

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 polices 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 polices 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 polices 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 polices 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.

- 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. 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 27th 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

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 covers the period from 1st April 2015 to 31st March 2020 and demonstrates a housing supply of 4.45 years.
- o Leicester and Leicestershire Strategic Housing Market Assessment
- 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: Harborough District Council

Application Ref: 15/00988/FUL

Location: Garages, St Cuthberts Avenue Great Glen

Proposal: Demolition of existing garages and hardstanding and the erection of four dwellings

Application Validated: 01/07/15

Target Date: 26.08.2015 (extension of time agreed)

Consultation Expiry Date: 06.10.15 (amended plans)

Case Officer: Nicola Parry

Recommendation

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

- The conditions set out in **Appendix A**

1. Site & Surroundings

1.1 The site is located to the east of Great Glen, with the site located to north-east of St Cuthbert's Avenue. The site area (1,042m²) is a squared shaped plot currently occupied by 12 garages. The site shares its boundaries with residential properties to the east (Hazel Close) and west (St Cuthberts Avenue); with residential gardens directly to the north (Ashby Rise) of the site and an additional 8 garages (not owned by the applicant) to the south. The site is within limits to development for Lubenham, and not located within a conservation area.

Figure 1: Site Location



Figure 2: Aerial Photo



2. Site History

- 2.1 There are several planning applications for the site, which are all directly related to the garages themselves:
- BR/02717A/BRDC - The erection of 7 garages - Permitted
 - BR/04707/BRDC - The erection of eight garages and the formation of access - Permitted
 - BR/04612/BRDC - The erection of seven lock up garages and the formation of access - Permitted
 - Permitted
 - BR/02717/BRDC - The erection of three garages - Permitted
 - BR/06022/BRDC - The erection of a block of 8 Batley Concrete Garages - Permitted

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal, following amendments, seeks full planning approval for the demolition of the existing garages and the erection of 4, 2-bedroom dwellings. Each dwelling will be 74m².
- 3.2 Amended Plans were sought in August 2015 to increase the distance between existing bungalow (11 St Cuthberts Avenue) and plot 1. In addition the amended plans indicate the 45 degree line from the rear window of 3 Hazel Close.

b) Documents submitted

i. Plans

- 3.3 The application has been assessed based on the following amended plans:

- PO1 Rev B – Proposed Site Layout
- PO2 – Proposed Housetype
- PO3 – Location Plan

ii. Supporting Statements

3.8 The application has been accompanied by the following supporting statements:

- Design and Access Statement

c) Pre-application Engagement

3.9 No pre-application discussions were undertaken prior to the submission of the application.

4. Consultations and Representations

4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 2015 and included a site notice put up on x July 2015. This initial consultation period expired on x August 2015. A subsequent consultation on the revised plans received occurred on x October 2015, and expired on x October 2015.

4.2 Firstly, a summary of the technical consultee responses received are set out below. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning.

a) Statutory & Non-Statutory Consultees

4.3 Severn Trent Water
No objection to the proposal and no comments to make.

4.4 LCC Highways
The plans submitted indicate the 2 allocated parking spaces for plot 4 and the surrounding planting scheme to be within the boundary of the highway which records indicate was adopted in the 1950's. Therefore, the applicant should submit amended plans for consideration showing no building, private allocated parking or planting schemes within the adopted highway boundary

4.5 LCC Ecology
Aerial photographs indicate that the buildings to be demolished are modern, flat-roofed garages and the site comprises of hardstanding. We therefore have no comments or recommendations for this application.

4.6 *HDC Environmental Health Contaminated Land Officer*
No objections subject to conditions relating to the submission of a Risk Based Land Contamination Assessment and Verification Report prior to development commencing.

4.7 Great Glen Parish Council
Strongly object. It is of considerable concern that existing access points are being removed. There are obviously garage and property entrances to the rear and side of the boundary. We have further been led to believe that the owners of these properties on Ashby Rise have not been consulted.

Additional comments from Parish Council relating to Amended Plans:

We welcome affordable housing but the parking issues in the area cause concern and the loss of vehicular access to the exiting gardens which are currently used. The access for emergency vehicles would also be an issue.

b) Local Community

4.8 5 letters of objection have been received from 3 & 7 Hazel Close and 23, 25, 29 Ashby Rise raising the following concerns:

- Various information in the application is either misleading or as with the statement "This has been discussed with the owners and residents of these properties" is a complete fabrication of the truth.
- I (25 Ashby Rise) have had rear access to my garage for 25 years plus, if this is lost, it makes the garage redundant. This will leave me no other option than to park a vehicle 'on the road' on Ashby Rise.
- What will happen to the remaining strip of land behind the existing properties of both Ashby Rise & St Cuthberts's Avenue, who will own & maintain it?
- How long and when(if approved) will this project take?
- We already experience drain issues at present. Using the existing drainage will only add to the problem.
- Is this private housing?
- What will be done to minimize dust?
- What will be done to compensate for cleaning of our property due to demolition and building debris?
- We currently rent rear access from this area and have done so for over 20years; if houses are built there we will lose access and will have a garage we are not able to use.
- Why has access been maintained for the garages at the rear of a property on Oaks Road but not for those on Ashby Rise?
- Materials states the existing walls and roofs are pre-fabricated concrete sectional panels. This is intentionally misleading as only three of the garages meet these criteria; the remaining 9 garages are of brick construction with asbestos cement roofs.
- The planning application is misleading as the 'selective' photo's contained in the application show the worst of the area at the rear of the garages, but no photos of the front of the garages which show the area to be tidy and in good order.
- Our house (23 Ashby Rise) is built lower than 25 & 27 Ashby Rise by 1.2meters and therefore ground floor rooms in houses on Plots 1 & 2 will look directly into our bedroom.
- Building of more houses in the village even if the number is only 4 will put further pressure on the infrastructure.
- The application refers to the garages as derelict. This has only occurred since the council gave the users of the garages notice to quit earlier in the year.
- The application states only 4 parking spaces will be lost, this does not take into account the loss of 3 spaces belonging to 23, 25 and 27 Ashby Rise.
- The application has been ticked 'no' to removal of hazardous materials. Demolition of the garages will require disposal of hazardous asbestos cement roofing, the land has also been contaminated by the unlawful dumping of asbestos boarding which has been reported to the Council who to date have taken no action to clear it.
- The applicant states that the 'scheme is laid out to ...minimise the impact upon the existing houses' (Layout: Urban Structure, pg9). This will not be the case.

- The gardens of the proposed development are not in proportion to others in the area.
- Although there are two storey dwellings in the vicinity of the proposed development, the nearest adjacent buildings are in fact single storey. The proposals do not respect the street pattern, or scale and proportion of the buildings at that end of St Cuthberts Avenue.
- In a village with an aging demographic there is a need for single storey accommodation. Under CS2 it is stated that there is a greater need for elderly person provision (26%). In view of this would it not be more appropriate that the site continued the pattern of single storey dwellings (more useful for the elderly) than create family housing on that particular site?
- Impact on wildlife

4.9 1 comment neither objecting to or supporting the application has been received.

Request to retain the hedge which runs along the rear of the development otherwise this would invade the privacy of ourselves and our neighbours.

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 HS/8 – Limits to Development. The site is located within limits to development for Great Glen.

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.**

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

- 5.3 Relevant policies to this application are, CS1, CS2, 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 **Great Glen** as a Rural Centre, based on its service provision.
- 5.5 Policy CS17 states: 'As Rural Centres they will 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 other selected rural villages development will be on a lesser scale. 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.'

b) Material Planning Considerations

- *Supplementary Planning Guidance*
- 5.6 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, in addition to Note 5: Extensions to Dwellings.
- Great Glen Village Design Statement
- 5.7

c) Other Relevant Information

- *Reason for Committee Decision*
- 5.7 This application is to be determined by Planning Committee as the application is submitted by Harborough District Council, and has received in excess of 5 objections.

6. Assessment

a) Principle of Development

- 6.1 As the site is within limits to development of a Rural Centre, and the Council is unable to demonstrate a 5yr supply, the principle of development is considered in compliance with the Core Strategy.

b) Housing Requirement and Housing Land Supply

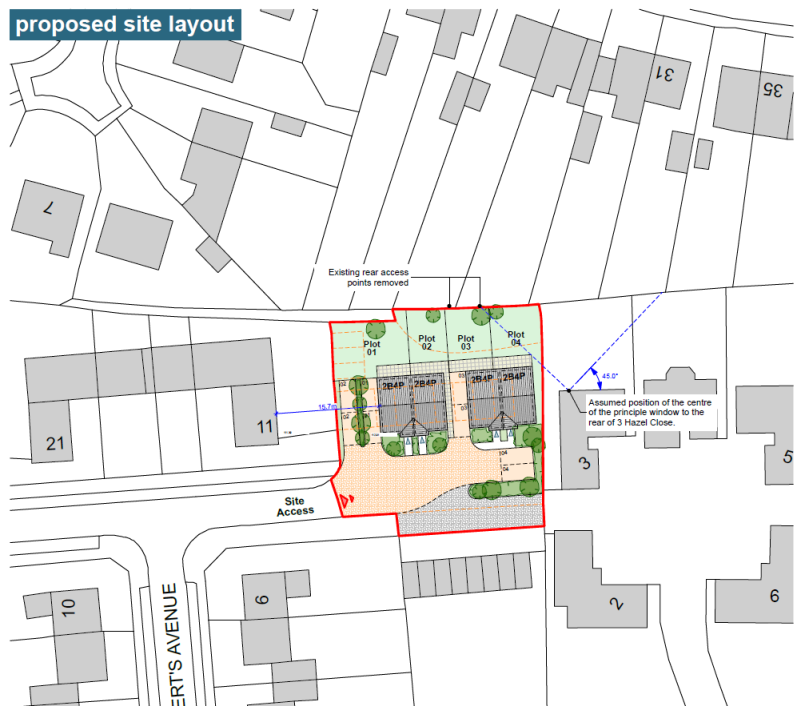
- 6.2 The Council presently does not have a 5yr Housing Land Supply. If this application were approved it would provide 4 additional dwellings.

c) Technical Considerations

1. Design

6.3 The layout of the site is indicated on the plan below.

Figure 3: Proposed site layout



6.4 The layout is intended as a continuation of the properties on St Cuthbert's Avenue. Each dwelling will have its own parking provision and designated outdoor amenity space within the curtilage of the individual plot.

6.5 The proposed elevations are shown below. The 4 dwellings will be formed by two pairs of two-storey dwellings. Each dwelling will have a floorarea of 74m²; will be approx. 9m in depth, and approx. 5m in length. The dwellings are matching, with a kitchen, and open plan living and dining area to the ground floor, and two bedrooms and bathroom to the first floor. The dwellings will have an eaves height of approx. 4.7m, and a total ridge height of approx. 8.7m. The size of the dwellings will be appropriate as either small starter units or small family units.

Figure 3: Proposed Elevations



- 6.6 A material palette has been chosen which is complimentary to, but not an imitation of, that which is present in the vicinity of the site. This is predominantly off-white rendered walls and grey slate roofs, featuring a red brick plinth to the base of the walls and red brick detailing to the window heads and sills as featured on several neighbouring properties. Specification of these materials will be conditioned.
- 6.7 With the exception of the bungalows to the immediate east of the site, the surrounding locality consists of two storey dwellings and as such the development would be in keeping with the overall character and appearance of the immediate environs.

2. Drainage

- 6.8 No drainage plan has been submitted as part of the application, with the site falling below a 10 dwelling (major application) trigger. The provision of a drainage scheme for the site will be conditioned, with the condition requiring that no development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. It is therefore considered that the proposed development would comply with Core Strategy Policy CS10 and the aims and objectives of the Framework.

3. Ecology

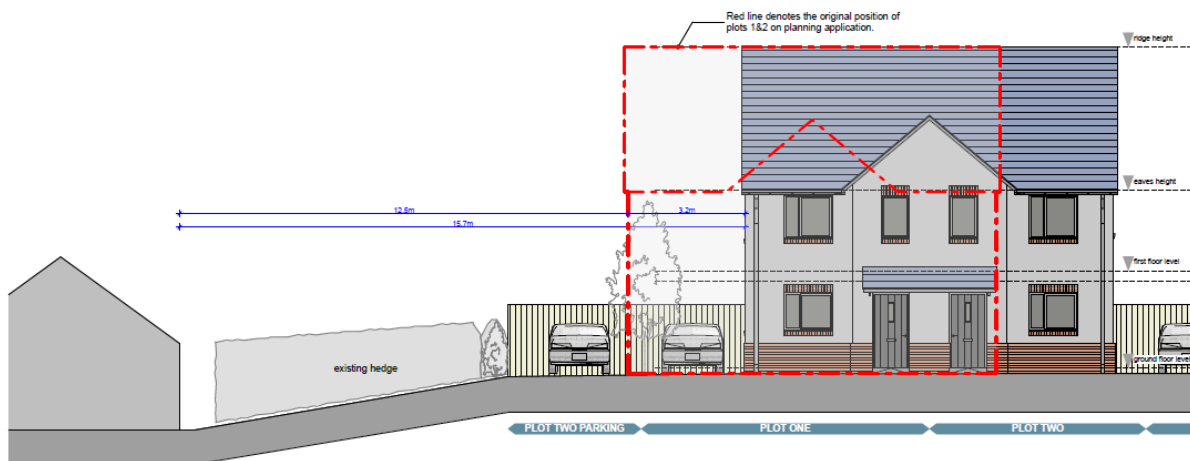
- 6.9 No biodiversity survey has been submitted with the application, and LCC Ecology has been consulted, with a response stating no comments on, and no objections to, the proposed scheme.
- 6.10 Whilst no comments or objections have been received, as the proposal seeks to demolish the existing garages on site, a watching brief note for bats is considered necessary for any decision.

■ 4. Highways

- 6.11 No transport statement has been provided with the application as the application is for 4 dwellings on an existing garage site.
- 6.12 The site will be accessed from a single point from St Cuthbert's Avenue, this access is also used by the garages to the south which are under separate ownership and are to be retained.
- 6.13 The current site use is for the provision of cars to use the existing access into the site for storage. The existing site has 12 garages, together with additional provision that could cater for additional parked vehicles, together with associated traffic movements.
- 6.13 The scheme allows for 2 parking spaces per dwelling on the site, which complies with the 6C's Design Guide. The highway authority has advised that the 2 allocated parking spaces for plot 4 and the surrounding planting scheme are within the boundary of the highway.
- 6.14 However, the Applicant has supplied their land registry document which shows they own the land. As land ownership is not a planning matter, a note to applicant is recommended advising the applicant to apply to for an extinguishment of highway rights under the Highways Act.

■ 5. Residential Amenity

- 6.15 As the plan below demonstrates, the amendments sought have moved Plot 1 further to the east, away from 11 St Cuthbert's Avenue (which is single storey and on a lower ground level). The separation distance is 15.7m from the principle window of the rear elevation of No.11 and the side elevation of Plot 1 (which contains two small obscure glazed windows). This distance exceeds SPG Note 5 of 14m.



- 6.16 As the proposed site layout plan demonstrates; the 45 degree line is not breached when drawn from the rear elevation window of 3 Hazel Close and Plot 4. Furthermore, the side elevation facing the garden of No.3 contains two small obscure glazed windows.
- 6.17 There is a minimum separation distance of 40m between the proposed dwellings and the rear elevations of the properties on Ashby Rise; 60m between the proposed dwellings and the rear elevation of the 26 Oaks Road; 15.5m between the front elevation of Plot 1 and the rear garden boundary of No.6 St Cuthbert's Avenue. All of these distances will ensure the proposed scheme does not result in a loss of privacy to surrounding properties.
- 6.18 In light of the above, the proposal is acceptable in residential amenity terms and accords with Core Strategy Policy CS11.

7. Viability

- 6.19 As the site proposes 4 dwellings, 30% affordable housing provision is required through Policy CS3. The applicant has submitted a viability appraisal of the site. This has been reviewed by the Aspinall Verdi, the Council's viability consultants. Aspinall Verdi has concluded (9th November 2015) that *"the Applicant has justified the scheme is marginal and cannot support any S106 costs"*

8. Other Matters

- 6.20 Some of the objections received refer to the loss of their garage. Of the 12 garages, 7 are rented out. The tenants have been notified that their rental agreement will be terminated on 31 December 2015, regardless of the outcome of the planning application.
- 6.21 Other objections refer to loss of their rear access. No.23 and 25 have a licence from from the applicant for access to the rear garden which can be terminated at any time with a requirement to reinstate the fence. This is something the applicant will enact if planning consent has been obtained.

d) Sustainable Development

6.22 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 4 dwellings, including 4 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. As well as the direct economic benefits related to employment generation and investment, the proposal will deliver 4 dwellings.
- Social
Provides 4 new dwellings, which contributes to housing need. The size of the dwellings makes them appropriate for starter homes. The site can also be accessed by sustainable modes of transport, including foot/cycleway which may contribute towards health and well being and is accessible to the village centre.
- Environmental
The proposal is in keeping with the character and appearance of the surrounding area, and well sited on a brownfield site. 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 not have a negative impact on the environment.

7. The Planning Balance / Conclusion

- 7.1 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 within the Limits to Development of a Rural Centre.
- 7.2 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.
- 7.3 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.
- 7.4 The scale, design and form of the development respects the character of the surrounding area and it will integrate with the existing built form. Furthermore, the development will safeguard existing and future residential amenity. The proposal therefore complies with Policies CS1, CS2, CS5, CS11, and CS17 of the Harborough District Core Strategy.

APPENDIX A – Planning Conditions

8. Planning Conditions

8.1

1) **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) **Materials Schedule**

No development shall commence on site until a schedule indicating the materials to be used on all external elevations of the approved dwellings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and 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.

3) **Permitted Plans**

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

- PO1 Rev B – Proposed Site Layout
- PO2 – Proposed Housetype
- PO3 – Location Plan

REASON: For the avoidance of doubt.

4) **PD Restrictions**

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, no development within Part 1, Classes A-E shall take place on the dwellings 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

5) **Drainage**

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 years critical storm including an allowance for climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- details of how the scheme shall be maintained and managed after completion;
- a plan stating development areas, impermeable areas and areas draining to the surface water system e.g. balancing pond.

6) **Risk Based Land Contamination Assessment**

No development (except any demolition permitted by this permission) 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:

- BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS8576:2013 Guidance on Investigations for Ground Gas – Permanent Gases and Volatile Organic Compounds (VOCs)
- BS8485:2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

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

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

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

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

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

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

7) **Completion / Verification Investigation Report**

Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development. Prior to occupation of any part of the completed development, a report showing the findings of the

Verification Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:

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

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

8) **Turning Facilities**

Before first occupation of the dwellings hereby permitted, turning facilities shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.

REASON: To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users

9) **Parking Provision**

Before first occupation of any dwelling, car parking provision shall be made within the development site on the basis of 2 spaces per dwelling and designed in accordance with the 6cs design guidance. The parking spaces so provided shall be hard surfaced and made available for use and shall be thereafter 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

10) **Landscaping**

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

11) **Construction Method Statement**

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; 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

Notes to applicant:

- 1) All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001).
- 2) 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) To accord to Highway Authority standards, car parking spaces should have minimum dimensions of 2.4 metres in width and 5.5 metres in length. Where bounded by walls, fences, vegetation or other similar obstruction, a minimum additional 0.5 metre clear margin will be required to allow full access to and from all car doors (including the boot). For a garage to count as a parking space, it must have minimum internal dimensions of 3 metres width and 6 metres length.
- 5) A watching brief for bats and great crested newts 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.
- 6) The Applicant is reminded of the need to apply for an extinguishment of highway rights under the Highways Act.

Planning Committee Report

Applicant: The Co-operative Group

Application Ref: 15/01067/OUT

Location: Land North Of Stretton Lane, Houghton On The Hill

Proposal: Erection of up to 32 dwellings (means of access to be considered)

Application Validated: 15.07.2015

Target Date: 14.10.2015

Consultation Expiry Date: 27.08.2015

Case Officer: Nicola Parry

Recommendation

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

The proposed development would have an adverse effect upon the rural character and appearance of the Site and the rural setting of Houghton on the Hill. Accordingly the proposal is contrary to Core Strategy Policy CS11 and CS17c. The proposed development would also be contrary to the aims and objectives of the Framework.

1. Site & Surroundings

- 1.1 The application site (hereafter referred to as 'the Site') lies beyond, but adjacent to, the western edge of the Limits to Development of the Selected Rural Village of Houghton on the Hill, north of Stretton Lane.

Figure 1: Aerial Photo

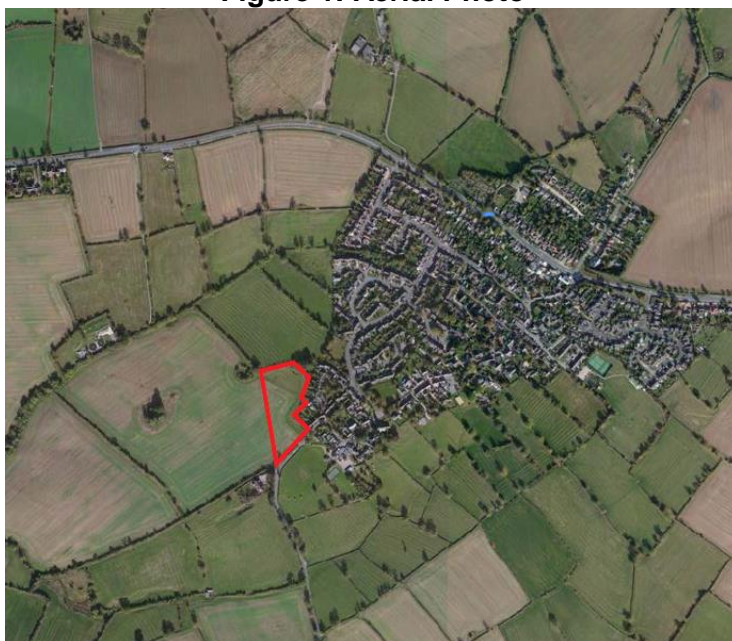
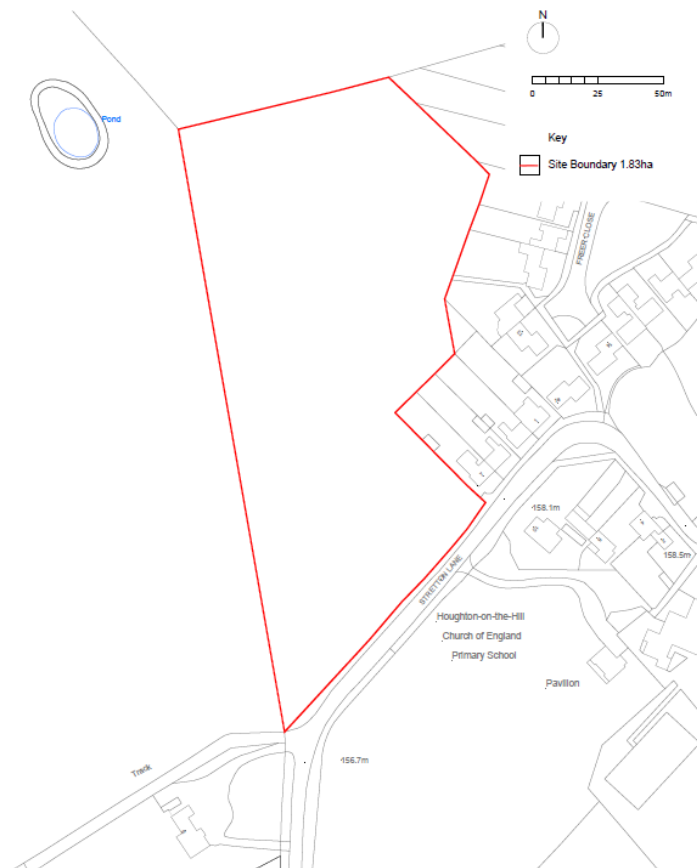


Figure 2: Site Location



- 1.2 The Site is greenfield land and comprises a single cultivated arable field (1.8hectare). The field margins, adjacent to the settlement edge, are set aside and are covered by rough grass and scrub.
- 1.3 The site is bordered with open fields to the north (the boundary of which is defined by hedgerow planting and hedgerow trees) and west (not physically defined), residential development to the east (Freer Close and Stretton Lane), a single residential property to the south and Stretton Lane along the south-eastern boundary. On the opposite side to the site adjacent to Stretton Lane is the cricket pitch
- 1.4 Public Right of Way D11 crosses the northern portion of the site, linking Freer Close to the wider landscape with onward connections leading to Uppingham Road (A47) and Bushby.
- 1.5 The topography of the site's context exhibits a strongly undulating landform. The highest ground within the site is located in the south eastern corner which lies at almost 158m Above Ordnance Datum (AOD). The lowest area is in the north western corner which is at 150m AOD. The site's boundaries with Stretton Lane and rear gardens of existing housing typically fall between 156 – 158m AOD. In contrast, the northern and western boundaries each fall in a consistent manner giving the site a general north westerly aspect.
- 1.6 The south eastern boundary of the site lies adjacent to the Houghton-on-the-Hill Conservation Area which embraces the older core of the village and includes the

cricket pitch. Individual listed buildings are located within the historic core of the village.

- 1.7 A National Grid Gas Pipeline runs through the north eastern corner of the Site.

2. Site History

- 2.1 There is no previous site history.

3. The Application Submission

a) Summary of Proposals

- 3.1 The application seeks planning permission for residential development of up to 32 dwellings.
- 3.2 The application is submitted in outline, with all matters reserved other than access..
- 3.3 An illustrative masterplan has been provided to demonstrate how development on the site could be accommodated.
- 3.4 The proposed housing development will be accessed via an a new priority controlled junction at Stretton Lane.

b) Schedule of Plans and Supporting Statements/Documents Submitted with the Application

- 3.5 The application was accompanied by the following documentation:

- Illustrative Masterplan (drawing number 6795-L-02 Rev C);
- Landscape Visual Appraisal prepared by FPCR;
- Design and Access Statement prepared by FPCR;
- Transport Statement prepared by Crofts;
- Ecological and Arboricultural Surveys prepared by Middlemarch;
- Flood Risk Assessment and Outline Drainage Strategy prepared by Curtins

c) Amended Plans and/or Additional Supporting Statements/Documents Submitted since Validation

- 3.6 At the request of Officers and Consultees, the following additional information has been provided by the applicant:
- Addendum to Drainage Strategy
 - Revised Location Plan (the red line was amended slightly after evidence was submitted by No.7 Stretton Lane indicating their land ownership)
 - Agricultural Land Classification Report
 - Croft Transport Solutions Response to LCC Highways
 - HIS Garden Ponds/Revised Framework Plan
 - Noise Impact Assessment
 - GCN Habitat Suitability Assessment of Garden Ponds
 - GCN Mitigation Strategy
 - Illustrative Masterplan
 - Capacity Framework Plan

- Written Scheme of Investigation for an archaeological trench evaluation

d) Pre-application Engagement

- 3.7 The applicant did not engage with the Local Planning Authority (LPA) prior to submitting the application.
- 3.8 The Parish Council has advised that the Co-op made contact seeking a meeting to discuss their plans with the Parish on 1st June 2015. The Parish resolved at their 4th July meeting to invite a representative of Co-op Estates to address the Parish Council at its meeting on 9th July 2015 and to publicise this in the Clerk's monthly report to Houghton News. The Co-op were unable to attend. The Parish were informed 14th July by the Co-op that their application had been submitted.

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 21.08.15. The Press Notice was published on 06.08.15
- 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

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 County Council Highway Authority Team Leader**
Initial response dated 17 August 2015:
The highway authority asked for further information regarding traffic speeds on Stretton Road, trip rates used, and raised concerns with the extension of the 20mph speed limit and the S bends adjacent to the site. The applicant has now provided further information related to speeds and trip rates.

Revised response dated 1st October 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 Conditions and Contributions.

4.8 Leicestershire County Council Senior Planning Archaeologist

Initial response

The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies within an area of archaeological interest. Since it is likely that archaeological remains will 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.

Revised response

Having read and reviewed the submitted evaluation report, I can confirm that the investigation has been completed satisfactorily and the developer has now provided sufficient evidence with regard to the archaeological interest of the site. The investigation, whilst producing a lithic (flint) assemblage of some archaeological interest, has shown there to be no evidence of significant stratified archaeological remains (the excavation identified buried archaeological remains associated with former medieval and post-medieval cultivation). On that basis I can advise that no further archaeological investigation or recording is required and no mitigation necessary in relation to the development impact. In line with NPPF Para 141, it will be necessary for the applicant to ensure deposition of the site archive and appropriately disseminate the results of the investigation. It is therefore recommended that any planning permission is subject condition requiring archaeological reporting and provision of an accessible archive

4.9 Leicestershire County Council Senior Planning Ecologist

Initial response dated 17 August 2015 (in full):

We would like to place a Holding Objection on this application. The great crested newt (GCN) survey recorded GCN in the pond adjacent to the application site. The report identifies that mitigation is required, but no detail has been provided. We are aware that there have been a number of local objections to the development, based on the potential impact of the ecology of the area. Of particular note is the objections based on the presence of newts within gardens close by. Ecology consultants are rarely able to survey ponds in gardens, as they are simply not aware of them as they do not show on OS Maps. Garden ponds are often less suitable for GCN than field ponds, due to their size, fish stocking and lack of connectivity to the surrounding habitat. However, in this case, we consider that any ponds in gardens on Freer Close and Stretton Lane immediately adjacent to the application site may be used by GCN, particularly as there is good connecting habitat between the known GCN pond and the gardens (mature hedgerow on to the north of the application site) and the large gardens may also provide suitable terrestrial habitat. The landscape surrounding the site does not contain many field ponds, with maps indicating only 1 additional pond within 500m of this application site. The low number of surrounding field ponds may also increase the likelihood of GCN being present within the gardens, due to lack of alternatives. We therefore consider that, for this application, a great crested newt survey should be completed of the ponds identified within the adjacent gardens. This should comprise a full GCN assessment (the ecologist may wish to consider the use of eDNA surveys) of the ponds as it is unlikely that a HSI assessment will provide us with sufficient information in order to be satisfied with a negative result. Due to the seasonal constraints of surveying for GCN, it will be impossible to assess the garden

ponds until next spring. Therefore on balance, we would recommend that this application is withdrawn or refused, pending the results of additional GCN surveys and the submission of a satisfactory mitigation plan.

- 4.10 Leicestershire County Council Lead Local Flood Authority – Senior Flood Technician
The proposed development will be acceptable subject to planning conditions (surface water drainage scheme and minimum finished floor levels 150mm above existing ground levels) attached to any permission granted.

- 4.11 Leicestershire County Council Forestry Team Leader
In my opinion there seems no arboricultural reason for refusal.

- 4.12 Leicestershire County Council (Developer Contributions)

- Education – Developer Contributions sought for 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.

- 4.13 Harborough District Environmental Health Team Leader
Initial response 19.08.15
A Noise Impact Assessment (NIA) should be submitted to account for the Leicester Airport

Revised response 15.10.15 (following submission of NIA)

As per the conclusion of the report “Based on noise measurements undertaken at the application site during sustained activity at the airfield and the assessment methodology detailed in this report, the ambient noise climate is not considered to represent a constraint to the proposed residential development of the application site.” I have no objections to the proposal on the grounds of noise impact.

Revised response 27.10.15 (following 3rd party detailed analysis of the noise report)
I would recommend that the comments are passed to the applicant’s acoustician so that they can digest them, comment in rebuttal and if necessary, undertake further monitoring to address the concerns raised.

- 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.

Our preference is for on site provision in the first instance. 0% of 32 units equates to 12.8 round up to 13 units as our affordable housing requirement. At this point, our normal tenure split request is 60% affordable rent and 40% intermediate (shared

ownership) housing, I am prepared to be flexible on our tenure requirement. I can discuss this with the applicant.

- 4.15 Harborough District Council Neighbourhood and Green Spaces Officer
In addition, to POS contributions, a landscape plan will need to be provided prior to commencement of development for approval. In addition a landscape management plan will need to be provided to give assurance that the POS will be satisfactorily maintained in perpetuity
- 4.17 Harborough District Council Parish Liaison and Engagement Officer
Developer contribution sought to be used to improve community facilities in the locality.
- 4.18 The Leicestershire Aero Club Ltd Airport Manager
Initial response dated 07/08/15
Whereas the proposed housing development lies within our ATZ, it would not pose any hazard to our operation. We would point out however that it will lie directly on the flight path of one of our frequently used runways (04/22), and that, in accordance with our CAA approved designated glide slopes, aircraft could be flying over the development as low as 250/300 feet above ground level. Such movements, particularly at weekends, will inevitably result in a flood of complaints from the new residents.
- Revised response (following submission of NIA);
It is not clear on which date/day/time the tests were conducted, the weather conditions at that time and which runways were in use at the time. Weekend aircraft movements are far heavier than weekdays and it should also be noted that Night flying is carried out during the autumn/winter months Once again I reiterate my earlier comment that when runway 04/22 is in use, then the promulgated flight path will mean that aircraft on final approach could be passing directly overhead the development at approx. 250 ft. above ground level relative to that of the airfield (QFE). This is a CAA legally approved procedure for aircraft on final approach to runway 22 and is exempt from the 500 ft. rule. Low level bad weather circuits will also be a contributing factor to noise levels and collectively will most certainly be a major issue for any new residents. The Aero Club cannot do anything about this, as departures and landings are dictated by the prevailing weather conditions at the time.
- 4.19 Houghton on the Hill Church of England Primary School
We write with reference to the above planning application. As a school located close to the proposed development we wish to request that this is viewed as an opportunity to improve the road safety for pedestrians and particularly children and parents accessing the school. This might include school hazard signing, extended zigzag lines and restricted parking zones, pedestrian crossings, improvements to existing footpaths. We would also suggest that space be allocated within the development for a free standing parking space to alleviate congestion around the school and church.
- 4.20 Houghton on the Hill Parish Council

It was **resolved** to submit the following background 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 Harborough District Council (HDC) Core Strategy.
- iii) There are currently at least three separate potential development sites whose developers have contacted both the Parish Council and HDC. This application, also the smallest, has been presented without any prior consultation with the Parish Council or village community.
- 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.
- v) The application is poorly presented with typographic, formatting and numerous factual errors

It was **resolved** to object to the proposals on grounds of:

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

4.21 Rt. Hon Sir Alan Duncan MP (in full)

I write to highlight the considerable local concern that has been expressed to me regarding the above application from the Co-operative Group to construct up to 32 dwellings in Houghton on the Hill.

While I and the local community welcomed the news last year that the Co-Op farmland at Stoughton had been sold to the Wellcome Trust, this application has caused great concern to residents, who do not believe the site to be appropriate for development.

Local people are worried about the impact of increased traffic on Stretton Lane and the A47, the pressure that would be put on local school places, and the proximity of the proposed development to existing houses, which would result in a loss of privacy.

I would be grateful if you could confirm that this letter will be put before the Planning Committee and would urge Councillors to pay close attention to the views of local residents, who are justifiably concerned about the potential of urban sprawl by the backdoor.

b) Local Community

- 4.22 79 individual households have objected to the proposed development. Of these, 77 are from households within the village.
- 4.23 Officers note that several of the objections are very detailed and whilst regard has been had to these in assessing this application, it is impractical to copy these verbatim and therefore a summary of the key points is provided below.

- Safety issues especially for school children
- Stretton Lane can not take any added traffic
- The site is adjacent to the double 'S' bend, next to the primary school with one narrow footpath
- The development will increase the number of vehicles entering the village
- The proposed access is opposite where parents park and undertake three point turns to drop off and collect their children
- Increased traffic will result in increase danger for school children crossing the road to get to /from the school
- Blind bend
- People will use their cars not buses
- Inadequate parking spaces
- Increase in accidents very likely
- Stretton Lane and Main Street are used as rat run to A47
- The school is at capacity and can not accept any more pupils
- The school is small and is unable to expand
- The site is located further from services/facilities than stated. The Fish and Chip shop is located more than 1km from the site on the opposite side of the busy A47.
- Bus services do not run in the evenings or on Sundays
- Bus stops are not located on Stretton Lane
- Bus stop to Leicester is on A47, a 15 walk from the site
- The village has no employment, people will need to commute from the village
- Lack of medical facilities
- The proposed development is on the flight path for Leicester Airport
- The village needs retirement housing not more 4 bedroom family homes
- Not sympathetic to village environment
- Houghton is a village, please respect it
- Noise and light pollution
- Better alternative sites available for housing
- Loss of valuable and productive farmland
- Development will change the village character forever
- Precedent for further applications
- Other developers lining up to develop in our village
- Impact on village community
- Development will be the start of urban sprawl and will eventually join us up with Thurnby/Bushby
- The site provides a green buffer between the village and the suburbs of Leicester
- The footpath has permissive access until 2020
- The footpath is ancient roman way.
- The footpath is a popular route for ramblers, dog walkers and joggers
- Creating a public space over a gas pipeline next to an attenuation pond does not sound sensible
- Evidence of Roman villa on site
- Development will impact on badger setts and great crested newts
- Great crested newt surveys undertaken at the wrong time of the year
- The close proximity of the proposed house will result in a significant loss of light/sunlight and result in a loss of privacy
- How will the development provide 'affordable' housing for young residents within the village
- Proposed landscaping will result in a loss of sunlight
- Misleading information contained within the submitted reports
- Application has been rushed and is riddled with numerous factual errors

- No provision for cricket balls showering onto properties

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 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*
- *Houghton on 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.
- Parish Plan (2004) & Village Design Statement (2004)

c) Emerging Local Plan Evidence Base

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

- *Strategic Housing Market Assessment*
- *Strategic Housing Land Availability Assessment*
The Site was put forward in the 2015 SHLAA (Ref: A/HH/HSG/04). The Site was identified as being available, potentially achievable and potentially suitable for residential development
- *Settlement Profile (May 2015)*

Overall Summary:

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.

- Leicester PUA Landscape Character Assessment and Landscape Capacity Study

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

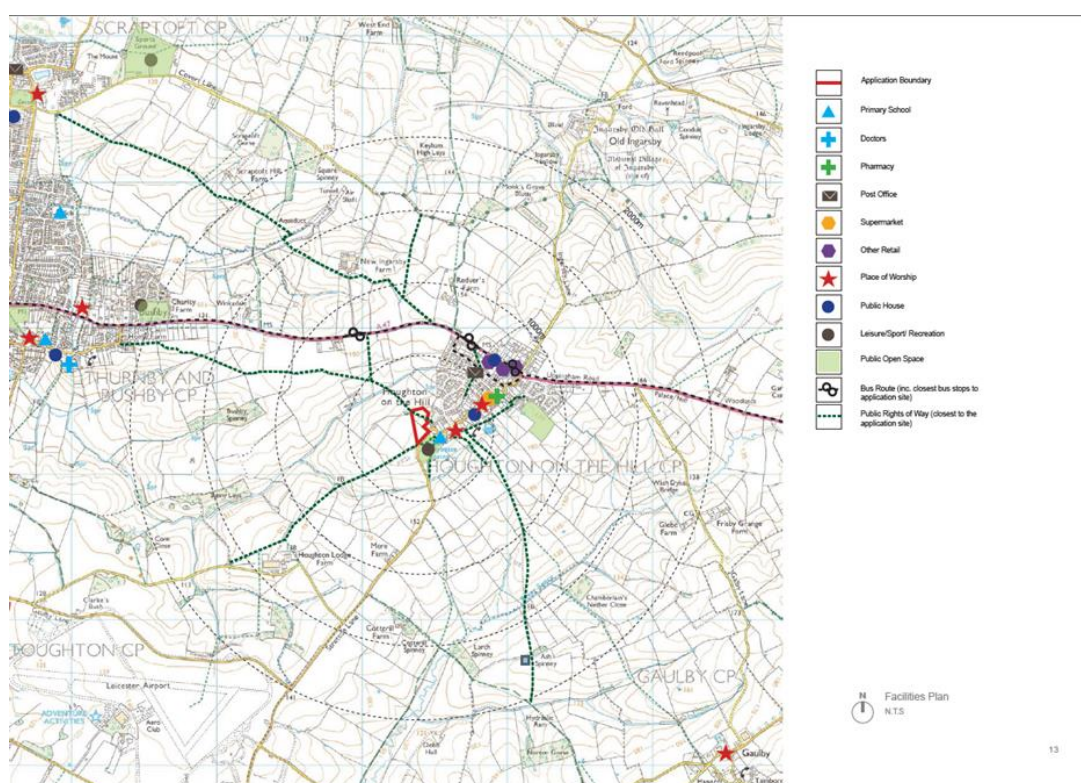
Principle of Development

- 6.1 As previously mentioned, 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. Policy CS17 of the Harborough Core Strategy strictly controls new development within the open countryside:
- “Only development required for the purposes of agriculture, woodland management, sport and recreation, local food initiatives, support visits to the District and renewable energy production will be appropriate in the Countryside subject to compliance with other relevant policies in this Strategy”.*
- 6.2 A housing estate does not fall within the above list of development allowed. The location of the proposed development would, therefore, be contrary to this aspect of Policy CS17 in the Development Plan.
- 6.3 Limits to Development were adopted some 14 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. As a consequence, and having full regard to the advice in paragraph 215 of the Framework, little weight should be given to Policy HS/8.
- 6.4 The 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 SHMA 2014. This recommends a total housing requirement of 9,500 dwellings between 2011 and 2031, or 475 dwellings per annum. Based on the latest SHMA requirement the Council's Five Year Housing Land Supply Position Statement (published 3 June 2015) demonstrates a supply of 4.45 years as at 1 April 2015. The Council can not therefore demonstrate a five-year land supply. As a consequence, Para. 49 of The Framework advises LPA's that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.
- 6.5 In circumstances where relevant policies are out-of-date Para.14 of the Framework 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

- 6.6 Houghton on the Hill currently has Selected Rural Village (SRV) status in the Harborough District Core Strategy (2011). This means that any development will be on a small and limited scale, which reflects the size and character of the settlement and its service provision.
- 6.7 Officers acknowledge a) the Council's latest Settlement Profile (May 2015) (prepared to inform the emerging Local Plan) that confirms Houghton on the Hill has the level of services equivalent to a 'Rural Centre' with 4 out of 6 key services present (Pubs, School, Food Store/ATM, Post Office/Newsagents) and a daily scheduled bus service and b) the Emerging Local Plan Options has identified the village as a Rural Centre. However, notwithstanding the housing level requirement for Rural Centres and SRVs is now higher than set out in the Core Strategy, the Settlement Profile and Options are not adopted Development Plan policy and therefore carry limited weight.
- 6.8 The applicant has submitted a plan, which is judged to demonstrate that the application site possesses adequate locational sustainability, in terms of walking and cycling distances to key services and public transport stops within Houghton on the Hill.

Facilities Plan



- 6.9 The nearest bus stop is about 300m from the site access, however in the morning (service to Leicester leaving at 0644, 0745, 0854) and evening (service arriving at 1658, 1758, 1854), the nearest bus stop served is on the A47 near the Rose and Crown pub. This is about 900m from the site access (and further into the site) just outside the 800m walk distance criteria in the 6CsDG.
- 6.10 However the primary school, village shops, and pub are within about 800m of the site access and hourly bus services outside the peak hours are within easy walking distance. To encourage use of sustainable travel the HA 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.

- 6.11 On balance officers and the HA are satisfied that the site possesses adequate locational sustainability credentials.

Design

- 6.12 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.
- 6.13 Design (form/layout, mass, scale, proportions, style, materials) is not a matter which is currently for consideration. Notwithstanding this, a Design and Access Statement has been prepared, which together with Illustrative Masterplan (see below) set out how the site might be developed.

Illustrative Masterplan



- 6.14 Vehicular access will be taken from Stretton Lane. The plan shows the provision of a new footway connection between the site access and the existing footway on the northern side of Stretton lane. With the exception of a limited number of dwellings at the frontage; the majority of the proposed housing is shown to be to the east of the

spine road, adjacent to the existing residential development on Stretton Lane/Freer Close.

- 6.15 To the west of the spine road tree and hedgerow planting is proposed to delineate the western boundary with the wider countryside. In the north and north-western corner an attenuation feature and public open space, including a children's play area is proposed. A landscaped corridor accommodating the public right of way is proposed, together with a 6m wide newt corridor along the eastern boundary.
- 6.16 The number of residential units proposed is 32, which on a 1.8ha site represents a density of 18 dwellings per hectare. Policy CS2(b) advocates a minimum of 30 dwellings per ha. Mindful of the edge-of-settlement location of the site, it is judged that the proposed lower density is appropriate for this site. The proposed density will allow more space for open space and hard and soft landscaping; buffer zones and amenity spaces.
- 6.17 The proposal will deliver a mix of dwelling types including 7 x 2 bedroom units; 17 x 3 bedroom units and 8 x 4 bedroom units. The mix proposed accords with the recent SMHA (2014) findings.
- 6.18 Of the 32 dwellings proposed, 13 will be affordable homes in line with the Council's requirement of 40% as set out in Policy CS3. The split of the affordable units between social rents and intermediates would be determined at the Reserved Matters stage.

Landscape Character / Capacity

- 6.19 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"*.
- 6.20 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..."*
- 6.21 The proposed development is located near to the historic core that incorporates The Parish Church of St Catharine, which forms a distinctive feature on the horizon within views towards the site. The south-eastern boundary with Stretton Lane also provides a notable open local ridge that is shared with a part of the Conservation Area that is occupied by the cricket ground. Consequently, this is an area that is sensitive change.
- 6.22 Under Statements of Environmental Opportunity, SEO 1 notes the following of relevance *"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."*

- 6.23 At a District level, the Site falls within the 'High Leicestershire' Landscape Character Area. The area is identified in the Harborough District Landscape Character Assessment (2007) as having a Low to Medium capacity to accommodate development change and advises that "development should be avoided or minimised in High Leicestershire in all but its most western regions". no reference is made to Houghton-on-the-Hill in these 'western regions'.
- 6.24 The Site is located on the plateau ridge and upper valley slope. The highest ground within the Site is located in the south eastern corner which lies at almost 158m Above Ordnance Datum (AOD). The lowest area is in the north western corner which is at 150m AOD. The site's boundaries with Stretton Lane and rear gardens of existing housing typically fall between 156 – 158m AOD. In contrast, the northern and western boundaries each fall in a consistent manner giving the site a general north westerly aspect.
- 6.25 The application has been accompanied by a Landscape and Visual Appraisal (fpcr, July 2015). The LVIA concludes:
- "The site is generally well contained in landscape and visual terms by the built form of Houghton-on-the-Hill, surrounding vegetation and undulating topography that is characteristic of the area. Visual effects are constrained to only short to medium distance receptors and effects reduce with viewing distance. Overall the proposed development would be readily assimilated into the receiving landscape and would not give rise to unacceptable landscape and visual harm"*
- 6.26 Officers disagree with this conclusion, and views were sought from The Landscape Partnership (TLP).
- 6.27 The elevated and open western boundary of the Site would make the proposed development particularly visible and evident and TLP consider it unreasonable to describe the site as being visually well contained and contend there are other areas of land on the edge of the village which have a much greater visual containment.
- 6.28 Although the existing modern houses and church spire would form the back drop for the proposed residential development, which on the basis of the submitted information, would be set slightly lower than existing houses, when viewed from views to the west, this would not necessarily be the case in views from the north-west and in other locations on the valley side looking across the valley towards the site. In these locations, part of the proposed development would be set against the backdrop of existing modern housing, but also along the open ridge that fronts onto Stretton Lane and the Conservation Area. TLP considers the development would be a noticeable extension to the settlement and a prominent awareness of built development on the horizon from these locations and would become even more evident from Public footpath D11 on descending the northern valley slope, approaching the site. Similarly on approaching the village along Stretton Lane from the south-west, the extension of the settlement and built development on the horizon would clearly be noticeable as an evident change. However, TLP consider this could possibly be made acceptable by not incorporating built development within the south-western corner of the site.
- 6.29 Due to the open western boundary, the proposed development would be intrusive in terms of the effect on the local landscape and create a 'raw' aspect to the rural edge to the village. However, TLP consider these effects could be mitigated in time, subject to a suitable planting scheme, but needs to be demonstrated that appropriate

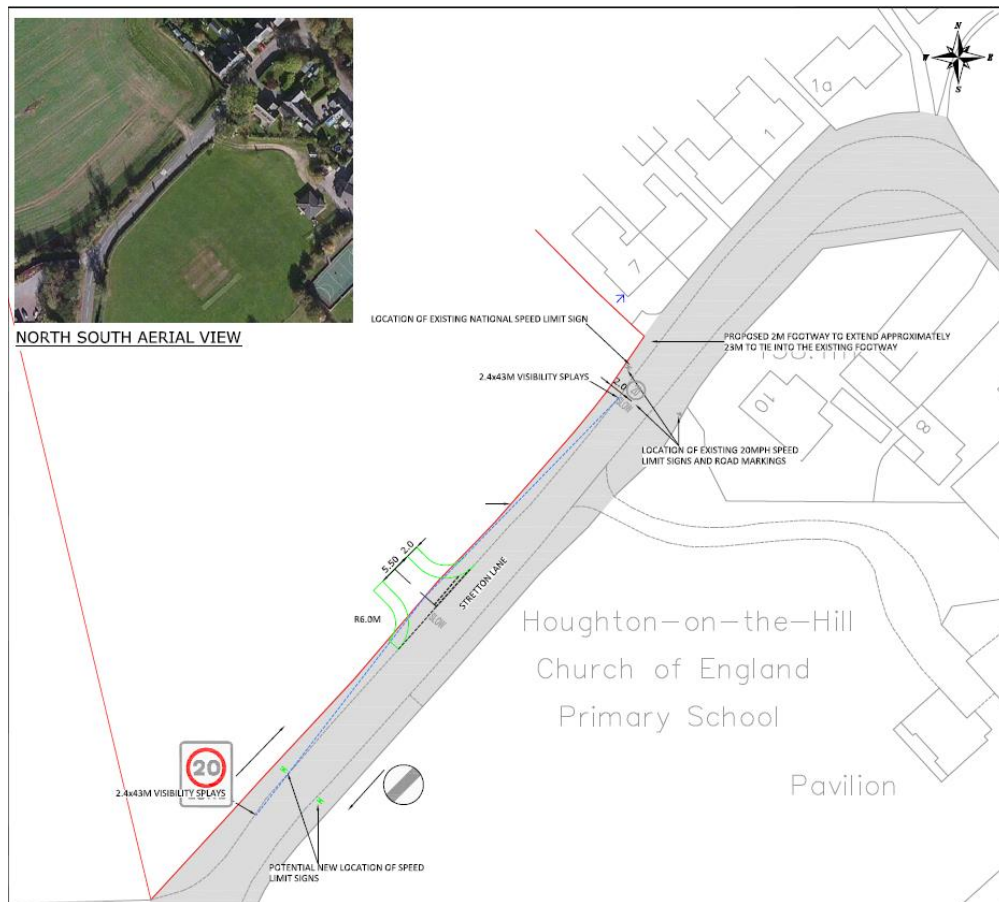
level of mitigation, planting and effectiveness would be achieved. TLP strongly recommend (and as suggested in para 6.12 of the LVA), that should outline consent be given, advanced planting be undertaken along the western site boundary at the earliest opportunity, to enable the planting to have begun establishing before any construction work starts.

- 6.30 Whilst Officer's would concur with TLP that the landscape impacts of the proposed development could be mitigated in time (Officer emphasis), Officer's would contend the following:
1. This is an outline application with all matters other than access reserved. No detailed landscaping/planting scheme has been put forward for consideration and it is uncertain if mitigation could definitely be achieved. As this is a significant matter important to any decision a condition seeking the applicant/developer to undertake advanced planting would not therefore meet the condition tests (e.g. it would not be reasonable to speculate mitigation could be achieved without certainty of a landscape plan/scheme at time of decision).
 2. The landscaping required to mitigate the proposed development would be significant (as the western boundary is currently completely open) and would take some considerable time to establish, harm would still persist 15 years on from the development.
 3. The proposed development would have an adverse effect upon localised views including on approach to the village along Stretton Lane and from footpath A54
 4. Whether or not the site can be successfully mitigated in landscaping terms, the proposed development in Officer's opinion would have an adverse effect upon the rural character and appearance of the Site and the rural setting of Houghton on the Hill.

Highways

- 6.31 Access is a matter for consideration as part of this application.
- 6.32 Stretton Lane runs along the southern boundary of the site, running into Main Street to the east and connects the centre of the village and the A47 to the north-east of the site with Gartree Road to the south-west of the site.
- 6.33 Stretton Lane has an approximate carriageway width of 6 metres with a verge width of around 1.5 metres width on the northern side and a verge of around 1.8 to 2 metres in width on the southern side. Footways on both sides of Stretton Lane do commence just to the east of the site and both have a width of around 1.8 metres. These connect to the wider footway network within the village towards Houghton on the Hill Primary School and beyond although at this point a footway only exists on the southern side of Stretton Lane.
- 6.34 No vehicular access is currently provided into the development site save for an informal field access. This field access will be closed and a new access will be taken via a new priority controlled junction at Stretton Lane. The access point and road has been positioned to align with the underground surface water sewer. A break in the hedgerow fronting Stretton Lane will be required to enable vehicle access to the site. This small loss will be offset by proposed tree planting and structural planting within the wider scheme

- 6.35 The junction geometry proposed is shown in the plan below and includes the following elements:
- Carriageway width of 5.5 metres.
 - Footways on both sides of the carriageway of 2 metres in width.
 - Footway connection to the existing footway network on Stretton Lane.
 - Junction radii of 6 metres.
 - Junction visibility of 2.4 metres by 43 metres along Stretton Lane.



- 6.36 The speed limit along the site frontage is currently national speed limit although the 20 mph speed limit commences at the eastern boundary of the site where at present the 'built form' of the village begins. The applicant has advised that if planning consent was granted on this site that the 20 mph speed limit would be extended to cover the site frontage. However, the Highway Authority have advised 'due to the speeds being low (evidenced by the 85th percentile speed surveys) there is no need to extend the 20mph limit beyond the new site access. If this was done we would be concerned that the impact of the signage will be lessened, as in its current location it is close to the school where children are crossing, and the bend acts naturally to reduce speeds. Moving the 20mph limit out to a straighter wider length of road further from the school means that speeds will be likely to be significantly higher than the posted speed limit'
- 6.37 The photograph's below provide an indication of the existing carriageway and footway provision in the vicinity of the site. The first looks west along Stretton Lane across the site frontage and the second looks back towards the start of the village looking east.



- 6.38 It should be noted the above photo's do not represent the situation during school drop-off and pick up times where this section of road is used to park vehicles. See below (source jnp report)



- 6.39 The application was accompanied by a Transport Statement (TS), prepared by Croft Transport Solutions. The Highway Authority (HA) reviewed the TS and advised they had "some initial concerns regarding the impact of development traffic on Stretton Lane/Main Street" and requested additional information in relation to trip rates and a speed and traffic survey, undertaken during school term time.
- 6.40 The applicant duly provided the additional information sought. The trip rates for the proposed development are 17 two way movements generated in the AM peak hour period and 20 two way movements in the PM peak hour period. The traffic survey recorded 289 vehicles during the PM peak hour. The surveys recorded the speed of vehicles in each direction on Stretton Lane. The northbound 85th percentile wet weather speed was recorded as 29.2 mph and the northbound (into the village) 85th percentile wet weather speed was recorded as 31 mph.

- 6.41 The HA have reviewed this additional information 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. The LCC HA considers that the development and its proposed access are acceptable; that a new road junction can be delivered to appropriate standards and the internal layout appears generally acceptable in this outline form.*
- 6.42 Following the revised comments from the Highway Authority (1st October 2015), the Parish Council, together with a core group of local residents 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:
- Site layout and under provision of off-street parking spaces
 - Access road
 - Transport sustainability
 - Trip rates
 - Speed/traffic surveys
- 6.43 In addition to this JNP report, a traffic survey was submitted by a local resident (Mr & Mrs Hart).
- 6.44 The HA has assessed the JNP report and conclude “although the highway authority agrees with many of the points raised in the JNP report we do not believe there is sufficient evidence to seek to resist the application, and we would not be able to demonstrate the small increase in traffic would have a severe impact on the highway. We agree that the access should accommodate refuse vehicles of the size used in Harborough District, and this should be demonstrated prior to any decision on the planning application.
- 6.45 The applicant’s have submitted a plan which demonstrates the access can accommodate HDC refuse vehicles.
- 6.46 Officers understand the local community concerns, with regards to parking on the highway, pedestrians (including school children) walking in the carriageway due to lack of footways and cars blocking existing footways, associated congestion, and access difficulties are apparent, having witnessed this with members of the local community and the Parish Council on Friday 4th September 2015.
- 6.47 However, the LPA are guided by the advice of the HA with regards to highway safety matters. The HA have advised the LPA *“There is perfectly understandable perception that this type of activity can lead to accidents, however there are no recorded injury accidents in this length of Stretton Road adjacent to the school and site frontage in the last 5 years, so there is no evidence to suggest that there are any actual safety concerns. Therefore there is no evidence that the highway authority could use to show that the impact of the development would be severe, as is required in paragraph 32 of the NPPF.*
- 6.48 *The HA is* There is perfectly understandable perception that this type of activity can lead to accidents, however there are no recorded injury accidents in this length of Stretton Road adjacent to the school and site frontage in the last 5 years, so there is no evidence to suggest that there are any actual safety concerns. Therefore there is no evidence that the highway authority could use to show that the impact of the development would be severe, as is required in paragraph 32 of the NPPF.

- 6.49 On balance, subject to Conditions and Developer Contributions, the proposal is judged to accord with Policies CS1, CS5 and CS11 in respect of highway considerations.

Noise

- 6.50 Following comments from Leicester Airport and on the advice of the Council's Environmental Health Officer (EHO), Officers requested the applicant to undertake a Noise Impact Assessment (NIA). The applicant duly complied with this request and commissioned ENS to undertake such an Assessment.
- 6.51 The Assessment concludes "based on noise measurements undertaken at the application site during sustained activity at the airfield and the assessment methodology detailed in this report, the ambient noise climate is not considered to represent a constraint to the proposed residential development of the application site
- 6.52 The EHO was content with the report findings, however, following the receipt of a very detailed third party objection which raised concerns over the information contained within the NIA, the EHO advised sending the NIA and the objection to both Leicester Airport and the CAA. ENS provided a response to the third part objection and this was also forwarded to Leicester Airport and the CAA.
- 6.53 No response has been received from the CAA. Leicester Airport (before receiving the ENS response) responded to the LPA and re-iterated their original comments that *"when runway 04/22 is in use then the promulgated flight path will mean that aircraft on final approach could be passing directly overhead the development at approx. 250 ft. above ground level relative to that of the airfield"*
- 6.54 Notwithstanding the concerns expressed by Leicester Airport, it should be noted no noise complaints regarding aviation have been made from residents of Freer Close and Stretton Lane in the past 2 years. In Officers opinion there does not appear to be sufficient evidence to refuse the application on the grounds the development would adversely impact on 'health and quality of life' as set out in Paragraph 123 of The Framework or request mitigation measures.

Ecology

- 6.55 A Preliminary Ecological Appraisal (prepared by Middlemarch Environmental Ltd) accompanied the application.
- 6.56 The Appraisal confirms there are no European statutory sites within 5 km of the survey area, no UK statutory sites within 2 km and five non-statutory sites within 1 km. The site is not located within 10 km of a statutory site designated for bats. The closest non-statutory site is 'Semi-improved grassland' Parish Level Site located 260 m south-west from the development site.
- 6.57 The walkover survey was undertaken on 12th May 2015. At the time of the survey, the site comprised predominately arable field and semi-improved grassland with areas of hedgerow and trees along the site boundaries. The key ecological features on site in relation to the works proposed are trees, hedgerows, badger, roosting bats, terrestrial mammals, foraging bats, great crested newts, birds and reptiles.
- 6.58 In order to ensure compliance with wildlife legislation and relevant planning policy, the Appraisal provides a series of recommendations including:

- **Habitat Enhancement:** Incorporating biodiversity enhancement measures into the landscaping scheme of any proposed works to maximise the ecological value of the site.
- **Trees and Hedgerows:** Any trees and hedgerows which are not be removed as a part of any proposed works should be protected in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction - recommendations".
- **Badger:** If work does not commence within 12 months, given the suitable habitat present within the survey area and connectivity to adjacent habitat that is suitable for badgers, it is recommended that a badger survey is undertaken to determine whether any setts are located within 30 m of the proposed development area.
- **Roosting Bats:** A daytime bat survey should be undertaken on the over-mature tree which may be impacted by the proposed development works. Daytime bat surveys can be completed at any time of year.
- **Terrestrial Mammals:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape.
- **Foraging Bats:** The development should aim to limit the impact of light pollution on bats through the careful use of lighting in critical areas only and at a low level with minimum spillage.
- **Nesting Birds:** Vegetation clearance should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive.
- **Reptiles:** The clearance of suitable reptile habitat should involve the clearance of vegetation in a directional manner to allow any herpetofauna to disperse and the careful removal of hedgerow roots.
- **Great Crested Newts** – All recommendations given within the Great Crested Newt survey (discussed further below) should be undertaken.

- 6.59 Great crested newts are European protected species and are a material consideration in the planning process.
- 6.60 The Great Crested Newt Survey undertaken between May 2015 and June 2015 identified two ponds within a 500 m radius of the site. The results of the great crested newt presence / absence and population assessment works completed under this survey identified that Pond 1 (located to the north-west of the site) supported one small population of great crested newts. Pond 2 was found to be dry during each survey visit and was therefore excluded from the survey.
- 6.61 Given the proximity of Pond 1 to the site, the survey identified that there is a potential for indirect impacts such as run off during the construction works, and direct impacts such as the potential to cause injury or killing great crested newts during site clearance and construction. In addition, the loss of the grassland vegetation in proximity to Pond P1 would reduce the areas of optimal terrestrial habitat for great crested newts to utilise during their dispersal and terrestrial phases and as such this could impact on the great crested newt populations.
- 6.62 The survey therefore recommended a great crested newt mitigation strategy be developed to minimise potential impacts on great crested newts and / or their breeding and resting places and to ensure adequate mitigation was provided as part of the development proposals and a Natural England Development Licence

prepared. It should be noted, Development Licences can only be applied for once outline planning permission is granted.

- 6.63 In response to this application, a number of correspondences were received identifying that a number of properties had gardens backing onto the proposed development site contained garden ponds which were not considered in the original great crested newt survey.
- 6.64 County Ecology, advised Officers a survey of these garden ponds should be undertaken as although “garden ponds are often less suitable for GCN than field ponds, due to their size, fish stocking and lack of connectivity to the surrounding habitat, any ponds in gardens on Freer Close and Stretton Lane immediately adjacent to the application site may be used by GCN, particularly as there is good connecting habitat between the know GCN pond and the gardens (mature hedgerow on to the north of the application site) and the large gardens may also provide suitable terrestrial habitat...The low number of surrounding field ponds may also increase the likelihood of GCN being present within the gardens, due to lack of alternatives.”
- 6.65 Officers asked the Applicant to undertake a further survey. The applicant consulted with the residents of Stretton Lane and Freer Close which had properties that backed onto the site asking if they had ponds within their gardens, and requesting permission for an ecologist from Middlemarch Environmental Ltd to carry out a site visit and assess their ponds. Responses were received from 7 residents, 5 of which confirmed that their gardens contained ponds, and two of which stated that they did not have a pond, but did have a water feature. The resident of No.9 Freer Close provided photographs of the water feature in the rear garden of the property and upon review this pond appeared to offer negligible value for great crested newts and was therefore excluded from the survey.
- 6.66 Access was granted to six gardens to survey the ponds within these gardens. The distances of these garden ponds from the development boundary are provided in the table below.

Pond Reference	Distance from Development Boundary	Subject to HSI Survey?	Notes
P3	10 m north east	Yes	Garden pond within No. 7 Freer Close
P4	25 m south east	Yes	Garden pond within No. 13 Freer Close.
P5	5 m east	Yes	Garden pond within No. 1 Stretton Lane
P6	5 m east	Yes	Garden pond within No. 3 Stretton Lane.
P7	60 m south east	Yes	Water feature within No. 4 Freer Close
P8	5 m east	Yes	Garden pond within No. 8 Freer Close
P9	10 m east	No	Water feature within No. 9 Freer Close

- 6.67 The resident of No.3 Stretton Lane submitted photographs of the pond within this property and also photographs of newts which it is understood to have been removed from the pond using a net to the LPA. These photographs were sent (with the permission of No.3) to the Applicant’s consultants whom concluded “that the newts shown in the photographs are likely to be smooth newts”
- 6.68 The Habitat Suitability Index Assessment of the garden ponds has shown that, the ponds would be considered of ‘poor’ or ‘average’ suitability to support breeding great crested newts.

- 6.69 The Assessment concludes “its unlikely that the small garden water features considered in this assessment provide key habitat features for great crested newt, although the potential for occasional use of P4, P5 and P6 by individuals (e.g. foraging by non-breeding individuals) cannot be ruled out entirely. It is considered, however, that the mitigation and control measures that will be implemented for Pond 1 under Natural England licence will also safeguard any individuals that may occasionally use the garden ponds, and the proposed 6 m habitat buffer shown on the latest iteration of the development masterplan will ensure that amphibians and other fauna can continue to move around the site post-development. Provided that a Natural England licence is obtained and the required mitigation implemented, no adverse impact on the favourable conservation status of the great crested newt population is predicted”
- 6.70 The 6m habitat buffer will include a 3m width of new native hedgerow to the east of the buffer zone and a 3m wide strip of rough grassland between the new hedgerow and the rear of the proposed new gardens to ensure connectivity around the development area which can be used by amphibians and other fauna.
- 6.71 County Ecology are currently considering the additional information, together with further correspondence from 3rd parties. Members will be updated via the Additional Information Paper circulated before Committee Meeting.

Forestry

- 6.72 The application was accompanied by a ‘Pre-Development Arboricultural Survey’ (Middlemarch Environmental Ltd June 15).
- 6.73 The most significant trees recorded within the survey were a group of mixed species (G3), which were located adjacent to the north eastern corner, and a single Ash (*Fraxinus excelsior*) tree, which was located in the north-western corner of the site.
- 6.74 A number of Ash trees were present within the survey located along the southern boundary. Many exhibited dieback to their crowns and they were generally poor specimens. As such, they were typically considered to be of a low retention value.
- 6.75 Detailed third party objections have been submitted raising concerns with the “inaccuracies in measurements” of the Survey.
- 6.76 The County Forestry Officer has reviewed the survey and the concerns raised and ‘agrees with the general observations and categorisations’ in the report. The Officer has confirmed he has not undertaken measurements of all the trees but has “sampled several and estimated a few on the front edge of the off-site spinney G3”. The Officer has advised “with a spinney, it is only the front trees whose Root Protection Areas (RPAs) need consideration, unless there is a much larger stem-diameter tree a little way in”.
- 6.77 Of those measured or close enough to estimate fairly accurately he has advised:
- T1/T2/T3 Ash are stem diameter accurate;
 - T5 Sycamore is about accurate
 - T6 Coast redwood is more like 450mm (not 250mm)diameter, and RPA radius therefore 5.4m (not 3.3m);

- 6.78 Along the front boundary of G3, there are a number of trees inside the garden (from east to west):
- 2 x Silver birch – stem diameter approx. 275mm; RPA radius 3.3m;
 - 1 x Sycamore – stem diameter approx. 350mm; RPA radius 4.2m;
 - 3 x Ash – stem diameters est. 250/300/350mm; RPA radius 3m/3.6m/4.2m;
 - 1 x mature oak set back on the northern boundary near a watercourse – stem diameter estimated as 700mm; RPA radius 8.4m.
- 6.79 T3 is a late mature/almost veteran status tree which has been in this location for perhaps 200 years, and as noted has various age-related features but otherwise in good condition.
- 6.80 The Officer has advised because there are no significant trees within the field and trees are in the boundary hedgerows or off-site entirely, “it should be possible to accommodate any proposed development considerably outside the relevant RPAs of such trees, as well as conferring additional space outside their RPAs to reduce any possibility of shade, overbearing, and so on. The outline layout shows such accommodations by keeping development away from the boundaries and generally indicating open spaces or gardens near boundaries. The only exception is the furthest north building, which seems possibly close to the group G3 mentioned above, but this is only indicative and further distancing would be advised in a more detailed layout”. In his opinion, “there seems no arboricultural reason for refusal”.
- 6.81 Subject to Conditions the proposal is judged to accord with Policies CS8, in respect of arboricultural considerations.

Flooding and Drainage

- 6.82 A Flood Risk Assessment (FRA) prepared by Curtins accompanied the application.
- 6.83 Policy CS10 (Addressing Flood Risk) 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. The EA flood map shows the development site in low risk Flood Zone 1,
- 6.84 The Assessment advises the site is at low risk from fluvial, tidal, reservoir and canal flooding. The SFRA map indicates that there have been no known sewer flood events within the site and the nearest sewer flood event was located within the Highway at St Catharine’s Way. The risk of flooding from this source is therefore considered low. There are no records of any historical flooding on the site caused by fluvial, surface water or sewer flooding. There is a very low risk of Surface Water Flooding to the site.
- 6.85 The Assessment also advises that groundwater levels are not available and therefore it is assumed that there could be a risk of groundwater flooding to the site. Accordingly to mitigate the risk of groundwater flooding it is recommended that groundwater levels are monitored during any ground investigation works to determine site specific groundwater levels and floor levels should be no lower than existing ground levels. Providing the above mitigation measures are imposed, the risk from groundwater flooding would be considered low.

- Proposed Surface Water Drainage
- 6.86 Surface water drainage is proposed to discharge into the Bushby Brook (approx. 230m north-west) at a restricted rate. 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
- 6.87 The foul drainage from the development is proposed to be collected by new private foul drains which will connect into the existing public sewer network within the proposed development site. The peak flow rate has been calculated based on Sewers for Adoption 7th Edition, assuming 4000 l/d/d (litres per dwelling per day) The peak foul discharge for the proposed development is therefore estimated as 1.48 l/s based on 32 dwellings. The proposed foul drainage will be subject to approval from Severn Trent Water.
- 6.88 Subject to conditions as recommended by the LLFA and Severn Trent Water, the proposals are judged to accord with Policy CS10 in respect of flooding and drainage considerations

Loss of agricultural land

- 6.89 At the request of Officers, 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).
- 6.90 The assessment confirms that due to the soil wetness the land is limited to Subgrade 3b. 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

- Conservation Area/Listed Buildings/SAMs
- 6.91 The south-eastern boundary of the site lies outside but adjacent to the Houghton-on-the-Hill Conservation Area which embraces the older core of the village and includes the cricket pitch to the south of the site. Individual listed buildings are located within the historic core of the village.
- 6.92 A number of scheduled monuments are located within the area, the closest of which is a moated site and deserted medieval village at Old Ingarsby, approximately 1.8km to the north east of the site. Further scheduled monuments close to Gaulby and Little Stretton are more than 3km from the site. All three scheduled monuments do not topography and vegetation combined with distance.
- 6.93 The application has been assessed by the Council's Conservation Officer, and like Officers considers the development would impact upon the rural setting of the village, however, the level of harm upon the wider setting of the Conservation Area could be reduced by a sympathetically designed scheme and as such a reason for refusal on Conservation Area impact could not be justified.

- 6.94 County Archaeology advised the LPA that the site lies within an area of archaeological interest:

To the immediate east lies the historic settlement core of Houghton on the Hill and to the immediate west significant quantities of prehistoric worked flint and Roman artefacts including pottery and tile have been recorded, indicating settlement activity in the near vicinity. The findspot of a 2nd century Roman coin is also recorded from within the application site. Topographically, the site lies on a ridge of sands and gravels close to springs and would have been an attractive location for past settlement. There is a likelihood that archaeological remains relating to prehistoric, Roman and medieval activity survive within the application site.

- 6.95 And for this reason, they recommended the applicant complete an Archaeological Impact Assessment of the proposals.
- 6.96 The applicant duly complied and submitted an Archaeological Trench Evaluation, undertaken by AC Archaeology.
- 6.97 The evaluation comprised the machine-excavation of 11 trenches totalling 240m in length. These were positioned to target the anomalies identified from the geophysical survey, along with areas where no geophysical anomalies were present.
- 6.97 Archaeological features were identified in all 11 trenches. These comprised medieval furrows, along with post-medieval ditches and drains. A small quantity of worked flint was recovered. There was no evidence within the application area for any activity before the medieval period.
- 6.99 County Archaeology have reviewed the Evaluation and has confirmed the applicant has provided sufficient evidence with regard to the archaeological interest of the site and that no further archaeological investigation or recording is required and no mitigation necessary in relation to the development impact.
- 6.100 Subject to conditions as recommended by the both the Council's Conservation Officer in terms of the 'reserved matters' and County Archaeology in terms satisfactory archaeological reporting and provision of an accessible archive, the proposals are judged to accord with Policy CS11 in respect of impact on heritage assets and Section 12 of the Framework.

Residential Amenity

- 6.01 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.
- 6.102 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
- 6.103 In general terms, the proposed development would will fundamentally alter the outlook of existing properties, however it is not considered that this impact would be unacceptable given the existing boundary treatments and the indicative separation distances between the existing properties and the dwellings proposed

6.104 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.

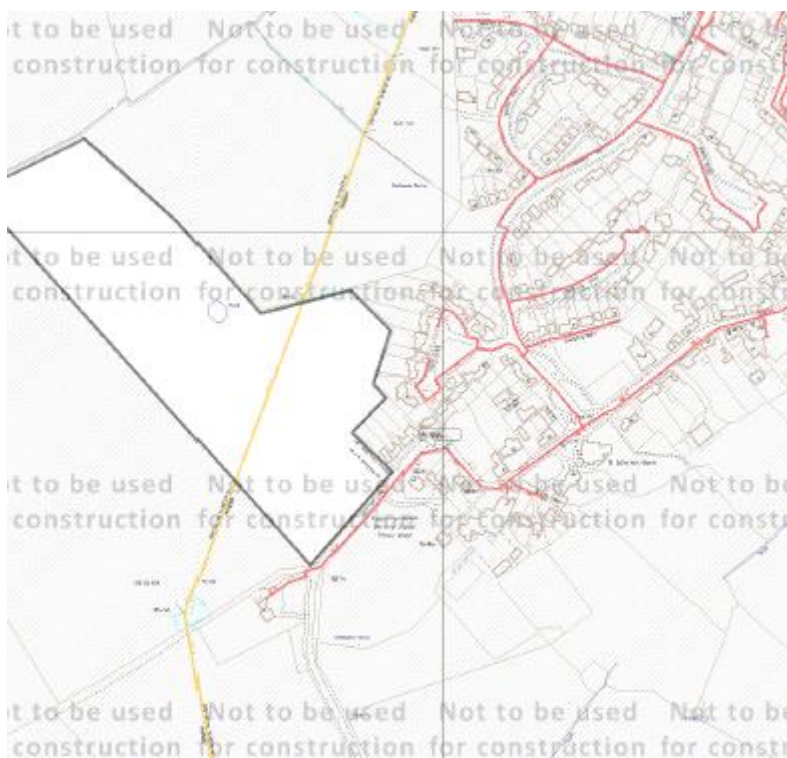
12. Other Matters

○ Gas Pipeline

5.105 As is illustrated below, 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.

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

Location of Gas Pipeline (source National Grid)



Planning Obligations

6.107 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.

6.108 Those benefits can comprise, 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.

6.109 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.

6.111 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.

6.112 **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.

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

Conclusion / Planning Balance

- 7.1 The Council currently can not demonstrate a five year supply of housing land, therefore CS Policies CS1a and CS2a and elements of CS17 are considered out of date. Therefore, Paragraph 14 of The Framework makes it clear, 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 as a whole.
- 7.2 The provision of 32 dwellings, including 40% affordable on a site that could be brought forward relatively quickly (land in single ownership, no abnormal costs/infrastructure) is a significant benefit of the development.
- 7.3 Houghton on the Hill is in principle a sustainable location for development, and the site is reasonably well located for access to local services and facilities and alternative modes of transport are available to Leicester where employment opportunities exist. The new population will help sustain local services and facilities.
- 7.4 The development would have economic benefits in the short term arising from the construction of the development and the longer term through residents expenditure in local services. The completed development will also result in New Home Bonus and Council Tax receipt.
- 7.5 Consultees are satisfied that, subject to the appropriate mitigation measures, there would be no unacceptable adverse impact on protected species (in particular great crested newts); archaeological interests; highway safety or drainage/flooding. Furthermore, the proposed development would not give rise to unacceptable residential amenity impacts subject to an appropriate layout and design.
- 7.6 With regards to the environmental dimension of sustainable development, the proposed development would have an adverse effect upon the rural character and appearance of the Site and the rural setting of Houghton on the Hill. The application should be **REFUSED**.

Appendix A –Land North of Stretton Lane, Houghton on the Hill, 15/01067/OUT Planning Obligations

Request By	Obligation	Amount /Detail	Delivery	CIL Justification	Policy Basis
LCC	Education	<p>Secondary School Sector Requirement £57,203.74</p> <p>Upper School Sector Requirement £58,736.51</p>	To be agreed	<p>This site falls within the catchment area of Gartree High School. The School has a net capacity of 793 and 871 pupils are projected on roll should this development proceed; a deficit of 78 pupil places. There are 61 pupil places included in the forecast figures for this school which are being funded by S106 agreements for other developments in the area and need to be discounted. This reduces the forecast deficit at this school to 17 (of which 13 are existing and 3 are created by this development). There are no other high schools within a three mile walking distance of the site. A claim for an education contribution in this sector is therefore justified.</p> <p>The contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Gartree High School.</p> <p>This site falls within the catchment area of The Beauchamp College. The College has a net capacity of 2109 and 2361 pupils are projected on roll should this development proceed; a deficit of 252 pupil places. There are 79 pupil places</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>included in the forecast figures for this school which are being funded by S106 agreements for other developments in the area and need to be discounted. This reduces the forecast deficit at this school to 173 pupil places (of which 169 are existing and 4 are created by this development).</p> <p>There are no other upper schools within a three mile walking distance of the site.</p> <p>The 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	Up to £36,016.85 (based on 100% take up of bus passes	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> <ul style="list-style-type: none"> • Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). • 6 month bus passes (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to 	<p>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule),</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014.</p> <p>The Framework 2012 Para 35</p>

				<p>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 per pass NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).</p> <ul style="list-style-type: none"> • New/Improvements to the nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263 per stop • Information display cases at nearest bus stop; to inform new residents of the nearest bus services in the area. At £120 per display. • Bus shelters at nearest bus stops; to provide high quality and attractive public transport facilities to encourage modal shift. At £4908 per shelter. <p>Real Time Information (RTI) displays at nearest suitable bus stop; as RTI is known to increase bus patronage where it is available. At £5000 per display. [source - www.dft.gov.uk/itstoolkit/case-studies.htm]</p> <ul style="list-style-type: none"> • To carry out a future traffic management scheme including a 	
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				possible TRO should existing parking adversely affect safe access to the development – £5000	
LCC	Monitoring Fee	County contribution 0.5% of contributions 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.	Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule), Leicestershire Planning Obligations Policy Adopted 3rd December 2014.
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 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</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>

				affordable housing is based on the current needs of those on the Council's waiting list.	
HDC	Community Facilities	<p>Calculation based on the number of bedrooms:</p> <p>1 bed - £235.00 2 bed - £433.00 3 bed - £498.00 4 bed - £650.00 5 bed - £866.00</p>	<p>50 % to be paid prior to commencement of development</p> <p>50 % to be paid on completion of 50% of the total number of dwellings</p>	<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 community, primarily the new residents of the development.</p> <p>Project's include upgrading the:</p> <ul style="list-style-type: none"> • Village Hall; • Pavillion; • The Church • Methodist Church <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>	<p>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule), Community Facilities and Developer Contributions (Roger Tym and Partners 2010)</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014</p>
HDC	Open Space	All typologies to be provided on site. Minimum Area (ha) provided; together with commuted maintenance for minimum area of	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 deficiency. The Developer Guidance note also provides detailed requirements for	<p>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule) Planning Obligations Developer Guidance Note 2009, Provision for Open Space Sport and Recreation</p>

		<p>POS if HDC adopts*</p> <p>Parks & Gardens = 0.0368ha and £10,052.47</p> <p>Outdoor Sports Facilities 0.11776ha £7,927.49</p> <p>Amenity Greenspace = 0.6624ha and £7,100.66</p> <p>Natural and Semi Natural Greenspace 0.6256ha £77,632.58</p> <p>Children and Young People = 0.02208 and £32,146.49</p> <p>Allotments = 0.02576 and £740.34</p> <p>Cemeteries (off site contribution) = £6,430.73</p>		<p>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>	The Framework (Para 73)
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HDC	Performance Bond			In the event of payments required at some future date, the applicant will 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.	Planning Obligations Developer Guidance Note 2009
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.	Planning Obligations Developer Guidance Note 2009

* 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

Planning Committee Report

Applicant: Redrow Homes South Midlands

Application Ref: 15/01425/OUT

Location: Land off Berry Close, Great Bowden

Proposal: Erection of up to 70 dwellings to include structural landscaping; open space and other ancillary works (means of access to be considered only)

Application Validated: 11/09/15

Target Date: 11/12/15

Consultation Expiry Date: 22/10/15

Case Officer: Nicola Parry

Site Visit Date: 27/10/15

Recommendation

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

1) The proposed development would cause material harm to the character and appearance of the countryside and the purpose of the area of separation between Market Harborough and Great Bowden. This harm is not outweighed by the housing land supply shortfall. The proposal would be contrary to Local Plan Policy EV/3 and Core Strategy Policies CS1 (h), CS11(b), CS13(f) and CS17(c). The proposed development would also be contrary to the aims and objectives of the Framework.

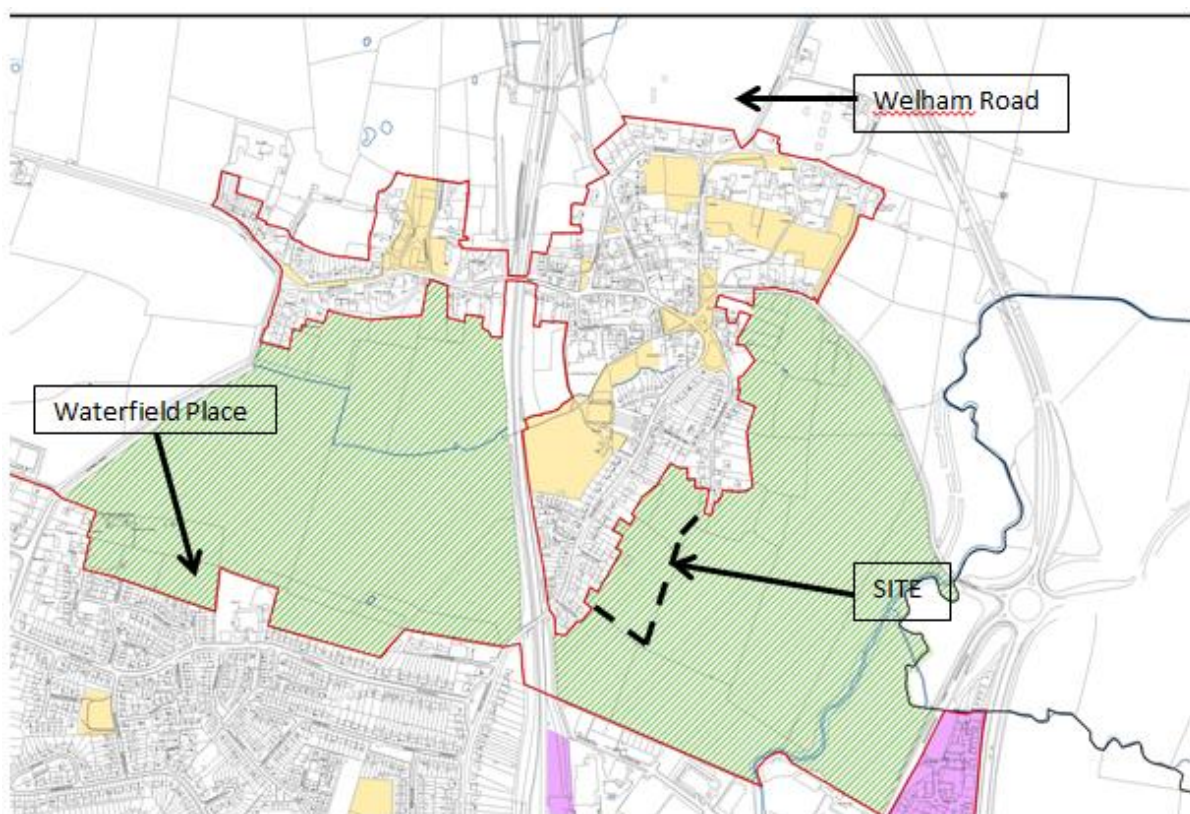
1. Site & Surroundings

1.1 The application site (hereafter referred to as the 'Site') is located to the south east of Great Bowden.



- 1.2 The Site comprises of two small open pasture fields (the southern field is sheep grazed and the northern cattle grazed) divided by a hedgerow (this boundary dissects the Site's ridge and furrow) encompassing a total area of 3.33ha, situated on the eastern side of Berry Close, a cul-de-sac of 1970s houses which are situated on the eastern side of Station Road.
- 1.3 A open-sided barn structure (measuring approximately 38m by 10m) and a small barn (located to the south-eastern boundary) are located within the southern field, as is a public right of way (Footpath A54) that traverses from Station Road to Dingley Road across the site and beyond to the surrounding landscape.
- 1.4 The northern and majority of the western boundaries of the site are delineated by the rear gardens of residential properties along both Horse Shoe Lane, Knights End Road and Station Road. Where the western boundary meets Berry Close to the south west, the site is defined by the side elevation of the local residential properties and associated curtilages. The eastern boundary is marked by an established hedgerow, which contains intermittent mature native trees. Similar characteristics are found along the southern boundary, with a fewer number of trees of lesser maturity.
- 1.5 A pond is located within the Site at its south-eastern corner and three further garden ponds are located just outside the western boundary of the Site in an area of existing dwellings and gardens. Further existing development is present to the north, and grazed pasture is located to the east and south of the Site.
- 1.6 The topography of the Site is slightly undulating. It slopes very gently from c 88m AOD on the south-western boundary to c85m AOD on the northern boundary and c.84m to the southeast.
- 1.7 At its closest point, the Great Bowden Conservation Area boundary is located c.70m north of the Site. The closest Listed Buildings to the Site are on Horse Shoe Lane and the adjoining Knight's End Road.
- 1.8 The Site is beyond but adjacent to, the Limits to Development of Great Bowden, a Selected Rural Village. The site is located within a defined area of separation between the settlements of Market Harborough and Great Bowden, both identified on the 2001 Local Plan Proposal's Map

Proposal's Map



The Limits to Development are shown by the solid red line. The Separation Area is shown by the striped green line. Important Open Land in yellow and the site by black dashed line. The map also identifies Waterfield Place and Welham Lane, both of which are referred to within the report.

2. Site History

2.1 The site has the following planning history

Application No.	Decision / Date	Nature of Development
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10/00120/OUT	Refused Appeal Dismissed	Outline application for residential development (c.56 units) (all matters reserved for subsequent approval)
02/01136/OUT	Withdrawn* 16.10.02	Erection of 40 dwellings (to include siting and means of access)
96/01073/3O	Refused 14.08.96 Appeal Dismissed 07.02.97	Erection of three detached dwellings and demolition of adjacent barn
90/00648/3O	Refused 11.05.90 Appeal Dismissed	Erection of two detached dwellings and garages
89/00848/3O	Refused 31.05.89	Erection of three single storey dwellings and garages
87/00346/3P	Refused 31.03.87 Appeal Dismissed	Erection of 37 dwellings, garages and construction of roads and sewers on 5.6 acres of land
86/00685/3O	Refused 01.07.86	Erection of three dwellings
MU/05102/MUD C	Refused 19.01.65	The erection of dwellings

*Reason unknown.

2.2 A copy of the most recent appeal decision in 2010 is attached at **Appendix A**

3. The Application Submission

a) Summary of Proposals

- 3.1 The application seeks outline planning permission for residential development of up to 70 homes, associated public space and infrastructure (including a drainage outfall) totalling 3.33ha
- 3.2 All matters are reserved except for access.
- 3.3 An illustrative masterplan has been provided to demonstrate how development on the site could be accommodated.
- 3.4 The proposed housing development will be accessed via an extension of the carriageway from Berry Close, off Station Road, at the site's western boundary.

b) Schedule of Plans and Supporting Statements/Documents

3.5 The application has been accompanied by the following plans and documents:

- Arboricultural Survey and Assessment
- Ecological Appraisal

- Flood Risk Assessment
- Landscape and Visual Impact Assessment
- Planning Statement
- Topographical Survey
- Transport Assessment (including Travel Statement)
- Archaeological desk-based and Heritage Statement
- Phase II Site Appraisal

c) Amended Plans and/or Additional Supporting Statements/Documents Submitted since Validation

3.6 Since validation of the application, the following additional information has been received:

- C85141-F-008 Revision A,
- C85141-F-009 Revision A
- C85141-SK-004 Revision A
- Response to the Landscape Partnership Review of LVIA

d) Pre-application Engagement

3.7 Prior to submitting 15/01425/OUT, the applicant sought pre-application advice from the Development Management (LPA) (Ref:Dev10916). Officers advised (15.05.15):

“the character and appearance of the countryside would be significantly harmed by the proposed development as would the area of separation between Market Harborough and Great Bowden and this harm is not outweighed by the need for housing, including affordable housing”

3.8 The applicant distributed a leaflet

e) Environmental Impact Assessment

3.9 A Screening Opinion was issued to the Applicant on 23rd September 2015 advising the LPA does not consider that the submitted application for the site requires an EIA, taking into account the schemes scale, nature and location.

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 on 21.09.15 and Press Advert advertised 01.10.15

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 detail in **Appendix B**. If you wish to view comments in full, please request sight or go to www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

4.4 *Leicestershire County Council, Highway Authority* (following amended drawings)
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. These revised observations follow amended drawings numbered C85141-F-008 Revision A, C85141-F-009 Revision A and C85141-SK-004 Revision A received from jnp Consulting Engineers on the 5th November 2015.

- 4.5 *Leicestershire County Council, Environment and Transport Department, Lead Local Flood Authority (LLFA) (following additional information)*
Based on the revised FRA, the proposed development will be acceptable subject to planning conditions
- 4.6 *Leicestershire County Council Senior Archaeologist*
The proposed development will be acceptable subject to planning conditions
- 4.7 *Leicestershire County Council Senior Ecologist*
The proposed development will be acceptable subject to planning conditions
- 4.8 *Leicestershire County Council Developer Contribution Officer*

Education

No Primary School Requirement

The site falls within the catchment area of Great Bowden Academy. The School has a net capacity of 115 and 158 pupils are projected on the roll should this development proceed; a deficit of 43 pupil places. There are currently no pupil places in this sector being funded from S106 agreements for other developments in the area to be discounted. There are four other primary schools within a two mile walking distance of the development:

Meadowdale Primary School	Surplus 22 pupil places (no S106 funded places to be discount)
Ridgeway Primary School	Surplus 4 (no S106 funded places to discount)
Little Bowden School	Deficit 21 (after 23 S106 funded places have been discounted)
Market Harborough CEP	Surplus 47 (no S106 funded places to discount)

There is an overall surplus in this sector after including all primary schools within a two mile walking distance of the development of 9 pupil places. An education contribution will therefore not be requested for this sector

A Developer contribution is however sought for Secondary School (11-16) Sector & Post 16 Sector (justification for this is provided within Appendix B)

Libraries - The proposed development is of a scale and size which would have an impact on library services at Market Harborough. A developer contribution is required.

Waste - The proposed development is of a scale and size which would have an impact on the delivery of Civic Amenity Site at Market Harborough. A developer contribution is required.

- 4.9 *HDC Neighbourhood & Green Spaces Officer (Developer Contribution)*
The plans provided show insufficient detail to comment on open space proposals, however, the development generates the requirement for all POS typologies to be provided on site, except Cemeteries and Burial Grounds contribution.

A landscape management plan should be provided prior to commencement on site to give assurance that the open space will be maintained in a suitable condition.

Options for either the Developer or Local Authority to adopt the POS on site should be given in the S106. If adopted by the Authority a commuted sum for maintenance calculated on a pro rata basis will be required to be paid prior to transfer.

The development generates the requirement for a children's play area of 560m². This is larger than a LEAP and should contain both play equipment and natural play structures. The play area should also reflect its surroundings. The proposals for the play area should be provided for approval by officers prior to commencement on site.

If a flood detention lagoon is provided on site, this should provide additional habitat and biodiversity. Clarification will be required from the developer and Lead Flood Authority to determine how this facility will be maintained in the future.

4.10 HDC Environmental Health Officer

No objections, however, if permission *is granted it should be conditioned to require the submission of a Construction Method Statement*, to protect local residents from the impact of any development.

4.11 HDC Environmental Services (Contaminated Land Officer)

Due to the findings of the GRM Phase 2 Risk Assessment, if permission is granted it should be conditioned to require a Remedial Scheme and a Verification Plan

4.12 HDC Housing Enabling and Community Infrastructure Officer (Developer Contribution)

Our Affordable Housing (AH) requirement will be to seek 40% AH of the total site yield, in accordance with Policy CS3. On a site proposal of up to 70 units this will equal **28** AH units. Our tenure split requirements are for the affordable requirement to be provided as 60% rented and 40% to be provided as intermediate or shared ownership.

4.13 Leicestershire Police (Developer Contribution)

The proposed development will increase the overnight population of this settlement by at least 171 people, a financial contribution is sought to mitigate the additional impacts of this development because our existing infrastructures do not have the capacity to meet these and because, like some other services, we do not have the funding ability to respond to growth whenever and wherever proposed.

4.14 NHS England (Central England) (Developer Contribution)

The development is proposing up to 70 dwellings which based on the average household size in the area of Harborough District Council of 2.44 could result in an increased patient population of 171 a financial contribution is sought to mitigate the additional impacts of this development.

4.15 Ward Cllr Phil Knowles

I am totally opposed to the proposed development on this site. In my opinion the site is totally unsuitable for building. The Separation land, traffic, access and drainage as well as inability of the infrastructure to support this development all spring to mind. These are in many ways points already made when this land was the subject of previous applications and considerations by Planning Inspectors. I would like to place on record that should this application be progressed the decision should be made by the Planning Committee rather than under delegation and that I request it be called into Committee.

4.16 Great Bowden Parish Council

The PC objects to this application as it contravenes planning policies designed to promote the maintenance of the countryside and avoid erosion of settlement character. In addition it would have a negative impact on the transport infrastructure and safety.

There have been many applications for the development of this land over the last 50 years and they have all been refused. Settlement separation is quoted as one of the major reasons for these refusals.

b) Local Community

4.17 82 individual households have objected to the proposed development. All of these are from households residing within the village.

4.18 Officers note that several of the objections are very detailed and whilst regard has been had to these in assessing this application, it is impractical to copy these verbatim and therefore a summary of the key points is provided below.

- Contrary to Local Plan Policy EV/3
- Previous refusal on a smaller scale
- The land has always been protected as separation land and were it to be filled it would make the village joined at another point to Market Harborough.
- Contrary to NPPF
- The site is crucial separation land it needs to be safeguarded.
- The scale of the proposal is entirely inappropriate to Great Bowden's status as a selected rural village.
- A single amorphous block of 70 new homes, outside the village envelope, would be contrary not only to the scale of this selected rural village but with the diverse character of its built environment
- The potential benefits do not justify the harm caused to the countryside.
- There are better alternative sites available.
- There is sufficient land available in the Harborough District of a "brown field" or infill nature before it is necessary to meet this demand by building on separation land or land which is outside the development boundary.
- Only if and when the Airfield Farm development is finished should consideration be given to housing on this land and then only for a small number
- The land is currently designated for agricultural use
- It is unclear to us what has changed this time which would justify a change in position by the planning authorities
- Any reduction in this area of land would diminish the distance between the settlements. This is the narrowest point between the two settlements.
- HDC are still undergoing public consultation for where development will go within the district and Great Bowden does not have anything like this number of homes allocated in any of the 9 options.
- Building on open countryside
- There is an established rookery on the land. The plans will destroy the beautiful rural environment
- Very little green fields left in what was a lovely village
- Any development which significantly extends the existing boundary of the village will destroy the character of Great Bowden. T

- The 2010 Appeal decision stated "this would harm the character and appearance of the countryside and the setting of Great Bowden and Market Harborough". Nothing has changed.
- Too large/too dense
- The proposed development would create a significant block of housing, substantially altering the weight and character of the village, and significantly blurring the separation of the village from Market Harborough. In particular, the proposal would result in there being a large block of housing only one field away from the Riverside Industrial Estate. It would very much feel as though Great Bowden and Market Harborough were beginning to merge, and cause significant harm to the rural setting of the village.
- We are also very concerned that, if approval for the application were to be granted, this would make it more difficult for the planning authorities to reject other applications to build on other areas of designated separation land between Great Bowden and Market Harborough, which could ultimately have the very undesirable effect of resulting in the merging of the two settlements, contrary to planning policy. We believe this is something to be strongly resisted.
- The setting of Great Bowden within the countryside is highly important and any development would make the historic village more visible from Rockingham Road and be seen as an extension of the town.
- Great Bowden is a Selected Rural Village and as such development should be kept at a minimum with preference for infill and Brownfield sites as have been proven as the successful formula for Great Bowden and acknowledged by HDC.
- The historic village, predating Market Harborough and recorded in the doomsday book has largely remained within the boundary we see today. Keeping the village community and character, accepting small infill to fit in with the ethos of the village and its status.
- The development will be visible on approaching the village and be of detriment to the residents of Berry Close who at present have a view across open countryside.
- Limits to development were established to protect the scale and character of the village and the surrounding countryside
- Residents in Berry Close will experience a considerable amount of inconvenience and disruption from a stream of heavy construction vehicles during, we assume, a very lengthy construction period.
- Allowing the development will undoubtedly set a precedent for other developers
- Traffic in the centre of the village is at tipping point as is the capacity of the village school. With other schools within the Market Harborough area full, growth to this scale would be detrimental.
- Great Bowden is the rat run for traffic north of Market Harborough and with the passed 1800 homes YET to be built on Airfield Farm we have a village in crisis with traffic issues.
- The site is a home for old trees to the side which face potential damage that the heavy excavation equipment and extent of excavation for the development. Impact on the root systems of the trees is an unknown.
- Design not sympathetic to the village character.
- Ground stability and drainage are a concern in an area which is on a slope and where problems already exist.
- Traffic on Station Road already is very heavy
- Road safety for children and elderly residents
- More congestion
- The vehicular access is not wide enough to accommodate additional development
- Limited number of safe places to cross with unobstructed vantage points
- Increased volume of 140 cars associated with 70 houses

- The transport submission takes no account of the hazardous approaches to the village, nor its congested centre
- The village school is full with no scope for further extension. Walking to other schools is unrealistic given these hazards. Driving to schools outside the village would further increase traffic and congestion.
- The village is increasingly used as a sort-cut, an informal by-pass the development would add to a rapidly increasing problem for the village.
- The bus stop is unsuitable for additional usage. There is no pavement.
- The proposed development envisages utilising the existing Berry Close for access, which is sub standard in width, in close proximity to narrow bridge on a bend over a railway line, and a number of other junctions, and could not be less suitable.
- The width of Berry Close does not meet the required width for the volume of traffic for this number of homes at well under 5 metres in width.
- Noise and disturbance to residents residing in Berry Close
- Development of the site would present an unacceptable risk of flooding from storm water run-off, affecting both properties on the site and existing surrounding properties. Loss of privacy
- Doctors, schools, in town parking, unable to cope with extra demand placed on them from this, and other proposed developments within this local area.
- Great Bowden is a small village that has no sufficient infrastructure to sustain new development,
- Great Bowden School also does not have the capacity to cope with increased volume of children from the development. Surrounding schools have been identified but again this would increase traffic volume at peak times.
- Village residents are about to embark on a Neighbourhood Planning process in which the areas in the village which are most acceptable for development will be identified. It is highly unlikely to include this land, which as separation land has always meant a lot to villagers. It is hard not to see the timing of this application as opportunistic.
- The village is currently undergoing a Neighbourhood Development Plan and this will identify smaller pockets which would be more in keeping with the village identity.
- Great Bowden is a historical village knitted together with a extremely strong community spirit created by a small community and strengthened by groups/ organisations. A development such as this could not fail to impact on the community character and the lives of people within the village.
- Great Bowden has a clear identity and distinct history and unlike Little Bowden, has for centuries been separate from the town. The proposed site encroaches upon the area of separation between Market Harborough and Great Bowden, physically, and visually, from adjacent conservation areas, from Station Road and the longer views from Rockingham Road this proposed development would not bring any benefits to the village.
- The plans quote affordable housing . This will not work . Affordable housing in Great Bowden is at level above that at which locals can afford . It will just attract commuters to our area.
- Assuming a pumping station would have to be installed who would be responsible for this? Also, if there was a power failure surely the sewerage would back up very quickly and cause a major health hazard to the proposed site and Berry Close.
- Development will result in an instant growth in population of 15%
- Redrow have not encouraged community engagement
- There has been no meaningful nor genuine consultation, Redrow have paid lip-service to the concept of consultation.
- Plans within the Design and Access Statement are to different scales

- 4.19 In addition to the individual letters of objection, a petition has been submitted with 110 signatures. The petition says:

"We the undersigned, being residents of Great Bowden, support Great Bowden Parish Council's objections to the Harborough District Council's Planning Application 15/01425/OUT Berry Close"

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

"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, the spatial strategy for Harborough District to 2028 is to:

h) Safeguard the individual character of settlements, by maintaining in principle the separation between; Scraftoft and Thurnby, **Great Bowden and Market Harborough**, Lubenham and Market Harborough, Bitteswell, Magna Park and Lutterworth and Sutton in the Elms and Broughton Astley;

- Policy CS2
- Policy CS3
- Policy CS5
- Policy CS8
- Policy CS9
- Policy CS10
- Policy CS11
- Policy CS12
- Policy CS13

f) The principle of a separation area between **Great Bowden and Market Harborough** will be maintained...to ensure the retention of identity and distinctiveness of neighbouring settlements.

- 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) and Policy EV/3 are relevant to this application

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.**

POLICY EV/3

WITHIN THE AREAS DEFINED ON THE PROPOSALS MAP INSETS SEPARATING:

**MARKET HARBOROUGH AND GREAT BOWDEN
LUTTERWORTH, BITTESWELL AND MAGNA PARK
SCRAPTOFT AND THURNBY.**

THE DISTRICT COUNCIL WILL REFUSE PLANNING PERMISSION FOR DEVELOPMENT THAT WOULD:-

- 1. ADVERSELY AFFECT THE PREDOMINANTLY OPEN CHARACTER OF THE LAND; OR**
- 2. RESULT IN A REDUCTION IN THE EXISTING OPEN LAND SEPARATING THE SETTLEMENTS CONCERNED.**

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 – Local Plan Options Consultation Document*

The 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. Great Bowden is identified as a 'Selected Rural Village', as a direct result of its sustainability. Appendix B lists a series of potential development scales to be directed to Great Bowden, which range between 24 dwellings up to 114 dwellings.

➤ *Great Bowden Village Design Statement (2000)*

The Statement "will assist in the management of change and ensure new development is appropriate to its surroundings and in keeping with local character (p.3)"

p. 4/5 of the Statement advises:

"It is vital that the Separation Area between Market Harborough and Great Bowden is retained"

➤ *Great Bowden Neighbourhood Plan*

Great Bowden Parish Council applied for the designation of a Neighbourhood Area on 29th September 2015 under the Neighbourhood Planning (General) Regulations 2012.

c) Emerging Local Plan Evidence Base

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

➤ *Strategic Housing Market Assessment*

➤ *Strategic Housing Land Availability Assessment*

The Site has been put forward in the 2015 SHLAA (A/GB/HSG14). The SHLAA advises the site is available, potentially achievable but not currently suitable for development.

➤ *Settlement Profile (May 2015)*

Great Bowden 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. However, given its close proximity to Market Harborough it does not operate as a traditional rural centre but more as a distinct neighbourhood of Market Harborough. Supporting existing village services can be done through Selected Rural Village status and the need for further services and employment is met through Market Harborough's close proximity.

➤ *Market Harborough Landscape Character Assessment and Capacity Study (April 2009; The Landscape Partnership)*

The Site is identified as having 'Medium' landscape capacity to accommodate development in future

➤ *Areas of Separation Review*

The Review was produced by HDC in December 2011 to assess the boundaries of Areas of Separation and suggest appropriate new boundaries that take into account the spatial strategy for the District, as well as proposed development within the Core Strategy. The site falls within Parcel B of the Market Harborough and Great Bowden Area of Separation and it is recommended within the report that it should be considered for allocation within an Area of Separation.

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

d) **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).

6. Assessment

a) **Principle of Development**

○ *Development Plan Policy*

- 6.1 The site is entirely located within countryside, which is protected from development by Saved Local Plan Policy HS/8 (2001); Core Strategy Policy CS2(a) and CS17(a) (2011) and in a designated Area of Separation (AoS) which is likewise protected by Saved Local Plan Policy EV/3 (2001). CS1 and CS13 reflect EV/3 in retaining the principle of an area of separation between the two settlements, namely, Great Bowden and Market Harborough. CS11 (b) refers to the context of sites and their wider local environment and states that new development should be directed away from undeveloped areas of land which are important to the form and character of a settlement. These policies would be breached by the development proposed – a housing estate of 70 dwellings.

- 6.2 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act, 2004, the conflict with development plan policy requires the application to be refused unless material considerations indicate otherwise.

- 6.3 One of the material considerations is The Framework and it's presumption in favour of sustainable development. In determining planning applications, The Framework states that the presumption means:

“approving development proposals that accord with the Development Plan without delay; and

where the Development Plan is absent, silent or relevant policies are out-of-date, granting planning permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted”

○ *Weight to be given to the Development Plan Policies*

- 6.4 Relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable sites (para 49).

- 6.5 The latest position on housing land supply published by the Council is contained in the Five Year Housing Land Supply Statement and covers the period from 1st April 2015 to 31st March 2020. This document bases its calculations on the most up-to-date evidence of objectively assess housing needs as set out in the Leicester and Leicestershire SHMA (July 2014). This recommends a total housing requirement of 9,500 dwellings for the District between 2011 and 2031, or 475 dwellings per annum. Based on this requirement, and an additional 20% as required by The Framework, the document concludes the Council can currently only demonstrate a 4.45 years supply of deliverable housing land.
- 6.6 The Applicant contends in light of the housing land supply shortfall that the Development Plan Policies referred in Para 6.1 are out of date.
- 6.7 In order to ascertain whether the above mentioned policies (with the exception of Policy CS11, as this a design policy) are relevant 'for the supply of housing' and therefore out of date, the relevant legal principles contained within *South Northamptonshire v SSCLG* [2014] EWHC 573 (Admin), *Cheshire East Borough Council v SSCLG* [2015] EWHC 410 (Admin) and *Wenman v SSCLG* [2015] EWHC 925 (Admin) have been considered by Officers..
- 6.8 *The South Northamptonshire* case established the principle that policies which restricted development generally could in some circumstances be effectively "counterpart" policies to those that expressly concerned housing land supply. *The Cheshire East* case concerned the application of a policy (NE.4) intended to protect defined Green Gaps specifically, rather than restrict development in the countryside generally. The *Wenman* case, refines the position somewhat by clarifying that policies may legitimately be categorised in the context of the *South Northamptonshire* ruling into policies which either expressly address housing or are general policies restricting development (and therefore fall within the first category identified in that case) and into policies designed to restrict specific areas or features, including gaps between settlements, and which could sensibly exist regardless of the distribution of housing or other development (therefore falling into the second category identified) by reference to the specific circumstances prevailing.
- 6.9 Applying these principles to the policies in question, it is clear that Policy HS/8 (which treats all land outside settlement boundaries as open countryside, where only limited, rural based development is allowed) and Policy CS17(a) are restrictive policies by preventing the use of any land for housing development outside settlement boundaries and, in that respect, are policies relevant to the supply of housing falling within the *South Northamptonshire's* first category and are out of date in terms of para 49.
- 6.10 However, the situation is less clear cut in respect to Policy EV/3 and related Core Strategy Policies CS1 (h) and CS13(f).
- 6.11 The Applicant contends Policy EV/3 "which covers almost all of the northern boundary of Market Harborough is a relatively blunt tool that has limited consistency with The Framework and – as a result of its scale – is a policy relevant to the supply of housing in the context of Harborough District" and refers the LPA to an appeal decision in Scartho, Grimsby, Lincolnshire to support their approach.
- 6.12 Policy EV/3 has a primary purpose, to prevent the coalescence of named settlements. The Policy states that development within a designated AoS will be refused if the proposal would adversely affect the predominantly open character of the land or would result in a reduction in the existing open land separating the

settlements concerned. The *South Northamptonshire* case held that “policies designed to protect specific areas or features, such as gaps between settlements” were not such policies relevant to the supply of housing”. Whilst Officers note the appeal decision referred to by the Applicant (Ref: 3001106, Shaw Drive, Grimsby), Officers consider it appropriate to attach more weight to the legal judgements and for this reason, Officers conclude Policy EV/3 and related policies should be afforded considerable weight in determining this application.

○ *Impact of the proposed development on Area of Separation / Countryside /Settlement Character*

- 6.13 The site is not located on any old Greenfield land; it is found on land which has been designated in the development plan as an AoS. It has been so designated for over 30 years. It is a longstanding planning constraint in this district.
- 6.14 The fact that there are only 2 other such designations in the whole of the district suggests that such a designation is relatively rare. Accordingly, a considerable amount of importance should be attached to this particular piece of land. Further, this is the only separation area in relation to Market Harborough; the preeminent settlement of the district.
- 6.15 As the District’s principal town, a relatively high level of development is set out in the Core Strategy for Market Harborough. Whilst the majority of development is to take place at the Strategic Development Area, smaller areas of development will be identified around the town. Great Bowden as a Selected Rural Village will receive a share of the rural housing development. An Area of Separation is essential to protect the gap between the two settlements and ensure that the distinctive character of 2 neighbouring settlements is maintained.
- 6.16 Although not part of the development plan, the Great Bowden Village Design Statement (GBVDS) is a material consideration which should be afforded weight particularly in the era of localism. The AoS is referred to approvingly in the GBVDS “*It is vital that the Separation Area between Market Harborough and Great Bowden is retained*”. Furthermore, the people of Great Bowden, through their representations on this application, and previous applications on this site, have communicated loud and clear their support for and value of the separation area.
- 6.17 The need to prevent coalescence of settlements is a long term objective and is likely to be retained within the emerging local plan, although the geographical extent of such a designation is not known. Even if it were to change in some way or be shrunk, it would make no sense to exclude the site which is immediately adjacent to Great Bowden, nearest to Market Harborough.
- 6.18 One of the important characteristics of the separation area is its openness. The sense of openness will clearly be compromised. Residential development on the site will adversely affect its open character and rural appearance. This opinion is consistent with previous Inspector findings:
- APP/F2415/A/87/073937 para.13
 - APP/F2415/A/90/160257 para.8
 - APP/F2415/A/97/277291 para.7
 - APP/F2415/A/10/2128267 para.10

- 6.19 The degree of visual harm is exacerbated by the fact that the well-used public footpath crosses the site. The Applicant's LVIA concludes the effect on views from where the public footpath runs through the site there will be 'major adverse effects' and from the public footpath within 175 m of the site would be major moderate and significant adverse in the medium-term. Beyond 175m the LVIA considers the effects would be minimal. Landscape Partnerships (LP), commissioned by the LPA to assess the Applicant's LVIA, considers this judgement needs to be substantiated as the upper sections of properties are still like to be seen from this direction and are more likely in the winter months to increase to medium adverse.
- 6.20 The sense of separation currently available from the footpath will be lost if the development proceeds. There will be no significant sense or appreciation that the southern field beyond the site still maintains an open gap. Furthermore, Paragraph 75 of the Framework requires planning policies to protect and enhance the public right of way. The alignment of the footpath will be protected by this proposal, but the rural character and local amenity value would be affected by the proposed development.
- 6.21 The Applicant contends that the previous appeal decision's were reached in a different planning policy context, and they are correct; government places far, far greater weight on delivering housing now. But what is significant is not the decision itself (which may have been different if arrived at under The Framework), but the finding of fact in respect of the separation area. At para 7 of the 1997 decision, the inspector finds *"the extension of Berry Close [by the erection of 3 dwellings] into the open countryside through the appeal scheme would reduce this area of separation and harm the rural setting of the village"*. As a matter of common sense if 3 houses would reduce the area of separation and harm the rural setting of the village, then the proposed 70 houses plus access road must cause harm of a dramatically greater extent. The 2010 appeal decision concluded that the site was sensitive and contributed to the Area of Separation.
- 6.22 The Applicant refers the LPA's attention to an appeal on land at Waterfield Place, Market Harborough for 24 dwellings which forms part of the same Separation Area, albeit adjacent to Market Harborough. Officers would contend the specific characteristics, scale and nature of the location are fundamentally different to this Site.
- 6.23 It is accepted that the proposed development would not reduce the existing gap between Great Bowden and Market Harborough. However, LP consider this to be too simplistic a view as the existing extent of built development is not consistently and/or clearly visible. In contrast the development on the site would represent a notable incursion into the Area of the Separation. While the development would not affect the very narrow point of the gap between the settlements it would reduce a notable part of the wider separation area and development would be seen from a number of public locations both around the perimeter to the east from public footpaths and the more limited extent from Station Road.
- 6.24 In terms of the effects on landscape character LP consider there would be a major adverse effect on the site itself and some localised major-moderate adverse effects on the immediate field to the east. Additional moderate adverse effects would extend further to the east towards Dingley Road and Rockingham Road. This would adversely affect both the Foxton and Great Bowden Slopes and Welland Valley North Landscape Character Areas.
- 6.25 It is also accepted that the built development as shown on the illustrative layout would not extend geographically (in terms of latitude or longitudinal) any further south

or east than other parts of Great Bowden. However, the proposals would extend built form within adjacent fields. There would also be an effect on distant views from the public footpath which crosses the site and by containing views from the end eastern of Berry Close.

- 6.26 Furthermore, although the development will not result in the physical joining of Great Bowden and Market Harborough it would diminish the sense of separation and contribute to its coalescence. This conclusion is entirely consistent with previous inspectors findings. At para 10 of the 2010 decision, the inspector concluded *“the reduced openness of the land, in combination with the narrowness of the strip of countryside remaining to the south of the site, would diminish the sense of separation, and increase the tendency towards coalescence”*.
- 6.27 The Applicant makes reference to the Market Harborough Landscape Character Assessment and Capacity Study (April 2009) which assessed the site (Land Parcel 11) as having medium capacity for development. However, it does not necessarily follow that it should be built upon. The Inspector was aware of the Study findings when making his decision on the 2010 application.
- 6.28 It is noted that the indicative layout/design of the site has changed since the previous application (Ref: 10/00120/OUT) and appeal (Ref: 2128267) which related to part of this Site. Through the inclusion of the northern field it has been possible to take a much more sympathetic approach to the development of the site in terms of landscape buffers and dwelling density. The Applicant contends this will deliver two features:
- “firstly, it will provide a permanent soft edge to the village of Great Bowden that can be retained and managed in perpetuity; and secondly, it will provide an improvement over the current edge of the settlement, which is characterised by built form and the boundary features separating private gardens from the agricultural land”*
- 6.29 However well designed, an estate of 70 houses could do nothing other than harm the present open, agricultural character of the site. In addition, whilst Officers note that the Applicant ‘would consider planting in the earliest phase of construction’ the planting proposed would take some considerable time to establish (10 years minimum) and would only be effective in the summer months, the application would still conflict with extant policies that support the provision and protection of the Area of Separation between Great Bowden and Market Harborough.
- 6.30 In addition, as TLP have confirmed “there would also be some significant landscape character effects most notably, a major adverse effect on the site itself and localised but significant major-moderate effects on both the Foxton and Great Bowden Slopes and Welland Valley North LCAs. Significant visual effects would include Major effects from residential properties to parts of the site perimeter and also from the public footpath that runs from Station Road to Dingley Road.
- 6.31 This area of separation is a longstanding and relatively rare piece of designated land in the district which enjoys popular support. One of the core planning principles of The Framework requires to recognise the intrinsic character and beauty of the countryside. The Framework advocates that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. Although the AoS is not protected by any national landscape designation, it is, nevertheless, a valued landscape. The proposed development would cause material harm to the character and appearance of the countryside and the purpose of the area of separation between Market

Harborough and Great Bowden for the reasons outlined above. This harm is not outweighed by the housing land supply shortfall, which in any event given the level of shortfall, could be met by alternative developments proposals as identified within the SHLAA (2015) or currently before the LPA (for example Welham Lane 15/01801/OUT).

- 6.32 The proposal would be contrary to Local Plan Policy EV/3 and Core Strategy Policies CS1 (h), CS11(b), CS13(f) and CS17(c).

b) Locational Sustainability

- 6.33 Great Bowden currently has Selected Rural Village status in the Harborough District Core Strategy (2011) based on its services and facilities. Currently the village has:

- **Key services present:**
Primary School (Great Bowden Academy Church of England Primary School, Gunnsbrook Close);
Pubs (The Shoulder of Mutton, The Green; The Red Lion Inn, Main Street);
Food Stores/Post Office (Bowden Stores, The Green – Fresh produce and Off License; Welton's, The Green – Post Office, Newsstand, Deli Counter and Tea Room (ATM located here too))
- **Other Services/ Community Facilities present:**
Allotments (Leicester Lane – 8 plots);
 - Mobile Library (Every other Tuesday, The Green, 15:05 – 15:50 pm);
 - Recreation Ground with Children's Playground and Community Pavilion (Hosting Bowden Cricket Club and Market Harborough Lawn Tennis Association);
 - Recycling Points (Great Bowden Church Hall, Dingley Road);
 - Church and Church Hall (The Parish Church of St Peter and St Paul, Dingley Road);
 - Pre-School (Great Bowden Church Hall, Dingley Road);
 - Village Hall (Welham Road);
 - Numerous Community Societies and Activities.

- 6.34 The Site is well located to enable future residents to access the above services/facilities by sustainable modes of transport, including walking, cycling and public transport. In terms of public transport the Site is served by a number of bus routes primarily operated by Centrebus along Station Road. The closest bus stop is located to the north of Berry Close, 100m from the Site entrance, where routes 33 and 44 both travel. The bus routes link the Site to the area's main service centre, namely Market Harborough. The nearest train station is at Market Harborough, approximately 1km from the Site. The station operates services along the Midland mainline to London St Pancras, Leicester, Nottingham, Derby and Sheffield.

- 6.35 The site is considered to be locational sustainable.

c) Technical Considerations

Design

- 6.36 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.

- 6.37 In SRV's such as Great Bowden, Policy CS17a sets out that new development should be on a scale which reflects the size and character of the village and its level of service provision. 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.
- 6.38 Design (form/layout, mass, scale, proportions, style, materials) is not a matter which is currently for consideration. Notwithstanding this, a Design and Access Statement has been prepared, which together with Illustrative Masterplan (see below) set out how the site might be developed.

Illustrative Masterplan

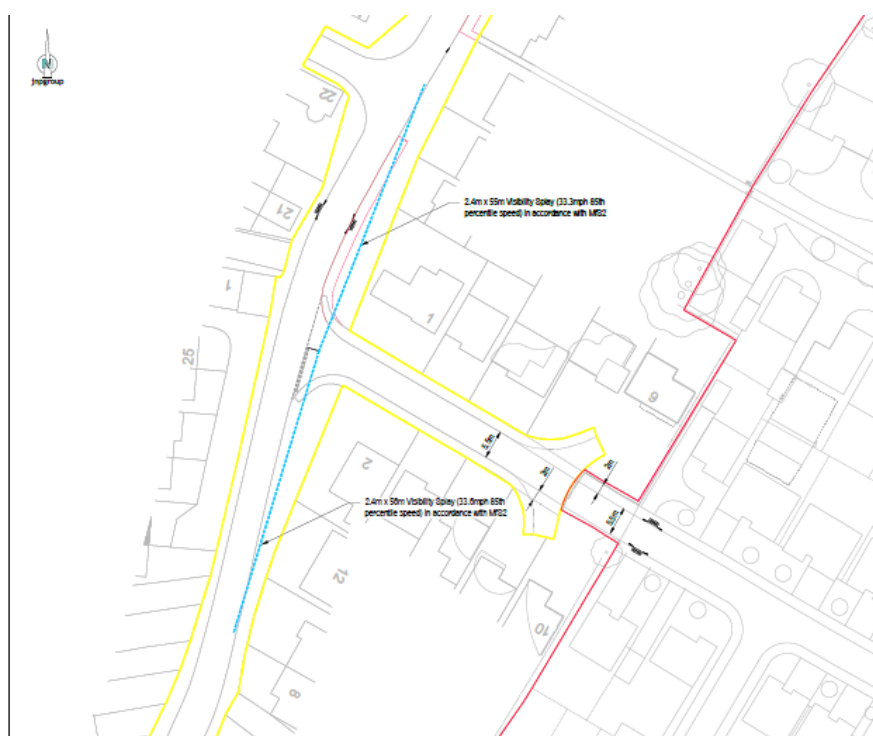


- 6.39 The Illustrative Masterplan and DAS shows:
- Provision of up to 70 dwellings comprising buildings of up to two storeys high.
 - 40% of the dwellings will be affordable
 - A mix of dwelling types and sizes for both affordable and market residents
 - Proposed vehicular access from Berry Close
 - Public open space within the proposed development associated with the retained public footpath that crosses the site and along the southern and eastern boundaries of the site.
 - Public open space will be multi-functional providing amenity and setting to the proposed community, ecological enhancement and drainage.
 - Retained public right of way through a green corridor within the site and the creation of an informal footpath along the periphery of the site through the new public open space
 - Retention of existing hedgerows and associated hedgerow trees that border the site.
 - Proposed succession native tree planting along southern and eastern site boundaries to ensure the long-term presence of the treed edge to Great Bowden.

- 6.40 The density of the development will be 21 dwellings per hectare. Policy CS2(b) advocates a minimum of 30 dwellings per ha. Mindful of the edge-of-settlement location of the site, it is judged that the proposed lower density is appropriate for this site. The proposed density will allow more space for open space and hard and soft landscaping; buffer zones and amenity spaces.
- 6.41 Officers consider, a housing estate of 50 dwellings in this location would not reflect the character of the village and the development would be contrary to Policy CS2b, CS11 and CS17a.

Highways

- 6.42 Access is a matter for consideration as part of this application.
- 6.43 Access into the site is proposed via Berry Close, a cul-de-sac, which is accessed via a priority controlled T-junction with Station Road. The proposed access is shown on drawing numbered C85141-F-008 Revision A. The drawing now shows a 2.0m wide footway. Drawing numbered C85141-SK-004 Revision A shows the visibility available out of Berry Close. The visibility available is acceptable to the Highway Authority (HA)



- 6.44 Drawing numbered C85141-F-009 Revision A, shows proposals for footway and footpath improvements on Station Road to provide access to bus stops on Station Road from Berry Close and also improved access from the Public Right of Way. The improvements are acceptable to the HA.
- 6.45 Leicestershire County Council's Design Guide states in Table DG1 that a maximum of 150 dwellings can be served via a cul-de-sac with only one point of access. This Site will add up to 70 dwellings to the existing 10 of Berry Close therefore not exceeding this maximum threshold.

6.46 Parking provision at the site can be determined in accordance with the parking standards guidance LCC's Design Guide, if approved, at Reserved Matters.

6.47 The proposed trip rates associated with the development is shown in Table 1 below:

Table 6-7: Vehicular trips – Total Development (70 units)

Time Range	Inbound Vehicular Trips	Outbound Vehicular Trips	Two-way Vehicular Trips
08:00-09:00	10	26	36
17:00-18:00	23	11	34

6.48 Traffic assessments have been carried out on the following junctions.

6.49 The results of the assessments indicate there will be no capacity issues with the additional traffic flows from this development.

6.50 Officers acknowledge the concerns raised by the local community and Parish Council with regards to current and future traffic problems and highway safety more generally however, the Highways Authority has reviewed the proposal and has 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.

6.51 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; improvements to 2 nearest bus stops and information display cases at these bus stops, the proposal is judged to accord with Policies CS1, CS5 and CS11 in respect of highway considerations.

Flooding/Drainage

6.52 The application has been accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy (jnp group September 2015)

6.53 The flood risks associated with the existing site are summarised in the Table below:

Source	Risk
Fluvial	Low – Flood Zone 1
Tidal	Low
Groundwater	Medium – High groundwater recorded across the site
Surface Water	Very low onsite but overland flow paths originating from site boundary (leading to River Welland).
Sewer	Low
Reservoir	Not at risk

6.54 The following mitigation measures will be incorporated where appropriate to protect dwellings from groundwater and surface water flooding:

- A 25m buffer between the spring and the proposed residential dwellings
- Raising finished floor levels (FFLs) to 300mm above existing ground

- FFLs should also be set a minimum of 150mm above the proposed road, with the road designed to route flows safely away from the dwellings and to the southern boundary
 - Proposed Surface Water Drainage Strategy
- 6.55 Given the proximity of the River Welland, it is proposed that all surface water runoff generated from the new development will be attenuated and discharged into the watercourse via a new underground pipe network.
- Proposed Foul Drainage Strategy
- 6.56 A foul pump station will be required to serve the site. The rising main will connect into the existing manhole (MH3303) in Berry Close.
- 6.57 Following a revised FRA the Lead Local Flood Authority removed their objection to the proposed development subject to conditions relating to the submission of a surface water drainage scheme and detailed design and calculations for the tank and anti-flotation system.

Ecology

- 6.58 The application has been accompanied by an Ecological Appraisal Report (LDA Design, September 2015) and associated survey (BSG Ecology, September 2015)
- 6.59 The survey identified the site as predominately containing species-poor semi-improved grassland. The hedgerows surrounding the site were considered to have some ecological value and a number of trees present had some potential to support roosting bats.
- 6.60 A one hole badger sett was recorded on site. As the one hole sett is an outlier sett, County Ecology are satisfied with the recommendations in Appendix 2 of the report in that this sett can be closed under licence from Natural England.
- 6.61 A small population of grass snakes were recorded on site. The indicative layout shows a buffer between the development and the hedgerows on the southern and eastern boundaries. This buffer will provide an area for reptiles. County Ecology have advised that consideration must be given to managing part of this area as semi-natural habitat long-term. The retention of the hedgerows and the buffer will also continue to allow these features to be used by foraging bats.
- 6.62 No great crested newts were recorded on the site and the results of the eDNA analysis were negative.
- 6.63 Overall, County Ecology have no objections to the proposed development, subject to conditions requiring compliance with the recommendations in the ecology report and an the completion of an updated ecological survey in support of either the reserved matters application, or prior to the commencement of works (whichever is soonest) if these have not occurred before May 2017.

Forestry

- 6.64 The application has been accompanied by an Arboricultural Impact Assessment.
- 6.65 Only one tree (T21) is proposed to be removed to facilitate construction works. The tree was categorised as being of low quality with notable dieback. Its loss is easily

mitigated with a comprehensive planting scheme to complement the new dwellings. All other trees will be retained.

- 6.66 New dwellings are sited sufficiently far from the larger hedgerow trees (T8-T27) so as to avoid any issues with loss of sunlight or issues with perceived dominance of the trees; most are 20-25m from the crown peripheries with one dwelling being 15m from the edge of the crown of Ash T24.
- 6.67 The report recommends crown lifting Trees T34, T36, T37, T38, T40, T41 by up to 5m where they overhang the site to allow more light beneath to reduce impact on adjacent dwellings.
- 6.68 Subject to Conditions to ensure the development is undertaken in accordance with the recommendations outlined within the Arboricultural Impact Assessment, there would be no arboricultural reasons to refuse the application.

Heritage

- 6.69 The application has been accompanied by an Archaeological Desk-Based & Heritage Assessment (Phoenix Consulting, July 2015)
- 6.70 The Assessment confirms there are no Historic Battlefields, Scheduled Monuments or Registered Parks and Gardens within 500m of the Site. The closest SAM is the site of St Mary in Arden (SAM LE133), located c. 800m to the south near Market Harborough Station. The closest Registered Park and Garden is at Langton Hall, West Langton, c. 7km away.
- 6.71 The proposed development site is located on the southern edge of the village, outside the existing historic core. At its closest point, the Conservation Area boundary is located c.70m north of the Site. No part of the Site lies within the primary setting or curtilage of the Conservation Area or any of its designated heritage assets. The Conservation Officer's concurs with the Case Officer that because the no Conservation Area buildings or its boundary share any intervisibility with the and no Listed Buildings share any intervisibility with the Site, the proposed development will not cause harm to either.
- 6.72 The Assessment indicates the site lies in an area of archaeological interest and potential, straddling the edge of the historic medieval and post-medieval settlement core of Great Bowden.
- 6.73 County Archaeology have reviewed the Assessment and advised the LPA if the application is approved, it should do so subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording.

Footpath A54

- 6.74 Footpath A54 runs through the development. The Senior Access and Development Officer (Rights of Way) has advised that there is a known discrepancy between the Definitive Map and the route which is waymarked, signed and customarily used by the public.
- 6.75 The indicative layout shows the public footpath running on or near its existing line through public open space and this is in accordance with the County Council's (and 6Cs) Guidance.

- 6.76 The Officer has advised the Public Right of Way through the development site should be provided with a 2 metre wide all-weather sealed surface in line with the aforementioned County Guide standards, which can be dealt with by way of condition.

Residential Amenity

- 6.77 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.
- 6.78 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.
- 6.79 In general terms, officers acknowledge that the proposed development would fundamentally alter the outlook of existing properties. Officers also consider some of the dwellings proposed are in relatively close proximity to existing properties which may require a reduction in the number of units proposed to remove these dwellings further away.
- 6.80 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.

d) Planning Obligations

- 6.81 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.
- 6.82 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.
- 6.83 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
- 6.84 These legal tests are also set out as policy tests in paragraph 204 of the Framework.
- 6.85 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.

- 6.86 **Appendix B** 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.
- 6.87 The Assessment concludes that all requests are CIL Regulation 122 and 123 compliant.

7. The Planning Balance / Conclusion

- 7.1 The provision of 70 dwellings, including 40% affordable housing would be beneficial whatever the local supply situation. Here, given the lack of a 5-year supply, that benefit has added weight, especially as there seems no reason to doubt that the site could be brought forward relatively quickly (land in single ownership, no abnormal costs/infrastructure).
- 7.2 The development would have economic benefits by directly creating investment and supporting construction jobs and then following completion through the household expenditure that it would bring to the area, and the demand for local services. The District would also benefit from the New Homes Bonus.
- 7.3 Great Bowden is in principle a sustainable location for development, and the site is reasonably well located for access to local facilities. The development would therefore fulfil the social role of sustainable development.
- 7.4 With regard to the environmental dimension, the development would not protect and enhance the natural environment. The environmental harm would significantly and demonstrably outweigh the scheme's benefits. Furthermore, it should be noted, the benefits highlighted above could be provided on alternative sites, within the village as identified within the SHLAA, which do not affect the AoS and which have a higher landscape capacity. An application for one of these alternative sites has recently been submitted to the LPA, Land off Welham Lane.
- 7.5 To conclude the development would be contrary to Local Plan Policy EV/3 and Core Strategy Policies CS1 (h), CS11(b), CS13(f), and determination of the application should be in accordance with those policies unless material considerations indicate otherwise. In this respect, the provisions of The Framework are a material consideration, and, for the reasons set out above, Policies HS/8 and CS17 are considered to be out of date to the extent that its geographic coverage would preclude development outside settlements. However, EV/3, CS1 (h), CS11 and CS13(h) remain as up to date policies. The harm identified would significantly and demonstrably outweigh the benefits. The application should therefore be **REFUSED**.

APPENDIX A - Land off Berry Close, Great Bowden 15/01425/OUT



The Planning
Inspectorate

Appeal Decision

Inquiry held on 3 and 4 November 2010

Site visit made on 4 November 2010

by John Chase MCD Dip Arch RIBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 February 2011

Appeal Ref: APP/F2415/A/10/2128267

Buckswell Field, off Berry Close, Great Bowden, Market Harborough, LE16 7ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by The Matthews Trust against the decision of Harborough District Council.
 - The application Ref 10/00120/OUT, dated 25 January 2010, was refused by notice dated 14 April 2010.
 - The development proposed is residential development, estate road and open space.
-

Procedural Matters

1. The application was made in outline with all matters reserved except access. The submission included an illustrative plan showing a possible site layout.
2. The main parties have agreed a deed made under Section 106 of the Town and Country Planning Act 1990 concerning infrastructure and affordable housing.

Decision

3. The appeal is dismissed.

Main Issues

4. The second, third and fourth reasons for refusal of the planning application, concerning archaeology, flooding and protected species, may be resolved by the use of planning conditions. The outstanding main issues are whether the development would harm the character and appearance of the countryside and the setting of Great Bowden and Market Harborough and, if so, whether that harm would be outweighed by the need for housing in the area.

Reasons

Countryside

5. The development site is a field of about 2ha adjoining residential development on the southern side of Great Bowden, close to where the village abuts Market Harborough. Whilst the application is in outline, illustrative plans indicate that a development of 56 houses would be possible, of which 17 would be affordable. Access would be taken from the existing cul-de-sac at Berry Close. Great Bowden is a relatively spread out settlement, with development following the line of roads radiating from the village centre, which is approximately 500m to the north of the site.

6. The site falls within countryside outside the settlement boundary, where Policy EV/5 of the Harborough District Local Plan (LP), adopted 2001, indicates that development will be strictly controlled. Any development which is permitted should, amongst other matters, relate to the rural economy, and not have a harmful effect on the character and appearance of the countryside, views in and out of the village, or the separation of settlements. This latter point is reinforced by Policy EV/3, which includes the site in an area of land between Great Bowden and Market Harborough where development should not adversely affect its open character or reduce the open land separating the settlements. These policies form the main basis of the Council's case. The appellants' concerns about the age of the Local Plan are noted, but the relevant policies have been saved, and there is no indication that they are at variance with current Government advice, or that their broad thrust will not be carried into the emerging Core Strategy. Three earlier appeals on this land have given weight to its status as countryside and role in separating communities.
7. Dealing first with the implications of Policy EV/5, the evidence does not indicate that the development would have a significant effect in terms of sustaining or improving the rural economy, and this criterion would not be met. With respect to the effect on the countryside, the appellants have provided a comprehensive analysis of the landscape character of the area, and the perception of the site from different viewpoints, some of which were visited during the site inspection. The analysis identifies the level and well enclosed nature of the site, and distinguishes it from the rising land to the south, and the more open fields to the east. Support for this is sought in the Council's background report entitled *Market Harborough Landscape Character Assessment and Landscape Capacity Study (LCS)*, 2009. However, whilst the differences are noted, the overall impression of the site is as an integral part of the pastoral landscape between Great Bowden and the River Welland. The well developed hedgerows provide a degree of visual enclosure, but not so as to give the site a distinctly separate character from its surroundings.
8. In this location, the village has a clearly defined boundary, running along the western side of the site. The estate would not appear as a natural continuation of the settlement, but as an incursion into the open landscape, surrounded on three sides by fields, which, in the case of those to the north and south, would become narrow tongues of countryside projecting into the built up areas. In addition, the greater depth of development would diminish the views of open fields currently available from Station Road, and would create a more suburban character to the public footpath which crosses the northern part of the site, to the detriment of the rural character of the village and its close connection with the surrounding countryside.
9. Turning to Policy EV/3, the accompanying text indicates that the designation of a zone of separation is required to prevent coalescence of the settlements. Despite the proximity of Market Harborough, Great Bowden retains an independent identity, which relies on the maintenance of physical and visual separation. At present, the southern part of the village is isolated from Market Harborough by a narrow strip of undeveloped land where the road crosses the railway, widening out on either side as the countryside passes around the village. This is a sensitive location, where an increase in built form would have a significant effect on both settlements by increasing the perception of Great Bowden as a northern extension of Market Harborough.

10. It is certainly the case that the most important contribution to separation is made by the open land immediately adjacent to the road. Nonetheless, the development of the southern portion of the appeal site would be partially visible from the elevated position of the road entering the village, especially during the winter months. The reduced openness of the land, in combination with the narrowness of the strip of countryside remaining to the south of the site, would diminish the sense of separation, and increase the tendency towards coalescence. Additional landscaping would help to limit the impact, but would not adequately compensate for the loss of openness.
11. For these reasons, it is concluded that the development would be contrary to the objectives of LP Policies EV/3 and EV/5, by harming the character and appearance of the countryside and the setting of Great Bowden and Market Harborough.

Housing Need

12. The East Midlands Regional Plan, adopted as the Regional Strategy in 2009, sets the objective of 7000 new dwellings in Harborough District by 2026. The Council indicated at the time of the Inquiry, when the Regional Strategy had been revoked, that it was the intention to maintain the housing levels contained within it, and therefore its subsequent reinstatement does not affect the substance of the parties' cases.
13. The long term means of satisfying this housing need will be met in the emerging Local Development Framework, but in the meantime it remains necessary to show a five year supply of deliverable housing land, as specified in Planning Policy Statement 3 (PPS3). This is a dynamic situation, and the Council have produced a number of figures during the course of the appeal process, the latest of which indicates a shortfall of 183 dwellings, equating to a supply of 4.44 years.
14. In these circumstances, where a five year supply cannot be shown, PPS3 requires the planning authority to give favourable consideration to housing proposals. It is the appellants' contention that the site is appropriate for development and that it would help to overcome the shortfall. Reference is made to the *Strategic Housing Land Availability Assessment (SHLAA)*, 2010, identifying the site as potentially suitable, available and achievable as housing land, and the LCS, which indicates that the site would have a medium capacity to accommodate residential development. In addition, the proposal would contribute towards the annual objective of 80 affordable homes, which represents a small portion of the identified demand for such housing.
15. These points are noted. However, whilst the shortfall of housing land availability is a material consideration, the suitability of the land to satisfy this need is tempered by its impact on wider planning objectives. The SHLAA and LCS recognise the ability of the site to accommodate housing, but this must be seen in the context of the status of the land as open countryside, separating settlements, and the conclusions of these reports do not outweigh the aims of the Local Plan policies in this regard. Whilst an appeal decision of February 2010 (Land off Glebe Road, Market Harborough, APP/F2415/A/09/2114425) determined that the housing need was of sufficient importance to overcome the countryside objections to that proposal, there are significant differences between the schemes, including that the Glebe Road site does not fall within a designated area of separation. The circumstances and policy background of the present proposal indicate that a different balance should be struck.

16. With respect to the availability of alternative land, a number of sites identified in the SHLAA would be unlikely to come forward within the 5 year period, and there is no certainty surrounding the outcome of other planning applications which are currently under consideration. However, the evidence does not amount to a compelling case that the shortfall could not be satisfied on land where less environmental harm would arise, including that which has been previously developed.
17. It is concluded that the need for housing would not outweigh the harm arising to the countryside and the setting of Great Bowden and Market Harborough.

Other Matters

18. In light of the conclusions above, the Section 106 Agreement will be dealt with briefly. The provision of affordable housing is justified by LP Policy HS/4, and is required to satisfy an identified need. LP Policies IM/1 and IM/2 refer to the expectation that development will provide for infrastructure and facilities, commensurate with the scale and nature of the project. Contributions are to be made to civic amenities, police, education, maintenance of playground equipment, off-site recreation, and transport, with monitoring fees for both the County and District Councils. Some specific projects with a functional and geographic link to the site are identified, and planning guidance referred to. However, the interim status of *Planning Obligations, Developers Guidance Note*, 2009, limits the weight that may be applied to this document, and the lack of detailed justification for the level of contributions falls short of proving that the obligations would fully meet the recommendations of Circular 05/2005, including that they would be directly related to the scale and impact of the development. Weight is not allocated to those aspects of the Agreement where there is insufficient evidence that the tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010 have been satisfied.
19. A number of other matters have been raised by third parties. Whilst the construction of new housing on land which has hitherto been open would have some effect on the residents of Berry Close, the evidence does not indicate that living conditions would be unduly affected by the development. The additional traffic would not be so great as to create an unusual level of noise and disturbance, and it would be possible to avoid overlooking by the detailed design of the units. Concerns about flooding and drainage are susceptible to technical solutions, which could be obtained by planning conditions. There would be some increase in the traffic entering Station Road, and passing through the village, but the Highway Authority have not objected to the proposal on safety grounds, and the evidence does not justify a different view in this assessment. These, and the other matters raised, would not create additional grounds to dismiss the appeal.

Conclusions

20. The potential benefits of the scheme, including the contribution towards meeting market and affordable housing need, are recognised. However, these matters do not justify the harm caused to the countryside and the setting of the developed areas, leading to the conclusion that the appeal should be dismissed.

John Chase

INSPECTOR

Appendix B - Land off Berry Close, Great Bowden 15/01425/OUT

Request By	Obligation	Amount /Detail	Delivery	CIL Justification	Policy Basis
LCC	Civic Amenities	£5,603	To be agreed	<p>Local Authorities have a duty to provide Household Waste Recycling Centre's for their residents to re-use, re-cycle, compost or dispose of their household waste.</p> <p>The nearest Civic Amenity Site to the proposed development is located at Market Harborough and residents of the proposed development are likely to use this site.</p> <p>This contribution would be used to mitigate the impacts arising from the increased use of the Civic Amenity Site associated with the new development for example by the acquisition of additional containers or the management of traffic into and out of the Civic Amenity Site to ensure traffic on adjoining roads are not adversely affected by vehicles queuing to get into and out of the Civic Amenity Site.</p>	<p>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule),</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014</p> <p>The Framework</p>
LCC	Libraries	£2,110	To be agreed	<p>Local Authorities have a duty under the 1964 Public Libraries and Museums Act to provide a comprehensive and efficient library service to all who live, work or study in the area.</p> <p>Public libraries form an important part of a community providing free access to book and information services and the Internet as well as opportunities for learning and leisure.</p>	<p>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule),</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014</p> <p>The Framework (Para 70)</p>

				<p>Local authorities must ensure that their libraries meet national standards and expectations and provide quality of service that people need, expect and will use.</p> <p>The proposed development is likely to generate an additional 101 plus users and would require an additional 243 items of lending stock plus reference, audio visual and homework support material to mitigate the impacts of the proposed development on the local library service at Market Harborough Library, 1.5m from the Site.</p> <p>The contribution is sought for audio visual materials e.g. audio books, dvds etc. for loan use to account for additional use from the proposed development. It will be placed under project no. HAR005. There is currently one other obligation under HAR005 that has been submitted for approval.</p>	
LCC	Education	<p>Secondary School Sector Requirement £208,972.43</p> <p>Post 16 Sector Requirement £44,647.45</p>	To be agreed	<p>The site falls within the catchment area of The Robert Smyth Academy. The School has a net capacity of 900 and 630 pupils are projected on roll should this development proceed; a surplus of 270 pupil places after taking into account the 12 pupils generated by this development. A total of 4 pupil places are included in the forecast for these schools from S106 agreements for other</p>	<p>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule),</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014</p>

				<p>developments in this area and have been discounted. This increases the surplus for this school to 274 pupil places.</p> <p>There is one other 11-16 school within a three mile walking distance of the development</p> <p>The overall deficit including all schools within a three mile walking distance of the development is 45 pupil places. The 12 pupil places generated by this development cannot therefore be accommodated at nearby schools and a claim for an education contribution of 7 pupil places in the 11-16 sector is justified. In order to provide the additional 11-16 school places anticipated by the proposed development, the County Council requests a contribution for the 11-16 school sector of £208,972.43. Based on the table above, this is calculated the number of deficit places created by the development (11.69) multiplied by the DFE cost multiplier in the table above (£17,876.17) which equals £208,972.43.</p> <p>This contribution would be used to accommodate the capacity issues created by the proposed development by remodelling or enhancing existing facilities at The Robert Smyth Academy.</p> <p>The site falls within the catchment area of The Robert Smyth Academy. The Academy has a net capacity of 451 and 468 pupils are projected on roll should this development proceed; a deficit of 17 pupil places. A total of 11 pupil</p>	The Framework (Para 70)
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				<p>places are being funded at this school from S106 agreements for other developments in this area which reduces the deficit to 6 pupil places (of which 3 are existing and 3 are created by this development)</p> <p>There are no other post 16 schools within a three mile walking distance of the site. A claim for an education contribution in this sector is therefore justified.</p> <p>In order to provide the additional post 16 school places anticipated by the proposed development, the County Council requests a contribution for the post 16 school sector of £44,647.45. Based on the table above, this is calculated the number of deficit places created by the development (2.31) multiplied by the DFE cost multiplier in the table above (£19,327.90) which equals £44,647.45.</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 Robert Smyth Academy.</p>	
LCC	Highways	Up to £36,016.85 (based on 100% take up of bus passes	To be agreed	<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"> • Travel Packs; to inform new residents from first occupation what sustainable 	<p>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule),</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014.</p> <p>The Framework (Para 35)</p>

				<p>travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).</p> <ul style="list-style-type: none"> • 6 month bus passes (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £325.00 per pass (NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate). • Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263.00 per stop. • Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £120.00 per display. 	
LCC	Monitoring Fee	County contribution 0.5% of contributions or £250 per contribution		To be advised	<p>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule),</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014.</p>
HDC	Community Facilities	Calculation based on the number of bedrooms:	50 % to be paid prior to	A development of this scale, a community facilities contribution is required to make this development acceptable in planning terms	Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule),

		1 bed - £235.00 2 bed - £433.00 3 bed - £498.00 4 bed - £650.00 5 bed - £866.00	commencement of development 50 % to be paid on completion of 50% of the total number of dwellings	<p>The requested contribution would be allocated to a project delivering benefit to the Great Bowden community, primarily the new residents of the development.</p> <p>Project's include upgrading the:</p> <ul style="list-style-type: none"> • Village Hall; • Church Hall • Community Pavilion <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>	<p>Community Facilities and Developer Contributions (Roger Tym and Partners 2010)</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014</p>
HDC	Open Space	<p>All typologies to be provided on site. Minimum Area (ha) provided; together with commuted maintenance for minimum area of POS if HDC adopts:</p> <p>Parks & Gardens = 0.0805ha and £21,989.78 Outdoor Sports Facilities (not required) Amenity Greenspace = 0.1449ha and</p>	To be agreed	<p>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 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>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule)</p> <p>Planning Obligations Developer Guidance Note 2009, Provision for Open Space Sport and Recreation</p> <p>The Framework (Para 73)</p>

		£15,532.70 Natural and Semi Natural Greenspace 0.2415ha £29,968.46 Children and Young People = 0.005635 and £8,204.05, Allotments = 0.05635 and £1,619.50 Cemeteries (off site contribution) = £14,067.21			
HDC	Performance Bond			In the event of payments required at some future date, the applicant will 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.	Planning Obligations Developer Guidance Note 2009
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.	Planning Obligations Developer Guidance Note 2009
HDC	Affordable Housing	40% contribution required	To be agreed	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.	Core Strategy Policy CS3, HDC Guidance Note: The provision of affordable housing on 3 plus units of developments. The Framework (Para 50)

				<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>	
NHS	Health	£5824.87	To be agreed	<p>Based on the current pattern of patient registrations the 171 new patients can be divided as follows: Coventry Road practice – 136 new patients; Northampton Road practice – 35 new patients.</p> <p>The Two Shires Medical Centre (Northampton Road) has seen a high increase in patient registrations which is impacting on the premises capacity.</p> <p>The Centre is proposing an extension to mitigate the impact of the proposed population.</p> <p>A capital contribution from the developer towards that part of the GP premises development which is attributable to the proposed population increase in Market Harborough.</p>	<p>Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule),</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014.</p> <p>The Framework Section 8</p>
Leicestershire Constabulary	Police	<p>Start up equipment £2116</p> <p>Vehicles £1253</p> <p>Additional radio call</p>	To be agreed	<p>Police have a duty to provide efficient and effective policing to the new as well as the existing residents.</p> <p>The development will have an impact on policing</p>	<p>Core Strategy: Policy CS12 Appendix 2 (Infrastructure Schedule)</p>

y		capacity £98 PND additions £63 Additional call handling £258 ANPR £2055 Mobile CCTV £375 Additional premises £14082 Hub equipment £140 Total £20440		<p>and police resources by creating a population of new residents who will require and depend on effective policing.</p> <p>Comprehensive Letter dated 13/10/15, clearly demonstrating contributions requested are CIL compliant.</p>	The Framework (Para 58/69)
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Planning Committee Report

Applicant: Seven Locks Housing

Application Ref: 15/01342/FUL

Location: Clover Court, Hearth Street, Market Harborough

Proposal: Demolition of existing sheltered housing scheme, erection of 11 affordable housing bungalows including 2 bungalows dedicated for wheelchair users

Application Validated: 02/09/15

Target Date: 02/12/15

Consultation Expiry Date: 03/11/15

Site Visit Date: 13/10/15

Case Officer: Chris Brown

Recommendation

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

- The conditions set out in **Appendix A**

1. Site & Surroundings

1.1 The site is located to the centre of Market Harborough, within 800m walking distance from The Square in the centre of the town. Hearth Street is a cul de sac bordered by allotments to the north, the playing fields of Market Harborough C of E Academy Primary School, Fairfield Road, to the east, and a small area of open space to the west. Hearth Street consists of a split of semi-detached and terraced housing to the southern end, and then a layout of bungalows to the northern end, with Clover Court set between the two. The site is within limits to development for Market Harborough, and not located within a conservation area.

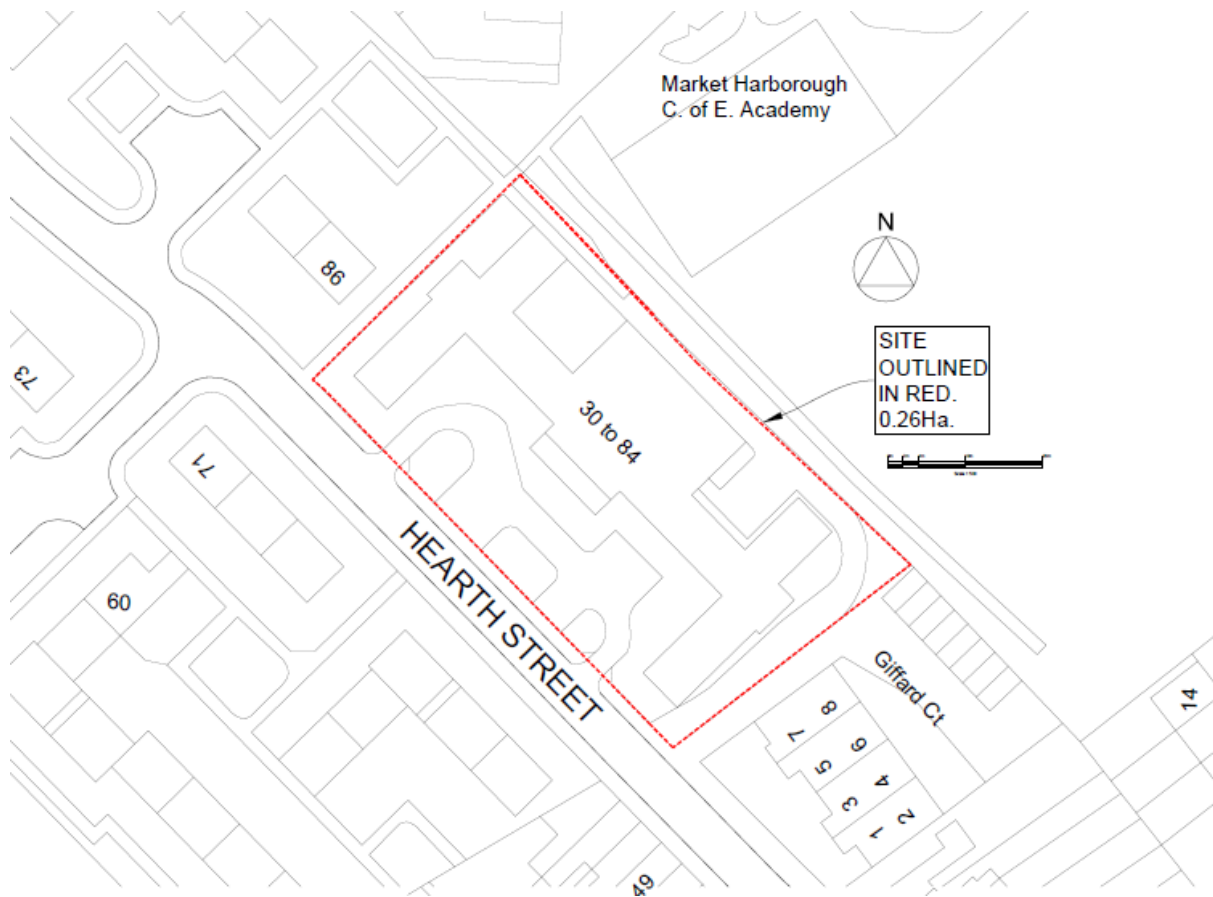


Figure 1: Site Location



Figure 2: View north west across the site



Figure 3: view north east – front elevation of the site

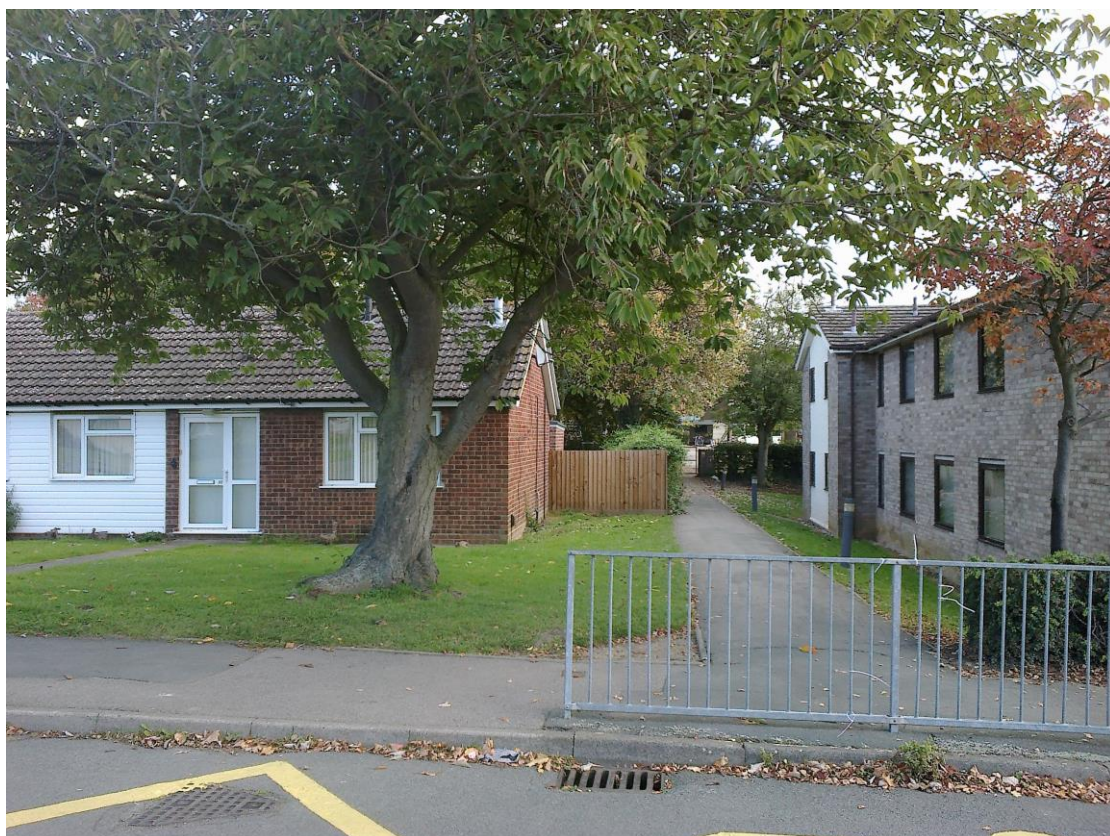


Figure 4: north elevation of site, pedestrian walkway and neighbouring dwellings

- 1.2 The site is set back approx. 12m from Hearth Street, and consists of a large 2 storey building, sub divided internally to 28 bedsits together with additional living space and communal areas. The building is 'H shaped' in layout, and of a grey brick appearance, with a concrete tile room, and additional wood panel features and a large red metal framed glass atrium to the front elevation. The area to the immediate front of the building is set aside for parking provision and landscaping, with a one way access for cars across the front of the site. The site is largely flat, with a very slight change in levels dropping from north to south across the site.

2. Site History

- 2.1 91/01444/3D - Alterations and extensions to create 29 elderly provision flats, and 3 staff flats
 99/01205/FUL - Change of use from staff living accommodation to offices (flats 29-31 and guest)
 15/01368/DEM - Demolition of residential care home

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal seeks planning approval for the demolition of the existing care home and erection of 11 bungalows, 2 of which will be wheelchair access bungalows. The proposed layout of the site shows 5 bungalows fronting Hearth Street, with a further 6 semi-detached bungalows set back within the site.
- 3.2 The proposed layout shows the use of 2 accesses into the site, to provide access to the 6 bungalows set back to the rear, with a further 2 dropped kerbs to access parking provision to plots 4 and 5. The proposed layout shows a total of 1 parking space per dwelling, with the larger plots 8 and 11 showing larger car ports, together with a further 4 visitor parking spaces across the site. The layout proposed also shows the removal of some existing trees and landscaping to the site, together with provision of further trees and landscaping, particularly to the front (facing Hearth Street) and rear (to the primary school) of the site.



Figure 5: Proposed site layout

- 3.3 All bungalows on the site will be single storey two bedroom bungalows. By all being two bedroom provision, this allows for the provision of visitors and/or carers. Of the 11 bungalows proposed, 9 are to be identical in floorplan of 55m², with the two bungalows allocated for wheelchair provision (plots 8 and 11) to be 66.5m², to allow greater room for access.

- 3.4 Plots 3, 4, 5, 6 and 9 will be identical in layout and dimensions, with plots 3 and 4 mirroring plots 5 and 6, with plot 9 being the only detached bungalow. These 5 bungalows will front Hearth Street and be approx. 9.49m in width, approx. 6.85m in depth, and provide for a lounge, kitchen/diner, two bedrooms and a bathroom. These 5 bungalows will be approx. 4.85m to the ridge height, and approx. 2.10m to the eaves, all with pitched roofs from east to west.



Figure 6: Proposed street scene – Hearth Street facing bungalows

- 3.5 Plots 7 and 8 and plots 10 and 11 will mirror each other to the rear of the site, with plots 8 and 11 to be the larger wheelchair accessible bungalows. These will be mirrored semi-detached bungalows in a 't-shape'. Plots 8 and 11 will be approx. 10.80m in width across the rear elevation, and a total of approx. 8.00m in length, with plots 7 and 10 being approx. 9.45m in total length, and approx. 6.85m in width, matching plots 3, 4, 5, 6, and 9 as above. Plots 7, 8, 10 and 11 will face inwards within the scheme to a small courtyard serving the four dwellings. All dwellings will match the heights of the dwellings above, at approx. 4.85m to the ridge, and approx. 2.10m to the eaves.
- 3.6 Plots 1 and 2 are located to the north east corner of the proposed layout, and face outwardly to the north of the site, across an existing footpath linking Hearth Street to the primary school. These two plots are instead attached in an 'L-shape', with total dimensions of approx. 10.0m across the rear elevation of plot 1, and approx. 6.85m in length, with plot 2 approx. 9.45m in length and approx. 6.85m in width, with internal floorspace of plot 1 slightly larger at 56.5m², compared to 55m². Proposed heights of the bungalows will match all other plots across the site.



Figure 7: Proposed bungalow elevations – Plots 1 and 2

- 3.6 The proposed layout shows garden provision for all 11 plots on site, including provision of sheds to all gardens. Landscaping proposed consists of 1.8m bricks walls and 1.8m fence (1.2m close boarded with additional 0.60m trellis above) internally throughout the site to subdivide plots, with further 1.8m close board fencing to the south boundary and 2m steel fencing to the rear boundary facing the primary school. To the street scene, 1.0m open and painted steel railings are proposed, together with shrub planting.

b) Documents submitted

i. Plans

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

Location Plan
Existing Site Plan 2304/P 101
Proposed Site Plan 2304/P 102
Street views 2304/P 205
Plots 1 & 2 2304/P 200
Plots 3 & 4 2304/P 201
Plots 5 & 6 2304/P 202
Plots 7-9 2304/P 203
Plots 10 & 11 2304/P 204

ii. Supporting Statements

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

Design and Access Statement
Bat Emergence Survey
Phase 1 Habitat Survey
Tree Surveys

c) Pre-application Engagement

- 3.9 Prior to submitting the planning application the site has not been subject to a pre-application.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 11th September 2015 and included a site notice put up on 13th October 2015. This consultation period expired on 3rd November 2015.
- 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.

a) Statutory & Non-Statutory Consultees

- 4.3 Market Harborough Civic Society
Support the application.

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 On the basis of the submitted plans there will be 4 associated accesses with this site. There will be one private shared drive to the north of the site serving plots no. 1, 2, 3, there will then be either one long dropped kerb onto Hearth Street for plots no. 4 & 5 or there will be two separate dropped kerbs, then there will be a private shared drive to the south of the site serving plots no. 6, 7, 8, 9, 10 & 11.
- 4.6 The current shared private drive layout is not to adoptable standards; the current road layout lacks the required width and no footpath provision has been proposed. Whilst this will not impact upon whether the proposal is acceptable, the HA would encourage the Applicant to submit an amended plan showing an adoptable layout serving plots 6 to 11 that conforms with the 6C's Design Guide.
- 4.7 Proposed conditions of no walls, planting or fences to the boundary; turning facilities; traffic management plan; surfacing; pedestrian visibility splays; parking surfacing; drainage and closure of existing accesses.

HDC Environmental Health

- 4.7 Suggested conditions of; risk based land contamination assessment, verification investigation report, no burning of waste and hours of works.

LCC Ecology

- 4.8 The Phase 1 Survey submitted with the application (Landscape Science Consultancy, July 2015) indicates that the site currently comprises a building, hardstanding and amenity grassland. No habitats of note were recorded on site. The Bat Survey (Landscape Science Consultancy, July 2015) indicates that the existing building on site had some features that may be used by bats, but no bats were recorded using the buildings during the surveys. We therefore have no objections to this application, but would request that the applicant's attention is drawn to the recommendations in the reports.

Anglian Water

- 4.9 Proposed condition stating; *'No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority. REASON: To prevent environmental and amenity problems arising from flooding*

4.10 **Lead Local Flood Authority**

The proposed development will be acceptable if the following planning conditions are attached to any permission granted. Proposed conditions of surface water drainage scheme; and minimum floor levels.

4.11 **HDC Community Facilities**

No contributions requested.

- 4.12 **HDC Neighbourhood and Green Spaces Officer**
The above application does not result in a net increase of 10 or more units, therefore POS contributions will not be triggered. I will be happy to comment on detailed landscape proposals if required in due course.
- 4.13 **LCC Developer Contributions**
Initial proposal of contributions towards education and waste provision.
- 4.14 Proposed contributions towards education provision, to £39,850.20, and waste provision, of £880, were later withdrawn (emails dated 29th October 2015 and 12th November 2015) by, and as such no education or waste contributions were deemed necessary.
- 4.15 **HDC S106**
Clover Court is currently designated as an extra care scheme, however the facilities provided no longer meet with resident needs and requirements. The existing accommodation consists of 26 x bedsits, 1 x 1 bed flat and 1 x 2 bed flats.
- 4.16 In 2012 Savills were appointed to carry out a comprehensive review of a number of Seven Locks elderly persons schemes, including Clover Court. Remodeling of the existing building has been explored, but the internal configuration of the scheme, with shared bathing facilities, means that conversion into self-contained units is not viable. Redevelopment of the site to provide new housing has been recommended in the Savills' report. Harborough District Council has accepted that the existing scheme is no longer fit for purpose and supports the proposal to redevelop the site.
- 4.17 The new scheme will provide 11 affordable housing bungalows including 2 bungalows dedicated for wheelchair users. Mkt Harborough is a well serviced large centre in the District of Harborough which can sustain the type of provision being proposed. Harborough District has a rapidly expanding elderly population with diverse needs in the choice of housing provision available. Local services are excellent in providing the necessary infrastructure to sustain this type of development. Because of the lack of suitable alternative sites, we believe, the redevelopment of a now unsuitable scheme / brownfield site represents the best solution to meeting an area of growth in terms of current and future demand.
- 4.18 Seven Locks have been engaging with HDC in ensuring that this proposal is need and demand lead and advancing its partnership working principles. Regenerating and replacing inadequate stock that no longer meets the standards expected for older persons housing and replacing it with an all affordable older persons scheme meets with our strategic priority. This bid needs to be fully supported.

b) Local Community

- 4.19 1 objection received, from 1 household in Hearth Street, Market Harborough.
- 4.20 Highways issues raised through representations:
- 11 bungalows would cause too much traffic and parking issues. 8 bungalows considered more acceptable.
- 4.21 Other issues raised through representations:
- More requirements for social housing bungalows in Market Harborough.

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 within limits to development for Market Harborough.

- Harborough District Core Strategy (Adopted November 2011)

5.3 Relevant policies to this application are, CS1, CS2, CS5, CS11 and CS13. These are detailed in the policy section at the start of the agenda, with the exception of Policy CS13, detailed below.

5.4 Policy CS13 of the Core Strategy sets out the Council's approach to development in Market Harborough. Policy CS13 identifies Market Harborough as a Principal Town, based on its service provision, and will be the main focus for additional development.

5.5 Policy CS13 states: 'Market Harborough will develop its role as the principal town within Harborough District and will be the main focus for additional development. This growth will be accommodated in a manner which respects Market Harborough's role as a historic market town and which safeguards its compact and attractive character.'

b) Material Planning Considerations

- Supplementary Planning Guidance

5.6 The Supplementary Planning Guidance Note that is relevant to this application is Note 2: Residential Development – Major Housing Sites, in addition to Note 5: Extensions to Dwellings.

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 scheme consisting of the erection of 11 dwellings.

6. Assessment

a) Principle of Development

- 6.1 Market Harborough is identified within CS13 as a Principal Town (as the largest and most sustainable location in the District), and the site also falls within Limits to Development for Market Harborough, as well as being re-use of an existing brownfield site.
- 6.2 The site is located approx. 300m walking distance from small convenience shopping, within 800m walking distance of the town centre, and within 600m walking distance of a GP. In addition, although not as relevant to this application, the site is within 400m walking distance to a primary school. As the site is within limits to development and the Council is unable to demonstrate a 5yr supply, the principle of development therefore is considered in compliance with the Core Strategy.

b) Housing Requirement and Housing Land Supply

- 6.3 The Council presently does not have a 5yr Housing Land Supply. If this application were approved it would provide 11 additional dwellings.

c) Technical Considerations

- 1. Scale, appearance and landscaping
- 6.4 The site is a brownfield site of pre-developed land, with the provision of 28 bedsits in the existing accommodation layout deemed no longer suitable to meet requirements. The existing building sits in the street scene as a large 2 storey building, separating a row largely of semi-detached and terraced housing, with existing bungalow provision on Hearth Street.
- 6.5 The layout proposed, showing retention of existing trees to the boundary of the site to the north, together with provision of new trees both to the eastern boundary and within the site, alongside extensive shrub planting, is considered acceptable. In addition, the proposal seeks to maintain the existing footpath to the north of the site. Further landscaping details will be conditioned; whilst the height of all proposed buildings are identified at single storey in height.
- 6.6 The application site is within the Limits to Development for Market Harborough and is therefore acceptable in principle for the proposed development. The erection of dwellings on this site is not considered to demonstrably change the existing developed character and appearance of the site due to the existing use.
- 6.7 The proposal, at all single storey, and with the landscaping proposed, is considered to enhance the site over the existing use. The existing site, at a large 2 storey development, is not considered to sit well within the street scene, with a functional design to the existing building. The proposal, as shown on the street scene above (figure 6) is considered to enhance the site, with bungalow provision matching the existing bungalow provision to the north of Hearth Street.
- 6.7 The application proposes 11 dwellings within a site of approx. 0.26ha, at a density of 42 dwellings per hectare. Whilst this is considered denser than other new developments of around 30dph, this is not considered as a dense development in relation to the existing provision of terraced dwellings on Hearth Street, and its location in the centre of Market Harborough. This application proposes 11 small dwellings to be bungalows for older person provision, including 2 wheelchair accessible bungalows. The dwellings are proposed at 55m²/56.6m² and 66.5m² with low ridge and eaves heights.

2. Drainage

- 6.8 No drainage plan has been submitted as part of the application. Both Anglian Water and the Lead Local Flood Authority have been consulted on the application, both suggesting conditions for any permission. The provision of a drainage scheme for the site will be conditioned, with the condition requiring that no development shall take place until a surface water drainage scheme for the site has been approved by the LPA, together with further conditions for floor levels and a surface water management strategy. It is therefore considered that the proposed development would comply with Core Strategy Policy CS10 and the aims and objectives of the Framework.

3. Ecology

- 6.9 Both a Phase 1 Habitat and Bat Surveys have been submitted with the application, and LCC Ecology has been consulted, with a response stating no objections to the proposed scheme.
- 6.10 LCC Ecology state that: the Phase 1 Survey submitted with the application (Landscape Science Consultancy, July 2015) indicates that the site currently comprises a building, hardstanding and amenity grassland. No habitats of note were recorded on site. The Bat Survey (Landscape Science Consultancy, July 2015) indicates that the existing building on site had some features that may be used by bats, but no bats were recorded using the buildings during the surveys. LCC Ecology has requested that the applicant's attention is drawn to the recommendations in the report, and any permission will be conditioned as such.

4. Highways

- 6.11 No transport statement has been provided with the application as the application is for 11 dwellings on an existing extra care housing site. The current site use provides for parking to the front of the site for residents and visitors, with a one way access across the site. LCC Highways have raised no objections to the scheme, with 8 conditions proposed for visibility splays, turning facilities, site traffic management plan, surfacing, pedestrian visibility splays, drainage and closure of existing accesses.
- 6.12 One objection has been received raising concerns regarding highways issues, including parking. However, LCC Highways have raised no objection to the proposed scheme, and the site provides a car parking space for each dwelling proposed, together with an additional 4 visitor car parking spaces within the scheme. For the nature of the development, as older person provision as bungalows, this is considered acceptable.
- 6.13 LCC Highways have stated in their representation that 'the current shared private drive layout is not to adoptable standards; the current road layout lacks the required width and no footpath provision has been proposed. Whilst this will not impact upon whether the proposal is acceptable, the HA would encourage the Applicant to submit an amended plan showing an adoptable layout serving plots 6 to 11 that conforms with the 6C's Design Guide'. As stated, this does not impact upon the degree to which the scheme is acceptable, however would be encouraged. This is also proposed as a note to applicant as part of any permission, and any future amendments to the scheme can be dealt with separately.

5. Residential Amenity

- 6.14 The application proposes 11 bungalows as a series of semi-detached and detached dwellings across the site. Whilst 3 different designs of bungalows are included in the scheme, all bungalows will have the same roof pitch and eaves heights, at approx. 4.85m and 2.10m respectively.
- 6.15 Due to the single storey nature of the scheme and proposed mix of boundary treatments both within the site and outward facing, there are not considered to be any overlooking or any overbearing impact on neighbouring amenity. Outside of the site, a 2 storey dwelling is located to the southern boundary, with principal (although secondary) side elevation windows to the north side elevation. However, the proposed boundary treatment of a 1.8m close board fence is considered acceptable. To the east boundary of the site are the playing fields of the Harborough C of E Primary School, with a 2.0m steel mesh fence proposed, together with extensive shrub planting and the planting of 2 trees between plots 8 and 11 to the east boundary. To the north of the site 1.50m decorative steel railings are proposed to border the existing footpath, whilst bungalow plots 1 and 2 would face towards a blank side elevation of an existing bungalow. As such, the proposal is not considered to have an overbearing impact, and will not cause any overlooking impact to the existing dwellings.
- 6.16 Materials proposed, of a mix of red bricks, stone cills and coloured render, with grey concrete roof tiles and white fascias and windows, is considered acceptable, and an improvement over the existing building. The use of red brick to principal elevations is considered more in keeping with the street scene than the existing building, and is considered a much more modern development in relation to the existing building.
- 6.16 The proposal, at both single storey in height, together with additional landscaping features, is considered to improve the existing street scene. The overall mass of development on site is reduced, whilst the fronting of 5 bungalows to the street with landscaping will provide an improved street frontage to the existing. In addition, the proposal provides an improved match of dwelling type to the existing street scene, with existing bungalows both opposite and to the north of the site. The proposal is therefore considered acceptable in residential amenity terms and accords with Core Strategy Policy CS11.

d) Sustainable Development

- 6.17 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 11 dwellings, including the demolition of the existing extra care facility and 11 dwellings towards the Council's 5yr supply, currently a shortfall.
- Social
- Provides 11 new dwellings in the form of bungalows, with 2 wheelchair access bungalows, which contributes to housing need. The site can also be accessed by sustainable modes of transport, including foot/cycleway which may contribute towards health and well being, and is located within 300m of a shop, and within 800m of the town centre and within 600m of a GP.

- Environmental

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

7. The Planning Balance / Conclusion

- 7.1 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.
- 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 within the Limits to Development for Market Harborough, the Principal Town in the District and most sustainable settlement. The proposed development will replace an existing sheltered housing scheme with an affordable housing scheme to meet local needs and which has the support of the HDC Housing and Infrastructure Officer. The appearance of the application proposal is considered to be a significant improvement over the existing building and as such represents a wider benefit to the locality.
- 7.3 The application site is in the centre of the town, and provides for specialist bungalow provision, including wheelchair accessible bungalows. 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, CS5, CS11, and CS17 of the Harborough District Core Strategy.
- 7.6 No developer contributions have been identified for the proposal. This is on the basis that the proposed scheme provides a 100% affordable housing scheme, including specialist wheelchair provision, and proposes no additional units compared to the existing scheme. Whilst a different character of accommodation is proposed to the existing use, it is considered not reasonable to impose the obligations requested, which have since been withdrawn by LCC.

APPENDIX A – Planning Conditions

8. Planning Conditions

8.1

1) **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) **Materials Schedule**

No development shall commence on site until a schedule indicating the materials to be used on all external elevations of the approved dwellings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and 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.

3) **Permitted Plans**

The development hereby permitted shall be in accordance with the following approved plans Proposed Site Plan 2304/P 102, Plots 1 & 2 2304/P 200, Plots 3 & 4 2304/P 201, Plots 5 & 6 2304/P 202, Plots 7-9 2304/P 203 and Plots 10 & 11 2304/P 204.

REASON: For the avoidance of doubt.

4) **PD Restrictions**

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, no development within Part 1, Classes A-E shall take place on the dwellings 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

5) **Drainage**

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 two treatment trains to help improve water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off onsite 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.

In accordance with the Non Statutory Technical Standards development on previously developed land should be designed to limit surface water to the equivalent of greenfield run-off or as close as reasonably practicable. Where discharge equivalent of greenfield is not provided the drainage strategy should provide evidence regarding why it is not reasonable practicable.

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

6) **Minimum Floor Levels**

The site is indicated to be located within the 1 in 30 and 1 in 100 year surface water flood map, as such the any residential properties should have a minimum floor level of 300mm above the level for the 1 in 100 year surface water flood level or existing ground level where this is higher.

REASON: To prevent the flooding of new properties from surface water flooding

7) **Risk Based Land Contamination Assessment**

No development (except any demolition permitted by this permission) 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:

- BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS8576:2013 Guidance on Investigations for Ground Gas – Permanent Gases and Volatile Organic Compounds (VOCs)
- BS8485:2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

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

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

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

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

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

Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

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

8) **Completion / Verification Investigation Report**

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

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

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

8) **Turning Facilities**

Before first occupation of the dwellings hereby permitted, turning facilities shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.

REASON: To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

9) **No walls, planting or fencing**

No walls, planting or fences shall be erected or allowed to grow on the highway boundary exceeding 0.6 metres in height above the level of the adjacent carriageway

REASON: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

10) **Traffic Management Plan**

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.

11) **Access surfacing**

Before first occupation of any dwelling, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

12) **Pedestrian visibility splays**

Before first use of the development hereby permitted, 1.0 metre by 1.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.

REASON: In the interests of pedestrian safety.

13) **Parking provision**

The car parking shown within the development site shall be provided, hard surfaced and made available for use before any dwelling hereby permitted is occupied and 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.

14) **Drainage**

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.

15) **Closure of existing accesses**

All existing vehicular accesses that become redundant as a result of this proposal shall be closed permanently and the existing vehicular crossings reinstated to the satisfaction of the Highway Authority within one month of the new accesses being brought into use.

REASON: To protect footway users in the interests of pedestrian safety, and to reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.

16) **Landscaping**

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

17) **Construction Method Statement**

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; 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 minimize 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

18) **Affordable Housing**

The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the NPPF or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 100% of housing units;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved) ;
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON: to secure affordable housing in accordance with Core Strategy Policy CS3 and as the application has been submitted and assessed as being an entirely affordable housing.

19) **Surface Water Strategy**

No drainage works shall commence until a surface water management

strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding.

Notes to applicant:

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

2) 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.

3) A watching brief for bats 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.

4) On the basis of the submitted plans, the details of turning facilities for plots 1 - 3 and pedestrian visibility splays are not in accordance with the guidance contained in The 6Cs Design Guide - www.leics.gov.uk/6csdg. Before development commences, an amended plan should be submitted to and approved by the Local Planning Authority.

5) Any street furniture that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.

6) 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 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg.

7) The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.

8) The proposed road(s) do not conform to an acceptable standard for adoption and therefore it (they) will NOT be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however, serve APCs in respect of all plots served by (all) the private road(s) 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/6csdg or email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it. Details of the future maintenance of the private road should be submitted for the approval of the LPA before any dwelling is occupied.

9) All works should be in accordance with the recommendations of the submitted Phase 1 Habitat Survey (July 2015) and Bat Survey (July 2015).

Planning Committee Report

Applicant: Avant Homes

Application Ref: 15/01343/FUL

Location: Farndon Fields, Farndon Road, Market Harborough, Leicestershire

Proposal: Erection of 101 dwellings (substitution of house types of 07/00360/REM)

Application Validated: 10/09/15

Target Date: 10/12/15

Consultation Expiry Date: 22/10/15

Site Visit Date: 25/09/15

Case Officer: Mike Smith

Recommendation

Planning Permission is **APPROVED**, for the reasons and appended conditions set out in the report and a S106 or similar arrangement to secure obligations set out in this report. .

1. Site & Surroundings

- 1.1 The application site forms part of the Farndon Fields development site located to the west of Farndon Road. The site has been the subject of development for a number of years now and the application site effectively provides the balance of development of the area currently under construction.
- 1.2 Within the development site the main road layout has already been established as have areas of formal and informal open space.



Aerial photograph scale 1:1000

2. Site History

2.1 The site has the following relevant planning history:

- 2.2 The site forms part of Phase 1 of the Farndon Road housing development originally granted outline approval on appeal in 2006 with detailed Reserved Matters approval (07/00360/REM) being granted for the construction of 629 dwellings and associated infrastructure and open spaces in 2008.
- 10/01141/FUL Erection of ninety-nine dwellings and associated garaging; construction of access and parking: Application Permitted
 - 10/01145/FUL Erection of eight dwellings and associated garaging, construction of access and parking: Application Permitted
 - 10/01171/FUL Erection of eighty-seven dwellings, associated garaging and parking: Application Permitted
 - 11/01668/FUL Erection of fifty-nine dwellings, associated garages and landscaping : Application Permitted
 - 12/00040/FUL Substitution of house types to Plots 329, 330, 347 - 350, 355, 356, 609, 610, 613 and 614 with amendments to garaging and courtyard parking to plots 608 - 610 incl. of planning approval 10/01141/FUL : Application Permitted
 - 12/01321/FUL Erection of 64 dwellings and associated works (substitution of house types): Application Permitted
 - 13/01012/FUL Erection of 116 dwellings (substitution of house types of 07/00360/REM): Application Permitted

3. The Application Submission

a) Summary of Proposals

- 3.1 The application is a detailed application for the erection of 101 dwellings. The site forms part of the comprehensive housing development on land off Farndon Road, Market Harborough within which the major road layout and areas of formal and informal open space have already been provided.
- 3.2 The scheme comprises of a mixture of 1, 2, 3, 4 and 5 bedroom properties including a small number of apartments, some terraced, semi-detached and detached dwellings. Each property would be provided with on site parking and/or garages spaces. All of the properties proposed would be two-stories in height.
- 3.3 The application as submitted included a proposal based on the viability development to reduce the percentage of affordable housing, down from 30% to 10%. During consideration of the application however and following independent assessment and consultation with the applicants this figure has been increased to 18%.



Illustrative Layout

[illegible]

- 3.4 The application is accompanied by Application Forms, Design and Access Statement, detailed site layout plans and plans of the individual house types. In addition the application includes supporting Planning Statement and a Viability Statement

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 5th May 2015.
- 4.2 A summary of the technical consultee responses received are set out below. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

- 4.3 *LCC Highways*
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.
- 4.4 *Market Harborough Civic Society*
No comments
- 4.5 *HDC: Housing Enabling and Community Infrastructure Officer*
As you are aware we have had some detailed negotiations with the developer to reach an acceptable compromise position based on the outcomes of the viability re-appraisal. I have also spoken with our AV consultant on the affordable housing contribution. The developer has increased from their initial proposal of 10 units increasing this to 16. Based on your discussions to improve the site density from 99 to 101, they are now prepared to increase the affordable housing units to 18. This is the maximum number they can work to without this scheme being withdrawn. Given that the developer has been committed in working with HDC towards delivering this scheme,
I am satisfied with the number affordable units we have negotiated. When this scheme progresses another important matter will be related to the location of the affordable units, which need to be agreed and HDC. We will request a reasonable spread of affordable units within the site

b) Local Community

- 4.6 One letter of objection have been received, raising the following concerns:
- The noise and disturbance is the major factor as I have a young baby who is easily disturbed and will wake from any loud noises. I'm sure there are more families around the area who have young babies around and would not appreciate the loud noises coming from the trucks and construction works etc.
 - There is a play area nearby and children will be using this play area too.
 - Traffic would be another factor as the roads are narrow as it is and that would cause problems, driving up and down the street.
 - Where would we park if our drive was blocked for any reason during construction works?
- 4.7 In addition 2 letters of support have been received which comment:
- I currently live in a Ben Bailey home on the Farndon Fields estate and, although they are far from perfect, I have found Ben Bailey to be better than the average builder and the quality of their homes is certainly better than average.
 - The proposed layout looks pretty good to me, though there may be some detailed issues for the experts to discuss.

- I do have concerns relating to the Roads and Paths on the estate which have still not been finished even though residents have been living on this estate in excess of two years.
- I remember one conversation with a Ben Bailey manager when he stated that he hoped "never to work with CJC again as they are completely useless". Now, CJC are responsible for all of the roads and paths on Farndon Fields and I would like it to be made a condition of the planning approval that Burton Street, Bridegroom Street, Angell Drive and Advent Walk must all be completely top surfaced and finished to the standard that the council would accept for adoption before any of this new building work commences.

4.8 In addition 18 letters have been received commenting on the proposals

- Whilst this planning application would complete Phase I of the Farndon Fields housing development given that there remain unsightly "waste ground" plots within the Estate and believe that this application should only be granted at the expense of the planning application for the Phase II development.
- Considerations for this application on the existing Phase I:
- Additional traffic volumes resulting in adverse impact on the local living environment.
- Lack of capacity within the local black & grey water sewerage system as experienced in September 2015 with the failure of the pump station at the North end of Angell Drive.
- Lack of capacity within the telecommunications network for Phase I.
- Lack of capacity within the local healthcare system
- Lack of capacity within the local Policing
- Construction pollution - dust, mud, light, noise which have all become a nuisance to residents over the past 12-18 months given that Phase I was due to be complete by Summer 2015.
- Minimise or even better eliminate these from the construction phase and the developer and builder would make many friends in the community rather than aggrieved and resentful.

4.9 Full versions of the comments received can be viewed at www.harborough.gov.uk/planning

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*

5.2 Relevant policies to this application CS2, CS3, CS8, CS9, CS10, CS11, CS12 and CS13 are all of which are included in the opening policy section pages on this agenda.

b) Material Planning Considerations

Supplementary Planning Guidance

5.3 The Supplementary Planning Guidance Note that is relevant to this application is Note 2 Residential Development – Major Housing Sites

6. Assessment

a) Principle of Development

- 6.1 The principle of residential development on this allocated residential site is clearly established by an appeal decision which granted outline consent for the development in 2001 and subsequently the approval of detailed reserved matters in 2007. In addition since that time further detailed permissions have been granted for the development of parts of the overall site, much of which has now either been completed or is under construction. The current application site therefore comprises the remaining balance of the overall development.
- 6.2 For these reasons the principle of development is considered acceptable and compliant with Policies CS2 and CS13 of the Core Strategy and MH/3 of the Harborough Local Plan.
- 6.3 The issues for consideration therefore primarily relate to the changes which are proposed by the current application.

These are changes to:

- Number and type of dwellings proposed and a reduction in percentage of affordable homes to be provided.
- Proposed changes to the form and appearance of the proposal.
- Relationship to existing residential properties

b) Change to the layout and affordable housing

- 6.4 This part of the site provides the balance of the development originally granted outline planning permission in 2001. Although reserved matters approval for the whole site was originally granted to David Wilson Homes in 2007, since then phases of the scheme have been developed largely as a result of the submission of a series of detailed applications by a number of different developers, including the applicants Avant Homes (formerly Ben Bailey Homes).
- 6.5 The current application site therefore relates to the land that remains undeveloped, although the main road network, pedestrian footpaths and areas of open space as well and the surrounding housing have been commenced and in many cases completed.
- 6.6 This part of the development was originally proposed to comprise of some 171 plots, which included a large proportion of terraced and apartment properties and built at a high density in excess of 55 properties to the hectare. The current application proposes some 101 dwellings (originally 99 dwellings) at a density of 32 dwellings per hectare, which although lower than originally approved is still slightly in excess of the recent approval of Phase 2 at 27 dwellings per hectare and the application also on this agenda for land off Dunmore Road which is at 21 dwellings per hectare.
- 6.7 The proposals involve substituting the applicants own range of house types for those previously approved, but in addition the applicants originally proposed a reduction in the percentage of affordable homes from 30% to 10%. In support of this they provided a Viability Assessment of the development undertaken by Savilles. As a result of this the Council commissioned its own independent assessment of the report and the viability of the development which originally suggested that the site could provide 22% affordable housing. However following further negotiations between the applicants the Councils Housing Enabling and Community Infrastructure Officer and the retained consultant's, the applicants have increased the figure for affordable housing to 18%. This would therefore result in the provision of 18 affordable

dwelling on the site which it is proposed would comprise of 6, one bedroom houses, 6, two bedroom houses and 6, three bedroom houses.

- 6.8 Clearly the proposal would involve the loss of a number of units from the site including the loss of a number of affordable units. The applicants do however point out in this regard, whilst they appreciate the Council's preference for increased plot numbers across the scheme, it should be recognised that it has been very difficult to get the overall scheme to stack up in this instance. From their perspective, the general mix has been carefully derived taking into account aspects such as build costs, demand and the general sales revenues anticipated. Accordingly, they indicate that they are not in a position to provide a density rate over and above that now offered.
- 6.9 Although it would be preferable for an increased number of plots to be developed on this site, the applicants have indicated their unwillingness to increase the overall numbers over and above that now proposed. The balance therefore needs to be drawn between the advantage of approving the current scheme which provides a satisfactory range of house types including affordable housing units and bringing this forward in the near future (the applicants have agreed a 12 month commencement date rather than the usual 3 years) against the prospect that the site would continue to remain undeveloped.

c) Form and Appearance of the Development

- 6.10 Avant Homes (formerly Ben Bailey Homes) have already been involved in developing earlier phases of this development.
- 6.11 The layout of the development is largely dictated by the existing road layout and layout of incidental open spaces but the proposals do include a mixture of 1, 2, 3, 4 and 5 bedroom properties which continue the theme of development established by the same builder on earlier completed phases of the development.





Illustrative Street Scenes

d) Relationship to existing dwellings

- 6.12 Consideration has been given to the relationship of the proposed development to existing houses now completed on the adjacent earlier phases of development. Appropriate separation distances between dwellings is, provided such that the amenity of existing properties is suitably maintained. The design of the individual dwellings largely follows the concepts set out by the same developer in earlier phases of the development and house designs are considered appropriate and acceptable.

e) Highways and parking

- 6.13 The layout of the site is largely dictated by the current highway layout already established by earlier phases of development. The current proposals would complete the hierarchy of roads including the development of a number of smaller cul-de-sac

developments and private drives. Most properties would benefit from their own private car parking spaces although a limited number of the smaller properties would be provided with shared parking courts.

- 6.14 The proposal is therefore considered to comply with Policy CS5 of the Harborough Core Strategy.

f) Planning obligations

- 6.15 The overall site was the subject of a S106 agreement to provide a range of infrastructure requirements. Some of these have already been provided as a result of the development of earlier phases of the development. A Deed of Variation will however be required to secure the agreed level of affordable housing (18%) and other obligations that were to be provided based on the plots developed.

- 6.16 These include (but not necessarily limited to) the following
- Affordable Housing (18%)
 - Bus contributions
 - Civic Amenity Contribution
 - Community Facilities contribution
 - Education Contribution
 - Library Contribution , and
 - Travel Passes.
- Subject to cross referencing against any extant agreement.

7. The Planning Balance / Conclusion

- 7.1 Although the proposal forms part of a site which has been identified for a number of years for development, because of the lengthy delay in this part of the site coming forward it has not previously been included in the current 5 year housing supply. The proposal would therefore provide a valuable contribution towards the Council's 5 year supply of housing, as well as providing a number and range of affordable dwellings to meet identified needs. The balance therefore needs to be considered about the loss of a number of units when taken across the site as a whole with the potential that development will not come forward in any reasonable timescale. The applicants have indicated that should permission be forthcoming it is their intention to commence development of this remaining phase of the site at the earliest opportunity and as a result are willing to accept a condition which requires development to commence within 12 months of the decision notice being issued (normally 3 years).
- 7.2 The proposal will provide additional housing in a sustainable location without adversely affecting the character and appearance of the countryside, residential amenity or giving rise to additional traffic which would lead to a road safety hazard. On balance therefore it is considered that the proposals are acceptable subject to the conditions proposed at Appendix A. The proposal is therefore considered to comply with policies CS2, CS8, CS9, CS11, CS17 and CS5 of the Harborough District 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.

8. Planning Conditions

- 8.1 If Members are minded to approve the application, a list of suggested planning conditions is attached at **Appendix A**.

Appendix A

Recommended Conditions

1. Development to Commence Within 1 Year

The development hereby permitted shall be begun either before the expiration of 12 months 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. Plans Reference

The development hereby approved shall be carried out in accordance with the following plans: AM.215815.101H,102H,103H and 100D.

REASON: For the avoidance of doubt.

3. Planting.

Within 3 months of the commencement of development a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of any trees and hedgerows to be retained, together with measures for their protection in the course of development
- (b) 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
- (c) finished levels and contours
- (d) 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 and to safeguard the appearance of the area and to accord with Harborough District Core Strategy Policy CS8 and CS11

4. Soft landscaping retained

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development. 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.

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 CS8 and CS11

5. Highway gates etc.

If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of metres behind the highway boundary and shall be hung so as not to open outwards.

REASON: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians in the public highway and to accord with the Harborough District Council Core Strategy Policy CS5.

6. Highway drainage

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 and to accord with the Harborough District Council Core Strategy Policy CS15.

7. Parking provision

The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.

REASON: to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to accord with Harborough District Council core Strategy Policy CS5.

8. Access surfacing.

Before first use of the development hereby permitted the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) and to accord with Harborough District Core Strategy Policy CS5

9 Materials

Prior to the development of any individual dwelling, full details of the materials to used for the external walls and roofs of the approved dwelling shall be submitted to and approved in writing by the Local planning Authority

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.

Informative Notes

1. 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.

2. 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).

Planning Committee Report

Applicant: Rookwell Drive Field Trust

Application Ref: 15/01391/OUT

Location: Land at End of Dunmore Road, Market Harborough, Leicestershire

Proposal: Erection of up to 40 dwellings with associated access, pedestrian links, public open space, car parking, landscaping and drainage (all matters reserved) (revised scheme of 15/00636/OUT

Application Validated: 07/09/15

Target Date: 07/12/15

Consultation Expiry Date: 18/11/15

Site Visit Date: 25/09/15

Case Officer: Mike Smith

Recommendation

Planning Permission is **APPROVED**, for the appended reasons and conditions and subject to a s106 or similar arrangement to secure obligations set out in this report.

1. Site & Surroundings

1.1 The application site lies on the southern edge of Market Harborough and comprises of a single roughly triangular agricultural field some 1.99 hectares in area which lies immediately to the south of existing residential properties on Rookwell Drive and Dunmore Road.

1.2 Beyond the site to the south and east lies further agricultural land and to the south west beyond the former railway line that in part forms the boundary of the site is a further development of residential properties currently under construction.

1.3 The remaining boundaries of the site include to the north east a mature hedgerow and drainage ditch that discharges into the Rover Jordan located to the east of the site, the eastern boundary comprises on a mature field hedgerow.

1.4 The site slopes from the south towards the north and north west, towards the existing residential properties on Dunmore Road.

Aerial photograph scale 1:1000



2. Site History

2.1 The site has the following relevant planning history:

A previous application 15/0636/OUT for the erection of the erection of up to 60 dwellings was withdrawn earlier this year.



Previous illustrative layout

3. The Application Submission

a) Summary of Proposals

3.1 This is an Outline application, for the erection of up to 40 dwellings, with all detailed matters reserved. The application is however accompanied by an Illustrative masterplans which shows the site being accessed from an extension of Dunmore Road. Within the site the masterplan shows housing being developed within discreet areas in addition providing for area of open space generally around the periphery of the site. Some open space lies towards the centre of the site reflecting the position of a gas pipeline that runs approximately southwest/north east through the site.

3.2 Part of the agricultural field to the west although identified as being within the applicants ownership is excluded from the application site ensuring that all of the site lies within Flood Zone 1.

3.3 The proposals includes opportunities for the creation of a Sustainable drainage system within the site consisting of an attenuation basin and swales which would drain to an existing off site attenuation basin to the east.

3.4 The proposals also include the opportunity afforded by the proximity of the site to the former railway line (now a pedestrian/cycleway) to the south west to provide pedestrian cycleway links from the site.

Illustrative Layout



b) Documents submitted

3.2 The application is accompanied by an Illustrative masterplan and the following:

- Application form,
- Design & Access Statement,

- Flood Risk Assessment and drainage Strategy
- Historic environment assessment
- Arboricultural tree survey,
- Ecology and Protected species report, and
- Transport Statement

4. Consultations and Representations

4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 18th September 2015.

4.2 A summary of the technical consultee responses received are set out below. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

4.3 *HDC Technical Services*
No comments received

4.4 *HDC Environmental Health*

To protect local residents from the impact of any development, a condition requiring the Applicants to submit and agree a Construction method Statement to include the following should be included.

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) measures for the protection of the natural environment;
- i) hours of construction work, including deliveries; and
- j) measures to control the hours of use and piling technique to be employed
- k) measures to control and minimise noise from plant and machinery
- l) details of any security lighting on site

4.5 *LCC Ecologist*

The Phase 1 survey is the same as submitted previously, so my comments on this remain unchanged. The badger survey (Brindle and Green, May 2015) found no evidence of badgers using the site, but identifies that the site does have some potential and provides a recommendation in section 7.2 which is acceptable. No objections subject to the inclusion of appropriate conditions.

4.6 *LCC Highways*

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.

Highway officers have looked at Dunsmore Road, Market Harborough and are content that it is acceptable to serve as a construction route for the proposed development. Dunsmore Road is publically maintainable having been constructed to the County Highway Authorities design standards. One relevant aspect of this process would be to ensure that Dunsmore Road

would be accessible by emergency services, refuse collections and the like and so in their professional judgement the road would be appropriate to be considered within the applications' construction traffic/site traffic management plan. Also note the additional information and conditions included within earlier formal response which would serve to mitigate and make acceptable the construction process and may help reassure local objection in this regard.

4.7 *LCC Rights of Way Officer*

No objection. Conditions requested (8th June 2015)

4.8 *Severn Trent Water*

No comments received

4.9 *Environment Agency:*

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment (prepared by MEC, REPORT REF: 20395/05-15/3840-REV A, dated September 2015), including Drawing 20395_01_230-01 Rev C within Appendix I, submitted with this application are implemented and secured by way of a planning condition.

4.10 *Daventry District Council*

Given that the application site is separated from this authority's administrative area by intervening residential, and other, development, Daventry District Council does not wish to make any representation

4.11 *Northamptonshire CC (Highways):*

Raise no objections in respect of the application

4.12 *Local Lead Flood Authority*

The proposed development will be acceptable if the suggested planning conditions are attached to any permission granted. With regards to Surface Water subject to a suitable detailed design, the drainage principles indicated within the FRA would be likely to prevent an increase to adjacent flood risk. It should however be noted that significant surface water flood risk is located on and adjacent to the northern part of the site, as part of a larger flow route. Therefore the LLFA would recommend that consideration is given to the development of an oversized attenuation basin and swale to reduce the risk of these systems becoming overwhelmed by surface water.

4.13 *Little Bowden Society*

Points to be considered against proposed housing are:

- Disruption to tenants of Dunmore Road for up to three years or more due to heavy lorries taking out or bringing in materials while electricity, water, sewerage and building works are carried out. This must cause deterioration to a normal surfaced road.
- Congestion of traffic, during and after construction in Dunmore Road, entry into Scotland Road and subsequently into Northampton Road; and
- In recent years within the boundaries of Little Bowden there has been significant over

development, i.e. Glebe Road, Clack Hill, the demolished Tungsten Works area and minor other developments. This has led to increased traffic congestion throughout the limits of Little Bowden environs. The approval of the Dunmore Road application would only further add to this problem.

4.14 *Market Harborough Civic Society*

Objects to the proposals on the grounds that (i) the proposal represents an undesirable intrusion of built development into the essentially rural setting of Little Bowden, (ii) is detrimental to the amenities of neighbouring properties, (iii) detriment to the amenities of the users of the Brampton valley way, Dunmore Road because of its alignment, design and parked cars is not suitable to serve as an access into the site. The release of this land will prejudice the aims and objectives of the new Local Plan, and the need for extra land for housing does not outweigh these considerations.

4.15 *LCC Developer Contributions*

Contributions are sought from Education (Primary School, High School, Upper School and Post 16 Sector), Civic Amenity Waste Facilities and Library Services (see Appendix A for further information)

4.16 *NH England*

The proposed site is within the practice boundary of two practices located in Market Harborough, located at Market Harborough Medical Practice Coventry Road and Two Shires Northampton Road. Market Harborough Medical Centre on Coventry Road was completed 18 years ago. Since it was built the town has grown dramatically and present council plans indicate it will continue to grow for the foreseeable future. Changes in medical practice, with increasing transfer of work from secondary care, means that not only does the practice have more patients now, but they attend the surgery more frequently. To accommodate these pressures, the practice staff has been expanded and as a result, the practice is seriously short of rooms. Despite rescheduling clinics to run over lunch time and in the evenings, several staff have no rooms, and manager's share and hot desk. The car park, which initially was adequate, is now far too small and this lack of parking is a cause for patient complaints. Similarly, the Two Shires Medical Centre on Northampton Road has seen a high increase in patient registrations which is impacting on the premises capacity. Therefore request a financial contribution of £2160 towards additional medical storage cabinets.

4.17 *Braybrooke Parish Council comments as follows*

- The application site is located on a greenfield site, on good agricultural land very close to the river and on the flood plain.
- The application site is another of several that have focussed recently on expanding Little Bowden. This is a gradual incursion into the green wedge between Market Harborough and the rural villages. It should be considered in light of the housing that has been built up Kettering Road, and on Clack Hill.
- Additional housing would result in more traffic going through Braybrooke on the existing rat-run between the A6 and A508.
- The application site is very close to the Braybrooke parish boundary and would be seen clearly from Braybrooke Road in what is currently a very rural area.
- There is already a considerable density of traffic between Dunmore Road and the Northampton Road which at rush-hours results in traffic backing up from the centre of Market Harborough along the Northampton Road, along Braybrooke Road back past the entrance to Dunmore Road.
- There are already many parents driving and walking their children to the primary school in Scotland Road. Parking associated with the school already creates a problem; additional traffic would make this even more hazardous.
- This all demonstrates that the roads in the locality are insufficient for additional traffic.
- Construction traffic may well access the site through Braybrooke due to the existing congestion on Northampton Road.

- If the application were approved, a footpath/cycleway should connect it with Rookwell Drive.
- Connaught Road would be a far better option than this proposal but it has been designated as an area for future car parking, not housing.

HDC Neighbourhood and Green Spaces Officer

The proposed illustrative master plan provides POS slightly in excess of what the site generates. The applicant should note the breakdown of typologies for open space and provide open space which meets the POS requirements as detailed. The Play area should be to LEAP standard and the design approved by the LPA prior to commencement of development.

b) Local Community

4.18 35 letters of objection have been received, raising the following concerns:

- Acknowledge that the revised proposals are an improvement on the original application, in terms of density and layout; nevertheless I feel that there are still significant grounds for objection.
- Firstly, the access to the field is not suitable. The applicants have again omitted any illustration of the existing layout of Dunmore Road on their submitted plans. The road is a narrow residential street with cars frequently parked along its length. There are several bends and the street ends in a cul de sac, at right angles to the main street. Another objector describes Dunmore Road as "serpentine".
- As a result, any construction vehicles would have great difficulty accessing the site and, if built, extra traffic from the development can only add to the congestion along Scotland Road and its junction with Northampton Road. The applicants have produced a detailed breakdown of existing and projected traffic flows. However, I suggest that a peak time of 5-6pm might not actually be appropriate along Scotland Road, as much of the current traffic is generated earlier, related to the local schools.
- Dispute the applicant's assertion that the site is in an accessible location.
- Strongly oppose development on a green field site, a site which is currently productive agricultural land. Dunmore Road was built on an existing brown field site. Therefore the proposal cannot be considered as a continuation of the current residential development, as the character of the site is fundamentally different.
- Regarding green field sites, HDC have stated that piecemeal development should be avoided and that "a large strategic development area is identified as most appropriate to accommodate growth" (Core Strategy CS 13 6.10). Now that such a site has been permitted to the north of the town (the Airfield and associated sites), I would question the need for development at Dunmore Road, surely still an example of piecemeal development?
- The Little Bowden area has seen a wave of recent development, for example Glebe Road; the land off Shrewsbury Road and Blackberry Grange (with more in the pipeline there). Surely Little Bowden has now done its share to meet the demand for new housing?
- Would argue that the proposals are premature. Currently, the site falls outside the Limits to Development (HS/8) of the existing Harborough District Local Plan, as retained by the current Core Strategy, which clearly show the development limit along the current boundary of Dunmore Road. The site is in the Harborough District Strategic Housing Land Availability Assessment (SHLAA) 2014. However, the SHLAA "does not allocate sites or pre-empt future plan making or related decisions". As the SHLAA Companion guide to sites A/MH/HSG/09 highlights, the site is only

considered to be potentially available in 6-10 years from 2014, not at the present time.

- The new Local Plan for Harborough District is under development and the consultation period is still underway. Until HDC has a strategy in place across the whole of the District, I consider this this development to be unjustified.
- Would contend that developments such as this proposal will erode this rural character and detract both from the locality and the town as a whole.

4.19 Full versions of the comments received can be viewed at www.harborough.gov.uk/planning

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*

5.2 Relevant policies to this application are CS2, CS3, CS8, CS9, CS10, CS1, CS12 and CS13 all of which are included in the opening policy section pages on this agenda.

b) Material Planning Considerations

Supplementary Planning Guidance

5.3 The Supplementary Planning Guidance Note that is relevant to this application is Note 2 Residential Development – Major Housing Sites.

6. Assessment

a) Principle of Development

6.1 The site lies outside of although immediately adjacent to Limits to Development for Market Harborough as defined in the adopted Core Strategy and is therefore within the open countryside. However, the spatial strategy for development as set out in the adopted Core Strategy, recognises Market Harborough's role as the main focus for additional development within the district, whilst promoting its historic function as a market town and safeguarding its impact and attractive character.

6.2 Policy CS2 also states that housing development will not be permitted outside Limits to Development unless at any point there is less than a five year supply of deliverable housing sites and the proposal is in keeping with the scale and character of the settlement. The Council's latest housing position (supply of Deliverable Housing Sites) gave a 1st April 2015 position of a 4.45 year supply of housing land, and therefore CS2 weighs in favour of the proposal. In these circumstances paragraph 49 of the National Planning Policy Framework provide that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

6.3 Paragraph 14 of the NPPF also states that at the heart of the national planning policy framework is a presumption in favour of sustainable development. For decision taking this means:

- Approving development proposals that accord with the development plan without delay, and

- Where the development plan is absent. Silent or relevant policies are out of date , granting planning permission 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 ;or
- Specific policies in the Framework indicate that development should be restricted

6.4 Market Harborough is identified as the principal town within Harborough, with the greatest range of services and facilities and therefore, the greatest potential to successfully accommodate additional development, at a scale to complement the existing town. As such, the Spatial Strategy recognises that Market Harborough is a sustainable location for development and allows for the development of Market Harborough as the main focus for additional development within the District.

6.5 For these reasons the principle of development is therefore considered acceptable and compliant with CS2 and CS13.

b) Design and impact upon the character of the area

6.6 Appearance and scale are reserved matters to be considered with a subsequent future application, however, an illustrative layout plan has been submitted with the application. This shows access into the site from Dunmore Road with a central spine road running roughly north/ south through the centre of the site.

6.7 Off this spine road are a series of secondary roads and private drives which help to form discreet housing areas. This is further enhanced by areas of open space sited around the periphery of the site including areas of formal and informal open space and an equipped play area. The form and layout of the site with areas of open space around its periphery contribute towards creating an attractive environment within the development and help to create a transition between the edge of the development and the countryside beyond.

6.8 Opportunities are taken within the layout to provide pedestrian and cycle links to the pedestrian/cycleway that runs alongside the western boundary of the site, thereby providing access to alternative links other than the private car into both Market Harborough itself and the countryside beyond.

6.9 The application indicates that the development of the site would generally be by 2 storey dwellings and include 30% affordable housing.

6.10 There are no reasons for refusal on these grounds which are considered acceptable and compliant with Policy CS 3, CS5 and 11.

c) Residential amenity

6.11 The illustrative layout of the site indicates that an area of open space would be provided along its northern boundary where the site lies closest to existing dwellings on Dunmore Road. In addition further areas of open space are generally located around the periphery of the site. The result is that the development could be undertaken providing appropriate separation between the existing and proposed properties and thereby protecting the amenities of existing residents.

6.12 Clearly there would be some noise and disturbance to existing residents particularly during the period of construction, however conditions are proposed that would limit the hours of construction and limit the time deliveries can take place to the site, thereby limiting the impact on neighbours.

6.13 As a result it is considered that the proposed is acceptable and compliant with Policy CS11.

d) Highways and parking

6.14 Access into the site is proposed to be via Dumore Road an existing adopted highway. The Highway Authority has been consulted on the application and confirmed that there are no objections to the use of Dunmore Road as an access to serve the proposed 40 new dwellings and that it is constructed to a suitable size and design to cater for the additional traffic.





Access into the site from Dumore Road

6.15 The highway authority has also confirmed that the road is suitable to be used as a construction access into the site. Officers are however aware of concerns about the use of Dunmore Road as the access to the site and in particular about its use by construction traffic and the impact this may have on the amenities of nearby residents.

6.16 As a result conditions are therefore proposed that would (i) Limits the hours of Construction (ii) further limit the hours that deliveries to the site can be made to, and (iii) require a construction site method statement to be submitted and agreed which would include providing suitable arrangements for the parking of all vehicles, including construction vehicles. In this way it is hoped to limit the impact on neighbours, in particular during the morning and evening periods and when pupils are making their way to nearby schools. The applicants have been consulted on these proposed conditions and confirmed that they have no objections to such limitations.

6.17 The proposal is therefore considered to comply with Policy CS5 of the Harborough Core Strategy.

e) Ecology

6.18 Ecology raises no objections and request conditions. Some evidence of protected species was found but the site was identified to be of low ecological value.

6.19 The proposal will cause no harm to protected species and is considered to comply with CS8.

f) Climate Change

6.20 A previous application for the development of the site by the erection of 60 dwellings has previously been withdrawn. One of the main reasons for this was that the site included land within Flood Zone 2. This land which lies along the brook that forms part of the western boundary of the site has now been excluded from the application site, although it will form an area of additional planting and landscaping between the site and Rockwell Drive.

6.21 As a result the entire application site lies within Flood Zone 1, which areas of land to which policy guidance required development to be directed. The scheme includes proposals for on site SUD's drainage schemes including an on-site attenuation basin, underground storage areas and on site swale, attenuating the surface water drainage and which would then drain to an existing off site attenuation basin in the adjacent field and then into the River Jordan to the east. Consultations have been undertaken with both the Environment Agency and the Leicestershire Local Lead Flood Authority who have both advised as a result they have no objections to the application subject to appropriate drainage conditions. Appropriate conditions are included in the recommendation.

6.22 The proposal is therefore considered to comply with CS9.

g) Planning Obligations

6.23 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 mitigate against the impacts of development.

6.24 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 as outlined within Regulation 122:

- 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

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

6.26 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 the Leicestershire Developer Obligations Policy, December 2014.

6.27 **Appendix B** 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. With regards to the trigger points they should not necessarily be seen as the actual or final triggers points for the S106 agreement but treated as illustrative of the types of trigger points which may be appropriate.

6.28 The Case Officer concludes that all requests received from statutory consultees received are CIL compliant.

7. The Planning Balance / Conclusion

7.1 The proposal would a contribution to the Council's 5 year supply of housing and provides additional housing including affordable housing in a sustainable location without adversely affecting the character and appearance of the countryside, residential amenity, or giving rise to additional traffic which would lead to a road safety hazard. It is not considered that there are any adverse impacts of the development that could not be mitigated by conditions or would significantly or demonstrably outweigh the benefits of providing additional housing in this location.

7.2 The proposal is therefore considered to comply with policies CS2, CS8, CS9, CS11, CS17 and CS5 of the Harborough District 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.

8. Planning Conditions

8.1 If Members are minded to approve the application, a list of suggested planning conditions is attached at **Appendix A**.

Appendix A Recommended Conditions

1. Development to Commence Within 3 Years

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.

2. Approval of 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;
- (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. Plans Reference

The development hereby approved shall generally be carried out in accordance with the following plans AND0076J

REASON: For the avoidance of doubt.

3. Construction Hours

Construction works for the development of the site shall not take place outside of 08.00 hours to 18.00 hours Mondays to Fridays and 08.30 hours to 13.00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

REASON: In the interest of the Amenities of nearby residents.

4 Delivery Times

No deliveries to the site shall take place between the hours of 08.00-09.30 hours and 15.00-16.30 hours Mondays to Fridays and before 08.30 hours on Saturdays and at no time on Sundays or Bank Holidays.

REASON: in the interests of highways and pedestrian safety and to prevent highway congestion during the start and finish time of local schools.

5 Highway Design

All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycleways and shared use footway/cycleways) and visibility splays and 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.

6 Surface Water Drainage

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 two treatment trains to help improve 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.

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

7 Construction Method Statement

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, delivery vehicles and visitors;
- b) Loading and unloading of plant and materials;
- c) Storage of plant and materials used in constructing the development;
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) Wheel washing facilities;

Has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

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

8 Drainage details

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

9 Landscaping to be carried out and approved

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

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

Informative Notes

1. 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.

2. 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).

3 Micro drainage; It should be noted that the information provided within the plans and the associated Micro drainage files do not correlate. This will need to be clarified when the detailed design is supplied for assessment under discharge of conditions.

Surface water

Subject to a suitable detailed design, the drainage principles indicated within the FRA would be likely to prevent an increase to adjacent flood risk. It should however be noted that significant surface water flood risk is located on and adjacent to the northern part of the site, as part of a larger flow route. Therefore the LLFA would recommend that consideration is given to the development of an oversized attenuation basin and swale to reduce the risk of these systems becoming overwhelmed by surface water.

In addition as the site access is located within an area at risk from surface water flooding, it is advised that alternative access routes are provide to ensure that resident do not become isolated.

4 Ecology

- The layout to be in accordance with illustrative masterplan (Rev E, Node Ref: AND0076J), particularly in reference to the buffering of the hedgerows and stream from the development. Should this be amended, plot boundaries should not be immediately adjacent to these features and a 5m buffer must be in place between the watercourse and the development.
- Updated ecological surveys should be completed either in support of the reserved matters application or prior to the commencement of the

development (whichever is sooner) if the development does not commence before April 2017 (two years of the date of the original surveys).

- The landscaping plan must be designed to increase the biodiversity value of the site. This should include locally native species and we would recommend that consideration is given to creating a wildflower meadow in at least one of the areas of open space.
- A 5m corridor adjacent to the brook must comprise semi-natural vegetation.
- A note should also be added to any permission granted drawing the applicants attention to the recommendations in the ecological reports.

APPENDIX B: PLANNING OBLIGATIONS

S106 Provider	Requested Obligation	CIL & Policy Compliant	Trigger within Agreement	Point S106
LEICESTERSHIRE COUNTY COUNCIL				
Civic Amenity	£3,202	<p>The development will have an impact on the delivery of Civic Amenity waste facilities within the Market Harborough because of the scale, type and size of the development. The calculation was determined calculated on 40 units multiplied by the current rate for Market Harborough Civic Amenity Site of £80.04 per dwelling.</p> <p>The requirement is considered to fully accord with CS Policy CS12 & the Local Infrastructure Schedule in the CS and CS Policy CS1 (c) and CS13 (a,iii). The requirement is also consistent with the Framework which seeks to provide a 'widen choice in education'.</p> <p>The requested planning obligation is therefore CIL & Policy Compliant</p>	To be confirmed	
Education a) Primary b) Secondary c) Post 16 d) Special	a) £116,150.50 b) £119,412.82 c) £25,512.83 d) £0	<p>a) The site falls within the catchment area of Little Bowden Primary School. The School has a net capacity of 392 and 446 pupils are projected on the roll should this development proceed; a deficit of 54 pupils places. There are currently 73 pupil places at this school being funded from S106 agreements for other developments in the area. This reduces the deficit at this school and creates a surplus of 19 pupil places (of which a surplus of 29 are existing and a deficit of 10 are created by this development</p> <p>There are three other primary schools within a two mile walking distance of</p>	To be confirmed	

		<p>the development:</p> <p>Meadowdale Primary School</p> <p>Surplus 22 pupil places (no S106 funded places to be discounted)</p> <p>Farndon Fields Academy</p> <p>Deficit 103 (no S106 funded places to be discounted)</p> <p>Ridgeway Primary School</p> <p>Surplus 4 (no S106 funded places to discount)</p> <p>Market Harborough CEP</p> <p>Surplus 47 (no S106 funded places to discount)</p> <p>The overall deficit including all schools within a two mile walking distance of the development is 11 pupil places. The 10 pupil places generated by this development cannot therefore be accommodated at nearby schools and a claim for an education contribution of 10 pupil places in the primary sector is 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 £116,150.50. Based on the table above, this is calculated the number of deficit places created by the development (9.6) multiplied by the DFE cost multiplier in the table above (12,099.01) which equals £116,150.50.</p> <p>Little Bowden Primary School occupies a very constrained site. If the development goes ahead we will need the flexibility to use any S106 funding at schools in the vicinity of the development.</p> <p>b) The site falls within the catchment area of Welland Park Academy. The School has a net capacity of 750 and 1128 pupils are projected on roll should this development proceed; a deficit of 378 pupil places after taking into account the 7 pupils generated by this development. A total of 52 pupil places are included in the forecast for these schools from S106 agreements for other developments in this area and have been discounted. This reduces</p>	
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		<p>the total deficit for this school to 326 pupil places.</p> <p>There is one other 11-16 school within a three mile walking distance of the development.</p> <p>The Robert Smyth Academy</p> <p>Surplus 286 (after 4 S106 funded places have been discounted)</p> <p>The overall deficit including all schools within a three mile walking distance of the development is 40 pupil places. The 7 pupil places generated by this development cannot therefore be accommodated at nearby schools and a claim for an education contribution of 7 pupil places in the 11-16 sector is justified.</p> <p>In order to provide the additional 11-16 school places anticipated by the proposed development, the County Council requests a contribution for the 11-16 school sector of £119,412.82. Based on the table above, this is calculated the number of deficit places created by the development (6.68) multiplied by the DFE cost multiplier in the table above (£17,876.17) which equals £119,412.82.</p> <p>This contribution would be used to accommodate the capacity issues created by the proposed development by remodelling or enhancing existing facilities at Welland Park Academy.</p> <p>The contribution would be spent within 5 years of receipt of final payment.</p> <p>c) The site falls within the catchment area of The Robert Smyth Academy. The Academy has a net capacity of 451 and 467 pupils are projected on roll should this development proceed; a deficit of 16 pupil places. A total of 11 pupil places are being funded at this school from S106 agreements for other developments in this area which reduces the deficit to 5 pupil places (of which 3 are existing and 2 are created by this development)</p> <p>There are no other post 16 schools within a three mile walking distance of the site. A claim for an education contribution in this sector is therefore justified.</p>	
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		<p>In order to provide the additional post 16 school places anticipated by the proposed development, the County Council requests a contribution for the post 16 school sector of £25,512.83. Based on the table above, this is calculated the number of deficit places created by the development (1.32) multiplied by the DFE cost multiplier in the table above (£19,327.90) which equals £25,512.83.</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 Rawlins Community College.</p> <p>The education requirement is considered to fully accord with CS Policy CS12 & the Local Infrastructure Schedule in the CS and CS Policy CS1 (c) and CS13 (a,iii). The requirement is also consistent with the Framework which seeks to provide a 'widen choice in education'.</p> <p>The requested planning obligation is therefore CIL & Policy Compliant</p>	
Libraries Facilities	Financial contribution of £1250	<p>The Libraries facilities contribution is outlined in the Statement of Requirements for Developers contributions in Leicestershire (December 2007) The County consider the proposed development is of a scale and size which would impact upon the delivery of library facilities within the local area.</p> <p>The proposed development is within 1.2km of Market Harborough being the nearest local library facility which would serve the development site. The library facilities contribution would be around £1250 (rounded up to the nearest £10).</p> <p>It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sort for materials,</p>	To be confirmed

		<p>e.g. books, audio books, newspapers and periodicals etc. for loan and reference use to account for additional use from the proposed development.</p> <p>The Leicestershire Small area Population and Household Estimates 2001-2004 gives the settlement population for Market Harborough Library at approximately 20,170 people. The Library has an active borrower base of 4,310 people. However, postcode analysis demonstrates that Market Harborough Library attracts usage from a much wider catchment of 39,623 through additional borrows who live outside the settlement area, but come into Market Harborough to work, shopping and leisure reasons.</p> <p>Active users of Market Harborough Library currently borrow on average 23 items per year. The natural performance indicator N19 measures the percentage of adults who have used a public library service in the past 12 months (the latest figure is Oct 08-Oct 09) and for Leicestershire this figure is approximately 48%. This figure would be higher if children were factored into the equitation.</p> <p>Consequently the proposed development at Dunmore Road is likely to generate an additional 58 plus users and would require an additional 139 items of lending stock plus reference, audio visual, and homeworking support material to mitigate the impacts of the proposed development on the local library service. The County Council consider the library contribution is justified, necessary, directly related to the development and fair and reasonable in scale.</p> <p>The library contribution is considered to fully accord with CS Policy CS12 & the Local Infrastructure Schedule in the CS. This policy is also consistent with the Framework which seeks to “deliver sufficient community and cultural facilities and services to meet local needs”.</p>	
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		The requested planning obligation is therefore CIL & Policy Compliant	
Highway Authority	Promoting sustainable travel options	<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"> - Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). - 6 month bus passes (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £350 per pass). <p>The requested planning obligation is CIL & Policy Compliant</p>	
HARBOROUGH DISTRICT COUNCIL			
Open Space	On –site provision: Parks and gardens, sport facilities, children and young people, natural and semi- natural green space, allotments	<p>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 deficiency. The Developer Guidance note also provides detailed requirements for open space.</p> <p>The open space calculations are based on the standards set out in the Developer Guidance Note.</p>	

	<p>Cemeteries & Burial Grounds</p> <p>Maintenance Costs</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>All typologies for open space are required.</p> <p>POS Type/ Min Area (ha)/Commutated Sum for maintenance per ha/ Total Commuted maintenance sum</p> <p>Parks and Gardens 0.5ha per 1000 pop On site 0.046 £273,165.00 £12,565.59</p> <p>Outdoor Sports Facilities 1.6ha per 1000 pop On site 0.1472 £67,319.00 £9,909.36</p> <p>Amenity Greenspace 0.9ha per 1000 pop On site 0.0828 £107,196.00 £8,875.83</p> <p>Natural and Semi Natural Greenspace urban areas 1.5ha per 1000 pop 0.138 On site £124,093.0 £17,124.83</p> <p>Children and Young People Provision 0.3ha per 1000 pop On site 0.0276 £1,455,910.00 £40,183.12</p> <p>Allotments 0.35ha per 1000 pop On site 0.0322 £28,740.00 £925.43</p> <p>Cemeteries and Burial Grounds 0.375ha per 1000 pop Off site contribution £3,215.36</p> <p>This is considered to be consistent with paragraph 73 of the Framework which encourages access to high quality open spaces and opportunities for sport and recreation. The required on site provision will serve the needs of the residents living on the site for play/recreation purposes.</p>	
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		The requested planning obligation is therefore CIL & Policy Compliant	
Community Facilities	No response		
Policing	No response		
Primary Care Facilities NHS England	£2160	<p>The proposed site is within the practice boundary of two practices located in Market Harborough, located at Market Harborough Medical Practice Coventry Road and Two Shires Northampton Road. Out of the total patient list that attends the Market Harborough facilities of both practices, the Coventry Road practice has 79.7% of the patients and the Northampton Road practice has 20.3% of the patients.</p> <p>Therefore, based on the current pattern of patient registrations the 98 new patients can be divided as follows:</p> <p>Coventry Road – 78 new patients</p> <p>Northampton Road – 20 new patients</p> <p>Market Harborough Medical Centre on Coventry Road was completed 18 years ago. Since it was built the town has grown dramatically and present council plans indicate it will continue to grow for the foreseeable future. Changes in medical practice, with increasing transfer of work from secondary care, means that not only does the practice have more patients now, but they attend the surgery more frequently. To accommodate these pressures, the practice staff has been expanded and as a result, the practice is seriously short of rooms. Despite rescheduling clinics to run over lunch time and in the evenings, several staff have no rooms, and manager's share and hot desk. The car park, which initially was adequate, is now far too small and this lack of parking is a cause for patient complaints. Similarly, the Two Shires Medical Centre on Northampton Road has seen a high increase in patient registrations which is impacting on the premises</p>	

		<p>capacity.</p> <p>Both practices are proposing to provide additional notes storage to manage the impact of the proposed population.</p> <p>The requested planning obligation is therefore CIL & Policy Compliant</p>	
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Planning Committee Report

Applicant: Ms J Dilkes

Application Ref: 15/01438/FUL

Location: Units 2-3 Glendale House, Church Road Great Glen

Proposal: Change of use from A1 (retail) to A3 (café use)

Application Validated: 14.09.2015

Target Date: 09.11.2015

Consultation Expiry Date: 04.02.2015

Site Visit Date: 01.10.2015

Case Officer: Tim Slater

Recommendation

Planning Permission is **APPROVED**, for the reasons set out in the report, and subject to the conditions set out in Appendix A

1. Site & Surroundings

1.1 Location – unit 2/3 Glendale House, Church Road, Great Glen



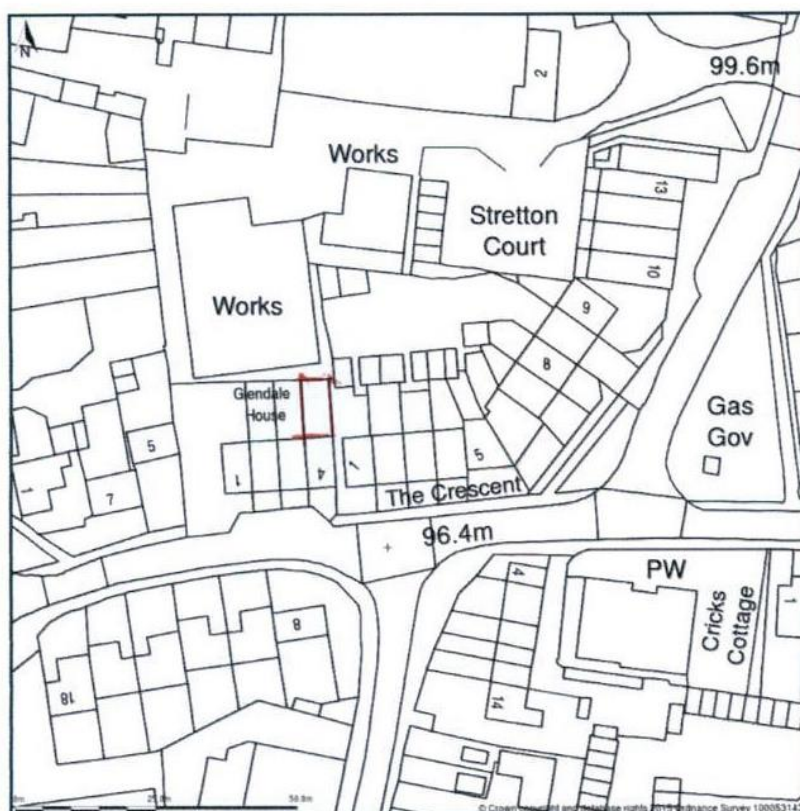
1.2 Site Area – approx. 50 m2 internal floor area 5.5m by 9.1m

1.3 Existing Use – A1 (retail) part of an existing beauty salon

1.4 Adjacent uses of note – the site lies to the eastern end of a row of 3 retail units with residential units above.; although the OS show s this as a row of 4 units and this relates to the residential properties that site above the retail. These units are independent of the retail and are accessed from the rear parking court.

- 1.5 The western-most unit is occupied by Great Glen Parish Council and the middle unit by the Andrea Measom hair dressing salon.

Site Location



- 1.6 It is noted that each retail unit has 1 parking space within the rear yard and there are 3 spaces in the layby at the site frontage as shown.
- 1.7 There are residential dwellings (The Crescent) to the east and opposite the site to the south.



View of rear court



Front view showing adjacent units

- 1.8 Site features – unit previously part of beauty salon.

1.9 Access – Access the access arrangements for the unit are unchanged.

2. Site History

- 2.1 The application block was approved in 1990 and has the following history
- 2.2 90/01926/3P 1-3 Church Road Great Glen
Redevelopment of site for the erection of 3 no shops and 4 no flats with access and parking area (revised scheme) 1-3 Church Road Great Glen
- 2.3 02/00307/FUL Change of use A1 (retail) to A3 (food and drink) Chemist Glendale House 1 Church Road Great Glen Leicester LE8 9FE refused and appeal dismissed.

3. The Application Submission

a) Summary of Proposals

- 3.1 Change of use of the existing retail unit to A3 (café and restaurant use) NB this includes the reinstatement of a former front door.

b) Documents submitted

- i. Plans and supporting statements
- 3.2 The application has been accompanied by the following plans and supporting statements:
- Location Plan 1:1250
 - Existing layout 1:250
 - Proposal for tea rooms 1:250

c) Pre-application Engagement

- 3.3 None

4. Consultations and Representations

a) Statutory & Non-Statutory Consultees

1. National Bodies
None
2. Leicestershire County Council

LCC Highways; The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.

4. Harborough District Council
None

5. Other Consultees
None

6. Members of Parliament, Councillors and Parish Councils
Great Glen Parish Council; Neutral but with concern re storage of waste storage.

b) Local Community

7 letters if objection have been received in relation to noise disturbance

- No need for facility
- Will lead to parking problems

- Traffic problems
- Smells
- Congregation of youths
- Litter problems

11 letters of support have been received

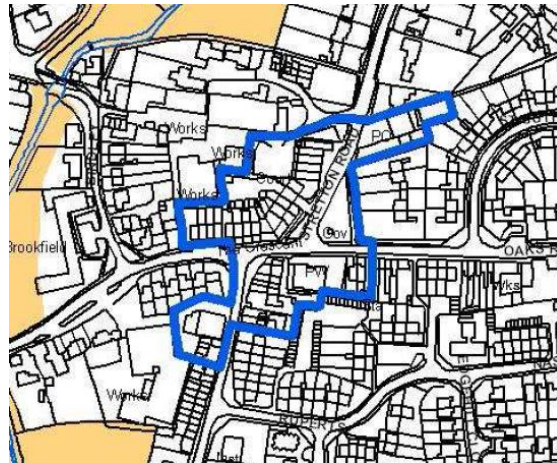
- Need for facility
- Hub for social meetings
- Good location within village

5. Planning Policy Considerations

- 5.1 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.
- 5.2 Permitted development;
Changes to the General Permitted Development order, permitted development (changes of use) introduced in 2015 provides that the proposal -
- 5.4 Change of use from A1-A3 can be carried out as a temporary permitted change of use for a period of up to 2 years, without the need for planning permission, by virtue of Class d part 4 of the GPDO 2015.
- 5.5 NB this temporary permission is not subject to conditions restricting operations.
- 5.6 This being the case the proposal does not need permission for a period of 2 years from commencement. This has been discussed with the applicant and she has indicated that she wants the application to be determined as she is seeking a permanent planning permission.

a) Development Plan and material planning considerations

- 5.7 Reference is made to CS 11 in relation to impacts of development on amenity.



5.8 Extract of plan showing Great Glen principal shopping and business area within which policy SH1 applies (below)

8.8 POLICY SH/1 THE DISTRICT COUNCIL WILL GRANT PLANNING PERMISSION FOR PROPOSALS FOR SHOPPING AND BUSINESS USES (CLASSES A1, A2 AND A3) IN THE PRINCIPAL SHOPPING AND BUSINESS AREAS OF :-

MARKET HARBOROUGH
LUTTERWORTH

AND THE VILLAGE CENTRES OF:

BROUGHTON ASTLEY
FLECKNEY
GREAT GLEN
KIBWORTH

AS DEFINED ON THE PROPOSALS MAP INSETS, WHERE THE FOLLOWING CRITERIA ARE MET :-

1. ADEQUATE PROVISION IS MADE WITHIN THE SITE FOR PARKING AND SERVICING;
2. IN THE DEVELOPMENT OF SITES CURRENTLY USED FOR CAR PARKING, REPLACEMENT OFF-STREET PARKING SPACES SHOULD BE PROVIDED;
3. IN THE CONVERSION OF EXISTING BUILDINGS, FEATURES OF THE BUILDING WHICH ARE IMPORTANT TO ITS CHARACTER SHOULD BE RETAINED;
4. THE DEVELOPMENT DOES NOT DETRACT FROM THE CHARACTER OF THE AREA IN TERMS OF DESIGN, MASS, MATERIALS, HEIGHT OR LOCATION;
5. THE PROPOSED USE WOULD NOT ADVERSELY AFFECT THE AMENITIES OF NEIGHBOURING RESIDENTS BY VIRTUE OF NOISE, VISUAL INTRUSION OR TRAFFIC GENERATION;
6. IN MARKET HARBOROUGH AND LUTTERWORTH, THE PROPOSAL SHOULD NOT RESULT IN THE LOSS OF RESIDENTIAL ACCOMMODATION;

b) Other Relevant Information

5.9 This application is to be determined by Planning Committee because of the number of objections.

6. Assessment

- 6.1 The key issues in this case relate to planning policy and impact on amenity.
- 6.2 The site lies within the defined retail centre of Great Glen and in accordance with retained policy SH1, within which changes of use to A3 (which was a much broader use class in 2001) as it included both pubs and hot food takeaways) is identified as being suitable to maintain the viability of the local centre. Therefore the proposal is in principle acceptable subject to impacts.
- 6.3 In essence the acceptability of the proposal comes down to impacts on the locality and specifically in relation to parking traffic and residential amenity.
- 6.4 Parking- the unit itself has a single parking space in the rear yard although this is not publically available and will be used by the operator.
- 6.5 There is limited parking on street in front of the unit 3 spaces for the 3 existing units and other local centre users, however this is the same position as exists now, the unit in question has an A1 open retail permission and as such could accommodate retail operations of varying intensity including food retail.
- 6.6 The nominal parking requirement as set out within the 6Cs guidance is the same for both retail and café / restaurant use and as such it is considered that there will be no material impact in terms of parking requirement or traffic generation.
- 6.7 Impact on amenity
The application is made for a tea room/ café that it is proposed to be run from approx.
- 0900-1700 Mon- Fri
 - 1000-1600 Sat
 - 1000-1400 Sun and bank Hols
 - There is to be no baking on site and all of the cakes etc. will be baked off site and bought to the premises.
- 6.8 There will be limited cooking on site of cooked breakfasts- although the majority of the products will be cakes and sandwiches.
- 6.9 Given the intensity of the proposal and its existing permission it is considered that matters of waste disposal can be adequately addressed on site without unacceptable harm to amenity.
- 6.10 It is noted that notwithstanding the details submitted by the application in terms of her proposed operation, the application is for a generic A3 use as defined below;
- **A3 Restaurants and cafés** - For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes.
- 6.11 In addition it is noted that the change can take place for a period of 2 years without the need for planning permission.

- 6.12 The application unit sits within a mixed use block including retail uses on the ground floor and independent residential uses above and as such the site is in close proximity to residential properties. (see photos of site above). However the new A3 use café and restaurants differs significantly from the 'old' A3 use which also included pubs and takeaways - uses that are more likely to adversely impact on amenity than this proposal. .

7. The Planning Balance / Conclusion

7.1 Having regard to the planning history of the site, the development plan and other material considerations it is considered that the proposal is acceptable and that it;

- will not lead to unacceptable impacts on the residential amenity of neighbours
- will not cause harm to parking or highway matters within the immediate vicinity of the site
- will not lead to undue noise and disturbance from customers coming and going

There is no evidence arising from the proposal to justify limiting the hours of operation.

7.2 The site is in an area identified for retail and A3 uses within the village centre and it is considered an appropriate location for this form of use. It is noted that there is some support for the proposal identifying a local need for such.

7.3 Underlying the consideration is the fact that the proposal can be carried out as permitted development for a period of 2 years. It is understood that the applicant proposes to commence the use under permitted development and open prior to Christmas.

7.4 Overall the proposal is considered to be acceptable and is recommended for permission subject to the following conditions:

Appendix A – Suggested Conditions

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.

Applicant: Mr & Mrs D Nisbet

Application Ref: 15/01574/FUL

Location: Land Adjoining The Rectory, Norton Lane, Gaulby

Proposal: Erection of a dwelling with detached double garage and cycle store

8 Week Target Date: 27.11.2015

Consultation Expiry Date: 05.11.2015

Case Officer: Nicola Parry

RECOMMENDATION

Planning Permission is **REFUSED**, for the following reason:

Outside of rural centres and selected rural villages, new development including residential development in the countryside and other settlements not identified as selected rural villages will be strictly controlled. The proposed new dwelling would be sited in a remote location with poor accessibility to local services, community facilities and public transport. Future occupiers would lack viable transport alternatives and thereby be overly reliant on the use of the private motor vehicle. The proposal would therefore represent an inappropriate and unsustainable form of development that would be contrary to paragraph 14, 30, 93 and 95 of The Framework and Policies CS5(a), CS9 (a) CS11(c(viii)) and CS17 of the Harborough District Core Strategy.

1. Site & Surroundings

- 1.1 The application site consists of a triangular plot of land (approximately 0.185 Hectares) forming the North-Eastern corner of a larger triangle of land located at the entrance to Gaulby between the roads from Stoughton and Kings Norton.

Figure 1: Aerial view of site



- 1.2 The plot of land was previously part of the garden serving the adjacent dwelling.
- 1.3 The application site is relatively flat and is currently relatively well screened by a mixture of trees and native species. It is enclosed by high hedgerows and mature trees. None of the trees on the site are subject to a Tree Preservation Order.
- 1.4 With the exception of its north-eastern corner, the site lies outside of the Gaulby Conservation Area. There are several nearby listed buildings, including the Manor House (Grade II), which lies to the south of the site on the southern side of Norton Lane, and the Parish Church which lies to the east.

Figure 2: Conservation Area Boundary



- 1.5 Public Footpath C51 runs north from the north side of Stoughton Road, adjacent to the site.

2. Site History

2.1 Relevant Planning History:

- 11/01667/OUT - Erection of a dwelling (Withdrawn)
- 15/00935/FUL - Erection of a dwelling with separate double garage and cycle store (Withdrawn)

2.2 The applications were withdrawn on both occasions as the Planning Officer had advised the agent that the scheme would be refused as Gaulby is not a sustainable location and that prospective occupiers would be dependent on the use of a car to access essential services such as schools, doctors, shops.

3. The Application Submission

a) Summary of Proposals

3.1 The Application seeks full planning permission to erect a dwelling with detached double garage and cycle store.

b) Plans and Documents for Assessment

3.2 The application seeks assessment of the following plans and documents:

- Design and Access Statement
- Arboricultural Report
- Ecological Appraisal
- Topographical Survey
- Visual - view from Stoughton Road
- Proposed Floorplans and Elevations
- Garage/Store

c) Pre-application Advice

3.3 The Applicant sought pre-application advice in January 2015 (pre-app ref: Dev9466). The Planning Officer advised that the advice pertaining to the withdrawn applications still stands and is not outweighed by the fact that there is not currently a 5-year housing supply.

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 received are set out below. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning

4.3 LCC Ecology

The ecology report submitted in support of this application (FPCR, September 2015) is satisfactory. No protected species were identified. However, we would recommend that a note to applicant is added to any permission granted to draw the applicants attention to the recommendations in the report.

The arboricultural survey submitted with the application (FPCR, February 2015) identified an Ash tree (T2) of having a girth of over 3 meters. This therefore meets the Leicestershire and Rutland Local Wildlife Site criteria and we are pleased to see that it is to be retained in the proposed development.

4.4 2 letters of objection have been received:

- The access onto Stoughton Road is potentially dangerous. The road is quite narrow and will not allow a car and a farm vehicle to pass without one or other going onto the verge.
- The application has been refused previously and Research indicates the Council's strategies regarding transport, sustainability and planning have not materially changed since the refusal.
- The point of entry and egress will be on Stoughton Road; this is an unlit and increasingly busy road.

5. Planning Policy Considerations

5.1 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 (DP), unless material considerations indicate otherwise.

a) Development Plan

The following aspects of the Harborough Core Strategy (2011) are relevant to this application

- Policy CS1, CS2, CS5 and CS17

b) Material Planning Considerations

- *Planning (Listed Buildings and Conservation Areas) Act 1990* Section 66 & 72
The Act imposes special duty to consider conservation areas and listed buildings/assets, including setting.
- *The National Planning Policy Framework*
- *National Planning Practice Guidance*
- *New Local Plan*
- *Supplementary Planning Guidance*
- *Year Housing Land Supply Statement*
- *Gaulby Character Appraisal*
The Gaulby Conservation Area was designated in 1994

c) Other Relevant Information

5.2 The application is to be determined by Planning Committee because it has been 'called in' by Cllr Modha

6. Assessment

○ Principle

- 6.1 The Council can not demonstrate a 5 year housing land supply. In those circumstances para.14 of The Framework (NPPF) states that relevant housing supply policies should not be considered up-to-date. The presumption in favour of sustainable development means that unless material considerations indicate otherwise planning permission should be granted, unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 6.2 The site is well related to settlement, with residential properties adjacent and opposite both roads. However, Gaulby is a small remote rural settlement with no facilities and limited accessibility via non-car modes. It is not designated a sustainable rural village, as defined in the Core Strategy. Sustainable rural villages are defined as having at least 2 of the six identified facilities food shop, public house, primary school, library and GP surgery.
- 6.3 The proposed dwelling would be approximately 2.3 miles from the nearest sustainable settlement (Billesdon) which is identified in the Core Strategy as a Rural Centre due to the number of key services it contains, including a Primary School and Village Shop. There are no key amenities within 800m walking distance of the site. The roads to Billesdon are country lanes with no pavement and street lighting. Not many people would walk or cycle the distance during inclement weather or after dark. There is a limited bus services. The site is therefore not easily accessible or well connected to public transport and community facilities. Therefore the proposal is not sustainable development in terms of location.
- 6.4 Members may be aware of a recent DISMISSED appeal decision in Stoughton, which related to the erection of two dwellings. Extracts from this decision demonstrates the above conclusions reached in Para 6.3 are in Officers opinion justified:
- Para 7: "Although the site is located close to, and would be well related to Stoughton, the lack of community facilities within the village means that the proposed dwellings would in effect be somewhat remote...the fact that there is no village shop, public house or other facilities means that potential residents of the dwellings would have to travel for virtually all of their day to day needs. I noted a bus stop on my visit; however, a regular bus service to the village appears to have ceased and the only connections to Leicester are via a dial a ride taxi service."*
- Para 8: "I consider it unlikely that future residents would use sustainable modes to access their day to day needs, being far more likely instead to use private transport to access such services, facilities and employment."*
- 6.5 The accompanying Planning Statement advises that since the 2011 withdrawn scheme planning permission has been granted for a new dwelling at The Paddock, which lies approximately 75 metres north-east of the application site. However, both the extension of time application (10/01662/ETF) and the original application (08/00608/FUL) were approved before the Core Strategy and The Framework were adopted and therefore the applications were considered under previous planning policies.
- 6.6 The Statement also refers to appeal decisions outside the District. Whilst these are material considerations, a) the application is judged on its individual merits b) appeal

decisions within the District are considered more appropriate as a means of comparison.

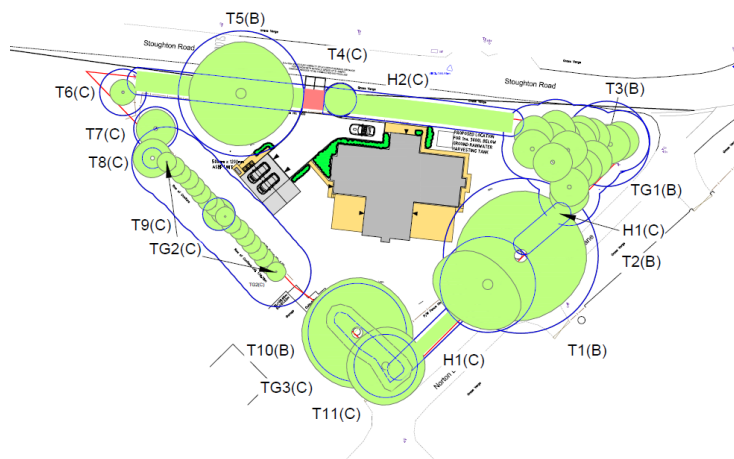
○ Design, Scale, Appearance

- 6.7 Gaulby is characterised by relatively large, predominantly detached properties set within spacious plots.
- 6.8 The application proposes a two storey, 5 bedroom dwelling (295m²) and a separate timber framed, double garage and cycle and garden store (47m²) within a relatively spacious plot.



- 6.9 It is proposed to orientate the dwelling centrally on the site on a North/South axis. The appearance of the proposed dwelling is of a modern style, but incorporates a simple pitched roof and use of local materials to link in with village character.
- 6.10 The Design and Access Statement advises the proposed dwelling has been designed to take advantage of Passivhaus principals in terms of orientation, fenestration design, insulation, thermal mass and ventilation.
- 6.11 The dwelling will be visible from the highway, however the existing boundary vegetation will soften its impact on its immediate environs.
- Highways
- 6.12 It is proposed to construct a new 3.1m wide vehicular access off Stoughton Road by cutting out a small section of the existing hedgerow. In order to provide vehicular visibility splays (2.4m x 59m) in line with 6C's, it is proposed that the boundary hedge to the North of the site is trimmed back. The accompanying Arboricultural Report (FPCR, September 2015) confirms this hedge to be low in arboricultural value. The loss of this hedgerow can be mitigated by sympathetically managing the currently unmanaged hedges.
- 6.13 There is a turning space within the site to ensure that a car can enter the site in a forward gear, turn around and exit in a forward gear and also appropriate space to park three or more vehicles.
- 6.14 The Highway Authority has assessed the application and has raised no objections subject to conditions.

- Residential Amenity
- 6.15 The proposed dwelling has been sited and designed to avoid causing any unacceptable loss of daylight or privacy.
- Trees
- 6.16 As the plan demonstrates below, the proposed dwelling has been sited to ensure it falls outside the site's Root Protection Areas (RPA's) and therefore the existing tree cover is not adversely affected by this development. Furthermore, it is proposed that the existing tree cover will be retained which help the dwelling to assimilate into its surroundings.



- 6.17 The accompanying Ecological Appraisal (FPCR, September 2015) confirms that the proposed development would have no impact on any statutory or non-statutory designated sites of nature conservation importance or any other site of local nature conservation importance.
- Ecology
- 6.18 The Appraisal also confirms there are habitats within the site which are suitable to support reptiles and this habitat will be lost as part of the proposal. However, given the the small size of the habitat present, its loss would be unlikely to have any negative impact on the conservation status of any reptile population within the local area.
- Heritage Assets
- 6.19 The Conservation Area of Gaulby lies adjacent to the site and cuts across a small part of the Eastern corner of the site. The Manor House, to the south is the closest Listed Building. The Conservation Officer has advised that due to the site's existing planting and the scale of the proposed dwelling is in keeping with others within the locality, the proposal will not harm the character of the Conservation Area or the setting of the nearby Listed buildings.

7. Conclusion

- 7.1 Sustainability is multi-faceted; it has economic, social and environmental dimensions. The proposal would make a minor contribution to economic sustainability through the construction of the dwelling and the new occupants providing some support to local services and businesses. From a social perspective the proposal will contribute to the local undersupply of housing. In terms of

environmental considerations it is an efficient use of land and the dwelling has been designed to be energy efficient.

- 7.2 The proposal would not adversely affect highway safety, residential amenity ecological or heritage interests. However, the proposal is not a suitable site for housing, having regard to the principles of sustainable development. Taking these points into consideration, on balance, the harm caused by the proposal significantly and demonstrably outweighs the benefits of the scheme.
- 7.3 In reaching this decision, regard has been had to the recent appeal decision at Land at Old Charity Farm in Stoughton (Ref: APP/F2415/W/15/3014897)

Recommendation: REFUSE

Planning Committee Report

Applicant: Mr Simon Cottom

Application Ref: 15/01627/FUL

Location: Tall Trees, Mill Lane, Shearsby

Proposal: Increase in roof height and installation of dormer windows; erection of a two storey side and rear extension; erection of a balcony to the west elevation; erection of a porch to front elevation and installation of timber cladding

Application Validated: 14/10/15

Target Date: 09/12/15

Consultation Expiry Date: 27/11/15

Site Visit Date: 29/10/15

Case Officer: Ruth Meddows-Smith

Recommendation

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

- The conditions set out in Appendix A

1. Site & Surroundings

1.1 The site is located on the southern entrance to the village on the western side of Mill Lane and is approximately 0.13 hectares. The site forms the dwelling residential curtilage of 'Tall Trees', a 1960s detached bungalow. Access is off a shared (private) access with neighbouring bungalows of similar age and design, known as "Low Eaves" and "Mill House". The boundaries of the site are marked by mature trees and shrubs beyond which are fields (to west and north) and other domestic gardens and dwellings (to north and east). The site is within the Conservation Area of Shearsby,

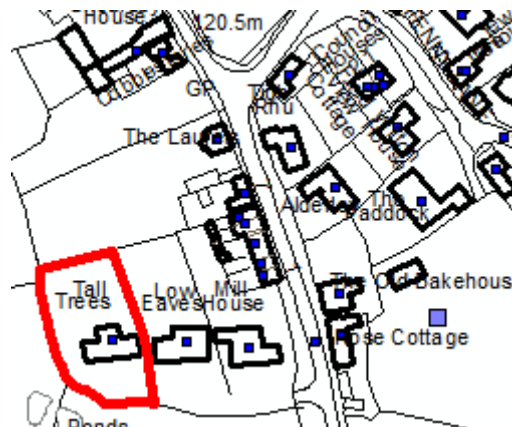


Figure 1: Site Location



Figure 2: View looking north east at existing dwelling



Figure 3: view looking east



Figure 4: view looking west

2. Site History

- 2.1 12/01332/FUL – Demolition of existing bungalow and erection of a two storey detached dwelling (and associated Conservation Area Consent) – Refused;
 13/00245/FUL – Demolition of existing dwelling and erection of a dormer bungalow (resubmission of 12/01332/FUL) (and associated Conservation Area Consent) – Approved
 For ease of comparison of these applications with both the existing bungalow and this current proposal, see table:

	Existing dwelling	12/01332/FUL - Refused	13/00245/FUL - approved	15/01627/FUL – pending decision
Ridge height (m)	4.3	7.9	7	7
Max eaves height (m)	2.4	5	3	3.2
Overall depth (m)	10.1	11.7	10.4	12.3
Overall width (m)	17	21.5	23.6 (incl detached garage; 17.2 without)	18.9

3. The Application Submission

a) Summary of Proposals

3.1 The proposal seeks planning approval for the alteration and extension of the existing bungalow as follows:

- 1.5 storey side extension (to west);
- conversion of existing integral garage to habitable accommodation;
- conversion of existing bedrooms to integral garage (east elevation);
- single storey rear extension;
- 1.5 storey rear extensions;
- balcony to side elevation (west);
- increase in ridge and eaves height to form habitable accommodation in roof;
- increase in roof pitch and ridge height o east elevation (proposed integral garage)
- installation of dormer windows to front and side (west) elevations;
- installation of two conservation style rooflights;
- installation of timber cladding to part elevations;
- open-sided porch to front elevation
- alterations to openings, including replacement windows

b) Documents submitted

i. Plans

3.2 The application has been accompanied by the following plans –
 Location Plan
 Existing (elevations and floorplans)
 Proposed (elevations and floorplans)
 Proposed – Site Plan

ii. Supporting Statements

- 3.3 The application has been accompanied by the following supporting statements –
Design and Access Statement

c) Amended Plans and/or Additional Supporting Statements/Documents

- 3.4 Since validation of the current application, the applicant has submitted an amended plan drawing number C12(PL)01 rev b. The amendments are as follows:
- reduction in eaves and ridge heights of the two 1.5 storey gables on the rear (north) elevation;
 - reduction in ridge height and alteration to proposed roof pitch of the garage.

A bat survey will be submitted and any response from County Ecology included in the Supplementary Information.

d) Pre-application Engagement

- 3.5 Prior to submitting the planning application without prejudice advice was given by Louise Finch, drawing attention to the sensitivity of the site being on elevated land within the Conservation Area and adjacent to other bungalows; the need to provide a visual transition between any increased ridge height and the neighbouring property 'Low Eaves'; and adherence to the principles of the approved scheme.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 21st October 2015 and included a site notice put up on 29th October 2015, and a notice in the Harborough Mail on the same date. This initial consultation period expired on 19th November 2015. Reconsultation on the amended plans commenced 13th November and expires on 27th November 2015.
- 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.

a) Statutory & Non-Statutory Consultees

- 4.3 **Shearsby Parish Council**
Parish object to the proposal, ten grounds:
1. proposed garage roof is higher than previous application;
 2. Neighbourhood Plan being prepared, most residents prefer 2 bed properties;
 3. Increase in ridge will "dominate the southern views" from the footpath and are not in the "older village vernacular" style;
 4. Increase in ridge will unbalance this grouping of three bungalows;
 5. Construction traffic etc obstruct Mill Lane and the private driveway;
 6. Doesn't appear to comply with current standards regarding insulation;
 7. No bus service to the village as mentioned in the Design & Access Statement;
 8. Raising of ridge will have a visual impact – over 60% greater than existing;
 9. Footprint should be increased rather than height;
 10. Draws LPAs attention to the ten conditions of approval of the extant Permission, and the associated notes to applicant.

HDC Conservation officer

- 4.4 “The site is located on the edge of the Conservation Area of Shearsby, is located away from the core of the village and consequently is not visible from key points within the Conservation Area. As a result of this, and the fact that the existing property has no particular architectural merit, the proposed extensions although large are considered to result in an improvement on the current situation and therefore will preserve and enhance the special character of the Conservation Area. Overall no objections are raised with regards to the proposals and the development is considered to comply with Chapter 12 of the NPPF.”

LCC Ecology

- 4.5 Bat survey requested as proposal will affect an existing roofspace which bats are likely to be using.
- 4.6 Any further comments received as a result of re consultation on the amended plan will be included on the Supplementary List.

b) Local Community

- 4.7 10 objections received, from 10 households (including one in Countesthorpe and one in Leicester). Re consultation on the amended plan has been carried out: any further representation received as a result will be included on the Supplementary List.
- 4.8 Visual amenity issues raised through representations:
- will overshadow smaller “historical” cottages in village centre, changing character of Conservation Area
 - not in keeping with (the scale of) surrounding style of properties
 - “carbuncle reaching across the picturesque views”
 - balcony not in keeping with the Conservation Area/landscape
 - street scene (no details given)
 - will be visible from southern approach to the village
 - will dominate the church, a Listed building
 - size “far exceeds that which was allowed in 2013”
- 4.9 Residential amenity issues raised through representations:
- takes neighbours light and view
 - overlooking
 - loss of light
- 4.10 Traffic impact issues raised through representations:
- private driveway too narrow for construction vehicles and those vehicles delivering construction materials
- 4.11 Other issues raised through representations:
- inaccurate drawings
 - gate has been erected across private drive, enclosing it within curtilage of Tall Trees, was Planning Permission required “for this change of use”?
 - completed dwelling would be sold to a large family “which would put excessive strain on services”
 - disruption (no details given)
 - bats (no details given)
 - sewer drainage adverse impacts from large family home
 - possible damage to gas pipe under private road

- 4.12 Officers have checked the annotated measurements on the plans and can confirm that these match the measured drawings when scale at the appropriate 1:00 or 1:50.
- 4.13 Officers consider that there is no change of use from residential curtilage caused by the erection of the gate across the driveway of Tall Trees.
- 4.14 4 letters of support received (three from Shearsby, one from a resident in Bruntingthorpe who frequently uses the footpath) stating:
- current property “run down”, proposal will enhance and improve it
 - improves the entrance to the village
 - no impact on neighbouring properties
 - is in keeping with other new and upgraded dwellings in the village
 - will adapt and enhance “building stock” in the village
 - improvement on current approval

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 CS8 and CS11. These are detailed in the policy section at the start of the agenda.

b) Material Planning Considerations

- *The National Planning Policy Framework* (“the Framework”)
- 5.3 Paragraphs 14 (presumption in favour of sustainable development); 17 (core planning principles); 58, 60, 61 and 63 (requiring good design); 118 (biodiversity) and; chapter 12 (conserving and enhancing the historic environment) are particularly relevant.
- *Supplementary Planning Guidance*
- 5.4 The Supplementary Planning Guidance Note that is relevant to this application is Note 5: Extensions to Dwellings.
- *New Local Plan*
 - *The National Planning Policy Guidance*
 - *The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990*

c) Other Relevant Information

- *Reason for Committee Decision*
- 5.5 This application is to be determined by Planning Committee due to the level of counter-representation received.

6. Assessment

a) Principle of Development

- 6.1 The application has been submitted for Householder development. The previous approval granted Full Planning permission for a replacement dwelling. The principle of extensions to the existing dwelling is therefore considered acceptable.

b) Housing Requirement and Housing Land Supply

- 6.2 The Council presently does not have a 5 year Housing Land Supply. As this proposal is for development to an existing dwelling, it will have a neutral affect on the 5 year supply.

c) Technical Considerations

1. Scale, appearance and landscaping
- 6.3 The proposal is set on a similar footprint to the existing dwelling, with the front elevation entirely in line as the existing. The extensions will result in a larger dwelling than the existing; however as the table at section 2.1 shows, this is generally commensurate with the extant Planning Permission. The design is also similar, as seen below:



Extant Permission – front elevation



Current application – front elevation



Extant Permission – rear elevation



Current application – rear elevation



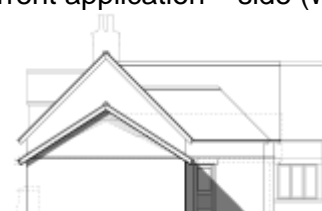
Extant Permission – side (west) elevation



Current application – side (west) elevation



Extant Permission – side (east) elevation



Current application - side (east) elevation

Figure 5: Design comparison

- 6.4 The design of the front elevation can be considered to be an improvement on the extant Permission: it has a horizontal, linear emphasis (the pitch on the dormers is

flatter); the dormers are positioned neatly above the ground floor windows; and the off-set front porch gives asymmetrical interest.

- 6.5 The deepest rear gable has a projection of 5.8m, 2.55m beyond that of the existing conservatory on which footprint it is largely sited. As it is set in from the side elevation and set down from the ridge, and bearing in mind the use of glass and high quality materials, it is not considered to cause harm to the character of the area.
- 6.6 Although the proposal has a different design to both the existing bungalow and its neighbour at 'Low Eaves', it is considered show some respect for the character of the street scene, particularly in that the ridge height of the garage, closest to 'Low Eaves' matches that of this neighbour, due to the difference in ground levels. This ensures a smooth visual transition between the raised roof of the proposal and the existing low ridgeline of 'Low Eaves'.
- 6.7 Materials will be brick, some timber cladding and plain clay tiles on the roof. The existing crittall steel windows will be replaced with painted hardwood windows. The proposed porch and balcony will be supported on timber posts. Subject to a suitable condition, the materials are considered acceptable.
- 6.8 No trees will be removed or affected as a result of the proposal. The area of hardstanding at the front of the dwelling will be increased, to form a hard surface providing access to the new garage. Permeable block paving will be used, rather than the existing concrete.

2. Impact on the character and appearance of the Conservation Area and countryside

- 6.9 The site lies within the Conservation Area of Shearsby, on the south-western edge. The previous approval found no harm to the character and appearance of the Conservation Area and the Conservation Officer has not objected to this scheme.
- 6.10 The site is located in an elevated position on the edge of the village. There are several public footpaths in the vicinity including footpath Y73 which runs from the west and passes near the southern edge of the site, on the other side of the boundary hedge. Although there are mature trees to the southern boundaries, glimpses of the three bungalows can be seen upon entering the village from Mill Lane and these would be more prominent particularly during the winter months.



Figure 6: View towards the site from Mill Lane entrance to Shearsby.

- 6.11 Although the appearance of the site will alter when seen from the footpath and possibly from the entrance to the village on Mill Lane, it is not considered that this altered view will be harmful to the character and appearance of the countryside. The site boundaries with their mature trees remain and no incursion into the countryside is proposed. The altered dwelling will be seen within the context of, and against the backdrop of residential development.
- 6.12 The private road serving the three bungalows runs westwards off Mill Lane and rises to the west, with the land levels gently sloping down again somewhat within the site (as seen on Figure 3 above). The building is not important within the Conservation Area and is not part of the historic core of the village. When seen in the wider context the proposals are modest and, in the opinion of officers, no harm to the countryside will be caused. The Church of St Mary Magdalene is Grade II* Listed and is approximately 278m to the north-north-east of the site. The proposal is not within the immediate setting of the Church and again, when seen in the wider context and bearing in mind the distance from the Church, is not considered to harm the wider setting of the Listed building.
- 6.13 Given the lower garage element on the easternmost point of the proposal, the changes in ground levels, the modest nature of the proposal when seen in the wider context and the extant Permission (to which is attached significant weight), on balance it is not considered that this scheme will cause a significant adverse impact on the character of the Conservation Area or village as a whole, although it is acknowledged that the low key character of this part of the village would be altered.

3. Ecology

- 6.14 A bat survey was not submitted with the application, and is required prior to determination. This has been provided by the applicant and is considered within the Supplementary Information. Any necessary mitigation can be controlled by condition and the presence or not of bats is not considered a reason for refusal.

4. Highways

- 6.15 No alterations to access are proposed and Highways have not made any comments. Based on the requirements of the 6 Cs Design Guide, parking provision for three cars is required. The proposed garage meets the internal dimensions required by the 6 Cs and is therefore counted as one space. There is sufficient space elsewhere within the hardstanding at the front of the dwelling for another two cars. Turning is also possible within the curtilage.
- 6.16 Objections have been received relating to the use of the private road and access by construction vehicles, including those delivering materials to the site. Officers consider that right of access and construction vehicle movements over the private driveway is a civil matter for the owners of the driveway. The same applies to the maintenance of the driveway, including if there are any allegations of damage to it or the surfaces beneath it. A condition requiring submission of a satisfactory Construction Method Statement is recommended, in order to control issues such as hours of work, wheel cleaning and parking of construction vehicles.

5. Residential Amenity

- 6.17 Most impact lies to the east, to the neighbouring bungalow 'Low Eaves'. Bearing in mind that the proposed garage adjacent to this neighbour is sited on lower ground with an identical footprint to the existing building, it is not considered that the proposal will cause any overbearing impact on this neighbour. Although the proposed dwelling is deeper than the existing, these extensions are set away from the east boundary. The 45 degree rule is not broken when taken from the neighbour's nearest principal windows. There are proposed windows on the rear elevation (serving an ensuite bathroom and a bedroom). These are 16.6m and 10.7m away from the east boundary respectively and is considered to represent an acceptable side by side relationship, particularly given the extant Permission which allowed three windows, the nearest being 9.5m to the boundary.
- 6.18 The north boundary of the site is approximately 21.5m from the proposed rear elevation. Beyond this north boundary lie the gardens of neighbouring properties. Given that the minimum separation distance (principal window to principal window) required by SPG2 is 21m, and that the site and its northern neighbours are at 90 degrees to one another with The Laurels and 7 Mill Lane set eastwards within long plots, the proposal is not considered to cause any harm to the amenity of this neighbour. There are no neighbours to the west or south of the site.

d) Sustainable Development

- 6.19 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 modest economic benefit in the construction of the extensions and alterations, and provides employment for suitable craftspeople.
 - Social
The proposal provides suitable habitable accommodation for the existing residents, ensuring that the dwelling remains suitable for their needs. This will encourage the current family, and also any future family, to remain in the village, contributing to the ongoing social sustainability of the settlement.

- Environmental
The proposal is not for an additional dwelling, so (beyond the initial construction period) vehicular movements are unlikely to increase long-term. By its design and materials, the proposal is not considered to cause harm to the character and appearance of the surrounding area. It is therefore considered that it will have not have a negative impact on the environment.

7. The Planning Balance / Conclusion

- 7.1 The proposals will alter the appearance of the site, and may alter the appearance of this part of the village when approached from the south along Mill Lane. The character of the 1960s development will be altered, as the design of one of the three bungalows will change. The appearance of the Conservation Area will change, both at the site, and possibly on the approach to the village.
- 7.2 An extant Planning Permission could be implemented for a replacement dwelling that would have the same impacts and this carries considerable weight in the determination of this application. The design of the current proposal is considered to be an improvement on the extant Permission. No harm has been identified to residential amenity, protected species, highway safety, the character and appearance of the area, the countryside or the Conservation Area.
- 7.3 Taking all these matters into consideration, the proposal is considered acceptable on balance and in accordance with Policies CS11 and CS17 of the Harborough District Core Strategy. No other material considerations indicate that the policies of the development plan should not prevail. The recommendation is made taking into account paras 186-187 of the Framework.

APPENDIX A – Planning Conditions

8. Planning Conditions

- 1) **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) **Materials Schedule**
No development shall commence on site until a schedule indicating the materials to be used on all external elevations of the development hereby approved 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.
- 3) **Permitted Plans**
The development hereby permitted shall be in accordance with the following approved plans location plan, Proposed Site Plan drawing number C12(90)02 and Proposed (Plans and Elevations – Amendment A) drawing number C12(PL)01 rev b.
REASON: For the avoidance of doubt.
- 4) **Construction Method Statement**
No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) wheel washing facilities; and
 - e) hours of construction work, including deliveries;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.
- 5) **Openings**
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the northern/eastern elevation(s) of the development hereby permitted
REASON: In the interests of residential amenity and privacy and to accord with Harborough District Core Strategy Policy CS11

Notes to applicant:

- 7) 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.