road) raising the following points:

- Outside the existing Limits to Development
- The proposed development is in open farmland
- Applicant's attempt to pre-empt the outcomes of the Kibworth Neighbourhood Plan and Harborough District Council's development of the new Local Plan, both of which seek to achieve a strategic and sustainable plan for the villages and District
- What evidence is there of a need for this size of development in this location?
- Wistow Road is a country road not suitable for the inevitable flow of supply and distribution lorries and Warwick Road is a traffic-light operated one-way road over the railway.
- Impact of additional traffic locally

- Increased traffic will increase the danger to pedestrians (walkers, joggers, users of the allotments) and cyclists.
- The proposed industrial units and retail units, and associated traffic, would significantly increase noise and disturbance levels from current. The proposed buildings would have an overbearing impact. They would spoil a scenic rural approach to Kibworth Harcourt.
- Whilst provision of public open space is to be encouraged, the siting of the proposed open space beyond the industrial units makes no sense. Who is going to use it? Workers on their lunch break? Shoppers at the convenience store? The proposal is not very accessible for residents, who are unlikely to want to trek over a road and through an industrial estate to reach it. The opportunity to provide open space (which would need council funding for upkeep, even if it has wild flower meadows) should not be wasted on this proposal.
- the drainage provision from run-off needs to be very carefully calculated and over-specified, as the rapid rise in level of the River Sence and Burton Brook causes horrific flooding down the valley at Wistow (witnessed only 3 weeks ago all too clearly) as a direct result of developments in Great Glen, Kibworth and Fleckney. This flash flooding causes roads to be closed, fences to be washed away, wildlife to be destroyed and livestock threatened. The survival of the Grade I Listed church at Wistow is now at serious risk.
- My house and back garden(88 Barnards Way & 1 Polwell Road) will be overlooked directly by this development and impact on privacy
- The traffic noise from Warwick Road is already extremely loud, it is a busy road and adding further traffic would increase noise considerably, coupled with the railway. Having a busy commercial development directly outside my (88 Barnards Way) garden would add further to the noise pollution and issue.
- The immediate view from our home (1 Polwell Road) would be blighted by a concrete commercial area, replacing the rural scenic surrounds.

## **5. Planning Policy Considerations**

5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 instructs that planning applications must be determined in accordance with the provisions of the Development Plan (DP), unless material considerations indicate otherwise.

5.2 Unless stated an explanation of the development plan policies; material considerations, evidence base and other documents referred to can be found at the beginning of the Agenda under 'All Agenda Items Common Planning Policy'

### **a) Development Plan**

- *Harborough District Core Strategy*

5.3 The following aspects of the CS are notably relevant to this application.

- Policy CS1
- Policy CS2
- Policy CS3
- Policy CS5
- Policy CS6
- Policy CS7
- Policy CS8
- Policy CS9

- Policy CS10
- Policy CS11
- Policy CS12
- Policy CS17

- *The saved policies of the Harborough District 2001 Local Plan*

5.4 Of the limited number policies that remain extant, Policy HS/8 (Limits to Development) should be noted.

#### **POLICY HS/8**

**THE DISTRICT COUNCIL WILL GRANT PLANNING PERMISSION FOR DEVELOPMENT WITHIN THE DEFINED LIMITS TO DEVELOPMENT OF SETTLEMENTS INDICATED ON THE PROPOSALS MAP INSETS, WHERE THE FOLLOWING CRITERIA ARE MET :-**

1. **THE DESIGN AND LAYOUT OF THE DEVELOPMENT IS IN KEEPING WITH THE SCALE, FORM CHARACTER AND SURROUNDINGS OF THE SETTLEMENTS;**
2. **THE DEVELOPMENT DOES NOT CONFLICT WITH POLICY HS/9;**
3. **THE DEVELOPMENT DOES NOT ADVERSELY AFFECT THE AMENITIES OF RESIDENTS IN THE AREA.**

#### **b) Material Planning Considerations**

5.5 Material Planning Considerations relevant to this application:

- *The National Planning Policy Framework (The Framework / NPPF)*
- *National Planning Practice Guidance (PPG)*
- *Supplementary Planning Guidance*
- *Five Year Housing Land Supply Statement*
- *Emerging Local Plan - Options Consultation*

An Options Document was consulted on between September 2015 to October 2015. The Options Document, identifies a key aim to direct development towards sustainable settlements in the District. It identifies a hierarchy of towns and villages in the District based on their relative sustainability. Kibworth is identified as a 'Rural Centre'; 'settlements identified as a sustainable location for rural housing and additional employment, retail and community uses to serve the settlement and the surrounding area.'

The Options Document consulted on alternative ways of meeting Harborough District's objectively assessed housing needs. Nine Housing Options were proposed. Several of the

options propose a Strategic Development Area. Two sites have been put forward at Kibworth, either to the east of the settlement or to the west (Map 2 (of 2)) – see below. Map 2 (of 2) includes land put forward as part of this application.

**Map 2 (of 2) to illustrate the possible alternative locations of a potential Strategic Development Area at the Kibworths (OPTION 5, 7 and 9)**



**Figure 26: Map to illustrate the 2nd of 2 potential Strategic Development Areas for the Kibworths**

**Please Note:** This site is still being assessed by the Council. This land has not been allocated for development and only an indicative concept proposal has been received.

This map does not represent Council policy at this stage, or commit the Council to any future decision.

#### ➤ *Kibworth Parish Plan (2004)*

The Kibworth Parish Plan was produced in 2004 with the aim of identifying specific needs and concerns of the community and to address these issues to the local authority and other agencies

#### ➤ *The Kibworth Harcourt and Kibworth Beauchamp (The Kibworths) Neighbourhood Plan*

Kibworth Beauchamp Parish Council, as the relevant body, applied for the designation of The Kibworths Neighbourhood Area on 7 November 2014. The application was advertised for a 6 week period ending on 1 January 2015 and was approved by the Portfolio Holder for Planning Services on 16 January 2015.

A neighbour body “Inception Meeting” was held on Friday 06.02.15, at which a Chairperson and Vice-Chairperson were elected. A draft Neighbourhood Plan (NP) does not yet exist. Once a draft NP has been through the requisite six week formal consultation, it attracts significant weight. This stage is a considerable way off for The Kibworths Neighbourhood Plan

## c) Emerging Local Plan Evidence Base

5.6 The following emerging local plan evidence base is relevant to this application

➤ *East Leicestershire Workspace Demand Study, Leicestershire County Council, October 2014*

The study identified a growing business base within East Leicestershire and concludes that without adequate provision of workspace there is likely to be a drag on economic and employment growth. In particular, there is a market need for property for SMEs and micro businesses, with a particular gap in the market for small units under 1,000ft<sup>2</sup> (92sqm) (B1 and B2) that are affordable and have good access to broadband and access to at least a B-road network.

➤ *Leicester and Leicestershire HMA Employment Land Study, Leicester and Leicestershire Enterprise Partnership 2013*

The study identified long term employment land requirements for office, industrial and warehousing across each of the districts within Leicestershire. The study identified an oversupply of office space in Harborough, and an undersupply of light industrial B1, B2 and small B8 uses and Strategic Warehousing B8 uses.

➤ *Harborough Employment Land Availability Assessment (ELAA), Harborough District Council (HDC), 2012*

The assessment highlights high demand for smaller commercial space within rural areas and their role in supporting business starts; identifies the lack of available free hold sites in Harborough as an issue; demonstrates that the greatest potential for employment provision in both total area and total floorspace exists in the rural centres, mainly Kibworth; and identifies that there is a severely limited supply of deliverable brownfield sites available for employment development.

The application site is identified in the ELAA – with the eastern part of the site identified. As 'Land south & west of Priory Business Park, Wistow Rd' (Ref: E/004RC/11) and a smaller western part of the site identified as 'land south of Priory Business Park, Wistow Road' (Ref: E/003RC/11). The ELAA identifies both sites as 'potentially suitable', 'available' and 'achievable'. It indicates an estimated capacity of 37,122m<sup>2</sup> employment floorspace for the larger site.

The ELAA identified two other potential employment sites in Kibworth – E/005RC/11 'Land adjoining the A6 & North of Wistow Road' and E/006RC/11 'Land to east of Harborough Road'.

➤ Existing Employment Areas Review, HDC, 2012

➤ *Rural Centres Landscape Character Assessment and Landscape Capacity Study, HDC, July 2014*

The site is identified in the Capacity Study as the northern part of Parcel 20 and concludes it has medium-high capacity to accommodate development. It describes how the site is semi-enclosed by tall hedgerows and scrub, particularly to the north along Wistow Road. It is considered that the north of the parcel (the application site) has a better association with the existing built form of Kibworth Harcourt and is more suitable for development.

➤ Harborough Retail Study, HDC, December 2013

The study provides a review of the existing retail hierarchy/provision, makes projections on future retail floorspace needs to 2031 and which centres it should be directed towards.

## d) Other Relevant Documents

5.7 The following documents should be noted



- *The Community Infrastructure Levy Regulations 2010, S.I. No.948 (as amended)*
- *Circular 11/95 Annex A - Use of Conditions in Planning Permission*
- *ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)*
- *Planning Obligations Developer Guidance Note*
- *Leicestershire Planning Obligations Policy*
- *Leicestershire County Council Local Transport Plan 3 (LTP3)*
- *Leicestershire County Council Highways Authority 6Cs Design Guide*

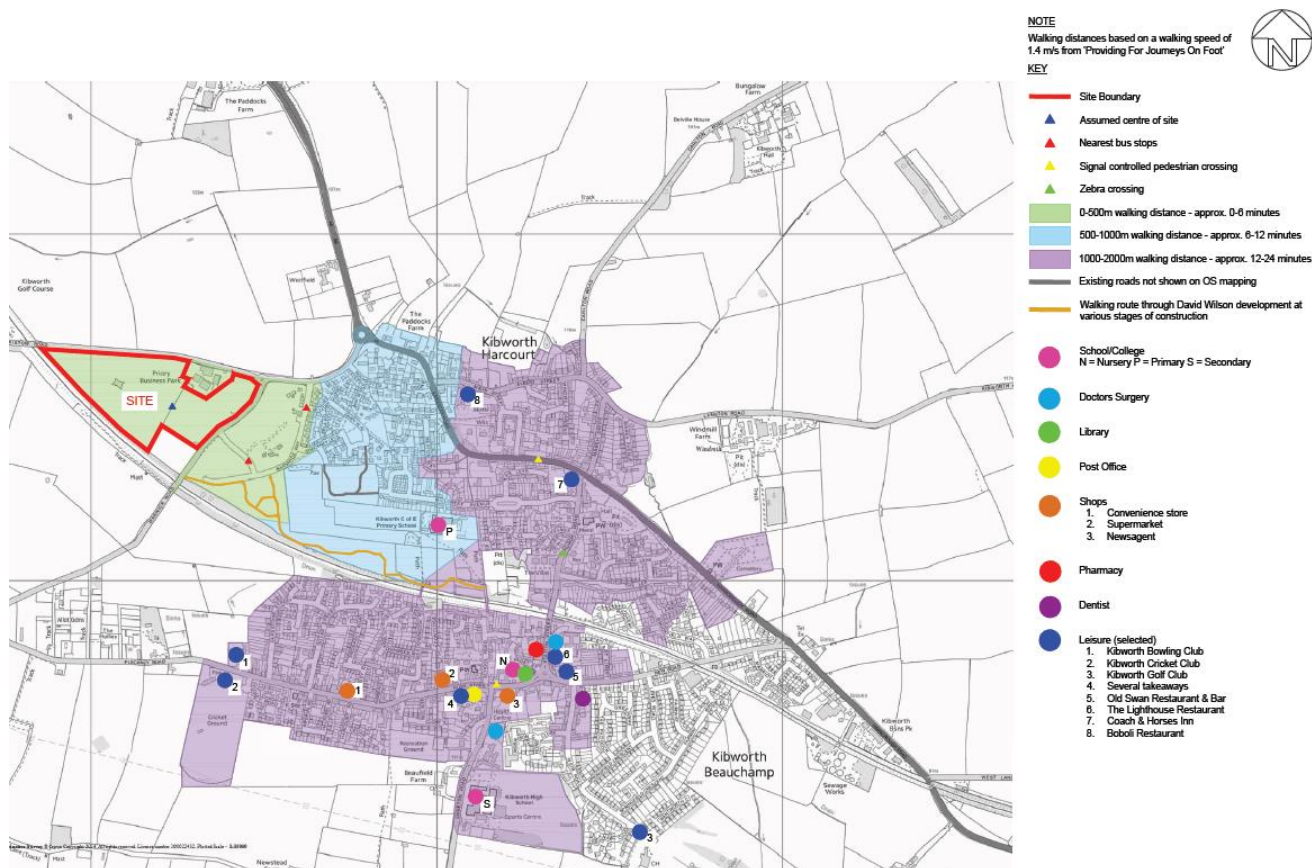
#### e) **Other Relevant Information**

- *Reason for Committee Decision*
- 5.8 This application is to be determined by Planning Committee because of the size and nature of the proposed development (it is a “Major Application” Development Type).
- *The Kibworths*
- 5.9 The Kibworths (often referred to as Kibworth) are made up of two separate parishes, Kibworth Beauchamp and Kibworth Harcourt. Kibworth Beauchamp lies predominantly to the south of the A6 whilst Kibworth Harcourt covers the northern part of the settlement. Whilst both Parishes have their own identity, designated Conservation Area and Parish Council, for the purposes of planning the 2 parts of the settlement function as a single settlement and are treated as such.

### **6. Assessment**

#### **Principle of Development**

- 6.1 The application site has no specific allocation within the Harborough Core Strategy or the Local Plan. It comprises greenfield land located outside but adjacent to the defined settlement boundary of Kibworth, as identified by Saved Local Plan Policy HS/8. This policy sets the defined Limits to Development, but must be viewed in the context that the Local Plan is now almost 15 years old and is based on out-of-date evidence about the development needs of the District.
- 6.2 Policy CS17 recognises that beyond urban areas, Rural Centres, such as Kibworth, will be the focus for rural housing, additional employment, retail and community uses to serve the settlement and its rural catchment area and that Rural Centres will be the preferred locations for employment provision in the rural area
- 6.3 The ELAA (2012) assessed the site as ‘potentially suitable’ commenting that *“the site has limited access by sustainable modes and is considered remote from the services and facilities of the village”*. Whilst Officers agree with this statement to a degree, the applicant has demonstrated (see plan below) a direct walking route through the Kibworth Meadows residential development from the site into the village centre and indicated the nearest existing bus stop is within a 5 minute walk of the site. This bus stop is on the number 44 bus route. Alternative bus services can be accessed from the bus stop on Leicester Road (A6), located approximately 750m from the eastern Warwick Road access. This bus stop is served by the 44, 232, RR3 and X3 bus services. Collectively, the 44 and X3 services provide residents with a half-hourly Monday to Saturday (not evenings) bus service to Leicester and Market Harborough (via Kibworth).



**Fig. 4 Walking distance to village services/facilities**

- 6.4 On balance, officers consider the site sustainably accessible for employment development.
- o Commercial / Industrial (B1b, B1c and B2)
- 6.5 The evidence base produced for the new Local Plan shows that there is a distinct need for employment development in Harborough and based on the ELAA 2012 that the greatest potential for meeting this need lies in Rural Centres.
- 6.6 It is clear from the review of potential employment sites contained in the Harborough Employment Land Availability Assessment (2012) that sites which are outside the current Limits to Development will need to be released for development
- 6.7 The Council's current evidence base demonstrates there is a demand for additional employment space (B1, B2 and small-scale B8) in the District, in particular a need for smaller industrial units within rural areas. Indeed, the ELAA confirms that, apart from the application site, there are very few sites, if any, available in Kibworth to contribute towards meeting the recognised need for employment growth.
- 6.8 The findings of the Council's evidence base are confirmed by the submitted Industrial Market Overview produced by Wells McFarlane which shows there "is strong demand for new build industrial stock within the region". Their research and their current database requirement demonstrates "the most popular size for industrial units is between 1,200 and 3,000 sq ft". The evidence suggests there is "demand for modern industrial units in a good quality business / industrial park location with good accessibility to the strategic road network and amenities."
- 6.9 A search undertaken for industrial stock under 5,000sq ft within Kibworth and a 10 mile radius "reveals a stark snapshot of this shortage of stock". A close examination of available stock

reveals compelling evidence of a lack of supply of good quality industrial units, and particularly of small industrial units outside of Leicester City”

- 6.10 In their opinion they consider “there are strong market signals which support bringing this land forward now for a small scheme industrial development”.
- 6.11 Support for employment development on the site is also found in the SHLAA (2014), which assesses the site (Ref. A/KB/HSG/12) to be more suitable for employment and business use and hence ‘not currently developable’ for housing, and the SHLAA (2015), which states that employment and business use is probably the more likely on site given adjacent uses.
- 6.12 Whilst the layout is still indicative at this stage, it is proposed the commercial / industrial units will range in size from approximately 46m<sup>2</sup> (495ft<sup>2</sup>) to 140m<sup>2</sup> (1,500ft<sup>2</sup>) so as to respond to the demand for smaller units of between 500-1,500ft<sup>2</sup>. The proposed units will also be flexible in their size, with the potential for neighbouring units to be joined together and therefore provide scope for newly established business to grow in size without having to re-locate.

○Office (B1a)

- 6.13 It is proposed that the upper floors of the retail unit building will be provided as B1a (office) floorspace comprising up to 882m. Whilst, the Council’s evidence base does not show the same level of demand for office floorspace in the District than as for industrial and warehousing use, however, the Applicant’s experience at Priory Business Park shows that “businesses occupying the industrial units will also often have requirements for a complementary area of office space”.
- 6.14 Furthermore, the Industrial Market Overview does show that there is a demand for office space in the Kibworth area and as such a modest amount of office space is considered appropriate.

○Retail (A1)

- 6.15 A retail unit comprising 240sqm (net trading area of c.200sqm) is proposed to provide for local needs. The retail unit is to be located in the northeast of the site.
- 6.16 No end user for the retail unit has been identified, but the applicant has advised “it is expected to be occupied by a small grocer serving the top-up shopping needs of the development and the new residential development to the site’s immediate east.”
- 6.17 The scale of the retail unit falls well below the 2, 500sqm threshold for retail impact assessment identified at Para 26 of The Framework. At local level Core Strategy Policy CS6 sets a lower threshold of 1,000sqm and confirms that all proposed retail development outside defined principal shopping and business areas will need to take account of the Impact Test defined in PPS4 (which has since been superseded by The Framework)
- 6.18 More recently, the Harborough Retail Study (2013), recommends the Council adopt a 500sqm threshold for requiring impact assessments. Clearly the proposals remain well below this threshold.
- 6.19 Nevertheless a proportionate assessment has been undertaken by the applicant. The assessment concludes that there are no sequentially preferable sites that are available, suitable or viable to accommodate the retail unit.
- 6.20 Furthermore, the assessment through undertaking an up to date health check report of the Principal Shopping Area of Kibworth confirmed that the centre is healthy, and able to withstand any minor impacts of the proposed store with no threat to the overall vitality or viability of the centre.

- 6.21 In support of the retail unit, the applicant refers to the Public Exhibition (in relation to the withdrawn application), where the limited provision of local shopping needs was an issue raised by local residents and by Members in their consideration of an application for 61 no. dwellings on land off Wistow Road (15/00525/OUT).
- 6.22 Officer's consider the applicant has demonstrated that there is a need for employment development in the District and more locally in Kibworth and that due to the lack of available brownfield land, land beyond the limits to development will have to be used to provide this need. It has also been demonstrated that the site put forward for employment development is locationally sustainable.
- 6.23 Officer's consider the proposed development would bring considerable economic benefits by providing modern and flexible employment space to meet market demand in the area and provide increased employment opportunities. The development would also generate business rate income for the Council.

#### **b) Landscape Character / Capacity / Visual Impact**

- 6.24 Core Strategy Policy CS11 and CS17(c) advises *"rural development will be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape character area in which it is situated"*.
- 6.25 At a national and regional scale, Natural England identifies the Site as falling within National Character Area (NCA) 94 Leicestershire Vales.
- 6.26 At a district level, the Council identifies the site as being primarily within the Lutterworth Lowlands Landscape Character Area (LCA), with the south east extent as being within the Welland Valley LCA.
- 6.27 The Harborough District Council Rural Centres Landscape Character Assessment and Landscape Capacity Study considers the site (Land Parcel 22) relatively suitable for development with a medium-high capacity.
- 6.28 On behalf of the LPA, The Landscape Partnership (TLP) has reviewed the application. A previous review for this site was undertaken by TLP in October 2015 for the proposed development which was later withdrawn (15/01152/OUT). In response to these comments and other requirements of Officers, the applicant has changed aspects of the development type and redesigned the layout, character and appearance of the development. Additional information and detail has also been submitted as part of this planning submission, that was not previously submitted as part of planning application 15/01152/OUT.
- 6.29 TLP *"consider the proposed development would reduce the adverse effects on landscape character and views, in comparison to the previous scheme submitted as part of planning application 15/01152/OUT. Based on the proposals being developed in accordance with the Design & Access Statement and Representation Document, and subject to the minor modifications set out in Section 3 [of TLP April 2016 report] being incorporated as part of any future reserved matters application, the effects of the proposed development would be acceptable."*
- 6.30 As referred to above, TLP still have some concerns and modifications (set out below), however importantly they consider these could reasonably be addressed as part of any future reserved matters application.
- **Cross Sections** – provided within the D&A Statement and Representation Document and whilst providing some helpful indicative illustrations are unrealistically illustrated and not adequately address the required earthworks.

- **Storage and Vehicular Access** - the proposed layout illustrates the design intention of creating a much greener character to the areas of the proposed commercial units, which is welcomed. However, some of the areas of 'green' are considered unrealistic, due to the lack of areas for storage and access for commercial vehicles into the buildings, which is assumed would be required for at least some or many of the units.
- **Southern Boundary** - the treatment of the southern boundary would be important in reducing effects on views from the south and in terms of separation with the railway. Further tree planting should be provided along this boundary rather than a footpath link which would limit the ability to provide defensible space for these units and apply Secured by Design principles.
- **Public Open Spaces:** the indicative proposals for these spaces are considered appropriate, although it is considered that the local landscape character has the ability to accommodate further trees in more cohesive groupings within the Western Public Open Space
- **Road Frontage:** the use of Sorbus torminalis would not be a characteristic tree within hedgerows or along roads within the local landscape. Additional Acer campestre trees would be preferred; and
- **Maintenance and Management:** appropriate maintenance provision should be provided not only during the establishment period of the proposed planting but also for the long term management of areas public open space, and the internal areas of the commercial units and retail unit/offices.

6.31 TLP conclude:

*"The indicative proposals and details provide demonstrable evidence of the intention to provide an appropriate and high quality development that would be capable of being sympathetically integrated into the surrounding rural landscape and local views, whilst also delivering a number of benefits to green infrastructure, public open space provision and biodiversity enhancements that would help offset the identified adverse effects".*

6.32 Officers concur with the conclusions made by TLP and as such consider the proposed development to be environmentally sustainable.

## c) Highways

6.33 Access is a matter for consideration as part of this application and a Transport Assessment (TA) and Travel Plan (TP) has been submitted with the application

6.34 There are two existing access points into the site off Warwick Road. The northerly access will serve the retail unit and offices. The most southerly access, adjacent to the David Wilson Homes detention basin will require some alterations to fulfil vehicle visibility along Warwick Road, and this access will serve several commercial units. With no formal access into the site off Wistow Road, a new access will be introduced to provide suitable access for the majority of the proposed commercial development.

6.35 There will be no direct vehicular access between the two parts of the site. However there will be pedestrian and cycle access to improve the connectivity.

6.36 The main road within the business park will be a 6.75m carriageway with a 2.0m wide footway. The local centre roads will have carriageway widths of 5.5m bound by 2.0m wide footways.

6.37 The CHA have reviewed the application, including the Transport Assessment and has not raised concerns that the residual cumulative impacts of development are severe and cannot be mitigated in accordance with Paragraph 32 of the NPPF, subject to Conditions and Contributions-see Appendix B for a full copy of the CHA representation. This is subject to a set of conditions and obligations (see Appendix B). The suggested obligations have justification showing them to be necessary, related to the development and related in scale and kind and should therefore be secured.

## b) Design



- 6.38 Good design is a key aspect of sustainable development.
- 6.39 Design (form/layout, mass, scale, proportions, style, materials) is not a matter which is currently for consideration. However, the illustrative Masterplan (Figure 4, below) and Design and Access Statement illustrate how the proposed development might be accommodated.
- 6.40 The indicative masterplan shows the retail and office unit will be located at the junction of Wistow Road and Warwick Road together with associated car parking and servicing space, the majority of the site to the west redeveloped to provide Class B employment space.



**Fig 4: Illustrative Site Layout**

○ Appearance

- 6.41 The typical height of the commercial units will be 6m to the eaves and approximately 7m to the ridge of the barrel vaulted roofs. They will be open plan single storey spaces with the option of an internal two storey section/mezzanine space for the purposes of providing office areas. The units have a sympathetic design appropriate for their location, utilising timber clad elevations and barrelled green roofs. Green barrel roofs that will help to soften long range views and assist the Sustainable Drainage Systems (SuDS) scheme. The retail unit will be single storey with an office storey over at first floor level.



**Fig 5: Indicative Elevations**



**Fig 6: Indicative Site Visual**

○ Public Open Space/Landscaping

- 6.42 The proposed development whilst indicative does demonstrate a development which has been landscape-led.
- 6.43 The western part of the site is public open space with tree planting to provide an increased screen. Tree planting is extended through the site along the brow of the hill to connect the new public open space to the existing copse of trees. Additional green spaces have been included in the layout to allow for further tree planting and break up the built form set around two central attenuation features. A wider green wedge is located between the western and eastern part of the site. The main attenuation feature is located towards the bottom of the slope and has a more organic/natural treatment with a more formal 'L' shaped water feature accommodating the existing watercourse.
- 6.44 Additional green spaces have been included in the layout to allow for further tree planting and break up the built form. These include a wider green wedge between the western and eastern part of the site. The main attenuation feature is now located towards the bottom of the slope and has a more natural treatment as do the majority of the main POS areas. The increased areas of planting provide 'wider green infrastructure linkages', opportunities for more biodiversity enhancements and blend more readily with adjacent features.
- 6.45 Surface water attenuation has been divided between two ponds. These will have a more formal appearance and act to enhance the central open space as a recreational resource for workers on the business park, while also allowing greater freedom in the landscaping of the main feature and improved biodiversity. There is also an additional informal pond within the context of the business units.
- 6.46 The units will also feature green roof elements to further enhance biodiversity and help reduce the visual impacts from built form. Areas of proposed planting within car parks between the units will have suitable protection, to prevent damage to tree pits and knee rails are to be specified.
- 6.47 The proposal does not in itself require the provision of Public Open Space (POS), however it is noted in the Landscape and Visual Assessment (LVA) (para 6.9) that the area marked as POS is mainly as an ecological area. The provision of areas for habitat and wildlife are supported in the Open Spaces Strategy 2016 to 2021.

6.48 Concerns have been raised by the Parish Council with regard to the perceived increase in antisocial behaviour generated by the public open space due to its location. Officers do not consider there is evidence that providing 'greenspace' per se increases the incidence of antisocial behaviour. If the 'green space' is poorly maintained and neglected this may be the case; it is therefore necessary to seek condition requiring details of the maintenance regime to be applied to the area and the provision of lighting and security through out the commercial area.

6.49 Furthermore, the POS is required in this location. The LVA acknowledges that the development is visible to receptors from the south and west and states in 6.16

*"the proposed landscape structure at the edge of development, particularly the proposed POS area in the west and trees along the railway corridor, together with other tree planting within the site would soften and fragment the appearance for the new buildings."*

6.50 The LVA also acknowledges that from footpath C8 to the south of Wistow Road and south west of Wistow Grange Farm the visual sensitivity of the receptor is high, with a high adverse impact. The mitigation of the landscape proposals and tree planting on site is required. A view shared by Officers and TLP.

6.51 If the POS is provided for public use it could provide a circular route for exercise and or dog walking. The maintenance of the proposed POS would remain with the owner of the commercial site and would not be a burden on the LPA.

○Connectivity

6.52 The new series of linked footpaths running through the site and the location of the commercial units allows most routes through the site to be overlooked through natural surveillance.

6.53 A new footpath and cycleway is proposed to connect to Warwick Road at a point convenient to allow a convenient crossing point to Polwell Road and in turn on towards the village centre.

○Car Parking

6.54 Parking is a fundamental component of the design of a development and achieving the correct parking response is integral to the character and functionality of the development. However as this is an outline application it is not possible to confirm the number of car parking spaces to be provided at the development. However the DAS advises that car parking would be provided in accordance with the parking standards.

○Other design matters

6.55 Matters relating to levels, refuse & recycling facilities, cycle storage and external lighting can all be controlled by way of condition.

6.56 If the design principles set out within the DAS and X are achieved there is the potential to create a high quality development that enhances its location and integrates well with its surrounding area, which would accord with Policy CS11, CS17 and Core Principle 4 of The Framework. A condition is proposed to ensure that the development that materialises on the ground accords with the supporting material submitted with the application.

## **e) Flooding and Drainage**

6.57 A Flood Risk Assessment accompanied the application.

○ Flood Risk



6.58 Policy CS10 states that development will be directed towards areas at the lowest risk of flooding within the District, with priority given to land within Flood Zone 1 (Low Probability). The EA flood map indicates that the development site is located within Flood Zone 1 and as such the site is at a low risk of flooding from rivers or the sea.

○ Surface water drainage strategy

6.59 Surface water will be attenuated to greenfield runoff rates to ensure that the rate of surface water runoff from the site does not increase as a result of the proposed development.

6.60 Whilst the site is split hydraulically into east and west portions the general strategy is identical. The proposed development will discharge into the ditch located within the development site. Discharge into the ditch will be restricted to greenfield equivalent rates. Surface water will be attenuated in a series of cascading detention basins.

6.61 Proposals are to design the surface water drainage system to accommodate storms up to the 1 in 100 year event and allow for increase in storm intensities up to 20%

6.62 Surface water runoff from the proposed development west of the watercourse will be limited to the greenfield equivalent rate of 6.2 l/s via a vortex flow control device.

6.63 Surface water runoff from the proposed development east of the watercourse will be limited to the greenfield equivalent rate of 3.4 l/s via a vortex flow control device.

○ Foul water drainage strategy

6.64 Foul water will discharge to Anglian Water manhole 3201 located in Barnards Way at a discharge rate of 3.80 l/s, as detailed in Anglian Water's Pre-Planning Assessment Report enclosed in Appendix J to the Flood Risk Assessment.

6.65 Anglian Water has not commented on the application and the EA have advised they have no comments to make. The LLFA have advised the proposed development will be acceptable if planning conditions relating to surface water drainage and finished floor levels are imposed on any grant of permission.

## **f) Forestry**

6.66 The application has been accompanied by an Arboricultural Report

6.67 A total of 19 individual trees and 9 collections were recorded during the survey (April 2015).

6.68 Tree No. 1 Common Ash is considered to be of moderate quality and value and therefore a category 'B' specimen. Tree No.7 Common Ash contains significant decay in the trunk and die back throughout and is therefore a category 'U' specimen. The remaining individual specimens and collections are all classified as category 'C'.

6.69 The proposed entrance off Wistow Road will require the removal of trees and hedgerow to provide the required visibility splay to the east. This is a highways requirement. The new entrance has minimal effects to the west and approximately half of the hedge to be removed to the east is only recently planted and still establishing. A planting plan shows that replacement planting will be provided that will seek to mitigate for the loss as the planting establishes.

## **g) Ecology**

6.70 The Ecological Assessment submitted in support of the application indicates that the majority of the site comprises arable fields with some areas of plantation woodland. This report suggests

that the existing hedgerows and attenuation pond on site are of the greatest biodiversity value and we welcome the retention of these within the proposed scheme. No evidence of protected species was recorded on site. However, a number of trees on the northern boundary were considered to have some potential as bat roosts.

- 6.71 County Ecology have reviewed the application and have recommended a condition requiring an updated survey to be submitted either with the reserved matters application, or prior to the commencement of the development, should either of these take place after March 2017 (two years from the date of the survey).

#### **h) Archaeology**

- 6.72 The Trial Trenching undertaken has confirmed and clarified the results of the desk based assessment and geophysical survey, the latter having identified an extensive landscape of potential archaeological anomalies.
- 6.73 County Archaeology have reviewed the application and have recommended a condition requiring the applicant to undertake a programme of archaeological work including a Written Scheme of Investigation in accordance with Para 141 of the Framework.

#### **i) Residential Amenity**

- 6.74 Core Principle 4 of the Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings and this is also reflected in CS Policy CS11.
- 6.75 As layout, scale and external appearance of the proposed development is a Reserved Matter, it is not possible to provide a detailed assessment on whether or not the amenity of existing residential areas/properties located adjacent to or within close proximity will be affected in terms of in terms of loss of light (overshadowing), Loss of privacy(overlooking) or over dominant or overbearing structure.
- 6.76 However, in general terms, Officers acknowledge that the proposed development would fundamentally alter the outlook of existing properties on 'Kibworth Meadows',. However, there is sufficient distance between the proposed development and the closest dwellings of Kibworth Meadows, such that a refusal on residential amenity grounds following completion of the development is unlikely to be justified.
- 6.77 During construction Officers acknowledge that there would be some adverse impacts on residential amenity. However, a planning condition requiring a Construction Environmental Management Plan to be approved and implemented could be imposed on any grant of planning consent to limit the disturbance and inconvenience that may arise when building works are undertaken. In addition to planning controls, the Environmental Protection Act provides a variety of safeguards in respect of noise, air and light pollution.
- 6.78 The proposal is judged to be acceptable in terms of residential amenity impacts and the proposal complies with Policy CS11 in this respect.

#### **Planning Balance – Conclusion**

- 7.1 The principle of development is supported. The development would create sustainable employment opportunities and support the rural, district and wider economy in accordance with Core Strategy Policies CS1, CS7, CS8, CS9, CS10, CS11, and paras 7, 14 of the Framework.
- 7.2 It would result in positive benefits economic, social and environmental benefits in terms of employment opportunities, business rates and bio-diversity enhancements. Furthermore, the proposed retail unit for convenience shopping, is likely to result in a reduction in car trips to the village centre

- 7.3 The indicative masterplan demonstrates a high quality, landscape led design can be accommodated on the site that is sympathetic to its rural surroundings.
- 7.4 No technical objections have been raised from the Lead Local Flood Authority, County Highway Authority, County Ecology and County Archaeology with regards to the proposed development.
- 7.4 The benefits identified are considered to outweigh any conflict with Local Plan Policy HS8 and Core Strategy Policy CS17 in respect of development outside of the development boundary of Kibworth and subsequent impact on the character of the countryside.

## **Appendix A – Suggested Planning Conditions**

1) Applications for approval of details of the layout, scale, appearance, landscaping, (hereinafter called "the reserved matters") for each of the Phases (as identified in the Phasing Programme approved under condition 2 below) shall be submitted to and approved in writing by the local planning authority before any development in that particular Phase begins, and the development shall be carried out as approved.

REASON: To conform with Section 92 (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2) Prior to the approval of the first reserved matters application, a Site Wide Phasing Programme shall be submitted to and approved in writing by the local planning authority. The Phasing Programme shall include details of the proposed sequence of development across the entire site, the extent and location of individual development phases including reference to the type (including use class) and extent of any development envisaged in each phase, and a description. The Phasing Programme shall also state when each of the following will be delivered:

i. Site accesses

ii. Major internal infrastructure including internal spine road, pedestrian and cycle crossings, footpaths, cycleways, services and Sustainable Urban Drainage Systems (SuDS)

iii. Confirmation of the scope and timescale for the implementation of the off-site highway infrastructure including highway improvements/traffic management measures and where required the undertaking of Road Safety Audits, the progressing of Traffic Regulation Orders and other consultation processes.

REASON: To ensure that the development is comprehensively designed and phased to make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development.

3) Application for approval of the reserved matters for Phase 1 of the development (as identified in the Phasing Programme approved under condition 2 above) shall be made to the local planning authority not later than one year from the date of this outline permission and the development to which the Phase 1 reserved matters approval relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters for Phase 1. The reserved matters applications in respect of all other Phases shall be made to the local planning authority within 5 years of the date of this outline Planning Permission, and the development of each of those Phases shall be begun respectively not later than the expiration of 2 years from the final approval of the last reserved matter to be approved for the respective phase.

REASON: To conform with Section 92 (2) of the Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4) The development hereby permitted shall be carried out in general accordance with the following approved drawings:

Site Location – 40434 005B  
Illustrative Masterplan - 40434 006B

REASON: To ensure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development and for the avoidance of doubt.

5) The reserved matters submitted under Condition 2 shall be in general accordance with the principles and parameters described and illustrated in the Design and Access Statement, dated February 2016 and Illustrative Masterplan 40434 006B

REASON: To ensure that the development takes the form agreed by the authority and thus results in a satisfactory form of development.

6) The details required in the reserved matters applications (condition 1) shall address the concerns raised by Landscape Partnership's in their report (see Section 3) dated April 2016. The development shall thereafter be implemented in accordance with the approved details.

REASON: To ensure that the development results in a high quality form of development which is appropriate and sympathetic to it's site context

7) No development shall take place, including any site works, until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period for that phase of development to which it relates. The CEMP shall provide for:

- The parking of vehicles for site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel cleaning facilities
- Measures to control the emission of dust and dirt during construction
- Measures for the lighting of compounds and works during construction
- A scheme for recycling/disposing of waste resulting from demolition and construction work
- Hours of operation - the details shall include the hours of construction and the hours for the loading/unloading of materials
- The means of access and routing of demolition and construction traffic
- Location of contractors compound
- Management of surface water run-off including details of any temporary localised flooding management system and a scheme to treat and remove suspended solids from surface water run-off during construction
- The storage of fuel and chemicals
- Temporary highway works The means of access and routing of construction traffic
- Measures to protect the trees and hedges to be retained on the application site during the duration of the construction works;
- Measures to protect the wildlife habitats and wildlife corridors during the duration of the construction works.
- The provision of temporary drainage measures
- The storage of fuel and chemicals
- Details of any piling operation to be undertaken
- The approved CEMP shall be adhered to throughout the construction period for that phase of development to which it relates.

REASON: To ensure appropriate mitigation for the impacts caused by the construction phases of the development and to reflect the scale and nature of the development.

8) No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year + climate change. Where discharging to a sewer, this should be modelled as surcharged for all events above the 1 in 30 year, to account for the design standards of the public sewers.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

9) No development approved by this planning permission shall take place until such time as a plan demonstrating that any building located within either the 1 in 30 or 1 in 100 year surface water flood risk areas on the updated Flood Map for Surface Water has a minimum floor level 300mm above adjacent ground levels.

REASON: To ensure that buildings located within the lower topography/natural flow routes are protected from flooding.

10) No development shall commence in each phase unless there has been submitted to and approved in writing by the Local Planning Authority a Landscape Management Plan for that phase which shall include the specification, the timing of the completion of and the arrangements for the management and maintenance of:

I. All areas of informal and formal open space to be included within

the development

II. Sustainable Urban Drainage Systems, watercourses and other water bodies

III. Green Infrastructure linkages including pedestrian and cycle links

iv. Parking and Servicing Provision

The Landscape Management Plan shall thereafter be complied with at all times.

REASON: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area and to accord with Core Strategy Policy CS11

11) The Retail Unit hereby permitted shall not be open outside the following hours 06.30 hours to 23.00 hours, Monday to Saturday and 07:30 hours to 22.30 hours on Sundays and bank holidays unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the residential and general amenity of the area and to accord with Core Strategy Policy CS11.

12) The Retail Unit shall be restricted to 240sqm (net trading area of c.200sqm).

REASON: To protect the vitality and viability of the Kibworths village centre in accordance with Core Strategy CS/6

13) The Unit proposed above the retail unit shall be restricted to Use Class B1a (Office).

REASON: For the avoidance of doubt and to ensure that the use remains compatible with the premises and the surrounding area.

14) The 28 employment units hereby approved shall be used for B1b, B1c and B2 and for no other use / purpose (including any other purpose in Class B1b/B1c/B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case and potential transport and residential amenity implications.

15) No materials, goods, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

REASON: In the interests of the appearance of the site and the amenities of the area and to accord with Harborough District Core Strategy Policy CS11

16) Deliveries shall only be taken or despatched from the site between the hours of 0700 hours to 20.00 hours Monday to Saturday and 0800 to 18.00 hours on Sundays, Bank or Public Holidays.

REASON: In the interests of the amenity of surrounding occupiers and to accord with Core Strategy CS11.

17) No development shall commence on site until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to accord with Harborough District Core Strategy Policy CS11

18) No development shall commence on a phase until details of the provision for the storage of refuse and materials for recycling have been submitted and approved in writing by the Local Planning Authority. The details shall be implemented as approved.

REASON: To ensure the adequate provision of facilities and in the interests of visual amenity and to accord with Core Strategy Policy CS11

19) No development shall commence on a phase until a scheme has been submitted to and agreed by the Local Planning Authority for the external lighting of that phase (including details of permanent external lighting including layout plan, lighting type, luminaire type, intensity, mounting height, aiming angles and luminaire profiles). The scheme shall be implemented as approved. In the interests of the visual amenity of the area and to accord with Core Strategy Policy CS11

20) The layout and landscape details required in the reserved matters applications (condition 1) shall include details of existing and proposed site levels, including finished floor levels of any buildings. The development shall thereafter be implemented in accordance with the approved details.

REASON: To ensure that the work is carried out at suitable levels in relation to adjoining properties and the wider surroundings, having regard to amenity, landscape, biodiversity, access, highway and drainage requirements.

21) In respect of any tree/hedgerow shown to be retained as part of any reserved matters approval scheme:

a) no tree shall be cut down, uprooted or destroyed within 5 years of the date of the commencement of the respective Phase of development.

b) If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of the commencement of development, another tree of the same size and species shall be planted at the same place within the first planting season following the loss of the retained tree.

c) No development hereby approved shall begin until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with the British Standard 5837 (2005): Trees in relation to construction has been submitted to and approved in writing by the local planning authority. Protective fencing in accordance with the approved scheme shall be erected prior to any equipment, machinery or materials being brought onto the site for the purpose of the approved development.

d) Fencing shall be maintained until all construction equipment, machinery and surplus materials have been removed from the development site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

REASON: To protect trees/hedgerows which are to be retained in order to enhance the quality of the development, bio-diversity and the landscape of the area

22) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

23) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (22).

24) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (22) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure satisfactory archaeological investigation and recording

25) Save for any works associated with the formation of the access and highway network connections as shown in JPP drawing numbers T7703PM\_TA10\_Rev\_D and T7703PM\_TA11\_Rev\_A for Wistow Road and Warwick Road respectively, no development shall commence on the site until such time as the site accesses shown in JPP drawing numbers T7703PM\_TA10\_Rev\_D and T7703PM\_TA11\_Rev A have been provided in full and are available for use by vehicular and non- vehicular traffic.

Reason: To provide access to the site for all modes of travel, including construction traffic and in the interests of highway safety.

26) No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

27) Notwithstanding the submitted Framework Travel Plan prior to first occupation, a list of measures to promote sustainable travel and their timetable for implementation shall be submitted to the LPA and approved in writing.

Reason: To ensure that adequate steps are taken to provide a choice in mode of travel to/from the site.

### **Contributions/Obligations**

The CHA advises the following Contributions and Obligations to be secured through S106 Agreement.

1. A Construction Traffic Routeing Agreement to be submitted to and approved in writing by the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

Justification: To ensure that all construction traffic associated with the development does not use unsatisfactory roads to and from the site.

2. A contribution of £5,000 per Traffic Regulation Order is required to deliver any speed limit changes outlined in JPP drawing numbers T7703PM\_TA10\_Rev\_D and T7703PM\_TA11\_Rev\_A for Wistow Road and Warwick Road respectively.

Justification: To ensure that legal orders are in place to support the delivery of the proposed highway works.

3. Travel Packs; to inform new employees from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge.

Justification: To inform new employees from first occupation what sustainable travel choices are available in the surrounding area.

4. 6 month bus pass per employee (application form to be included in Travel Pack and funded by the developer); to encourage new employees 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) £350.00 per pass (cost to be confirmed at implementation) – 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).



Justification: To encourage employees to use bus services as an alternative to the private car.

5. Appointment of a Framework Travel Plan Co-ordinator from commencement of development until 5 years after the occupation of the last unit.

Justification: To ensure effective implementation and monitoring of the Framework Travel Plan submitted in support of the Planning Application.

6. A Framework Travel Plan monitoring fee of £11,337.50.

Justification: To enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement.

7. Unless an alternative timescale is first agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied until two new bus stops are provided; these should be provided on Warwick Road and/or Wistow Road as appropriate to serve the development.

These new stops, subject to an appropriate safety audit funded by the Applicant, should include provision of raised and dropped kerbs, installation of information display cases, shelters and real time information display and shall be done in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Justification: To encourage employees to use bus services as an alternative to the private car.

Policy Justification:

- Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule),
- Leicestershire Planning Obligations Policy Adopted 3rd December 2014..
- The Framework 2012 Para 35

### **Notes to Applicant**

1) The Applicant is reminded of the Notes to Applicant provided by the County Highway Authority contained within their formal response (dated 21<sup>st</sup> April 2016)

**Appendix B**  
**Copy of Leicestershire Highways representation (June 2016)**



**RESPONSE OF THE LOCAL HIGHWAY  
AUTHORITY TO CONSULTATION BY THE  
LOCAL PLANNING AUTHORITY**

**REVISED OBSERVATIONS**

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**DETAILS OF APPLICATION**

<b>Planning Ref No:</b>	2016/0286/03/HCON/REVOBS1
<b>CE/EN Ref:</b>	Refer to Geomap
<b>Application Address:</b>	Land to South & West of, Priory Business Park, Wistow Road, Kibworth Harcourt
<b>Parish:</b>	Kibworth Harcourt CP
<b>Applicant:</b>	Manor Oak Homes
<b>Brief Description of Development:</b>	Outline planning permission for up to 11,368m2 of commercial/industrial floor space, up to 882m2 of office floor space and up to 294m2 of retail floor space (all matters other than means of access are reserved).

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**GENERAL INFORMATION**

**County Council Member:** Dr Kevin Feltham  
**Road Class:** Adopted - Class C  
**Other Information:** District Planning Officer: Nicola Parry. 16/00286/OUT  
Wistow Road = Class C4502, Warwick Road = subject to current s38 / s278 Agreements.

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**Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:**

The Local Highway Authority advice is that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the Conditions and Contributions as outlined in this report.

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**ADVICE TO LOCAL PLANNING AUTHORITY**

**Background**

The County Highway Authority (CHA) understands that the Applicant has resubmitted an outline planning application for mixed use development on agricultural land in Kibworth which is located on the A6 between Leicester and Market Harborough. The proposed sites are located to the western edge of Kibworth at land south and west of the existing Priory Business Park.

**Description of Proposals**

**Development**

The proposal is for employment, commercial and retail space with associated highway infrastructure and public open space.

The Applicant has proposed that the main road within the business park will be a 6.75m carriageway with a 2.0m wide footway. The local centre roads will have carriageway widths of 5.5m bound by 2.0m wide footways.

### Site Access Proposals

The business park will be accessed off Wistow Road via a priority junction whilst the local centre will be accessed from two priority junctions on Warwick Road. As part of the access arrangements the Applicant has proposed to extend the existing footway on the south side of Wistow Road between the existing business park and Wistow Rd / Warwick Rd roundabout to connect to the proposed development.

The site access drawings ref: T7703PM\_TA10\_Rev\_D and T7703PM\_TA11\_Rev\_A for Wistow Road and Warwick Road respectively are included in Appendix F of the Transport Assessment (TA).

The Road Safety Audit (RSA) Stage 1 dated October 2015 was submitted by the Applicant with the revised TA in February 2016 and although it highlighted the benefit of having one access in line with the CHA's request, it did not deem the two access approach unsafe.

Based on speed readings the Applicant has indicated their intention to introduce 30 mph speed limits at both locations of the proposed accesses to the development. These planned changes to the speed limit can be seen on the site access drawings in Appendix F of the resubmitted TA (Feb 2016).

The CHA does not support any proposed changes to the speed limits due to it not being consistent with our speed limits policy and the characteristics of the roads involved. The recently completed housing estate off Warwick Rd did not require a change to the existing 40 mph speed limit and the business park is in a predominately rural location with a national speed limit.

However the CHA would advise the Applicant to discuss their proposals with Leicestershire Police and refer to the appropriate notes at the end of these observations.

Should the LPA grant planning permission further clarification is required at the detailed design stage to address the issues raised as part of the CHAs initial design comments. The CHA would remind that the Applicant the proposed accesses should be designed in accordance with the 6Cs Design Guide (<http://www.leics.gov.uk/index/6csdg.htm>).

### Internal Layout

Although this is an outline application it is assumed that the internal layout of the site is to remain private i.e. not to be offered for adoption by Leicestershire County Council. However, the Applicant should be advised that Leicestershire County Council's adopted highway design guidance, The 6C's Design Guide, states at Para 3.228 that employment and commercial developments should, where possible, be designed to an adoptable standard.

### Parking Provision

Furthermore it is anticipated that the development will, subject to the appropriate planning consent being granted, provide car parking and cycle spaces in accordance with the guidance set out in the 6Cs Design Guide (<http://www.leics.gov.uk/index/6csdg.htm>)

### **Road Safety Considerations**

The Applicant has obtained accident data from the CHA covering the roads in the vicinity of the proposed development. This data covers just over five years between January 2010 and June 2015. Further details on the accident data can be found in Chapter 4 (Paragraphs 4.5.1 – 4.5.4) of the Applicant's TA with the full accident data published in Appendix H.

Following detailed analysis by the Applicant the CHA is satisfied that there are no issues around highway safety which would prevent this application being approved.

### **Background Growth and Committed Development**

To account for background traffic growth and additional traffic from any committed developments in the area TEMPRO<sup>1</sup> growth factors have been added to the forecast assessment year of 2021. The growth rates calculated already account for all known traffic growth associated with an assumed level of development based on what was submitted to DfT by each local authority area.

The Applicant has taken the flows from the approved site at Wistow Road for 61 dwellings (HDC ref: 15/00525/OUT). Therefore adding this traffic from a committed development on top of the factored base flows does represent an element of double counting but the CHA consider it to be a robust base on which to test the impact of this development.

### **Development Trip Rates / Distribution**

The trip rates for the development has been calculated using the TRICS<sup>2</sup> database and has been reproduced in Table 1 below:

**Table 1: Proposed Vehicle Trip Generation Rate**

Use	AM Peak (08:00 – 09:00)			PM Peak (17:00 – 18:00)		
	Arr	Dept.	Total	Arr	Dept.	Total
Commercial Units: General Industry per 100m <sup>2</sup>	1.497	0.259	1.756	0.186	1.196	1.382
Retail: Convenience Store per 100m <sup>2</sup>	9.374	8.836	18.210	12.524	11.371	23.895
Offices per 100m <sup>2</sup>	3.027	0.467	3.494	0.391	2.701	3.092

The numbers of trips generated based on the proposed developments at these locations are in Table 2 below.

**Table 2: Proposed Development Trip Generation**

Use	AM Peak (08:00 – 09:00)			PM Peak (17:00 – 18:00)		
	Arr	Dept.	Total	Arr	Dept.	Total
Commercial	170	29	200	21	136	157

<sup>1</sup> The Government's National Trip End Model (NTEM) forecasts and the TEMPRO (Trip End Model Presentation Program) software are used for transport planning purposes. The forecasts include population, employment, households by car ownership, trip ends and simple traffic growth factors based on data from the National Transport.

<sup>2</sup> TRICS is a computer database that validates assumptions about the transport impacts of new developments. It is the industry standard system for calculating trip generation in the UK and is used as an integral and essential part of the Transport Assessment process. The database allows users to establish potential levels of trip generation for a wide range of development and location scenarios and contains over 6,600 transport surveys.

Units						
Retail	28	26	54	37	34	70
Offices	27	4	31	3	24	27
Total	225	60	284	62	193	255

To establish the distribution of traffic to/from the proposed development the Applicant has used the 2011 census data. The Applicant has split the distribution for these proposed developments into two categories:

- Local trips: Retail Unit i.e. Convenience Store
- Wider: Commercial Units and offices

The CHA has checked the flows and proposed distribution and is satisfied with the Applicant's findings that the majority of trips to the business park will come via the A6 and that all demand for the Local Centre would be within close vicinity of the site.

### **Highway Impact Assessment**

The impact on the highway network has been investigated at various locations within the TA and can be split into the following three categories:

#### **Site Accesses**

- B: Site Access (South) / Warwick Road
- C: Site Access (North) / Warwick Road
- D: Site Access / Wistow Road

#### **Local junctions**

- J1: Warwick Road / Wistow Road
- J6: Warwick Road / Fleckney Road
- J7: Warwick Road Rail Crossings

#### **Wider network**

- J2: Wistow Road / A6
- J3: A6 Leicester Rd / Church Rd
- J4: A6 Harborough Rd / New Rd (existing)
- J4: A6 Harborough Rd / New Rd (proposed)

The results of the capacity assessments at the site accesses junction's B – D has shown that the junctions are likely to operate within capacity in 2021 with development scenario.

The CHA has reviewed the capacity analysis submitted and made some minor amendments to better reflect their operation. The submitted transport assessment and junction capacity assessments satisfactorily demonstrate that, subject to off-site highway mitigation works being undertaken, the proposal will not have a detrimental impact on the surrounding road network.

The impact on the wider network along the A6 is outlined below:

#### **J2: Wistow Road / A6**

The A6 (south) approach arm is forecast to operate above its capacity without the development traffic in the AM peak. When the development flows are added it is considered that the development is forecast to have an adverse impact on the operation of the junction.

The Applicant has outlined a nil detriment scheme to improve the capacity (Appendix R of the TA) at Wistow Road / A6 by increasing the entry width and flare length of the A6 arm of the roundabout.

When the junction capacity is modelled with these slight alterations to the geometry, the impact of the development is reduced to the extent that the performance of the junction is similar to that forecast for the future year without the development proposal.

#### J3: A6 Leicester Rd / Church Road

The CHA has reviewed the capacity analysis submitted and made some minor amendments to the geometry used to more accurately reflect current operation.

The main issue with the model submitted by the Applicant is that Church Road has been modelled with two lanes instead of one lane. The result of this error in the lane usage is that the Applicants model shows little queuing for the left turn out of Church Road. In reality when more than two vehicles are waiting to turn right it blocks anyone from turning left.

Although there is deterioration in the performance on some arms of this junction in the 'with development' scenario the impact from this development is minimal and not considered severe in the context of NPPF.

#### J4: A6 Harborough Rd / New Rd (existing priority junction)

The CHA has reviewed the junction model and the main issue with the model submitted by the Applicant is that New Road has been modelled with two lanes instead of one lane plus flare.

As a result of these changes the left and right turn queues are not independent and the queues affect each other. This means there are significant queue lengths for left turners out of the road.

To mitigate the impact of their development at this junction the Applicant has proposed an improvement scheme which would replace the priority junction with a 3-arm roundabout (see Appendix U of submitted TA).

The capacity assessment results show that the roundabout will operate well within capacity and whilst there will be some delay introduced to the A6, it is minimal. These results are on the basis that both lanes on the A6 approaches will be evenly used. The submitted design shows a short merge on the A6 exit arms and in reality where there are short merges on exits to roundabouts they are often not used effectively as many drivers avoid cutting in front of other vehicles. If this is the case at this proposed roundabout and most users queue in one lane then in reality the likely queue lengths etc. would be closer to the CHA results in which the entry widths for the A6 have been reduced to 4.5m and flare lengths to 5m.

Notwithstanding the above shortcomings of the assessment, the applicant's intention to address the impact of their development on the existing New Road/A6 junction is recognised.

#### **Off-Site Highway Mitigation Schemes**

In order to mitigate the impact of their development on the surrounding highway network, the applicant has proposed two off-site highway improvement schemes at Wistow Road/A6 and New Road/A6 (detailed above).

The Wistow Road/A6 scheme proposed by the applicant would to mitigate the impact at the junction of their proposal and a S106 obligation is advised to secure this improvement. However, the CHA is mindful that there are other planning applications still to be determined

which may also have an impact on this junction. If these applications are approved then this scheme may not mitigate the impact of the wider growth and a larger scale scheme may be required. If the LPA is minded to approve further applications in the area prior to this development commencing and this improvement being implemented a pragmatic approach would be for the applicant to provide a contribution to a wider scheme equivalent to the cost of implementing their scheme. As such a mechanism is sought for an obligation for the developer to either: -

- i. Implement the scheme as generally shown on drawing number T7703PM TA12 before development is first brought into use, or
- ii. Provide the Highway Authority with a contribution, the sum of which should be equivalent to the Authority's estimated costs for implementing the works shown on the abovementioned drawing.

The proposals to alter the existing New Road/A6 junction are expected to reduce queues and delays for vehicles waiting to enter the A6. Again, a pragmatic approach is required to account for the potential for a more comprehensive scheme to be delivered at this junction. It is recommended that further cumulative assessment work will need to be undertaken at this junction to consider and review the impact of wider growth in the area. As such a mechanism is sought for an obligation for the developer to either: -

- i. Implement the scheme as generally shown on drawing number T7703PM TA40 before development is first brought into use, or
- ii. Provide the Highway Authority with a contribution, the sum of which should be equivalent to the Authority's estimated costs for implementing the works, and dedicate the land necessary for the delivery of the scheme shown on the abovementioned drawing.

## **Sustainable Modes of Transport**

### **Public Transport**

The proposed site would be served by services 44 (Fleckney to Market Harborough) and X3 (Leicester to Kibworth) which on average offer an hourly service for employees of the proposed development.

The CHA would look to the Applicant to provide an attractive package of PT measures which would encourage employees to use public transport services in the vicinity of the site. This package of mitigation measures would help reduce the number of single occupancy car journeys and thus reduce the impact on the highway network in the peak hours. It would also assist in meeting the Applicant's future Travel Plan targets.

Should your Council be minded to approve this planning application, the CHA would advise that contributions are sought to promote sustainable travel, in line with NPPF.

### **Accessibility and Connectivity**

The Applicant has highlighted in appendix C of the TA the facilities within reasonable walking distances from the proposed developments.

The Applicant has indicated that the number of 2-way pedestrian movements; 40 in the AM peak and 36 in the PM peak, can be accommodated on the existing network and with the new footways between the development and Wistow Road and Warwick Road.

Although all dwellings within Kibworth are within an acceptable distance of 2.0km radius of the proposed development the number of cycle trips predicted which are 9 and 8 in the AM and PM peak hours respectively can be accommodated on the existing highway infrastructure.

The CHA has previously advised the Applicant that any potential interaction between HGV's and pedestrians should be discouraged and the Applicant should investigate ways to reduce this potential conflict around the entrance to the Business Park.

#### Framework Travel Plan

The CHA has reviewed the Applicants Framework Travel Plan (Feb 2016) and welcomes the initiatives to encourage walking and cycling e.g. the creation of a BUDI system for walking and cycle trips, shower facilities and lockers etc. The CHA also welcomes the proposed car sharing strategy with priority spaces for participants

Although the Applicant submitted a FTP for the Local Centre the CHA are of the view that the extra units i.e. one small shop and one small office unit can be covered under the larger Framework Business Park Travel Plan, subject to a Parking Management Strategy

In response to the CHA comments the Applicant provided an updated FTP (April 2016) which clarified some of the CHA concerns and also confirmed that the final FTP will include a car park management strategy which would protect the 'Local Centre' parking from becoming an overspill for the Business Park employees.

#### Conclusion

Notwithstanding the comments above should the LPA be minded to approve the application the CHA would ask that the following conditions and contributions are included in order to mitigate the impacts of the development on the local highway network.

#### Conditions

1. Save for any works associated with the formation of the access and highway network connections as shown in JPP drawing numbers T7703PM\_TA10\_Rev\_D and T7703PM\_TA11\_Rev\_A for Wistow Road and Warwick Road respectively, no development shall commence on the site until such time as the site accesses shown in JPP drawing numbers T7703PM\_TA10\_Rev\_D and T7703PM\_TA11\_Rev A have been provided in full and are available for use by vehicular and non- vehicular traffic.

Reason: To provide access to the site for all modes of travel, including construction traffic and in the interests of highway safety.

•

2. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.



3. Notwithstanding the submitted Framework Travel Plan prior to first occupation, a list of measures to promote sustainable travel and their timetable for implementation shall be submitted to the LPA and approved in writing.

Reason: To ensure that adequate steps are taken to provide a choice in mode of travel to/from the site.

### **Contributions/Obligations**

The CHA advises the following Contributions and Obligations to be secured through S106 Agreement.

8. With regard to the junction alterations to the Wistow Road/A6 junction, prior to the development being brought into use, the developer shall be obliged to either:-
  - a. Implement the scheme as generally shown on drawing number T7703PM TA12 before development is first brought into use, or
  - b. Provide the Highway Authority with a contribution, the sum of which should be equivalent to the Authority's estimated costs for implementing the works shown on the abovementioned drawing.

Justification: to ensure that alterations to the junction can be made by the highway authority to address the potential cumulative impact of traffic from development in the vicinity of the junction

9. With regard to the junction alterations to the New Road/A6 junction, prior to the development being brought into use, the developer shall be obliged to either:-
  - a. Implement the scheme as generally shown on drawing number T7703PM TA40 before development is first brought into use, or
  - b. Provide the Highway Authority with a contribution, the sum of which should be equivalent to the Authority's estimated costs for implementing the works shown on the abovementioned drawing.

Justification: to ensure that alterations to the junction can be made by the highway authority to address the potential cumulative impact of traffic from development in the vicinity of the junction

10. A Construction Traffic Routeing Agreement to be submitted to and approved in writing by the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

Justification: To ensure that all construction traffic associated with the development does not use unsatisfactory roads to and from the site.

11. A contribution of £5,000 per Traffic Regulation Order is required to deliver any speed limit changes outlined in JPP drawing numbers T7703PM\_TA10\_Rev\_D and T7703PM\_TA11\_Rev\_A for Wistow Road and Warwick Road respectively.

Justification: To ensure that legal orders are in place to support the delivery of the proposed highway works.

12. Travel Packs; to inform new employees from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). If not

supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge.

- 

- Justification: To inform new employees from first occupation what sustainable travel choices are available in the surrounding area.

- 

13. 6 month bus pass per employee (application form to be included in Travel Pack and funded by the developer); to encourage new employees 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) £350.00 per pass (cost to be confirmed at implementation) – 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).

- 

- Justification: To encourage employees to use bus services as an alternative to the private car.

14. Appointment of a Framework Travel Plan Co-ordinator from commencement of development until 5 years after the occupation of the last unit.

Justification: To ensure effective implementation and monitoring of the Framework Travel Plan submitted in support of the Planning Application.

15. A Framework Travel Plan monitoring fee of £11,337.50.

Justification: To enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement.

16. Unless an alternative timescale is first agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied until two new bus stops are provided; these should be provided on Warwick Road and/or Wistow Road as appropriate to serve the development.

These new stops, subject to an appropriate safety audit funded by the Applicant, should include provision of raised and dropped kerbs, installation of information display cases, shelters and real time information display and shall be done in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

- Justification: To encourage employees to use bus services as an alternative to the private car.

## **Notes to Applicant**

1. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980. For further information, including contact details, you are advised to visit the County Council website as follows:-see Part 6 of the “6Cs Design Guide” at [www.leics.gov.uk/6csdg](http://www.leics.gov.uk/6csdg)

2. C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Highways Manager.
3. If it is the developer's intention to seek either; the adoption of roads which incorporate non-standard features/materials, or the adoption of additional areas beyond that which would normally be considered necessary for the safe functioning of the highway, then commuted sums for future maintenance will be payable. The Applicant should refer to the 6C's Design Guide available at [www.leics.gov.uk/index/6csdg.htm](http://www.leics.gov.uk/index/6csdg.htm) for more information.
4. If the applicants do not wish to seek adoption of the roads, 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. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see [www.leics.gov.uk/htd](http://www.leics.gov.uk/htd) or phone 0116 3057198.
5. The Applicant shall be advised that a minimum of 6 months' notice is required by Leicestershire County Council for the making of a Traffic Regulation Order. This is to allow all statutory processes to be completed. Further information can be found in the 6C's Design Guide available at: <http://www.leics.gov.uk/index/6csdg.htm> or by contacting the Network Management Team via 0116 305 0001.
6. All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager (tel 0116 305 0001).
7. You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and details plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highways works are commenced.
8. In order to provide the visibility splays/access shown on the submitted plans, it would be necessary to remove/carry out works to trees and/or vegetation within the limits of the Highway but before any works to such are commenced you must first obtain the separate consent of the Highway Authority. If approval is granted you may be required to provide appropriate replacements.
9. All highway related structures must be designed and constructed in accordance with the current relevant Highways Agency standards, codes of practice and technical memoranda. The design will be subject to the technical approval procedures set out in BD 2/12 "Technical Approval of Highway Structures" which is part of the 'Design Manual for Roads and Bridges' that can be found on [www.standardsforhighways.gov.uk](http://www.standardsforhighways.gov.uk). You must employ a chartered civil or structural engineer with experience in highway structures and approved by the County Council to carry out the design and oversee construction. You should start this approval process at an early stage to avoid delays in completing the Section 38 road adoption agreement, which may delay site works.
10. Highway related structures will normally include bridges, retaining walls, reinforced soil and anchored earth structures, environmental barriers (including noise barriers and

fencing) and all drains, piped and box culverts, sewers and drainage structures, other than bridges, that have a diameter or clear span of more than 900mm. There should be discussion at an early stage to agree which structures we are to adopt. You will have to pay the additional design checking and inspection fees for any highway structure. You must also pay a commuted sum for future maintenance of any highway structure to be adopted.

11. If you intend to provide temporary directional signing to your proposed development, you must ensure that prior approval is obtained from the County Council's Highway Manager for the size, design and location of any sign in the highway. It is likely that any sign erected in the Highway without prior approval will be removed. Before you draw up a scheme, the Highway Manager's staff (tel 0116 305 0001) will be happy to give informal advice concerning the number of signs and the locations where they are likely to be acceptable. This will reduce the amount of abortive sign design work.
12. Highway conditions and contributions/obligations will be sought for the planning permission. For details, please refer to items listed under 'Advice to Local Planning Authority'.
13. If it is the developer's intention to seek either; the adoption of roads which incorporate non-standard features/materials, or the adoption of additional areas beyond that which would normally be considered necessary for the safe functioning of the highway, then commuted sums for future maintenance will be payable. The Applicant should refer to the 6C's Design Guide available at [www.leics.gov.uk/index/6csdg.htm](http://www.leics.gov.uk/index/6csdg.htm) for more information.
14. Should the applicant wish for LCC to provide the improvements to the bus stops they can be provided at the estimated costs as follows, excluding staff fees:
  - a. New/Improvements to bus stops as required (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263 per stop.
  - b. Information display cases; to inform new employees of the nearest bus services in the area. At £120 per display.
  - c. Bus shelters; to provide high quality and attractive public transport facilities to encourage modal shift. At £4908 per shelter.
  - d. Real Time Information (RTI); to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift. At £5150 per display.

Date Received	Inspector	Signed Off
2 March 2016	Andy Gatward	22 June 2016

Note: Response provided by the Local Highway Authority under the delegated authority of the Director of Environment and Transport.



## Planning Committee Report

Applicant: Mr & Mrs T Burbidge

Application Ref: 16/00377/FUL

Location: 14 Chatsworth Drive, Market Harborough, Leicestershire, LE16 8BS

Proposal: Erection of a single storey front and two storey rear extensions and associated works

Application Validated: 07.03.2016

8 Week Target Date: 02.05.2016 (Extension of time agreed)

Consultation Expiry Date: 17.05.2016

Site Visit Dates: 07.04.2016

Case Officer: Anisa Aboud

## Recommendation

Planning Permission is **APPROVED**, for the reasons set out in the report and subject to the appended Planning Conditions (Appendix A).

The development hereby approved, by virtue of its design, size and positioning, would not adversely affect the amenity of neither local residents nor result in a sub-standard level of off street parking, nor an unacceptable reduction in open space around the dwelling and would be subordinate to the main dwelling and of harmonious design, form and materials. 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.

## 1. Site & Surroundings

- 1.1 The site is to the east of the town centre, accessed off Rockingham Road- Gores Lane. The application site is a detached property situated on the main access into the development; a driveway to the front with spaces for approximately 3 cars. The property is surrounded by residential properties of a similar age and design.
- 1.2 The dwelling has a pitched tile roof, and is red brick in design. It is within Limits to Development for Market Harborough and is not located within the Market Harborough Conservation area. The proposal is for single storey front and two storey rear extensions. The property garden faces south and is separated from other properties by 1.8m timber close-boarded fence. There is change in levels of approximately 0.5m at the rear.

**Figure 1 – Site Location Plan**



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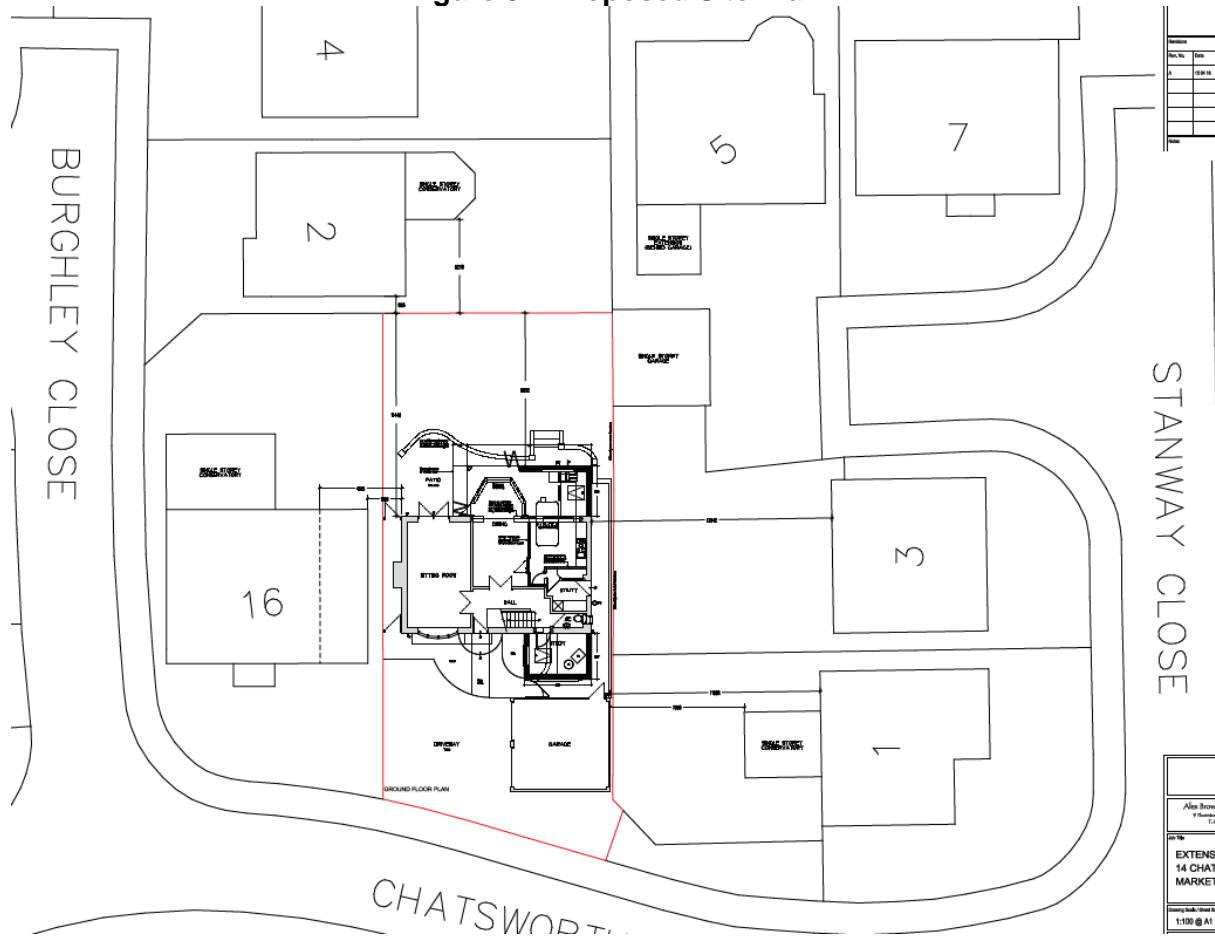
**Figure 2 – Aerial Photograph of Site Location 1:500**



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**Figure 3 – Proposed Site Plan**



## 2. Site History

2.1 None relevant

## 3. The Application Submission

### a) Summary of Proposals

3.1 The application seeks planning permission to construct a single storey front extension creating a study and a two storey rear extension. This will provide a spacious kitchen/diner with bi-folding doors opening into the garden. At the first floor the proposal will increase the size of two existing bedrooms including the master bedroom. The two storey element is set off the side wall of the existing dwelling by approximately 1.6m and will have a depth of approximately 2.8m. Pitched roofs are incorporated to the front and rear with a lean to roof to the side of the two storey element incorporating a roof light.

### b) Plans and Documents for Assessment

#### i Plans

3.2 The application seeks assessment of the following plans:

1. Location Plan drawing number B12/001

2. Proposed Site Plan drawing number B12/035
3. Existing Floor Plans drawing number B12/20
4. Existing Elevations drawing number B12/050
5. Proposed Floor Plans drawing number B12/031 A
6. Proposed Elevations drawing number B12/051 A

ii Supporting Statements

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3.3 No supporting statements required or submitted

c) Amended Plans and/or Additional Supporting Statements/Documents

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3.4 Amended documents received:

1. Proposed Site Plan drawing number B12/035 A
2. Proposed Floor Plans drawing number B12/031 B
3. Proposed Elevations drawing number B12/051 B

#### 4. Consultations and Representations

4.1 Consultations with technical consultees and the local community have been carried out on the application.

4.2 A summary of the technical consultee responses and local representations received are set out below. If you wish to view the comments in full, please go to: [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)

##### a) Statutory & Non-Statutory Consultees

4.3 *Market Harborough Civic Society- no comments (24/03/16)*

##### b) Local Community

4.4 5 objections received, from 5 households.

4.5 Visual amenity issues raised in the representations:

- Proposal will increase view of 'brick and roof tile' by over 100%
- Impact on views from kitchen, dining room and two bedrooms
- Loss of open space around the building

4.6 Residential amenity issues raised in representations:

- Proposal will block light
- Increase overlooking and loss of privacy
- Dominate outlook

4.7 Other issues raised:

- Soil is clay digging deep foundations will cause flooding and damage other gardens and properties
- Increase in noise levels
- Increase in traffic and impact on access for emergency services
- Application would set a precedent
- Out of character of the estate



- 4.8 Amended Plans: 5 letters of objections received from the same addresses stating that all their earlier concerns still stand.

## **5. Planning Policy Considerations**

- 5.1 Please see above for planning policy considerations that apply to all agenda items.

### **a) Development Plan**

*Harborough District Core Strategy (Adopted November 2011)*

- 5.2 Relevant policies to this application are CS11 and CS5. These are detailed in the policy section at the start of the agenda.

### **b) Material Planning Considerations**

- 5.3 *The National Planning Policy Framework ('the Framework')*  
Paragraphs 14 (presumption in favour of sustainable development); 17 (core planning principles); 58, 60, 61 and 63 (requiring good design) and 187 (Decision Taking).

○ *Supplementary Planning Guidance (2003)*

- 5.4 SPG Note 5 is relevant.

○ *New Local Plan*

○ *The National Planning Policy Guidance*

### **c) Other Relevant Information**

- 5.5 This application is to be determined by Planning Committee due to the level of counter-representation received.

## **6. Assessment**

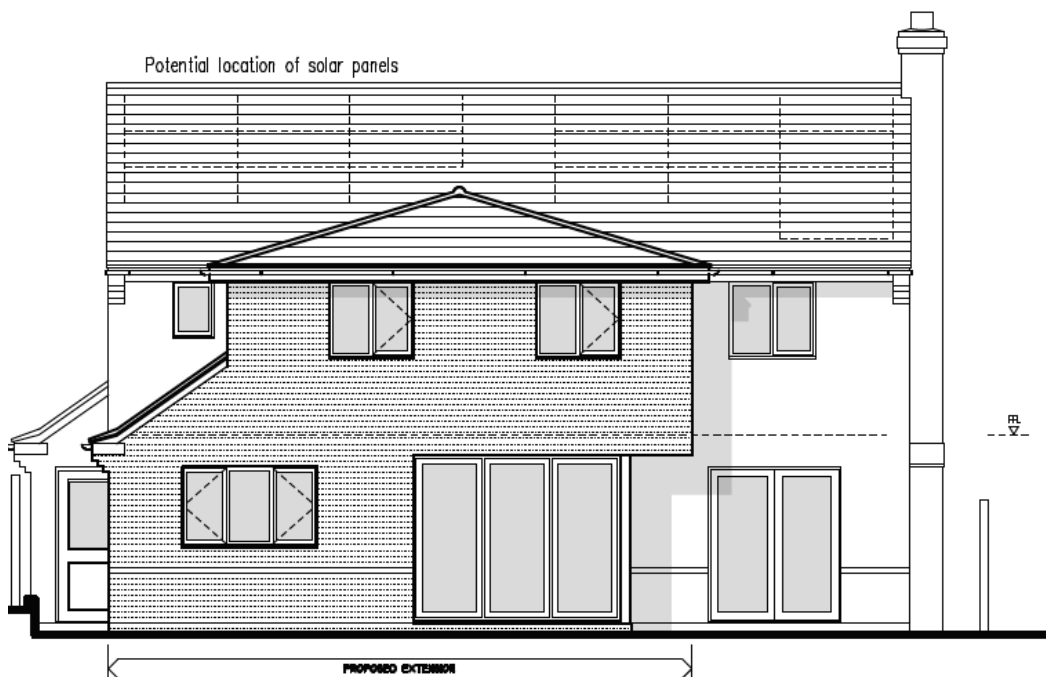
### **a) Design and Visual amenity**

- 6.1 The proposed works include a single storey front extension and a two storey rear extension. The existing rear conservatory will have to be demolished to allow for the two storey rear extension.
- 6.2 There is an existing pitched roof detached garage to the front of the property. This will restrict most views of the front extension from the streetscene (see figure 3).

**Figure 3: Front Elevation (North) Streetscene**



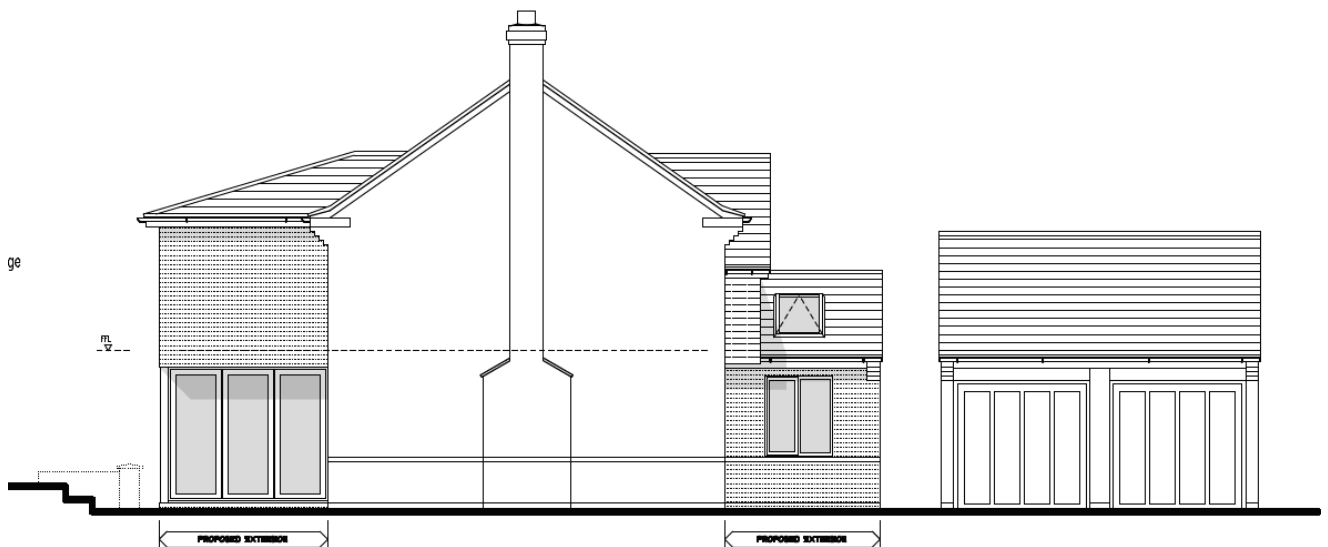
**Figure 4: Rear Elevation (South) facing 2 Burghley Close**



**Figure 5: Side Elevation (West) facing 1, 3 Stanway Close**



**Figure 6: Side Elevation (East) facing 16 Chatsworth Drive**



- 6.3 The proposed single storey front extension will form a study and will measure approximately:  
 Width: 3.7m  
 Depth: 2.6m  
 Eaves height: 2.3m  
 Ridge height: 3.9m
- 6.4 The proposed two storey rear extension will have a hipped roof and will measure approximately:  
 Width: 6.9m (ground floor) 6.1m (first floor)  
 Depth: 2.8m  
 Height:

- ground floor eaves: 2.2m
- ground floor ridge: 3.15m
- First floor eaves: 4.6m
- First floor ridge: 5.85m

6.5 The materials proposed are:

Roof: Interlocking concrete tiles to match existing roof

Walls: Facing brickwork to match existing

Windows: Brown woodgrain uPVC to match existing

- 6.6 The single storey front extension is set off the boundary by approximately 1.2m from the front elevation with a lowered ridge line of approximately 0.6m compared to the ridge of the existing detached garage to the front. Therefore, the proposal is considered to be subordinate to the main dwelling and is designed in keeping with the existing dwelling with the use of matching materials.
- 6.7 The design of the roof has been amended by the applicant in order for the installation of a specific number of solar panels on the roof required by the applicant. Therefore, the roof is shallow-pitched and hipped in order to allow for the required solar panels.
- 6.8 The extension would be built in materials to match the existing and is of a design that is sympathetic to the style of the property.
- 6.9 As a result the proposal does not adversely affect the visual amenities of the street scene and reflects the context in which it is taking place. The application is therefore considered to be in accordance with Policy 11 of the Harborough District Core Strategy.

#### Highways

- 6.10 The proposal does not affect parking and sufficient off-street parking remains, no additional bedrooms are proposed and no alterations to access are proposed therefore the proposal is not considered to give rise to an unsafe highways situation and this complies with CS5.

#### Residential Amenity

- 6.11 Core Principle 4 of the framework seeks to ensure a good standard of amenity for all existing and future occupiers of land and buildings, this principle is also reflected in Policy CS 11. In order to objectively assess the impact of the proposed development upon the existing residential amenity, the council has adopted Supplementary Planning Guidance Note 5 (SPG). This guidance states that there are three main ways in which development can affect the existing residential amenity:
- Loss of light (overshadowing)
  - Loss of privacy (overlooking)
  - Sense of over-dominance or overbearing structure
- 6.12 Some objection has been raised in respect of the potential impact on residential amenity. The majority of concerns relate to the two storey rear extension.
- 6.13 The proposal is for a two storey extension to the rear with a single storey element to it. A two storey extension could be built under permitted development (PD). In fact, a larger two storey extension could be achieved under Class A of the General Permitted development (England) Order 2015.

- 6.14 The application site is on approximately 0.5m lower ground level than the properties to the rear and as a result the proposed extension will have a reduced impact on the amenity of neighbouring properties. This is further aided in that it is set down approximately 1.3m below the ridge of the existing dwelling. The difference in levels, together with the lower ridge, shallow pitch and hipped roof of the two storey rear extension means that it will not cause any significant overbearing impact. Therefore, the properties to the rear, number 2 Burghley Close and number 5 Stanway Close will not be significantly affected as a result of the proposal.
- 6.15 Number 2 Burghley Close is orientated at a 90 degree angle and has an existing single storey conservatory at the rear. It is set off approximately 5.2m from the boundary. In total the separation distance between the conservatory and the proposed two storey extension will be approximately 13.65m. The impact of the proposal is further offset by the approximately 0.5m difference in levels. Number 2 Burghley Close has a window at the first floor side elevation facing the application site however, this is a non-principal window. Given the existing relationship, the proposal will not create an exacerbating overlooking impact.
- 6.16 Number 5 Stanway Close has also objected on grounds of impact on residential amenity. However, number 5 Stanway Close has an existing detached single storey garage situated north-east of the proposal and an existing single storey front extension. The proposal will not give rise to any overlooking due to the oblique angle from the proposal to this property. There is a separation distance of approximately 14.4m between the two storey extension and number 5 Stanway Close; as well as the screening provided by structures in between.
- 6.17 Number 16 Chatsworth Drive has an existing single storey conservatory to the rear and has principal windows facing the rear. However, due to the position of the extension (set off approximately 4.7m from the boundary) it will not break the 45 degree line from these windows as set out in SPG note 5. There are no first floor windows proposed on the facing side elevation which would cause direct overlooking or loss of privacy to this neighbour. The proposed ground floor bi-folding doors will partly face number 16 Chatsworth Drive but will be largely screened by the existing fence and will cause no more overlooking than the existing use of the garden.
- 6.18 Fall Back position: if the applicant were to set off the boundary by 2m a larger scheme can be carried out that would have a far greater impact on neighbour amenity (see figures 7, 8 and 9).

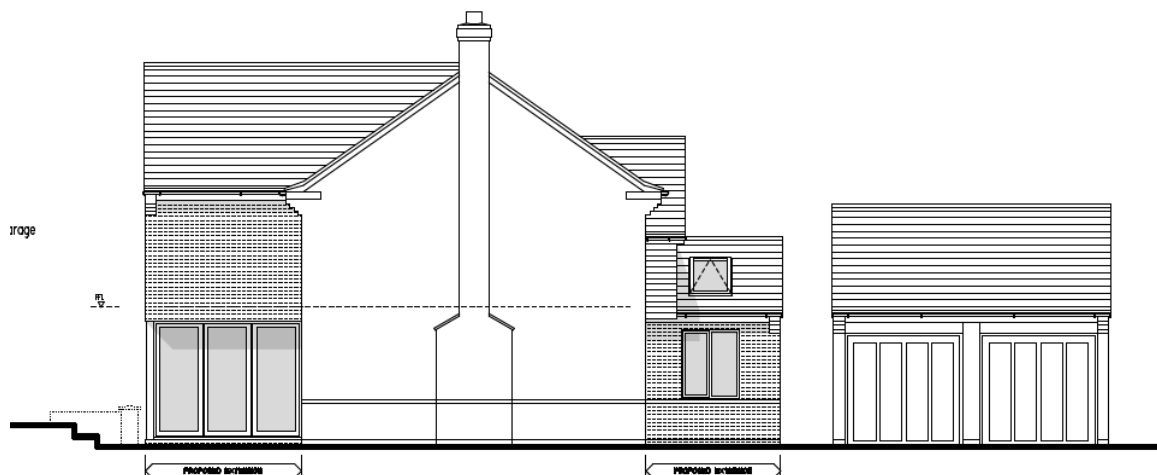
**Figure 7: Rear Elevation (South) facing 2 Burghley Close (Under PD)**



**Figure 8: Side Elevation (West) facing 1, 3 Stanway Close (Under PD)**



**Figure 6: Side Elevation (East) facing 16 Chatsworth Drive (Under PD)**



- 6.19 It is important to keep in mind that under PD the alternative scheme would be constructed at the maximum 3m depth allowance; the rear extension will be set off the required 2m from the side boundary. The extension would be a full two storeys at the rear with matching eaves and ridge height. It will not be set back off the first floor element; the roof will be at a steeper pitch (similar to the existing dwelling) and will be gabled rather than hipped.
- 6.20 It could be argued that a PD scheme would have a far greater perceived impact on the amenity of neighbouring residents than the current scheme. Therefore, it is not reasonable to resist the application on this basis. Due to the fall back position the extension is considered not to be unduly harmful to the amenities of the neighbouring occupiers.
- 6.21 The proposal also includes the erection of a single storey front extension; this is considered not have any significant detrimental impact on neighbour amenity. Number 1 and 3 Stanway Close may lose some morning light to the far rear part of their curtilage. But SPG5 concerns light to principal rooms, not gardens. However, it is not considered that the proposed single storey front and two storey rear extensions will significantly worsen the current situation.
- 6.22 The application therefore considered to comply with Policy CS11 and SPG note 5.

## **7. The Planning Balance / Conclusion**

- 7.1 The proposed extensions will not be highly visible from the streetscene of Chatsworth Drive and is designed to be subordinate. The extensions are not considered to cause a sense of over-dominance or loss of privacy to neighbouring properties when considering existing factors. The proposal is therefore considered to accord with Policy CS11 of the Harborough District Council Core Strategy 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.
- 7.2 Whilst it is considered that although the PD scheme has a more uniform design. The negotiated scheme would have a significantly less harmful impact on the amenity of neighbouring occupants.

### Appendix A: Recommended Conditions

#### **1 Full Planning Permission- commencement**

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 Amended Plans**

This consent relates to the application as amended by revised plan no. proposed site plan drawing number drawing number B12/035 A, Proposed Floor Plans drawing number B12/031 B and Proposed Elevations drawing number B12/051 B attached to and forming part of this consent.

REASON: For the avoidance of doubt.

### **3 Materials Match Existing**

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in material, colour and texture, to those used in the existing building.

REASON: In the interests of visual amenity and the character and appearance of the area and to accord with the Harborough District Council Core Strategy Policy CS11.

#### **Informatives**

#### **Building Regulations**

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.



## Planning Committee Report

**Applicant:** Mrs Sandra Fletcher

**Application Ref:** 16/00501/FUL

**Location:** Walnut End, Chapel Lane, Walton

**Proposal:** Erection of a detached double garage and creation of access (revised scheme of 15/00425/FUL)

**Application Validated:** 29.03.2016

**Target Date:** 24.05.2016

**Consultation Expiry Date:** 12.05.2016

**Case Officer:** Ruth Meddows-Smith

## Recommendation

Planning Permission is **APPROVED** for the following reason:

The development hereby approved, by virtue of its design, siting and materials, will cause no harm to highway safety, residential amenity, the character and appearance of the area, the street scene or the setting of any Listed Building. Furthermore, it will protect the character and appearance of the Conservation Area. The proposal is therefore considered to be sustainable development which accords 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.

## 1. Site & Surroundings

1.1 The application site (hereafter referred to as 'the Site') is the garden of Walnut End, a semi-detached two storey house of late C20th design. The property has a substantial side garden with 1m post-and-rail boundary, with semi-mature planting. Fruit trees and other mature trees (silver birch) grow within the plot and the boundary to the highway has a 1m mixed hedge. Parking for the house is on the existing driveway and is suitable for two cars.



**Figure 1: Aerial Photo**

- 1.2 The Site occupies a prominent position at the western entrance to the village which has an open character due to the meeting of three minor roads and a public Right of Way (footpath Y59). The site is set back from the highway boundary by a grass verge. To the south of the site is a field/paddock with its access adjacent to the site. Walnut End is at the end of a row of similar houses; otherwise detached houses and bungalows lie to the north and west. To the east, beyond the highway, are open fields, with the two roads out of village. The site is within the Limits to Development and Conservation Area of Walton.

## **2. Site History**

- 2.1 15/00425/FUL – Erection of detached garage with habitable accommodation and balcony at first floor; creation of an access. Refused 8<sup>th</sup> June 2015 for the following reason:

“By virtue of its proposed design, scale and siting, the proposal is not inspired by local character, fails to respect the context in which it is taking place, fails to integrate into the character of the existing street scene, is out of keeping with the appearance and character of the existing dwelling, and is inconsistent with the character of the Conservation Area. It therefore fails CS11 a), b), c) iii) and v), d) iii) and paragraph 58 of the Framework.”

## **3. The Application Submission**

### **a) Summary of Proposals**

- 3.1 The application seeks planning permission for the erection of a detached garage within the residential curtilage, and the creation of an access onto the Kilworth Road. Hardstanding (driveway) is proposed between the two.
- 3.2 Both the hardstanding and the access would appear to meet the criteria to be considered Permitted Development.

- 3.3 Full elevations, floorplans and a layout plans have been submitted, together with proposals for additional planting.

#### **b) Schedule of Plans and Supporting Statements/Documents Submitted with the Application**

- 3.4 The application was accompanied by the following documentation:

- Design and Access Statement;
- Proposed elevations and floorplans (drawing SKF-LE17-5RL/3);
- Proposed layout (drawing SKF-LE17-5RL/2 );
- Existing layout (drawing SKF-LE17-5RL/1);
- Site location plan

#### **c) Amended Plans and/or Additional Supporting Statements/Documents Submitted since Validation**

- 3.5 No further information has been requested or submitted.

#### **d) Pre-application Engagement**

- 3.6 The applicant received informal verbal advice without prejudice from Ruth Meddows-Smith, Planning Officer, following the previous refusal and prior to submitting the application. Points made included visual impact considering the prominent location, and the need for a modest size and height. The applicant asked about the access and was advised by the officer that this was considered acceptable as Highways had not objected previously.

### **4. Consultations and Representations**

- 4.1 Consultations with technical consultees and the local community were carried out on the application submission.
- 4.2 A Site Notice was placed on 21.04.16.
- 4.3 A summary of the technical consultee responses which have been received are set out below. If you wish to view comments in full, please request or go to [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)

#### **a) Statutory & Non-Statutory Consultees**

- 4.4 *Leicestershire County Council Highway Authority*  
The Local Highway Authority advice is that the residual cumulative impacts of development are severe in accordance with Paragraph 32 of the NPPF and the Local Planning Authority is advised to consider a refusal on transport grounds for the reason outlined in this report.

The applicant has failed to demonstrate that appropriate visibility can be achieved at the proposed vehicular access. The CHA notes the highway gain proposed by the applicant from additional off-carriageway parking however must consider this against the highway danger associated with a very restricted visibility splay to the south of the proposed access and on balance concludes that the development proposal, as presented, should be resisted on highway safety grounds.

## Suggested Reason For Refusal

1 The proposal, if permitted, would lead to the creation of an additional vehicular access lacking adequate visibility which would not be in the interests of highway safety.

### 4.5 *Kimcote and Walton Parish Council*

No objection to the construction of the garages. Concern raised regarding the access to them from Kilworth Road (blind spot).

## **b) Local Community**

### 4.6 1 letter of comment has been received, stating:

We would reiterate the observations/comments that we made at the time of the previous unsuccessful planning application, namely:

1. We would hope to see a commitment by the applicant to ensure that no damage occurs, during construction of the building and access, to the storm water drainage pipe that lies under or adjacent the proposed access way to the site and which then runs to the nearby ditch on the same side of the North Kilworth Road. This pipe drains water run off down to the River Swift and Kimcote through field ditches.

(This pipe runs between the properties Brook Lodge and Ash Tree House (opposite the application site), under the junction of Chapel Lane/Husband Bosworth Road/North Kilworth road, and then in front of the proposed development. Ash Tree House, which is next to Brooke Lodge, was built approximately six years ago. Surface water drains from the hillside behind those premises through a substantial drainage pipe, between Brooke Lodge and Ash Tree House and then under the road junction to the ditch referred to. This pipe was apparently fractured in the construction of Ash Tree House and blocked. During heavy rain and snow melt in December 2012 the water run off was unable to use the pipe and cascaded across the properties, and then lay across the whole road junction for a number of days.)

We are anxious to ensure that this does not happen again due to work on or near the drainage pipe.

2. We believe that the building materials used in the construction of the garage should mirror the main house, Walnut End, and in particular brick type and roof tiles.

3. We would hope that the planning authority uses what appears to be customary conditions placed upon builders during construction of the building and access so that work is confined to specified reasonable times and days of the week and that access and parking by builders' vehicles is kept to the development site and applicants frontage in order to reduce any traffic issues. Similar conditions were used during the construction of Ash Tree House.

## **5. Planning Policy Considerations**

### 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 instructs that planning applications must be determined in accordance with the provisions of the Development Plan (DP), unless material considerations indicate otherwise.

- 5.2 Unless stated, an explanation of the development plan policies; material considerations, evidence base and other documents referred to can be found at the beginning of the Agenda under 'All Agenda Items Common Planning Policy'

#### **a) Development Plan**

- *Harborough District Core Strategy*

- 5.3 The following aspects of the CS are notably relevant to this application.

- *Policy CS5*
- *Policy CS11*

- *The saved policies of the Harborough District 2001 Local Plan*

- 5.4 Of the limited number of policies that remain extant, Policy HS/8 (Limits to Development) should be noted.

#### **b) Material Planning Considerations**

- 5.5 Material Planning Considerations relevant to this application:

- *The National Planning Policy Framework (The Framework / NPPF)*
- *National Planning Practice Guidance (PPG)*
- *Supplementary Planning Guidance*
- *The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 ('the GPDO')*

#### **c) Emerging Local Plan Evidence Base**

- 5.6 There are no particular documents within the emerging local plan evidence base which are relevant to this application.

#### **d) Other Relevant Documents**

- 5.7 The following documents should be noted

- Circular 11/95 Annex A - Use of Conditions in Planning Permission
- Leicestershire County Council Local Transport Plan 3 (LTP3)
- Leicestershire County Council Highways Authority 6Cs Design Guide

#### **d) Reason for reporting to the Planning Committee**

- 5.8 The recommendation for approval is contrary to the advice of a statutory consultee (the Local Highways Authority).

#### **d) 'Fall back' position**

- 5.9 Schedule 2, Part 2 Class A of the GPDO allows as Permitted Development the construction of an access onto an unclassified road when that access is required in connection with other development permitted by the GPDO other than Part 2 Class B.
- 5.10 Kilworth Road is not classified. The hardstanding proposed by the applicant is permeable and therefore appears to meet the criteria for householder Permitted Development within Schedule 2, Part 1, Class F of the GPDO. In the opinion of officers, therefore, the access and its associated hardstanding do not require Planning Permission, although a Certificate of Lawfulness would be required to confirm this.
- 5.11 The applicant has stated to officers that, were Planning Permission refused for the current scheme, they would construct the access and hardstanding as Permitted Development, in accordance with the allowances within the GPDO. Consent from the County Council as owners of the Highway would be required.

## **6. Assessment**

### **Principle of Development**

- 6.1 The garage will be within the curtilage of the existing dwelling and will be ancillary to it. The driveway and access will link the garage to the highway. There are no specific restrictive planning policies relating to the garden or highway which would prevent the proposal.
- 6.2 The principle of development is therefore considered acceptable.

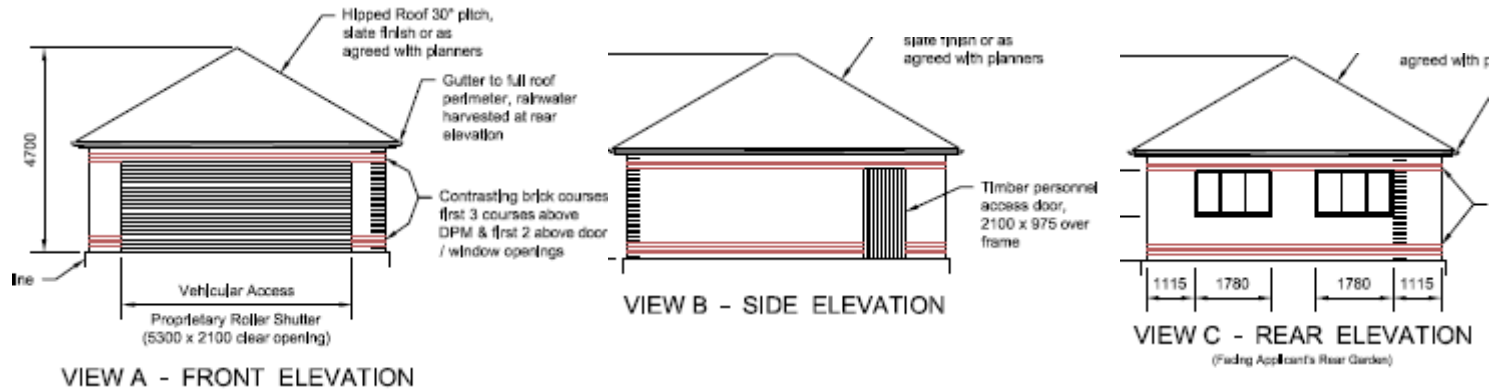
### **Locational sustainability / Accessibility**

- 6.3 The site is within the Limits to Development of Walton and within the residential curtilage of a dwelling. No new dwelling is proposed and a suitable condition can be applied to ensure the garage remains ancillary, were this considered necessary by Members. Environmental sustainability (albeit on a modest level) will be achieved therefore.
- 6.4 There will be a modest contribution to economic development by employment during the construction phase. The garage will provide more suitable parking for the property, meaning it is more likely that the current occupiers will remain in the village and contribute to its social sustainability.
- 6.5 Given all these factors, officers are satisfied that the proposal is sustainable development.

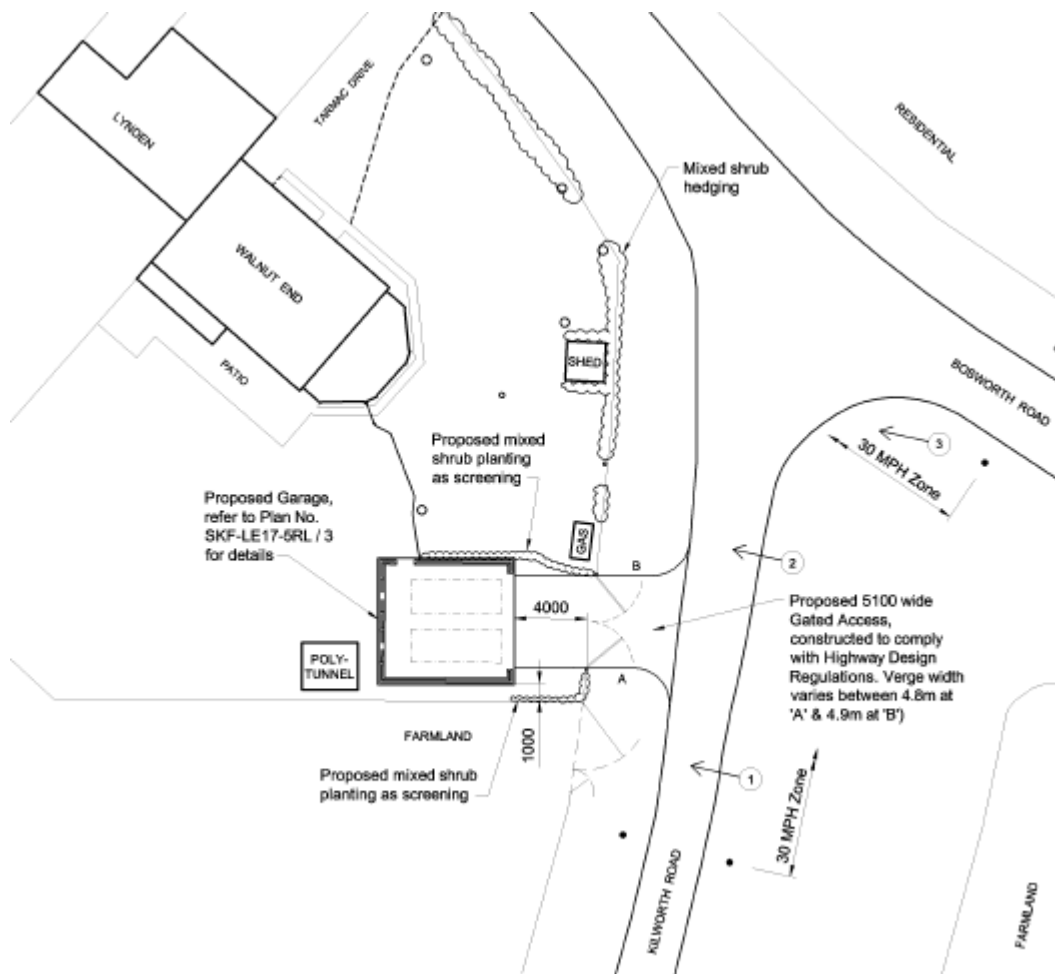
### **Design**

- 6.6 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. This is consistent with Policy CS11.
- 6.7 The previous scheme was refused due to unacceptable impact of the design on the character and appearance of the area. This current proposal addresses this. The proposed garage is 7.3m wide with a depth of 6.8m, eaves height of 2.4m and ridge

height of 4.7m, providing parking for two vehicles and space for storage. The roof will be slate and the walls brick. Two window openings are proposed on the rear elevation; a roller/shutter door will be installed on the front elevation.



- 6.8 The garage will be sited 4m back from the highway boundary and 0.8m away from the south boundary, within the side garden of the residential property. Planting is proposed to aid screening.



- 6.9 Although the proposal is somewhat high, it will be seen as subordinate to the main dwelling and the use of matching materials, fully-hipped roof and screening will



reduce impact. On balance, the design and siting are considered acceptable. A condition will be imposed requiring matching materials, as these have not been specified within the submission.

#### **Impact on the character and appearance of the area, and the Conservation Area**

- 6.10 Policy CS11 requires development to reflect the streetscape in which it is situated, respect the context in which it is taking place, be inspired by, respect and enhance the area in which it is situated and not cause damage to the qualities, character and amenity of the areas in which it is sited. This policy also seeks to protect, conserve and enhance the District's heritage assets, including Conservation Areas.
- 6.11 Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose a duty on Local Planning Authorities to pay special regard/attention to Listed Buildings/assets and Conservation Areas, including setting, when considering whether to grant planning permission for development. For Listed Buildings/assets, the Local Planning Authority shall "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (Section 66) and for Conservation Areas "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" (Section 72).
- 6.12 The site is highly visible within the immediate area, particularly when seen from Bosworth Road and its junction with Kilworth Road and Chapel End. Although the ridge is fairly high, harmful impact is reduced by the fully hipped design. Eaves height is modest and the proposal's siting, together with the proposed planting and existing trees and hedges will ensure the garage is not seen as a prominent or strident feature within the street scene. When approaching the village from the south, views will be very limited due to the hawthorn hedging adjacent: in the winter months glimpses of the building will be seen against the backdrop of the existing development.



**Figure 4: view approaching the site from the east, from Bosworth Road**





**Figure 5: looking towards the site from the south, from Kilworth Road**

- 6.13 The existing single storey structures (greenhouse, shed etc) will be demolished to make room for the proposal. These have a very low-key impact on the existing street scene: their demolition in and of itself is thus considered to have a neutral affect on the character and appearance of the area. However, their demolition together with the new garage is considered to reduce the overall impact of the proposal, as there will not be a cumulative impact from outbuildings.
  
- 6.14 Walnut End is not mentioned specifically in the Conservation Area Character Statement ('the Statement'), and it has a late C20th design. The house is one of a number of "later buildings" which, together with farmhouses, farmsteads and later infill comprise the varied character which dominates the Conservation Area. Chapel End is noted for its junction at The Cross in the centre of the village.
  
- 6.15 Although in a prominent location, the site is not one of the open areas of 'common land' noted within the Statement. For the same reasons as considered above regarding street scene, it is not considered that the proposal will cause any harm to the setting of the Conservation Area when it is approached from the south. When approaching the village from the Bosworth Road, the proposal is to one side, and thus preserves uninterrupted the historic Chapel Lane entrance with its buildings fronting the Lane either side. The proposal thus preserves and protects the character and appearance of the Conservation Area and is not considered to harm its significance.
  
- 6.16 The nearest Listed Building is New Farm, three properties along from Walnut End and approximately 70m to the north-west of the site of the proposed garage. Due to the distance and intervening structures between the proposal and New Farm, it is not considered that there would be any harm caused to the setting of this designated heritage asset, or its significance.

- 6.17 Kilworth Road is unclassified and, as mentioned above, it appears that the access and associated hardstanding within the residential curtilage could be constructed under Schedule 2, Part 2, Class A of the GPDO. However, the applicant has chosen to apply for this and it must therefore be considered.
- 6.18 Kilworth Road is generally narrow, with grass verges either side and hawthorn hedge beyond, a typical lane for this part of the District. On the approach to the site, the hawthorn hedge to the west boundary is approximately 3m in height but at the site, the highway is more open, with lower boundary treatments. The 30mph speed limit sign is just before the site when approaching on this road, and the road bears away westwards past the site.
- 6.19 No footway is found past the site: this begins to the north of the site, at the existing driveway. Between the metalled part of the highway and the boundary of the garden at the point of the proposed access is a wide grass verge of approximately 4.8m
- 6.20 The previous scheme proposed a similar access, but nearer to the south boundary (2.1m; the current scheme is 4.3m from this boundary). Highways were consulted, and did not object, rather leaving the application under their Standing Advice. Officers duly followed this, and discussed the proposal with the Highways officer to ensure a correct understanding. The new access was considered acceptable and the application was not refused on these grounds.
- 6.21 Highways have objected to this scheme on the grounds of “*a very restricted visibility splay to the south of the proposed access*”. This was challenged by officers. Highways have maintained their objection, noting however that their comments are just advice, and that the 6 Cs Design Guide is also just design guidance.
- 6.22 Although the proposed access is close to the 30mph limit, traffic speeds on this part of the road are likely to be low given the narrow roadway and entrance to the village. Furthermore, the amount of traffic is likely to be low: the ‘main’ road into Walton is the classified Kimcote Road/Hall Lane from the south and Mowsley Lane to the north. In the opinion of officers, the wide grass verge and access position set off from the south boundary, together with reduced traffic speeds and amount of traffic mean that it is likely that visibility will be acceptable.
- 6.23 According to the Standing Advice and discussions with the Highway officer on the previous scheme, pedestrian visibility splays are not required as there is no footway. Turning provision is not required due to the village location of the proposal, away from the main road. The access width meets the 2.75m required by the 6 Cs Design Guide.
- 6.24 The current scheme provides two suitably-sized parking spaces within the garage, compliant with the 6 Cs Design Guide. The existing dwelling has four bedrooms with only two parking spaces on the existing driveway. The 6 Cs requires three spaces for a four bedroom dwelling and the proposal will provide this.
- 6.25 The proposed gates are outward-opening and could lead to a vehicle waiting on the public highway. These are not considered acceptable and can be subject to a restrictive condition.
- 6.26 Given that the previously proposed access was acceptable, that this access represents an ‘improvement’ on that scheme (set further away from the south boundary), that the access and driveway hardstanding could be constructed without

the need for Planning Permission and are likely to be so, and that all other Highways aspects of the proposal are considered acceptable (subject to condition), officers' opinion is that the scheme is acceptable and that the impacts are not severe.

### **Flooding and Drainage**

- 6.27 No foul drainage is required. Surface water will be 'harvested' (although no details shown on the accompanying plans). Permeable paving is proposed. A suitable condition regarding surface water drainage and the highway can be imposed.
- 6.28 Any alteration to drainage under the highway will require consent by the relevant authority (eg water company, Highway Authority). A note to applicant will be made regarding this, and the possibility of existing storm water drainage under the site. Drainage for the development may require further consent from the LLFA and/or Building Control.

### **Residential Amenity**

- 6.29 Core Principle 4 of the Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings and this is also reflected in CS Policy CS11.
- 6.30 Nearest residential properties are Lyndon (22m to the north-west), Ashtree House (40m to the north-east), Brooke Lodge (39m to the north-north-east) and Lendale (50m to the north). (All measurements approximate). Due to these distances, the modest scale of the proposal and intervening structures and planting, the proposal is considered to safeguard the amenity of these neighbours and any future occupiers.
- 6.31 A condition restricting or requiring details of hours of construction/construction methods has been considered by officers. The construction of the proposal would take considerably less time than the residential dwelling referred to in the representation and details would seem to be unnecessarily onerous for the applicant. It is therefore considered unreasonable and unnecessary to apply such a condition: it would not meet the 6 tests within the NPPF. A note to applicant will be made, however.

### **Conclusion / Planning Balance**

- 7.1 The proposal is considered sustainable development which is in keeping with the character and appearance of the area and reflects the context in which it is taking place.
- 7.2 The proposal will safeguard the amenity of current and future occupiers of nearby dwellings, will protect and conserve the character and appearance of the Conservation Area, cause no harm to the setting of nearby Listed Building and has sustainable drainage.
- 7.3 Officers consider that the highway impacts of the proposal are acceptable.
- 7.4 Although Highways object, they did not do so to a previous application for similar development. The new access with its associated hardstanding within the residential curtilage could be constructed as Permitted Development.
- 7.5 The proposal is therefore considered to comply with CS11 and CS5.

## **Appendix A – Recommended Conditions**

### **1 Commencement**

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 Matching Materials**

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in material, colour and texture, those used in the existing dwellinghouse

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 Permitted Plans**

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

Proposed elevations and floorplans (drawing SKF-LE17-5RL/3);  
Proposed layout (drawing SKF-LE17-5RL/2 );  
Existing layout (drawing SKF-LE17-5RL/1);  
Site location plan

Reason: For the avoidance of doubt

### **4 No gates**

No gates shall be erected to the vehicular access.

Reason: to enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic in the public highway and to accord with Harborough District Core Strategy Policy CS11

## **Notes to Applicant**

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.

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).

The applicant is advised to consider the amenity of neighbouring occupiers when constructing the development.

The applicant's attention is drawn to the neighbour representation regarding the possible storm water drainage at or near the site.

## Planning Committee Report

**Applicant:** Mr Adam Taylor, ATE Farms Ltd

**Application Ref:** 16/00562/FUL

**Location:** Moorbarns Lane, Lutterworth

**Proposal:** Erection of an agricultural workers dwelling and associated parking; car port and landscaping

**Application Validated:** 06/04/16

**Target Date:** 01/06/16 (extension of time agreed)

**Consultation Expiry Date:** 17/05/16

**Site Visit Date:** 26/04/16

**Case Officer:** Chris Brown

## Recommendation

Planning Permission is **APPROVED**, for the reasons set out below, subject to;

- The conditions set out in Appendix A

Having regard to the essential need demonstrated, the proposed dwelling would constitute an appropriate form of development, would have a siting and massing that would complement the character and visual amenity of the site's surroundings, and respond appropriately to the site's characteristics. In addition, the proposal 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. The proposal would thus comply with Policies CS1, CS2, CS5, CS11 and CS17 of the Harborough District Core Strategy and SPG3 residential developments, and the relevant sections of the NPPF.

## 1. Site & Surroundings

- 1.1 The application relates to agricultural land to the south of Lutterworth. The site comprises an area of approx. 40-45 ha, all to the south/south-east of Moorbarns Lane, between Moorbarns Lane and the River Swift. The majority of the site is delineated by hedgerow and similar planting. The site has varying levels: the site of the existing building and hard standing is the highest point of the holding, with the land falling down after the existing and proposed buildings to the River Swift.





**Figure 1: Site Location**



**Figure 2: View west across the proposed site to Moorbarns Lane**





**Figure 3: view north across the proposed dwelling site to stables and ménage under construction**



**Figure 4: view west from Moorbarns Lane to the farm buildings and bund**

- 1.2 The wider site comprises of 3 large barns set back approx. 100m from Moorbarns Lane, and separated from Moorbarns Lane by a considerable bund. The existing buildings are significant barns in size, and used for the rearing and fattening of pigs. The proposed dwelling will be sited closer to Moorbarns Lane, set back approx. 14m from the Lane, and in front of the existing bund to the east towards the pig barns. This area of the site is currently open in appearance and flat in nature, with some hardcore and building waste on the site at the time of the site visit. There is no other residential use within close proximity of the site, however a stables and ménage is



permitted and partly constructed to the north of the site, with a small business use opposite the site to the west across Moorbarns Lane.

- 1.3 The site lies outside Lutterworth's defined Limits to Development, and is not within a designated Conservation Area.

## **2. Site History**

- 2.1 Prior to this application, the site has been subject to planning applications as below:

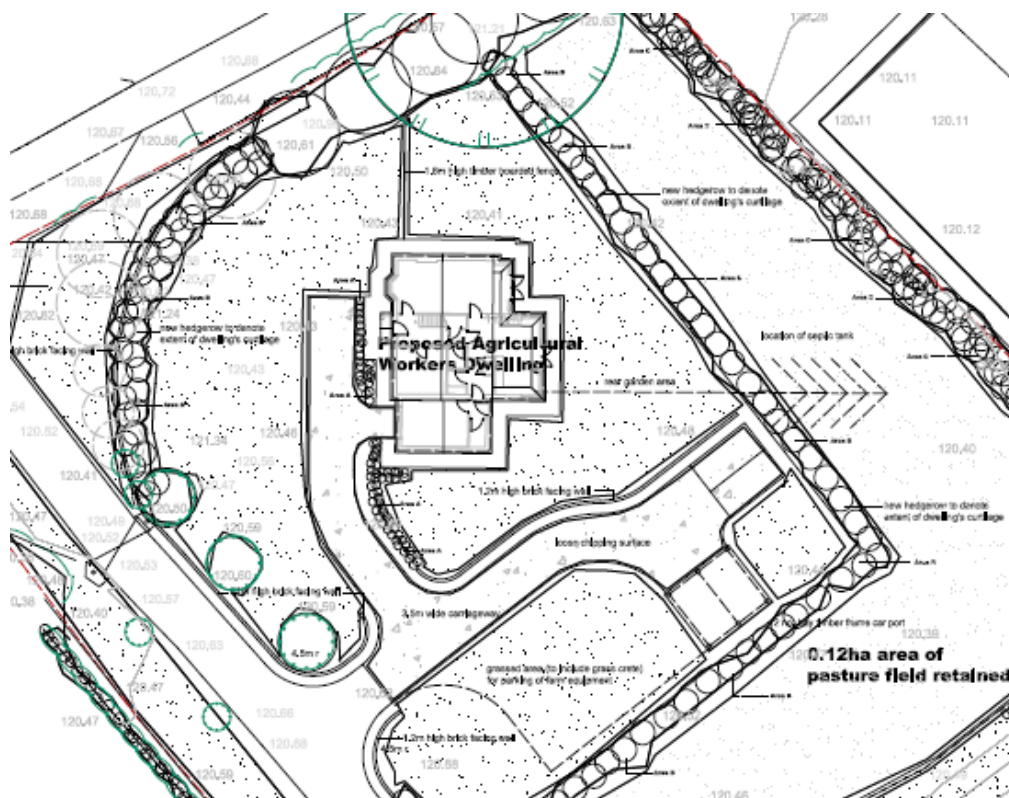
- 16/00304/VAC – Variation of Condition 6 of 15/00934/FUL to include the manufacture and storage of animal bedding (26/05/16)
- 15/00934/FUL – Erection of agricultural building and formation of hardstanding (29/09/15)
- 13/01590/FUL – Erection of agricultural building for storage of hay and bedding (24/12/13)
- 10/00138/FUL – Erection of two agricultural livestock buildings (pigs) and storage of straw – refused, 26.03.10, allowed at appeal, 14.02.11
- 08/01432/AGR – Erection of agricultural general purpose storage building – planning permission required, 19.11.08
- 08/01408/FUL – Change of use of lean-to agricultural building to residential for a period of 30 months – refused 17.12.08, dismissed at appeal 25.09.09
- 02/00825/FUL – Erection of lean-to extension to existing agricultural building – 16.07.02
- 02/00389/FUL – Change of use of part of building to stables (retrospective) – refused 01.07.02
- 02/00166/FUL – Erection of lean-to agricultural barn, construction of ménage and extension of existing landscape bund – refused 18.04.02
- 01/00611/AGR – Erection of general purpose agricultural building – 07.06.01

## **3. The Application Submission**

### **a) Summary of Proposals**

- 3.1 The proposal seeks full planning approval for the erection of a dwelling to serve the needs of ATE Farm. The proposed dwelling is to serve with an agricultural tie to the existing business of the Farm of pig weaning. The proposed dwelling will be served by the existing farm access from Moorbarns Lane, and will be sited forward of the existing pig barns, and forward of an existing bund, providing screening of the barns from Moorbarns Lane.
- 3.2 The plans propose the erection of a 4 bed dwelling, together with attached single garage, detached car port, and landscaping. The proposed dwelling will be approx. 14m back from Moorbarns Lane at its closest point, and set in to the site approx. 19m from the existing access drive. The proposed dwelling will be approx. 14.10m in width across the site, and approx. 11.00m in depth, including a single storey breakfast room/conservatory to the rear elevation. Of the total width above, approx. 10.30m will be at two storeys in height, at approx. 8.80m to the ridge, and approx. 5.50m to the eaves, with the remainder at 1 ½ storeys in height at approx. 6.50m to the ridge, and approx. 3.60m to the eaves. The proposed dwelling will include a rear gable end, of approx. 7.80m to the ridge and approx. 5.10m to the eaves, and included in the total measurements above. The proposed car port will be sited south and east of the dwelling, to be approx. 5.80m in width, approx. 5.20m in total depth and with a

3.3 Materials are proposed as a facing brick to be approved through conditions, with additional timber detailing to the rear elevation and timber boarding to part of the attached single garage. The proposed car port will be of timber construction, with a tile roof to be approved through conditions. Additional landscaping to the scheme is proposed as a low wall (1.20m) to the south and west sides of the dwelling to delineate the curtilage of the dwelling from the existing site, together with additional planting to all boundaries, including further hedge planting outside of the curtilage to provide further separation between the dwelling and the neighbouring ménage.



**Figure 6: Proposed site plan**

#### **b) Documents submitted**

##### **i. Plans**

3.4 The application has been accompanied by the following plans: –

Location Plan  
Existing site plan 15/05291/102  
Existing elevations (farm buildings) 15/05291/103  
Proposed site plan 15/05291/104  
Proposed elevations 15/05291/105

##### **ii. Supporting Statements**

3.5 The application has been accompanied by the following supporting information:

Planning Statement, including business appraisal  
Design and Access Statement

#### **c) Pre-application Engagement**

3.6 Prior to submitting the planning application the site has not been subject to a pre-application. However, there have been numerous planning applications for the site, albeit none for the erection of a dwelling.

#### **4. Consultations and Representations**

4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 15<sup>th</sup> April 2016, including a site notice posted on the 26<sup>th</sup> April 2016. The consultation period expired on 17<sup>th</sup> May 2016.

4.2 Firstly, a summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to:  
[www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)

#### **a) Statutory & Non-Statutory Consultees**

##### ***Lutterworth Town Council***

4.3 At the Planning and Grants Committee meeting held on 3 May 2016 members RESOLVED to OBJECT to the following planning application on the grounds of Highways Safety and its contravention of Core Strategy Policy CS8: Protecting & Enhancing Green Infrastructure.

4.4 Members expressed their concern about any development on Moorbarns Lane due to its poor condition and being located between two schools. Members also expressed concern about the principle of this development as it was feared, if permitted, would set a precedent for further dwellings to be constructed in this location, which was not considered suitable.

***LCC Highways***

- 4.5 The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.

***LCC Ecology***

- 4.6 It appears that the proposed dwelling is to be sited within an existing field containing grassland that has been significantly disturbed in recent past. The proposed development therefore does not appear to meet any biodiversity triggers and we have no comments to make.

***HDC Environmental Health***

- 4.7 Due to the unknown use of the building on site and storage of vehicles onsite, proposed conditions of Risk Based Land Contamination Assessment, Completion/Verification Investigation Report, No burning of waste and working hours.

***Seven Trent Water***

- 4.8 No comments received

***Sanham Agricultural Consultants***

- 4.9 I refer to your consultation letter dated 15<sup>th</sup> April, 2016, received via email with the supporting agricultural appraisal attached. I now comment on this application as follows:-

1. Moorbarns Lane Farm comprises 17 hectares (42 acres) of agricultural land, on which is sited an agricultural storage building, and a hard surfaced yard.
2. The land is cropped with 8.5 hectares (21 acres) of wheat, 5.7 hectares (14 acres) of pasture, and approximately 2 hectares (5 acres) which has been taken out of production. The farm business is known as ATE Farms Limited. In addition to the land at Moorbarns Lane Farm, ATE Farms Limited own a further 40 hectares (100 acres) of agricultural land nearby; no details of this land as to stocking and cropping has been provided in the supporting information.
3. According to the supporting information ATE Farms Limited obtained planning permission for a new agricultural livestock rearing building in December 2010 at Appeal, a stable block and hay barn in July 2013, a building extension for straw storage in October, 2013, an outdoor equine exercise area in April, 2015, and a new weaner rearing building in June 2015. It is not stated whether any of the above consents have been implemented, and/or the works completed. However, from the description of the site it would appear that the existing agricultural storage building is the only building on the application site.
4. From the above, I assume that the agricultural storage building is utilised for the housing of the 2,000 pigs which are contract reared on the site.
5. Applications for agricultural workers dwellings are currently assessed under The National Planning Policy Framework (The Framework) which states at paragraph 55 "Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside." In addition, The Framework is only supportive of sustainable development, which in the case of agricultural or other workers dwellings is taken to mean that the enterprise carried out on the holding is required to be

financially viable, and capable of sustaining the cost of the proposed dwelling in the long-term. Most Local Planning Authorities, and Planning Inspectors, still have regard to the guidance given in Annex A to PPS7, as although superseded by The Framework, is still considered to be a relevant and useful guide in assessing the need for agricultural and other rural workers dwellings in the absence of any guidance within The Framework.

6. I therefore consider any application for a permanent agricultural workers' dwelling should comply and satisfy the criteria within both The Framework and paragraphs 3, 8 & 9 of Annex A to PPS7.

Paragraph 3(i) states "There is a clearly established existing functional need (see paragraph 4 below);"- if the holding is stocked with 2,000 pigs being reared on contract within the existing building, I consider that there is an essential/functional need for one person to live at or near the existing buildings, and therefore the application is capable of satisfying the essential need criteria in paragraph 55 of The Framework, and paragraph 3(i) of Annex A to PPS7.

Paragraph 3(ii) states "The need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;" – I calculate using standard manday figures (from recognised sources) that the 2,000 pigs on the holding would have a standard labour requirement for one full-time person – not two as shown in the supporting information. I therefore, consider the application does satisfy this criteria.

Paragraph 3(iii) states "The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so (see paragraph 8 below);" – the supporting information includes in Appendix B extracts from the accounts for the business, for the years December 2012 to November 2013, December 2013 to November 2014, and December 2014 to July 2015; i.e. a period of two years eight months. Not three years as is required. In addition, from the accounts for the period December 2012 to November 2013, the sales/turnover was only a fraction of that for December 2013 to November 2014, and December 2014 to July 2015, which suggests that the agricultural enterprise was not established until the year December 2013 to November 2014, I therefore consider the unit and in particular the agricultural activity concerned has not been established for three years; and therefore, the criteria in paragraph 3(iii) has not been satisfied.

Paragraph 3(iv) states "The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;" – there are no existing dwellings on the unit, and any available dwellings in Lutterworth would not be suitable to fulfil the functional need on the unit. I therefore consider this criteria has been satisfied.

Paragraph 3(v) states "Other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied." – I consider this is a planning criteria, and will therefore be assessed by the Case Officer for the application.

In conclusion, I ADVISE that there is no agricultural support for the proposed permanent agricultural workers dwelling as the agricultural activity (contract rearing of pigs) has not been established for three years; the accounts provide evidence that the agricultural activity started at some time between November/December 2013 and December 2014, i.e. from the accounts provided only approximately 18 months to two years; the accounts provided only show the figures to the end of July 2015 i.e. two thirds of last year. I would however support an application for a temporary agricultural workers dwelling to fulfil the essential/functional need on the holding for a maximum period of two years to enable the applicant to provide the necessary evidence in the form of accounts to show that the business has been established for at least three years, and is profitable and capable of sustaining the cost of a permanent dwelling in the long-term.

- 4.10 Response received from agent to the advice provided by Sanham Agricultural Consultants above.
- 4.11 The applicant has stated in their response to Sanham Agricultural Consultants that the total number of pigs on site will be 4000; as opposed to the 2000 referred to once the recently permitted barn (c) is fully built and operational. In addition, further account information has been provided by the applicant, showing the profit from 01/12/12 – 30/11/13, in addition to the information provided initially to Sanham Agricultural Consultants, with additional accounts provided for the financial year until 30<sup>th</sup> November 2015, as opposed to the initial July 2015 as submitted and commented on by Sanham Agricultural consultants.

#### **b) Local Community**

- 4.12 No representations received.

#### **5. Planning Policy Considerations**

- 5.1 Please see above for planning policy considerations that apply to all agenda items.

#### **a) Development Plan**

- *Harborough District Local Plan*
- 5.2 Relevant Policy of HS/8 – Limits to Development. The site is located outside of any limits to development, and is located in the countryside.
- *Harborough District Core Strategy (Adopted November 2011)*
- 5.3 Relevant policies to this application are, CS1, CS2, CS5, CS11 and CS14. These are detailed in the policy section at the start of the agenda, with the exception of Policy CS14, detailed below.
- 5.4 Policy CS14 of the Core Strategy sets out the Council's approach to development in Lutterworth. Policy CS14 identifies Lutterworth as a Key Centre, based on its service provision, and states;

‘Lutterworth will develop as a Key Centre for the District to provide new housing, employment, retail, leisure and community facilities to serve the settlement and its catchment area; in a manner which seeks to create a more attractive environment for businesses and visitors to the town centre. In so doing residential development will be provided to encourage town centre trade...’

#### **b) Material Planning Considerations**

- *Supplementary Planning Guidance*

5.5 The Supplementary Planning Guidance Note that is relevant to this application is Note 3 Development of Single Plots, Small Groups of Dwellings and Residential Development in Conservation Areas.

#### **c) Other Relevant Information**

- *Reason for Committee Decision*

5.6 This application is to be determined by Planning Committee as the application has been called in by the Ward Member (Cllr Robinson).

### **6. Assessment**

#### **a) Principle of Development**

6.1 The town of Lutterworth is identified within CS14 as a Key Centre (having all 6 key services and therefore considered sustainable), and Lutterworth does have identified Limits to Development, however the site is outside of this. Policy CS2 outlines that Lutterworth is to be allocated a minimum of 700 dwellings, and in addition;

‘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.’

6.2 Para 55 of the Framework states that, “[LPAs] should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural workers to live permanently at or near their place of work in the countryside”. In addition, the Framework is only supportive of *sustainable* development, which in this context means that the enterprise is required to be financially viable (i.e. sustainable), and able to sustain the cost of the proposed new dwelling in the long term. It is considered that, in the absence of further guidance in the Framework, LPAs should continue to use Annex A to PPS7 as a basis for assessing the need for agricultural dwellings. For this application, the proposed dwelling will be tied in occupancy to ATE Farms, and be for the occupation of a farm worker/stockman.

6.3 ATE Farms is an established business at the site on Moorbarns Lane, with a series of previous permissions related to an expansion of the business of the weaning and fattening of pigs. The site employs staff, and has included the use of temporary accommodation (a caravan) on site for the management of animal welfare. The current business on the site consists of up to 4,000 pigs in total, split into up to 2,000 weaner pigs and up to 2,000 fattening pigs. The proposed dwelling would allow for a 24hr presence on the farm, to provide for both the welfare of the animals on site at all

times for the management and supervision of the stock and for a security presence on site at all times.

- 6.4 Due to the nature of the proposal, the Council consulted Sanham Agricultural Consultants with regards to the viability of a permanent agricultural worker' dwelling, and meeting the criteria of the NPPF and relevant paragraphs of Annexe A of superseded guidance PPS7.
- 6.5 The consultation response received from Sanham Agricultural Consultants proposes that all criteria of the NPPF and Annexe A of PPS7 are satisfied by the proposal, with the exception of para 3 (iii), that *'the unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so'*. Therefore the advice provided recommends a temporary permission for up to 2 years prior to the business being established.
- 6.6 Sanham Agricultural Consultants propose that the accounts are based on a period of 2 years 8 months only, to July 2015, with only a marginal profit for the first year in 2012/13, therefore not meeting a requirement set out in Annexe of PPS7 of having been established for 3 years. In response, the applicant has provided further accounts information dated to 30<sup>th</sup> November 2015, which with accounts dating back to 1<sup>st</sup> December 2012, shows the business being established for 3 years. Whilst the first year accounts only show a marginal profit, the second and third year accounts show a considerable profit. The additional information provided by the applicant has been sent to Sanham Agricultural Consultants for further comment. Any further information will be reported.
- 6.7 In addition to the above, the site received planning permission in September 2015 for the erection of a further agricultural building to house pigs, taking the total number of pigs on site to up to 4000 once completed and operational, and a further planning permission in May 2016 a variation of condition with regards to the use of an existing building. This permission allows for the manufacture of animal bedding material in the existing building, with all pigs in the existing building to be moved to the newly constructed agricultural building.
- 6.8 Whilst both permissions have outstanding planning conditions, work has commenced for the new agricultural building, with permission granted for a change of use of the existing building in May 2016. The permissions clearly demonstrate that the business is both profitable and has a clear prospect of remaining so. Due to the additional information provided by the applicant, the criteria of para 3 (iii) is considered to be satisfied.

#### **b) Housing Requirement and Housing Land Supply**

- 6.9 The Council presently does not have a 5yr Housing Land Supply. If this application were approved it would provide 1 additional dwelling.

#### **c) Technical Considerations**

1. Scale, appearance and landscaping
- 6.10 The plans propose the erection of a dwelling and detached car port to the west side of the wider application site. The proposed dwelling will be located close to Moorbarns Lane, and forward of the existing pig barns and agricultural buildings on site. The proposed dwelling will have a maximum ridge height of approx. 8.80m, and will be sited in the context of the existing agricultural buildings on site. .



- 6.11 The proposed dwelling will only be visible when driving down Moorbarns Lane, a dead end beyond the existing farm. Whilst Moorbarns Lane is used frequently for access to the school at the top of Moorbarns lane, a considerable distance from the application site, and for use of the domestic refuse site, these are both located significantly north of the site, with no two way or passing traffic to the site.
- 6.12 The proposed dwelling will be sited on a flat area of land, and sited in the context of the existing pig barns to the east of the site and stables and ménage to the north of the site. The proposed dwelling will not be visible from the east, across the Swift valley, due to the existing agricultural buildings and bund, with further screening and landscaping is present to the south of the site. The site is not assessed as part of the Council's landscape capacity study for Lutterworth, however north of the site, to the A4304 bypass, the land is considered suitable for development, with permissions and existing development on a larger scale. The proposed dwelling is also considered to enhance its immediate surroundings through additional landscaping proposed, and by helping to improve the appearance of the existing site, currently having building material and soil heaps on the site.

## 2. Amenity

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- 6.13 It is considered that the proposed building is sited sufficiently far away from any neighbouring residential or other properties (the closest ones are at Cotesbach, c.900m to the south), with additional residential uses at 500m (a farm dwelling) and then in excess of 600m away, and would be viewed in the context of recently constructed existing buildings. There would be no material impact on the living conditions of neighbouring/nearby residents, either through overlooking, loss of light or outlook – the nearest neighbours are at some considerable distance. The proposal thus accords with Core Strategy Policy CS11 in this regard.
- 6.14 The proposed dwelling will be sited and appear in the street scene in the context of the neighbouring uses. The proposed dwelling is considered to be attractive in design, with materials to be conditioned, and will enhance the immediate area where it is proposed to be sited. The dwelling will be seen in the context of the neighbouring stables and ménage to the north of the site, the existing business use opposite the site across Moorbarns Lane, and the existing significant pig weaner barns to the immediate east of the site. Moorbarns Lane is a one way road only, with the dwelling set far down the Lane, beyond the waste disposal site, and as such will not be seen in the context of residential dwellings or from any area of high traffic or movement.

## 3. Ecology

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- 6.15 LCC Ecology have been consulted on this application. With regards to previous applications to the south and east of this site for the pig barns, badger surveys have been required, with the relevant conditions and mitigation put in place.
- 6.16 With regards to this application, LCC Ecology have commented that the proposed dwelling is to be sited within an existing field containing grassland that has been significantly disturbed in recent past, and that the proposed development therefore does not appear to meet any biodiversity triggers. LCC Ecology therefore have no comments on, or objections to the proposal.

## 4. Highways

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- 6.17 The proposed layout proposes use of the existing farm access from Moorbarns Lane, with an additional 3.50m wide carriageway providing access to the proposed

development and car port. In addition, an area of grass crete is proposed adjacent to the car port for the parking of farm equipment where necessary.

- 6.18 Moorbarns Lane is a dead end beyond the existing access, with no passing traffic to this section of Moorbarns Lane. Closer to Lutterworth along Moorbarns Lane, a series of road widening improvements are proposed as part of existing permissions separately for the erection of 9 dwellings and the change of use of land to form a Travelling Showpeople site.
- 6.19 Highways have proposed standard conditions only. As such conditions for parking provision, surfacing and drainage are considered necessary.

#### **d) Sustainable Development**

- 6.20 The Framework identifies three dimensions to sustainable development – economic, social and environmental. Taking each of these in turn the following conclusions can be reached.
- Economic  
Provides economic development in the building of 1 additional dwelling. The development would also generate New Homes Bonus funding for the Council to invest in facilities and infrastructure in the area. As well as the direct economic benefits related to employment generation and investment, the proposal will deliver up to 1 dwelling.
  - Social  
Provides 1 new dwelling, which contributes to housing need, and has regard to the essential agricultural need demonstrated.
  - Environmental  
The proposal is in keeping with the character and appearance of the surrounding area, is well sited and is considered to enhance the appearance of the immediate area. Landscaping related to the proposal will be conditioned. It is therefore considered that it will have not have a negative impact on the environment.

#### **7. The Planning Balance / Conclusion**

- 7.1 Overall it is considered that the proposed dwelling, by virtue of its siting, appearance, scale and massing, the proposal would be acceptable and would not adversely affect local highway safety or give rise to a road safety hazard.
- 7.2 Having regard to the essential need demonstrated, the proposed dwelling would constitute an appropriate form of development, would have a siting and massing that would complement the character and visual amenity of the site's surroundings, and respond appropriately to the site's characteristics. In addition, the proposal 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. Further, having regard to the extant permission and the proposal's amended siting the proposal would not have an adverse effect in terms of flood risk. The proposal would thus comply with Policies CS1, CS2, CS5, CS8, CS9, CS10, CS11 and CS17 of the Harborough District Core Strategy and SPG3 residential developments, and the relevant sections of the NPPF.
- 7.3 The development hereby approved, by virtue of its scale, design, form and massing, would not adversely affect the amenity of local residents, nor local highway safety,

nor protected species of wildlife or archaeological interests, would complement the character and distinctiveness of the site's surroundings and respond appropriately to the site's characteristics, and an essential need for the dwelling has been demonstrated, subject to conditions. The proposal therefore complies with Policies CS1, 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. This decision has been reached taking into account paragraphs 186 and 187 of the National Planning Policy Framework.

## APPENDIX A – Planning Conditions

### 8. Planning Conditions

8.1

#### **Planning Permission Commencement**

- 1) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

#### **Permitted Plans**

- 2) The development hereby permitted shall be in accordance with the following approved plans Proposed site plan 15/05291/104 and Proposed elevations 15/05291/105

REASON: For the avoidance of doubt.

#### **Materials Schedule**

- 3) No development shall commence on site until a schedule indicating the materials to be used on all external elevations of the approved dwelling and car port 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 visual amenity and the character and appearance of the area and to accord with the Harborough District Council Core Strategy Policy CS11.

#### **Drainage**

- 4) No development shall commence on site until full details of the means of foul and surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity.

REASON: To ensure the satisfactory drainage of the site and to accord with Harborough District Core Strategy Policy CS10

#### **Agricultural Occupancy**

- 5) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or civil partner of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated and to accord with Harborough District Core Strategy Policy CS17

#### **Permitted Development removal**

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within

Part 1, Classes A-E shall take place on the dwellinghouse hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements and to accord with Harborough District Core Strategy Policy CS11

**Highway Drainage**

- 7) 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 including private access drives, 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 highway users.

**Parking provision**

- 8) The parking provision shown on the permitted plan shall be constructed and made available for use before the development is brought into use and shall be retained thereafter for this purpose on a permanent basis.

REASON: To ensure that adequate parking facilities are provided and maintained to accord with Harborough District Core Strategy Policy CS11

**Surfacing**

- 9) Before first use of the development hereby permitted, 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 thereafter be permanently so maintained.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) and to Harborough District Core Strategy Policy CS11.

**Landscaping to be carried out**

- 10) All soft landscaping comprised in the approved details of proposed site / landscaping plan 15/05291/104 shall be carried out in the first planting and seeding season following the first occupation of the building 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

**Risk Based Land Contamination Assessment**

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

- BS10175 Year 2011 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- LR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

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

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- The Verification Plan shall be prepared in accordance with the requirements of:
- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

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

REASON: To ensure that the land is fit for purpose and to accord with Core Strategy Policy CS11

#### **Completion/Verification report**

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

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

- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

REASON: To ensure that the land is fit for purpose and to accord with Core Strategy Policy CS11

**Notes to applicant:**

- 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 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.
- 7) It is recommended that no burning of waste on site is undertaken unless an exemption is obtained from the Environment Agency. The production of dark smoke on site is an offence under the Clean Air Act 1993. Notwithstanding the above the emission of any smoke from site could constitute a Statutory Nuisance under section 79 of the Environmental Protection Act 1990.
- 8) A watching brief for badgers 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.