

PLANNING COMMITTEE, 1st MAY 2012

APPLICATIONS FOR DEVELOPMENT

APPLICATIONS FOR DETERMINATION BY COMMITTEE

11/01780/FUL – Kibworth Harcourt Mr and Mrs Neil and Judy Driver	Substitution of house type to plot 4 of 11/00799/FUL to include first floor side extension at Pinecote, Albert Street
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Target Date: 10/02/12

Recommendation

APPROVE

The dwelling hereby approved will respect the local character and qualities of the area and not damage the street scene. The proposal will also safeguard residential amenity. The proposal is therefore considered to accord with Harborough District Core Strategy Policies CS2 and CS11 and no other material considerations indicate that the policies of the development plan should not prevail.

Site:

The application site is located within the Limits to Development of Kibworth Harcourt. The site previously contained a bungalow, which has now been demolished, and its large garden. The overall site is surrounded by residential properties and on three sides of the site gardens of these properties back on to it. At the front of the site is a large pine tree which is protected by a Tree Preservation Order. The site fronts a Conservation Area but is not within it. Work has commenced on site. The two properties at the front of the site are built and the house subject of this application is built. The first floor extension subject to this application has also been built.

The Proposal:

The proposal is for the substitution of house type of Plot 4. The addition to the dwelling house approved as part of application 11/00799/FUL is a first floor extension.

Information:

This application is being reported to the Planning Committee for determination because more than 5 letters of objection have been received.

Policy:

Harborough District Council Core Strategy
Policy CS2: Delivering New Housing
Policy CS3: Delivering Housing Choice and Affordability
Policy CS11: Promoting Design and Built Heritage

Supplementary Planning Guidance Note 3 Development of single plots, small groups of dwellings and residential development within Conservation Areas

Consultations / Representations:

Parish Council: No comments

Representations:

Six letters of objection received from 21A, 23, 25 and 27 Marsh Drive and 7 and 9 Windmill Gardens. They raised the following points – 1) Take great exception to the proposal. Has already become reality on the ground and its new form is an abomination to this particular area. 2) The site is situated in a location that consists mainly of bungalows and the original plans were to mould in with this theme using whatever methods necessary to make this possible. In a search for their ultimate aim the owners of the site are continually submitting updates to the plans until eventually they hope to achieve that ultimate aim over any respect for the local 'Development Plan' and their future neighbours. 3) The proposed plan, the construction of which is well underway, is a stain on the area and an eyesore to the local populace. 4) Inappropriate to the 'Development Plan' as not compliant with Structure or Local Plan policy, will create a dominant and oppressive environment for others, the design is out of keeping with the area, it is visibly intrusive to others. 5) Although planning hasn't been approved, the work is already taking place. It makes a mockery of the system. 6) If this application is still under consideration why does this property now have its roof on with this first floor side extension apparently completed? 7) Grave concerns about the retrospective application with regard to the extension that has already been built. The house that has been built is already much larger than any of the single storey bungalows that surround it. 8) We now have no privacy at all in our garden, kitchen and living room. 9) If this extension is allowed to remain what is to stop Mr and Mrs Driver further expanding this house or plot 3 and joining the two together and again applying for retrospective planning so we have the same fight on our hands. 10) The planning department have been very lax in the way they have dealt with the whole planning issue with regards to these two plots. Letters of changes of planning permission have not arrived at our address or we would have objected strongly to applications submitted.

One letter of objection from 23 Marsh Drive further to Amendment A – 1) Find it difficult to understand how there can be amended plans for a property that has already been built. Surely this anomaly should have been discovered before the building was in place. This is yet another example of the poor management of this whole development.

Councillor King has also objected for the following reasons – 1) The application is for a large house already granted permission. Whilst not averse to larger houses this site is located within Kibworth Harcourt, a nationally recognised heritage and conservation location. 2) The proposal for the extension is disproportionate and creates an 'ugly' design through the massing effect. It appears to jut out and sit at odds with the rest of the property and is out of keeping with the local area. 3) The relevant policies are CS2 b), that housing should be of the highest design and also CS11 a) development should be inspired by respect and enhance local area, b) should respect the context and the unique characteristics of the individual site, c) iii) of a scale, density and design that would not cause damage to the qualities, character and amenity of the areas in which situated and lastly policy CS17 c) rural development will be located and designed in a way that is sensitive to its landscape setting. 4) For these reasons believe that this application will not enhance the built environment in this locality and for all the above reasons the extension should be refused.

Other Information:

History:

12/00400/PCD - Discharge of Condition 5 (drainage) of 11/00799/FUL (revised scheme of 12/00060/PCD) – Permitted (Plots 3 & 4)

12/00094/PCD – Discharge of Conditions 2 (levels) and 4 (drainage) of 10/01353/FUL and Conditions 3 (levels) and 5 (drainage) of 11/00181/FUL – Pending Consideration (Plots 1 & 2)

12/00061/PCD – Discharge of Condition 9 of 11/00181/FUL and 8 of 10/01353/FUL (hard and soft landscaping) (revised scheme of 11/01165/PCD) – Permitted (Plots 1 & 2)

12/00060/PCD – Discharge of Conditions 3 (levels), 4 (materials) and 5 (drainage) of 11/00799/FUL – Drainage details refused (Plots 3 & 4)

11/01165/PCD – Discharge of Conditions 8 of 10/01353/FUL and 9 of 11/00181/FUL – Withdrawn

11/01157/PCD – Discharge of Condition 7 (hard and soft landscaping) of 11/00799/FUL – Permitted

11/00799/FUL – Substitution of house types to Plots 3 and 4 of 08/01159/FUL – Permitted

11/00200/FUL – Substitution of house type of Plot 4 of 08/01159/FUL (revised scheme of 10/01567/FUL) – Permitted

11/00181/FUL – Substitution of house type to Plot 2 (revised scheme of 10/00266/FUL) – Permitted

10/01567/FUL – Substitution of house types to Plot 4 of 08/01159/FUL – Withdrawn

10/01353/FUL – Substitution of house type to Plot 1 of 10/00266/FUL to form single storey side extension – Permitted

10/00266/FUL – Substitution of house types to Plots 1 and 2 of 08/01159/FUL to include alterations – Permitted

08/01159/FUL – Erection of four one and half storey dwellings and associated garaging (revised scheme of 08/00681/FUL) – Permitted

08/00681/FUL – Demolition of existing bungalow and erection of four dwellings and associated garages (revised scheme of 08/00099/FUL) – Refused

08/00099/FUL – Demolition of existing bungalow and erection of four dwellings and associated garages – Withdrawn

05/01551/FUL – Erection of a replacement dwelling with attached garage (revised scheme of 05/00747/FUL) – Refused

05/00747/FUL – Erection of a replacement dwelling – Permitted

04/01416/FUL – Erection of first floor extension and a two storey and single storey side extension – Permitted

02/01783/FUL – Erection of single storey extensions to both sides of bungalow, porch and detached garage – Permitted

Planning Considerations:

Policy Assessment:

The relevant Core Strategy policies are CS2, CS3 and CS11. CS2 specifies where new housing is to be located and this includes Rural Centres of which Kibworth is one. This states that development should be of the highest design standard 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. Policy CS3 states that all residential developments within Harborough District will be required to contribute towards meeting affordable housing needs. The threshold is one dwelling. On sites providing 1 or 2 dwellings provision will be by way of a commuted sum. Policy CS11 stresses the importance of good design. It states that development should be inspired by, respect and enhance local character, building materials and distinctiveness of the area. Development should be of a scale, density and design that will not cause damage to the qualities, character and amenity of the areas in which they are

situated and ensure that the amenities of existing and future neighbouring occupiers are safeguarded. It should also reflect the streetscape in which it is situated and include an appropriate landscaping scheme where needed.

In his 2011 Budget the Chancellor of the Exchequer published proposals to help rebuild Britain's economy. The planning system has a key role to play in this and on 23 March 2011 Greg Clark, Minister of State for Decentralisation, made a Written Ministerial Statement - "Planning for Growth" which sets out the Government's commitment to reforming the planning system so that it promotes sustainable growth and jobs. The Government expects that proposals for development and growth should, wherever possible, be allowed except where this would compromise the key sustainable development principles set out in national planning policy. The statement states that the "Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy". It also states that "When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development".

Principle of Development:

The dwelling house was approved as part of application 11/00799/FUL. This application is for some alterations to this approved scheme. They include a first floor side extension and the roof of the sun room is being altered from hipped to pitched. The principle of and the design and siting of the main dwelling house has been approved and so only the new additions/alterations are to be considered as part of this application.

Amended plans have been received as there was a discrepancy between the floor plans/elevations and the site plan. The property has been built in accordance with the floor plans and elevations but on the site plan the two storey side extension was shown as being shorter (approximately 5.5m) than on the floor plans/elevations (6.55m)

Design:

The first floor extension is to be above the approved single storey side extension. This single storey side extension had a hipped roof with the ridge line being 5.45m high. The first floor extension will result in the extension being 7m high. This is still lower than the ridge line of the main dwelling house and therefore appears subordinate to the dwelling in accordance with guidance set out in Supplementary Planning Guidance Note 5.

The single storey sunroom is in the same location as previously and is the same height and size. The difference is that it did have a hipped roof and now it is to have a pitched roof. There is also to be timber detailing in the gable. This is the same as the sun room at the rear of Plot 2.

It is considered that the design of the extensions are in keeping with the dwelling house and the development. The extensions are of a scale, density and design that will not cause damage to the qualities and character of the surrounding area. The proposal therefore complies with Policy CS11 of the Core Strategy.

Affordable Housing:

Policy CS3 states that affordable housing must be provided when there is a net gain of one dwelling. However, it could be perceived as unreasonable to request a commuted sum in this instance as it is a substitution of house type.

Residential Amenity:

It is not considered that the first floor extension will adversely affect residential amenity because it is of sufficient distance from the boundary so as to not be overbearing. There are

also no windows proposed except for two small roof lights and so there will be no loss of privacy. The alteration of the sun room roof is also considered to be of a small enough scale so as to not be overbearing. It is therefore considered that residential amenity is safeguarded and so the proposal complies with Policy CS11 of the Core Strategy.

Highways and Parking Considerations:

There are to be three parking spaces which is an acceptable provision for a house of this size, four bedrooms.

Conclusion:

It is considered that the proposed alterations will be of such a scale and design so as to not harm the character and qualities of the area. They will also not adversely affect residential amenity.

Affordable housing is not being requested as it is a substitution of house type and so approval for the dwelling has already been granted.

Conditions/Reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be in accordance with the following approved plan 8320/2G. Reason: For the avoidance of doubt.
3. The proposed ground levels and finished floor levels shall be as shown on the plan entitled 'Levels as Existing and Proposed Plots 3 and 4' dated January 2012 submitted as part of application 12/00060/PCD. Reason: To ensure a satisfactory form of development which is compatible with the character of the surrounding locality and to accord with Policy CS11 of the Harborough Core Strategy.
4. The materials are to be as follows:
Walls - Brick Baggeridge Oast Russet
Roof - Aranda 50 x 25 roof slate
Cills - Meadowstone Ivory Cast Stone
Windows and bi-fold doors - Painted timber
Garage door - Sectional Oak Timber effect door
Front Door - Solid Oak
Reason: To ensure the development respects and enhances the local character and building materials of the area and to accord with Policy CS11 of the Harborough District Core Strategy.
5. The foul and surface water drainage for the site is to be as approved as part of application 12/00400/PCD. Reason: To ensure the satisfactory drainage of the site and to accord with the National Planning Policy Framework.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouse hereby permitted or within their curtilage. Reason: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning

permission should be granted for additions, extensions or enlargements and to accord with Harborough District Core Strategy Policy CS11

7. The hard and soft landscaping shall be as approved under application 11/01157/PCD and in accordance with plan reference 1023-PL1-02 Rev A. Reason: In order to ensure that the development respects the local character of the area and accords with Policy CS11 of the Harborough District Core Strategy.

12/00040/FUL – MARKET
HARBOROUGH

Substitution of house types to plots 329,330,
347-350, 355, 356, 609, 610, 613, 614 and
amendments to garaging/parking -Land west
of Farndon Road

David Wilson Homes East Midlands

Target Date: 06/04/12

Recommendation :

APPROVE with the appended legal agreement, conditions and reasons with following justification:

In the opinion of the District Planning Authority, the development hereby approved would preserve the surrounding form and character of the settlement, would not have an adverse affect on the amenity of adjoining residents, and would not result in additional traffic which would give rise to a road safety hazard. Furthermore the proposal and its supporting environmental information including that considered at outline stage indicates no adverse environmental impact will arise that has not been assessed and shown to have no adverse impact. The proposal is therefore considered to comply with the National Planning Framework, Core Strategy Policies CS2, CS5 and CS/11 and saved policies; MH/3 and HS/8 of the Harborough District Local Plan and no other material considerations indicate that the policies of the development plan should not prevail.

Information:

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

Background:

This application relates to a long established residential site located on the south western fringe of Market Harborough, on previous agricultural land to the south of the Farndon Farm shop. The site is the subject of an extant reserved matters application for 629 dwellings and several detailed applications by different developers each bringing forward a part of the site. The site is being developed by a number of different house-builders, hence the requirement to substitute the approved housing to meet the specific builder and alter the layout accordingly.

Overall Site:

The 25.1 hectare site is relatively flat agricultural land to west of Market Harborough. Its northern boundary is formed by the river Welland and an embankment separating from Willow Close. Open countryside lies to the west and south. The eastern boundary includes a small industrial estate, farm shop with dwelling and residential caravan park. A number of fields, footpaths, hedgerows and trees occupy the site predominantly to its boundaries. This proposal relates specifically to plots on the western part of the overall site.

The Proposal:

This application seeks revisions to the house types on plots 329,330, 345, 347-350, 355, 356, 609, 610, 613, 614 and amendments to the garaging, parking and servicing for plots 608-610. The revisions are to suit the current market requirements of the Applicant in terms of style and size. The overall number and broad layout of the site will remain as approved. The proposals are for mainly 3 and 4 bed dwellings and a smaller 2 bed of traditional 2 storey and 2 and a half storey proportions. The housing mix retains a relatively even distribution of unit sizes which is appropriate to the size and location of development.

Policy:

National

National Planning Policy Framework (NPPF)

Harborough District Local Plan (retained policies):

Policy MH/3 – Allocated housing site land East Farndon Road.

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

Core Strategy, adopted November 2011

The Core Strategy policies of relevance are:

Policy CS1: Spatial Strategy

Policy CS2: Delivering New Housing

Policy CS3: Delivering Housing Choice & Affordability

Policy CS5: Providing Sustainable Transport

Policy CS7: Enabling Employment and Business development.

Policy CS11: Promoting Design & Built Heritage

Policy CS12: Delivering Development & Supporting Infrastructure

Policy CS13: Market Harborough

Supplementary Planning Guidance Notes:

Note 1- Design Principles

Note 2- Residential Development

Land West of Farndon Road Planning and Development Brief.

Consultations / Representation:

Local Residents:

None received

Leicestershire Highways:

Needs to comply with adopted Highways Guidance.

Environment Agency:

None received (site is not within the flood plane, has previous consent and the whole site was the subject of a FRA)

Market Harborough Civic Society:

None received.

HDC Environmental Health:

None received

LCC (Ecology):

Other Information:

History:

01/00181/OUT – Outline permission for residential development of 25.1 hectares was granted by First Secretary of State as a recovered decision March 2006 following public inquiry 4&5 October 2005. Copy of conditions attached as Appendix A to this report.

05/00853/OUT- as above but amounted only to 6.15ha of the south east corner of the larger (01/00181) site.

01/00181/OUT is subject to a 10/08/10 s106. This includes

- New roundabout junction and right turn lane junction as site access and 2.5m wide footpath/cycleway as far as Western Avenue.

- Signalisation of Farndon Road/ Coventry Road junction (including replacement Toucan crossing).
- Construct remainder of 2.5m wide footpath/cycleway adjacent to Farndon road from site to Coventry Road, connecting to existing at Welland Park Road.
- Toucan crossing over Farndon Road in the vicinity of Western Avenue.
- Traffic Calming Contribution towards Traffic Calming Scheme on southern estates subject to written notification of its requirement by the County between 1st and 185th occupations.
- Provision of school land, open space, education contribution, community facilities contribution and 30% affordable housing.

07/00360/REM-Erection of 629 dwellings and associated garaging, roads, parking, etc (approved Dec 08)

Pending applications:

10/01145/FUL Erection of 8 dwellings as referred to above (approved).

10/01171/FUL Erection of 87 dwellings and associated works (approved)

10/01141/FUL Erection of 99 dwellings and associated garaging (approved)

11/01668/FUL Erection of 59 dwellings (approved)

Planning Considerations:

Principle of Development:

The principle of residential development on the site is clearly established by the appeal decision granting outline consent and the subsequent detailed reserved matters scheme. The issues for consideration at thus relate to the changes which have taken place in respect of:

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

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

Layout.

This remains as previously approved in principle with changes to the house types, garaging and parking but these do not affect the overall integrity of the approved layout.

General House Design Observations:

The dwellings proposed are generally traditional in their elevational treatment and of interesting appearance. Steep pitch roofs, well proportioned and detailed fenestration, eaves brick detailing, bay windows, porches, are all proposed features that contribute towards this traditional appearance. Materials are generally brick with some combination and individually rendered properties. Size and heights vary with 2.5 town houses up to 9.3 metre high and the more traditional detached dwellings approximately 9m. (2 dwellings changed from 2-2.5 storeys)

Layout – Overall:

The proposed house types viewed individually do generally have traditional characteristics. Elevations are relatively simple, building size and scale proportions appropriate and detailing giving character but not overly fussy.

Layout Differences from reserved matters

Minor changes to parking layout and house details not considered significant in overall site context and serve to re-enforce the approved design ethos. The introduction of the less formal private drives is welcomed on the more rural fringes.

Sustainability Strategy: (unchanged)

This strategy accompanies the proposal and sets targets for various parts of the development such as energy efficiency, water strategy and construction process. Under energy efficiency, for example, reference is made to matters such as 75% fitting low energy bulbs, glazing standards and A-rated appliances. Design comments upon roof orientation to accommodate solar panels and future proofing for photovoltaics. Various information leaflets (energy, shopping, waste and transport) are to be issued to future occupiers'. The items referred go beyond the remit of the Outline and could not be required by current Development Plan policy. The strategy nevertheless shows a thought process of sustainability that underpins the proposal and does confirm (para 4.14) that solar hot water shall be provided to 10% of total properties.

Open Space Issues:

Not affected by this scheme but the approved area will be brought forward by way of the Section 106 agreement (as amended)

Landscaping:

The Landscape Strategy Plan for the whole site shows a range of open space and planting across the entire site in a variety of formal and informal arrangements. Formal tree lined avenues, for example, run diagonally to intersect at the 'Town Green & LEAP'. In contrast edge of site planting proposed to south and east is less formal clusters of planting.

S106 Legal Agreement, and Outline Consent 01/00181/OUT:

This scheme does not affect the existing Section 106 on the site as a whole and the variation of the legal agreement is required in regard to this part of the site.

Conclusion:

The proposal represents an appropriate form of development that does not significantly differ from the anticipated form and character of development established by the existing approval. It complies with Development Plan policy and would serve to bring forward a variety of dwellings, serving to meet the identified housing shortage in the District and is therefore recommended for approval.

Conditions / Reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be in accordance with the following approved plans EM-05-16/S4862/LOC/01/S4862/100/01Q, proposed house types as submitted January 2012. REASON: For the avoidance of doubt.
3. Prior to commencement of construction of each of the dwellings hereby approved detailed plans for the relevant dwelling shall be submitted to and approved by the Local Planning Authority showing both the existing and proposed levels of that part of the site and the proposed floor levels of the dwelling to be erected. The relevant dwelling shall thereafter only be constructed in accordance with the approved details. Reason: For the avoidance to result in a satisfactory form of development which is compatible with

the character of the surrounding locality and to ensure compliance with Harborough District Core Strategy Policy CS/11.

4. No dwelling shall be occupied or open space brought into use unless the treatment of the boundary to that dwelling or open space has previously been submitted to and agreed in writing by the Local Planning Authority and boundary works have been carried out in accordance with approved details. Reason: To ensure a satisfactory form of development which is compatible with the character of the surrounding locality and to safeguard the privacy and living conditions of the adjoining residents ensure compliance with Harborough District Core Strategy CS/11.
5. Any garage doors shall be set back from the Highway boundary a minimum distance of 5.5 metres for sliding or roller/shutter doors, 6.1 metres for up-and-over doors or 6.5 metres for doors opening outwards and thereafter shall be so maintained. REASON: To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway and to accord with Harborough District Core Strategy Policy CS11
6. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users and to accord with Leicestershire County Council 6Cs Design Guide.
7. The gradient(s) of the private access drive(s) shall not exceed 1:12 Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to accord with Harborough District Core Strategy Policy CS 11.
8. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - h) measures for the protection of the natural environment;
 - i) hours of construction work, including deliveries; and
 - j) measures to control the hours of use and piling technique to be employedhas been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and to accord with Harborough District Core Strategy Policy CS11
9. No 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.

10. Development shall only take place in accordance with a scheme previously approved in writing by the Local Planning Authority to provide 10% of total number of properties with solar hot water unless some variation of such is agreed with the Local Planning Authority in writing. Reason: To accord with the submitted Sustainability Strategy.
11. No walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway. Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety and to accord with Harborough District Core Strategy CS/11.
12. Before first occupation of any dwelling, its car parking provision (including garage space(s) and visitor spaces) as shown on the submitted plan shall be made. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking. Reason; To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to accord with Harborough District Core Strategy Policy CS11.
13. The garage(s)/carport, once provided, shall thereafter permanently remain available for car parking. Reason; To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to accord with Harborough District Core Strategy Policy CS11.
14. Before first occupation of any dwelling, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and shall be so maintained at all times. Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) and to accord with Harborough District Core Strategy Policy CS11.
15. Before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of the access (unless otherwise agreed in writing by LPA) with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity. Reason; To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
16. Upon occupation of any unit, a travel pack, details of which shall be first agreed in writing by LPA shall be provided. Reason: In the interests of the sustainability of the development and to encourage alternative transport choice and to accord with Harborough District Core Strategy Policy CS11.
17. Upon occupation of any unit, two bus passes shall be provided. Reason: In the interests of the sustainability of the development and to encourage alternative transport choice and to accord with Harborough District Core Strategy Policy CS11
18. No development shall commence on site until full details of the means of surface water drainage for the site have been submitted and agreed in writing by the Local Planning Authority. Reason:- To ensure the satisfactory drainage of the site and to require,

where possible, sustainable drainage methods to be employed and to accord with and to accord with Harborough District Core Strategy Policy CS10.

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

BS10175 Year 2001 Investigation Of Potentially Contaminated Sites Code of Practice;

BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and

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

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

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

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

Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;

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

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

Reason: - To ensure that the land is fit for purpose and to accord with the aims and objectives of PPS23 (Planning and Pollution Control).

20. 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 PPS23 (Planning and Pollution Control).

21. No development shall commence on site until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented prior to occupation and in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason:- To ensure that the proposed development includes a properly designed and suitably landscaped amenity area in the interests of visual amenity and to accord with and to accord with Harborough District Core Strategy Policy CS11.

Notes to Applicant

1. You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 821090). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.
2. Conditions of the outline approval 01/00181/OUT and accompanying s106 legal agreement and unilateral undertaking continue to apply including outline condition numbers 1 (landscaping) 6 (surface water drainage), 9 (lorry routes) still apply and remain to be complied with
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. 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 either the Adoptions team (for 'major' accesses) or the Area Manager. For further information, including contact details, you are advised to visit the County Council website as follows: -For 'major' accesses - see Part 6 of the "6Cs Guide" (Htd) at www.leics.gov.uk/Htd. For other minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.
5. If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.
6. The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plans shall be submitted and approved in writing by the Highway Authority. The Section

278 Agreement must be signed and all fees paid and surety set in place before the Highway works are commenced.

7. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (Tel: - 0116 3052104/ 0116 3052202).

12/00080/FUL – Great Easton
Mr R Uppal

Mixed use development comprising 12 dwellings, 8 live/work units and a rural community business hub at Land At Gatehouse Lane, Caldecott Road, Great Easton, Leicestershire.

Target Date: 30.04.2012

Recommendation

REFUSE for the reason(s) set out below.

Notwithstanding, the fall back position; the previously developed land or housing supply, the proposal would represent unsustainable development outside of the limits of development of Great Easton. The proposal if permitted would have an suburbanising effect which would have adverse effect on the character and appearance of the area. The proposal is therefore contrary to Core Strategy policies, CS11 and CS17.

Site:

The application site is located approximately 250m from the eastern edge of Great Easton village. The site consists of an flat area of land, which is roughly oblong in shape, with an area of approximately 13000m². The boundaries of the land are hedgerows. Beyond the boundaries is Station Road to the north, Gatehouse Lane to the west and farmyard to the south and east. There are several large trees in the western and northern boundary. There is a tarmac drive leading onto the site, and about a third of the site, at the southern end was hardstanding. There are two small barns in this area and some loose mounds of earth embankments dividing the hardstanding from the rest of the site. The rest of the site (about two thirds) was in the main grassland.

The site has an extensive planning history. In summary the site was granted permission to be used as a timber and wood yard in 2000; then a change of use was granted in 2006 for the storage of materials used in the production of concrete. Later in 2006 outline planning permission was granted for two buildings on site with a B1, B2 and B8 use. In 2007 the reserved matters approval for these buildings was granted, an application that has been renewed recently. There are currently no physical buildings on site and no obvious activity taking place. The Building Control Department has confirmed that in June 2009 partial foundations in respect of the application relating to the two buildings for office/warehouse/storage use were inspected (Building Regulations reference 09/00424/OTH). Therefore the two buildings on site with a B1, B2 and B8 use are extant and form a “fall back” position.

The Proposal:

The proposal is a full application for the erection of mixed use development comprising 12 dwellings, 8 live/work units and a rural community business hub.

Policy

National Planning Policy:

National Planning Policy Framework (27th March 2012)
Ministerial Statement: Planning for Growth (March 2011)

East Midlands Regional Plan (March 2009)

Policy 1 – Regional Core Objectives
Policy 2 – Promoting Better Design

Policy 3 – Distribution of New Development
Policy 15 – Regional Priorities for Affordable Housing in Rural Areas
Policy 20 – Regional Priorities for Employment Land
Policy 35 – A Regional Approach to Managing Flood Risk
Policy 45 – Regional Approach to Traffic Growth Reduction

Core Strategy (November 2011)

Policy 11 – Promoting Design & Built Heritage
Policy 17 – Countryside, Rural Centres & Rural Villages

Local Plan Policy (April 2001)

EM/2 – Control of new development on existing and proposed employment sites

Consultations / Representations:

Highways:

The Highway Authority would normally seek to resist a proposal that is not in a location where services are readily and safely accessible by walking, cycling and public transport, which would be contrary to guidance contained in the LTP3 and NPPF. The proposal is remote from the village with its level of services and bus stops and can not be regarded as a 'sustainable' location for residential development, as described by the Planning Inspector in paragraph 15 in their decision in respect of the previous planning appeal at the site in connection with a refusal of permission (09/00752/OUT). Notwithstanding the fact that Great Easton is described as a 'Rural village' in Policy CS17 of the Harborough District Core Strategy the site is some way out from the limits of the village.

On the basis of paragraph 3.12 of the submitted Planning Statement "the hub will be also be able to host other community events". However, it is unclear how the work/community hub will be secured for use by the local community or the live/work units and so, notwithstanding paragraph 4.1 of the submitted Transport Statement, it must be considered to be a stand alone B1 office use in traffic terms. It would appear that it will not be possible in planning terms to ensure that the live/work units are occupied as such, rather than just as independent houses.

However, notwithstanding the 'unsustainable' location of the development site and the above Inspectors comments in respect of the refusal of 09/00752/OUT, on the basis of the extant planning permission at the site (06/01247/OUT), that could in theory be implemented at any time and the consequent existing potential for traffic, taking into consideration the proposed level of traffic, which is likely to be lower, it is unlikely that it would be possible to sustain a reason for refusal on highways grounds, in the event of an appeal.

The Highway Authority would have concerns that the work/community hub would not provide an appropriate level of off street car parking for it to have a general D1 or D2 use.

English Heritage

No objections

Anglian Water:

Objects to the proposal, on the basis that the proposal is too close to the sewage treatment works, HOWEVER, suggests a condition should the Local Authority wish to grant permission.

Archaeology

No objection subject to conditions being attached to any grant of permission

Ecology:

No objection to the proposal as the report submitted as part of the application is satisfactory. Advise that the recommendations within the report should be drawn to the applicant's attention.

Contaminated Land Officer:

No objections subject to conditions being attached to any grant on consent

Drainage:

No objections to the proposal, subject to a condition requiring details of surface and foul drainage from the site prior to development commencing being attached to the grant of any consent.

Corby Borough Council

No objections but recommend consulting Rockingham Castle, English Heritage and Rockingham Parish Council.

Rockingham Parish Council:

Object as the application is well outside the village envelope and encroaches on the Welland Valley which is a special landscape area.

Great Easton Parish Council:

Objects to the proposal citing:

- 1) The previous planning application for housing/holiday lodges was refused and the subsequent appeals rejected on the premise that the land is unsuitable for housing development. The Parish Council is opposed in principle to any development which extends the residential envelope outside the village boundary and fears that the proposal would effectively create a new community separated from the village.
- 2) Other than perhaps increased usage of the Post Office and Village shop there is no evidence that the proposed development brings benefits to the community, certainly not in terms of employment opportunities. The creation of employment opportunities was a significant factor put forward for the industrial development and there has been no demonstration that there is no demand for the B1, B2 or B8 employment use of the land already designated for industrial use or that the proposal will provide a greater degree of employment.
- 3) Although it is accepted that any approval would require a Section 106 contribution to education, any increase in places required at the school would lead to additional traffic congestion at the school at opening and closing time. Furthermore any increase in usage of the village post office would further exacerbate another dangerous parking situation outside the shop.
- 4) Smell and odour from the adjoining sewage plant.
- 5) Concerns that the proposal will lead to greater pressure for further development along Caldecott Road, as confirmed by letters received by the parish Council from landowners in the area asserting that they also would seek to develop their holdings should the current application be approved.

Section 106:

Policy CS12 states that new development will require the provision of infrastructure, as set out in the Local Infrastructure Schedule contained in Appendix 2. Requested S106 contributions, and those arising from HDC guidance, towards affordable housing, open space provision, highways, education, health, community facilities, police and monitoring fees are reasonably related to the proposal and satisfy national policy and Development Plan policy, and meet the tests in Circular 05/2005 and the requirements of paragraph 122 of the 2010

CIL Regulations. Therefore, if Members are minded to allow the application it should be subject to obligations as set out within this report to secure these contributions. Contribution requests have been made towards, police, education and waste management.

Representation:

Fifteen (15) letters of objection have been received at time of writing report citing:

1. The site is prone to flooding.
2. The site is outside of the village envelope, in the open countryside and is completely inappropriate for development.
3. The site is close to the sewage treatment works and neighbouring farm which will be a source of odour and constant complaint from the occupants of these properties if they area approved
4. Concerns that the rest of the site, along with the rest of the agricultural land between this site and the edge of the village will come under pressure for future development.
5. Concerns that the live/work units could not properly be enforced and would become dwellings
6. The visual impact on the Welland Valley and the surrounding countryside.
7. The previous consent for B1, B2 and B8 use only covers approximately 1/3 of the current application site; therefore the majority of the application site is actually Greenfield.
8. Rather than the “new residents” supporting the existing shop in the village it is more likely that the community hub would attract people away from the services the village offers such as photocopying, computer access, shop use for lunches and meetings in the village hall.
9. Highway safety concerns
10. Despite holding a public consultation exercise the application seems to ignore the consensus of the majority who attended this event.
11. Ecological concerns.

Eight (8) letters of support received at the time of writing the report. The grounds for support are as follows:

1. The proposal will benefit the area and should be embraced by the NIMBY’s in the village
2. A mix of housing and live/work units will help boost the rural economy
3. The proposed use is far more suitable than using the site for storage or heavy industry
4. A great design will make Great Easton far more sustainable
5. Given the choice between an industrial estate generating a significant number of vehicle movements and a well designed residential scheme with the provision of live/work units I would prefer the latter.

Other Information

This application is being reported to the Planning Committee due to the significant level of public interest in the application.

Environmental Impact Assessment:

Under Regulation 5 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999, this application did not require an Environmental Impact Assessment.

Planning Considerations:

Background History:

99/00408/FUL – Change of use of agricultural land to wood yard, sawmill and ancillary sales and provision of new vehicular access – Approved 14.03.2000

00/00036/FUL – Erection of buildings to serve as a sawmill and wood yard – Approved 05.04.2000

03/01588/VAC – Variation of condition thirteen (13) of approved application 00/00036/FUL to allow for a new access – Refused 06.01.2004

05/00419/FUL – Change of use for storage of materials for concrete making – Refused – Appeal dismissed (on highway safety grounds, not principle of proposal)

05/01549/FUL – Change of use for storage of materials for concrete making (resubmission of 005/00419/FUL – Withdrawn

06/00115/FUL – Change of use for storage of materials for concrete making, formation of new access on Caldecott Road and closure of access onto Gatehouse Lane (Revision of 05/01549/FUL) – Approved 22.03.06

06/01247/OUT – Erection of two B1, B2 & B8 units (siting and means of access to be considered) – Approved 20.11.2006

07/00448/REM – Erection of two buildings for office/warehouse/storage – Approved 20.06.2007

09/00752/OUT – Erection of four dwellings (access to be considered) – Refused 12.10.09 Appeal Dismissed. This appeal decision was quashed by the legal challenge of the appellant uncontested by the Secretary of State. It is expected that the appeal will be re-heard subject to confirmation by The Planning Inspectorate.

09/01424/REM – Erection of two buildings for office/industry/storage (B1, B2 and B8 use) with associated car parking and landscaping (reserved matters of 06/01247/OUT) – Approved 12.02.2010

10/00159/OUT – Erection of four dwellings (access to be considered) (revised scheme of 09/00752/OUT) – Refused 29.04.2010

11/01015/OUT - Change of use of land from B1, B2 and B8 to C1 and the erection of 10 Holiday Lodges – Refused 11.10.2011

Policy Assessment :

As this application is for the erection of a mixture of residential units, live/work units and a community hub building within the open countryside Policies CS11 and CS17 of Harborough District Core Strategy are considered most relevant.

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

Policy CS17 maintains that 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. In addition

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 area in which it is situated. All development should protect and where possible enhance the character and quality of the landscape character area in which it is situated, conserve and where possible enhance local landscape and settlement distinctiveness and protect and, where possible, enhance local character through appropriate design and management which is sensitive to the landscape setting.

Policy EM/2 of the Harborough District Local Plan states that planning permission will be refused other than classes B1, B2 and B8 uses as appropriate on sites within existing and proposed industrial and commercial estates in the district and industrial and commercial sites elsewhere in the district that would result in the immediate or potential loss of local employment opportunities.

Five year Land Supply

Currently, the Council can not demonstrate a five year supply of housing land. Therefore, in accordance with NPPF Para 49 planning applications for housing development 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. However, the site is within an unsustainable location for housing as it has poor access to anything other than the most basic of services and facilities. As a consequence, the shortage of deliverable housing land is a matter of little weight in favour of the proposal.

Previously Developed Land (PDL)

Approximately 40% of the site is considered to fall within the definition of PDL. Whilst priority is given to redeveloping previously developed land for housing this is insufficient reason by itself to justify such development within the open countryside, specifically when the majority of the site proposed to be developed (approximately 60%) is not considered to be PDL.

Employment:

The site and its potential use has evolved from a small scale timber yard, originally granted planning permission in 2000 (application 99/00408/FUL) for the change of use of agricultural land to wood yard, sawmill and ancillary sales and provision of new vehicular access which was approved on the 14.03.2000. This application was approved on the basis that it was a relocation of an existing small scale timber yard from elsewhere in the District and the location being detached from the village was considered to accord with the relevant Development Plan Policies at the time in respect of farm diversification and rural pursuits. A series of planning applications followed over the next 5+ years (see history section above) primarily seeking consent for the storage of materials in connection with concrete making. Following a series of refused and withdrawn planning applications for this use, which commenced unlawfully on the site, an enforcement notice was served. This enforcement notice, along with the refusal to grant planning permission was appealed by the then site owner (not the current applicant) and appeal APP/F2415/C/05/2004145-6 succeeded in part.

The Inspector stated that the uses as then proposed (the storage of materials for the making of concrete) were not visually harmful to the surrounding open countryside, and that the only issue was the unacceptable access to the site which was via Gatehouse Lane and as a result of this the appeal was dismissed. Within his decision the Inspector also made reference to the employment levels generated by the storage facility (for materials used in the making of concrete) stating that the *"appellants' business employs 3 people and I believe that they should be given an opportunity to relocate it and thereby preserve their employees' jobs"*. In 2006 consent 06/00115/FUL, (during the period for

compliance with the enforcement notice) for a new access to the site via the Caldecott Road was granted (weight given to the Inspectors determination that the proposed storage of materials in this location was not visually harmful or, in itself, a reason for refusal (APP/F2415/C/05/2004145-6, 13th February 2006)).

Later in 2006 (06/01247/OUT) outline planning permission was granted for two buildings on site with a B1, B2 and B8 use, and it was claimed by the applicant (on the application form) that the buildings could create 30 jobs. As noted in the Inspectors decision (APP/F2415/A/10/2126655) *“Clearly, this is a significant amount employment for a rural area”*.

Policy EM/2 of the Local Plan states that planning permission will be refused for development of *sites ‘that would result in the...potential loss of local employment opportunities’*. This development would create 8 live/work (L/W) units. Live/work units are units of living accommodation, which are specifically designed to accommodate work facilities for those residing therein. Although, no specific mention is made of L/W units in ministerial guidance, the NPPF is supportive of mixed use development on the grounds of sustainability, reducing the need to travel etc.

Within the NPPF there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Whilst the live-work units would create some employment, it is unlikely that it would create 30 or more jobs which the current extant consent could provide. Furthermore it is not considered that the current proposal is supporting the other elements of sustainable development.

Fallback position

The site has extant consent for the erection of two buildings with unrestricted (other than in relation to hours of operation) B1, B2, B8 use. As noted in the Inspectors decision for four dwellings on the site (APP/F2415/A/10/2126655), *‘whilst the fallback position could be implemented and business related development of the site occur, its effect on the local living conditions and traffic levels in the village would be minimised by its edge of settlement location. Furthermore, the effect on the character and appearance of the countryside would be acceptable given the employment benefits such development would bring. As a consequence, the fallback position in planning terms would be more desirable development than the appeal proposal’*.

The LPA, whilst acknowledging that the above appeal has been quashed pending a expected further examination by The Planning Inspectorate, would concur with this conclusion with regard to the current application.

Layout and Design

The application is for 12 dwellings, 8 live/work units and a community hub building. The proposed mix of housing unit types comprises:

- 1 two bed terraced house
- 3 three bed terraced houses
- 5 four bed detached houses
- 3 five bed detached houses

The mix of live/work units comprise:

- 3 one bed terraced studio apartments
- 4 three bed terraced houses with work unit attached
- 1 four bed detached house with work unit attached

The dwellings are all two storey structures ranging in height from 8.2m to 10.2m to ridge (5.2 to 5.4m to eaves). The live/work units are also all two storeys high and range from 7.7m to 9.2m high to the ridge (5.2 to 5.9m to eaves).

The proposed houses and live/work units will be built to a high specification with regard to sustainable building materials and building technologies i.e. rain water harvesting; solar gain and thermal performance.

The community hub building (315sqm) is single storey and is 6.09m high to ridge and 2.7m to eaves. The hub can be subdivided into two flexible units comprising 160sqm and 155sqm respectively. The hub building can be used by local business including the proposed live/work units to host meetings and networking events. The hub will also be able to be a community facility with facilities to assist and promote rural enterprise. It is proposed that the hub building will comprise meeting rooms, an IT suite, printing and photocopying facilities, kitchen/café and lounge or reception area.

The extant planning permission for the proposed business uses includes two buildings, rectangular in shape, each approximately 7.2m high with approximately 630m² floor area. Each have gable ends and metal cladding finishes and are approved in a location along the eastern edge of the site, broadly alongside the agricultural buildings to this boundary. The current application proposes residential development upon the site for 20 plots of mixed residential homes and live/work units ranging from 5 bedroom houses to 1 bedroom live/work units. It is noted that the application is accompanied by a landscape and visual impact assessment, however this document refers to the residential buildings “...being of fairly similar heights (7 and 8 metres respectively)” and whilst it accepts that the amenity of the view from any given receptor (location) will be affected in the same way.

The layout comprises a frontage development facing towards Caldecott Road with 4 properties to the west of the access road facing the street, and one unit alongside the access road side on to Caldecott Road fronting on to the access point. To the east of the access road it is proposed to develop the Community hub building in the north-east corner of the site. The access road, as currently built extends into the site, and as such the majority of the residential and live/work units are built to the west hand side of the access road roughly in two rows. To the rear (south) of the site it is proposed to further landscape the site to mitigate any visual harm the development would create. Compared to the extant permission, whereas the two buildings would be larger and bulkier than any

individual building proposed as part of the current application, the current development proposes significantly more of the site. Furthermore the type of development, for smaller, and in some cases taller buildings scattered across a larger area are not considered to reflect or relate well to the existing patterns of development on the village of Great Easton. In addition, given the detached nature of the site and the limited built form in the area or broadly isolated farms and farm buildings, the extant permission is considered to relate better to the surrounding environs than the current proposal. The application is therefore not considered to be in accordance with Policy CS11, namely not being of a scale, density and design that would not cause damage to the qualities, character and amenity of the areas in which they are situated, of the Harborough District Core Strategy.

Effect on the character and appearance of the area

Development on this site would be at odds with the established pattern of development in the area and have a suburbanising effect upon it. Given the tall height of the buildings (up to 10.2m) proposed the dwellings would be visible in medium to long distance views from the surrounding countryside. The development would therefore unacceptably harm the character and appearance of the countryside.

Sustainable Location

Whilst some elements of commuting may be reduced (people who live on this site who work there also), the scale of the proposal would draw in employees from a much wider area, rather than meeting a local employment need. Also, the people living on the site would make a number of journeys for shopping, leisure and education purposes that could no longer be combined with a daily commute.

The Business Hub could have the potential to attract people outside of Great Easton. The main way people will get there will be by private car. This type of use should be located in a Key Settlement within the District which has access to other services/facilities and public transport options.

Amenity to neighbours:

The relative isolation and separation of the site from neighbours provides adequate potential for a development however there are concerns regarding potential conflicts with the neighbouring land use, namely the sewage treatment plant. Anglian Water have voiced concerns regarding the relationship of the proposed residential use alongside the treatment plant (full copy of letter available on the file).

Highways

A total of 58 car parking spaces have been provided for the residential development through a combination of garages, driveways and communal parking spaces comprising 32 garages, 20 driveways and six communal spaces. The six communal spaces will be visitor spaces, leaving 52 for residents parking.

The Highway Authority

The Highway Authority have commented that they would normally seek to resist such a proposal on sustainability grounds. However, notwithstanding the 'unsustainable' location of the development site and the above Inspectors comments in respect of the refusal of 09/00752/OUT, on the basis of the extant planning permission at the site (06/01247/OUT), that could in theory be implemented at any time and the consequent existing potential for traffic, taking into consideration the proposed level of traffic, which is likely to be lower, it is unlikely that it would be possible to sustain a reason for refusal on highways grounds, in the event of an appeal. Therefore the Highway Authority do not raise any objections to the proposal.

Affordable Housing

The planning statement submitted with the application confirms that 'the application proposal will deliver 40% affordable housing, totalling 5 units of the 12 residential units proposed' although it is not clear from the plans submitted which of the units are to be 'affordable'. However, the Housing Strategy and Infrastructure Manager has commented on the application as follows:

"The submitted statement proposes a mix of housing units comprising of 12 residential units and 8 live / work units - in total 20 units. They propose 5 units as meeting the LA's 40% affordable housing requirement as applied to the 12 residential units. The live / work units are not considered in their calculation. Harborough considers all units as residential first and therefore the 40% requirement must be calculated on the basis of a 20 unit development and our requirement equates to 8 affordable units if this application was deemed acceptable. However –

*The statement places considerable emphasis on its community consultation process and this well may be the case but it needs noting that short of a possible brief telephone conversation on Harborough's broader affordable requirement I am not aware of any consultation involving HDC to this extent. Further and more critically it attaches particular importance on its 'strong desire' for local lettings along with the Parish Council and community. Local Letting policies are only applied on Exception Site developments **which this is not**. This then is contrary to our Choice Based Letting system through which all lettings would take place. The community may well have a strong desire for local lettings unfortunately they may have been misdirected on the lettings process.*

There appears to be an assumption in the statement that seems to suggest that affordable means a combination of intermediate and low cost market housing. Low cost market housing does not fall within the definition of affordable housing. Secondly it is HDC who will determine the housing mix and tenures of the affordable units. There is no mention of renting either social or affordable which as tenure HDC would require alongside intermediate tenures. Finally the transfer values for the affordable units are accepted by the developer solely based on what an RP is prepared to pay. This notion of agreeing discounts is not related to affordable provision. All agreements are secured via a S106 with the District Council and with NO involvement from the PC.

Over and above all this, is my view that this site lies outside of the settlement and I do not consider it to be a sustainable location for affordable housing. I would suggest that there would be difficulty in finding any R P Partner (Housing Association) to take the 'affordable units' for the same reason."

Notwithstanding this, the above statement implies the applicant is willing to provide affordable housing in line with Policy CS3.

Anglian Water Waste Water Treatment Works

Anglian Water has previously objected to other proposals on this site as they have a Waste Water Treatment Works approximately 150m to the south west of the proposal site. Anglian Water has previously objected to the proposal on the grounds that the site will be located within the recommended 400 metre *cordon sanitaire* of Great Easton Waste Water Treatment Works.

Anglian Water have again objected to the current proposal, instead stating that they stated that whilst they takes all reasonable practicable steps to prevent odour arising from the Works, any development within 400m of the site which is particularly sensitive to odour or other nuisance arising from the Works may otherwise lead to an unacceptable standard of amenity for future occupiers, or prejudice the ability of Anglian Water to carry out future

operational changes to the works that may be necessary to deliver wider growth or protection of the environment.

The Council's own Environmental Health Department, who have not commented on the proposal and have confirmed that they have not received any objections from any of the properties in Great Easton in relation to odour or other nuisance complaints from the Waste Water Treatment Works. Furthermore there are other, existing dwellings already built within 400m of the Treatment Works. The application included the submission of an Odour Assessment Report; however despite this Anglian Water maintain their objection to the proposal. In assessing the appeal for 4 houses on the site, which was subsequently quashed (Appeal Reference APP/F2415/A/10/2126655) the Planning Inspector noted "*In relation to odour from the waste water treatment works, which is within 400m of the site, I note that odour modelling has occurred which shows a very low risk of odour on the appeal site. I have no reason to disagree with that assessment.*"

The LPA, whilst acknowledging that the above appeal has been quashed pending a further examination by The Planning Inspectorate, would concur with the Inspectors conclusion with regard to the current application.

Adjacent Agricultural buildings

The site is located adjacent to a yard and large agricultural buildings containing livestock. The Inspector (APP/F2415/A/10/2126655) in adding weight to his concerns regarding the adverse effects of the 2009 proposal commented that 'the noise and odour associated with the use of the barns and the transport of livestock, feedstuffs and machinery would be likely to adversely affect the living conditions of the occupiers of housing on the site'.

This application has been accompanied by an Odour and Noise Issue report (ARUP, Dec 2011). The report concludes 'that the odour and noise sources at the farm will have negligible effects on the site'. This conclusion is based on several factors; the location of the site upwind from the farm highly reduces the risk of any potential odour nuisance; the set back distance (in excess of 35m) and the vegetation barrier (trees and hedges) between residential facades and the farm boundary.

In light of these conclusions and having received no objections from the Environmental Health department, the effect of the farm on the living conditions of future residents will not form a refusal reason.

Ecology:

The applicants have submitted an ecology report with the proposal and the County Council Ecologists have advised that they have no objections based on the content of the specialist report that accompanied the application. However they advise that the recommendations within the specialists report should be adhered to during any development of the site.

Precedent:

A number of the objectors to the proposal have raised concerns that if this proposal were approved, that it would put the land between the site and the edge of the village under pressure for further housing proposals. The Local Planning Authority would have to consider any such proposals if and when they came forward.

If the current application site were in the open countryside AND had no previous development or extant planning permissions on it then the proposal would clearly be resisted and recommended for refusal. However, the application site "benefits" from a "fall back" position (that does not apply to any of the neighbouring plots of development), and therefore, if the proposal for residential dwellings on this site were approved, it would not set a precedent, as the same determining factors would not, and could not apply to agricultural

land that separates the site from the village. It is worth noting that as a significant proportion of the site is not considered to meet the definition of PDL, and the fall back position does not apply to the entire site forming the current application.

Conclusion:

Notwithstanding, the fall back position; the previously developed land or housing land supply shortfall, the proposal would represent unsustainable development outside of the limits of development of Great Easton. The proposal if permitted would have an suburbanising effect which would have adverse effect on the character and appearance of the area. The proposal is therefore contrary to Core Strategy policies, CS11 and CS17.

12/00143/FUL – West Langton Mrs M Byrne	Demolition of existing greenhouse; alterations and extensions to building to form retail area and cafeteria at Glenn Stewart Nursery, Melton Road, East Langton
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Target Date: 08/05/12

Recommendation

APPROVE

The development hereby approved will contribute to the expansion of an existing rural business and employment development. The building is of a scale and design sensitive to its landscape setting and the amenity of neighbouring residents is safeguarded. The proposal therefore accords with Policies CS7, CS11 and CS17 of the Harborough District Core Strategy and the National Planning Policy Framework.

Site:

The application site is located on the Melton Road, reasonably near to the A6 roundabout. From that direction you pass McDonalds, the Premier Inn, a dwelling house and then you reach Glen Stewart Nursery. At present there is a large area available for parking, a row of 5 large glasshouses, 3 smaller glasshouses, and a building that was granted permission to be converted to a farm shop in 2010. There is then another dwelling house served by the same access as that to the garden centre. There is at present a wide gated access and a hedgerow on the boundary of the site. Between the hedgerow and the road is a wide verge.

The Proposal:

The proposal is to demolish the 3 smaller glasshouses and erect a new building next to and to the rear of the existing farm shop building to form a retail area and cafeteria.

The Operational Statement submitted with the application states that Glen Stewart Nursery grows and sells their own produce and gifts from their farm shop. Ancillary to this they sell interior and exterior stone products. They now wish to expand particularly in the home grown and locally sourced meat, eggs, fruit and vegetable market. They state that the retail/glasshouse area will have plants, trees and shrubs which will enable the existing glasshouses to grow tomatoes and other agrifood products. The cafeteria will provide a much needed area for refreshment.

Information:

This application is being reported to the Planning Committee for determination because the recommendation is contrary to Highways advice.

Policy:

Harborough District Council Core Strategy
Policy CS5: Providing Sustainable Transport
Policy CS6: Improving Town Centres and Retailing

Policy CS7: Enabling Employment and Business Development
Policy CS11: Promoting Design and Built Heritage
Policy CS17: Countryside, Rural Centres and Rural Villages

Planning for Growth (March 2011)

National Planning Policy Framework

Consultations / Representations:

Parish Council:

No comments

LCC Highways:

Reasons For Refusal

The proposal, if permitted, would lead to a significant increase in turning traffic using an access onto a restricted (50mph) Class II (B6047) road where the turning manoeuvres would be an additional source of danger to road users which would not be in the interests of highway safety.

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

Notes To Applicant

- Favourable consideration would be given to an amended application that would demonstrate that the proposal will not lead to an increase in turning traffic using the access.
- Any such amended application would need to demonstrate how appropriate off street car parking and space for servicing provision would be achieved within the site.

Representations:

None

Other Information:

History:

10/01611/FUL – Change of use from garden centre to a mixed use garden centre and farm shop – Permitted

Planning Considerations:

Policy Assessment:

The relevant policies of the Core Strategy are CS5, CS6, CS7, CS11 and CS17.

Policy CS17 states that development in the countryside will be strictly controlled. Therefore in order to be acceptable it needs to comply with the criteria of Policy CS7 (f) with regards to when employment development within the countryside would be acceptable. This states that employment development within the countryside, beyond towns and villages will be

supported only where it contributes to the retention and viability of rural services or land based business, aids farm diversification, or promotes the conversion and re-use of appropriately located and suitably constructed existing buildings (particularly those adjacent to or closely related to towns and villages). With regards to design and location Policy CS17 states that rural development will be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape in which it is situated. With regards to amenity Policy CS11 states that development must be well planned so as to ensure that the amenities of existing and future neighbouring occupiers are safeguarded. With regards to transport, Policy CS5 states that the majority of future development will be located in areas well served by local services to reduce the need to travel. Policy CS11 (c) viii) also states that development should be planned to encourage travel by a variety of modes and transport where appropriate. In Policy CS6 there is nothing specific about retail in rural areas.

The National Planning Policy Framework states that there is a presumption in favour of economic, social and environmental sustainable development. It states that planning should “proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs” and that “the Government is committed to ensuring that the planning system does everything it can to support sustainable economic development”.

In his 2011 Budget the Chancellor of the Exchequer published proposals to help rebuild Britain’s economy. The planning system has a key role to play in this and on 23 March 2011 Greg Clark, Minister of State for Decentralisation, made a Written Ministerial Statement - "Planning for Growth" which sets out the Government's commitment to reforming the planning system so that it promotes sustainable growth and jobs. The Government expects that proposals for development and growth should, wherever possible, be allowed except where this would compromise the key sustainable development principles set out in national planning policy. The statement states that the “Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”. It also states that “When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development”.

Principle of development:

The supporting information states that the applicant’s have been operating Glen Stewart Nurseries from the site since 1975. They state that the development is to meet the demands of their customers. Part f of Policy CS7 states that employment development within the countryside will be supported where it contributes to the retention and viability of rural services or land based businesses or aids farm diversification. The application form states that at present there is 1 full time member of staff and 1 part time member of staff. This is to increase to 7 full time members of staff and 8 part time members of staff. Therefore as the proposal will enable an existing business to expand and will create jobs then it complies with Policy CS7 of the Harborough Core Strategy. As the proposal is for economic development it is also supported by the Ministerial “Planning for Growth” statement and the National Planning Policy Framework. Policy CS6 in the Core Strategy supports retail development in the town centre but it is not considered that allowing this development would have an impact on Market Harborough town centre. The goods that can be sold will be conditioned to ensure that it is appropriate in this location and will not harm the town centre.

Design:

Policy CS17 states that rural development will be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape in which it is situated. Policy CS11 also states that development

should be inspired by, respect and enhance local character, building materials and distinctiveness of the area in which it would be situated. It should reflect the landscape in which it is situated.

The existing 3 smaller glasshouses are to be demolished. These are approximately 3m high. The proposed building is to be 3.6m to the eaves and 4.6m to the ridge. This is not considered to be overly high and it is to be next to the existing larger glasshouses which are 4.3m high to the ridge. Although the building is large, it extends back 35m, this is the same length as the existing adjacent glasshouses. The materials are to be profiled sheeting with glazed sections at the front and back. The existing building is to be extended at the rear and will extend as far back as the new part of the building and the adjacent glasshouses. Overall it is considered that due to the proposed materials, which are agricultural in appearance, and the fact that the building is quite low and no longer than the adjacent glasshouses that it will not adversely affect the surrounding landscape character. It is considered that the proposal therefore complies with Policies CS17 and CS11 of the Harborough District Core Strategy.

Residential Amenity:

It is not considered that the proposal will affect residential amenity. It is not considered that having a formal retail area would have any more impact on the neighbouring properties than the existing site. The nearest dwellings are also part of the overall site (within the blue outline on the location plan). It is therefore considered that residential amenity is safeguarded and so the proposal complies with Policy CS11 of the Core Strategy.

Highways and Parking Considerations:

Highway concerns have been raised. These are that the proposal would lead to an increase in turning traffic using an access on to a restricted (50mph) Class II road where the turning manoeuvres would be an additional source of danger to road users which would not be in the interests of highway safety. However, it is considered that due to the existing use of a garden centre and farm shop and the traffic that already therefore uses this access, its location reasonably close to a roundabout, the width of the access enabling two cars to enter and leave the site and the good visibility, along with the material considerations such as Planning for Growth, that a potential increase in traffic using the access would not be demonstrably more harmful than the current situation. No concerns have been raised about the access itself other than its use may be increased. Visibility appears good at the current access across unobstructed verges although some temporary signage is in place that could be carefully positioned and an advisory note is recommended. The increase in traffic has also not been quantified by the Highways department.

Concerns have also been raised that the applicant has not demonstrated that the proposal will be in a location readily and safely accessible by walking, cycling and public transport. However, in this instance the development is enabling the economic expansion of an existing business which is already situated in this location. It is therefore considered that supporting employment and economic development in accordance with Policy CS7 of the Core Strategy and the guidance contained in the NPPF outweighs this omission.

Conclusion:

Overall it is considered that the expansion of an existing rural business and creation of jobs should be supported. The proposed building is considered to be in keeping with the surrounding landscape and residential amenity will not be adversely affected.

Conditions/Reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To accord with the provisions of Section 91 of

the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be in accordance with the following approved plans MB/11.1, MB/11.2, MB/11.3 and MB/11.4. Reason: For the avoidance of doubt.
3. No development shall commence on site until the colour and finish of the approved building have been agreed in writing with 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.
4. No development shall commence on site until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times. Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to accord with Harborough District Core Strategy Policy CS11.
5. The use of the new building is restricted to the sale of farm shop goods, plants, trees, shrubs, locally sourced food products and home grown produce and ancillary to this some gifts and stone products can be on sale. Reason: To protect the vitality and viability of the nearest Town Centres in accordance with Policy CS6 of the Harborough District Core Strategy and the National Planning Policy Framework and to ensure the use is compatible with its location in accordance with Policy CS17 of the Harborough District Core Strategy.

Notes:

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

12/00181/FUL – FLECKNEY
COBA International Ltd.

Erection of Engineering centre, COBA
Plastics, Marlborough Drive, Fleckney

Target Date: 21/5/12

Recommendation

APPROVE subject to the appended conditions

The development hereby approved, by virtue of it being an appropriate use class (B1, B2 or B8), size and design would not adversely affect amenities of adjoining residents, nor result in additional traffic which would give rise to a road safety hazard. Furthermore, the development will generate employment opportunities in the district. The proposal is therefore considered to accord with Harborough District Core Strategy Policies CS7 & CS11 and no other material considerations indicate that the policies of the development plan should not prevail.

Site:

The application site is located on Marlborough Drive within the Fleckney Industrial Estate. The site is occupied by Coda Plastics Limited and there are substantial industrial buildings on the land. The application site is a flat cleared piece of land consisting of gravel/grass. The site area is 0.26ha.

To the north east is the existing Coda site, south east is open countryside, to the south west is Saddington Road, separated from the site by a bund and tree planting and to the north-west is a flood relief basin and other industrial units. On the opposite side of Saddington Road is a relatively recent residential development.

The Proposal:

The application relates to the erection of a two storey high engineering centre, constructed of profile cladding. Dimensions 28m x 39.8m x 8.6m high. The proposal will provide small office space, reception area, plant room, toilets and canteen on part of the ground and first floor. The rest of the ground floor area is the engineering works. There are currently 145 car parking spaces the proposal will reduce parking to 142. The number of employees will remain the same (200). The hours of opening are 08:00 till 17:00 Monday to Friday. The various abbreviations on the plans relate to differing machines, such as milling, turning grinding etc. These machines exist within their existing premises with the intention being to relocate same into the new building. Foul sewerage is disposed in the mains. There is no hazardous waste involved in the proposal.

Rev A: building re-located 1.5m west

Rev B: Design and access statement, re-configuration of windows and doors.

The previous consent in 2004 (ref: 04/01604/FUL Erection of an extension to side, new fire exit/staff entrance and car parking alterations and erection of car parking lighting) was for warehousing building which was an extension to the existing building; the footprint was larger than the building currently for consideration and 5.800m nearer the housing estate opposite. Various enabling works were undertaken (site stripped and drainage) on this basis the previous application has been implemented.

Policy

National:

NPPF – National Planning Policy Framework
Para 14, 19 and 28

Regional Spatial Strategy for the East Midlands (RSS8):

Harborough District Local Plan

Policy EM/2 – Development on existing and proposed industrial estates.

Harborough District Core Strategy:

CS5 – Providing sustainable transport
CS7 – Enabling Employment and Business Development
CS11 – Promoting Design and Built heritage
CS17 – Countryside, Rural centres and rural villages

Local Guidance:

Note 7 : Industrial and commercial layout and design criteria.

Consultations / Representations:

Highway Authority:

The Highway Authority would normally seek to resist a proposal that would fail to provide off street car parking and space for servicing provision in accordance with the '6CS Design Guide'. However, on the basis of the requirement for car parking and servicing provision for the previous planning permission 04/01604/FUL that has already been made available, providing the car parking and servicing provision shown on the drawing No. R78:11:14A is maintained in perpetuity, the proposal will be acceptable to the Highway Authority.

On the basis of a visit to the site, it would appear that the presence of gates and fencing and car parking taking place at the junction of the access to the site with Marlborough Drive is such that the access width and visibility may be restricted below the level shown on the previously approved plans, contrary to previous planning permissions at the site.

Leicestershire County Council (Ecology):

Note to applicant

Environmental Health (HDC):

No objection, subject to hours of opening

Parish:

No comment

Response to revised plans Comment: (1) In view of the close proximity of the building to residential properties and to avoid them being overlooked the internal arrangement of the offices should be modified so there are no windows in the SW elevation; (2) due to close proximity of residents and use as light engineering a noise assessment should be submitted (3) condition the colour of the building to be dark green or brown.

Representations:

21 letters of objection/comment (20 separate households) have been received raising the following points: (1) 3-4metres above existing earth bank (2) much closer to Saddington Road than the existing biding (3) increase traffic flow and noise as heavy good vehicles to

and from the site (4) regularly put up with fork lift truck reversing alarms and other noise (22:00 shift leaving) from the estate later evening early morning (5) visually intrusive in area (6) increase noise 24 hours a day from operations within the building and by extra vehicles and people (7) loss of privacy (8) light pollution (9) impact upon existing trees and shrubs (10) flooding concerns (10) speeding cars and lorries danger to children walking to school (12) visual impact of a new large building close to Saddington road visible above the hedge (13) littering and other waste (14) overbearing (15) emissions and environmental impact (16) negative effect on well-being (17) building will be an eyesore (18) existing boundary landscaping is sparse, minimal and deciduous (19) loss of sunlight and daylight (20) smell (21) increase in crime (22) support the growth of industry and jobs within the community (23) the existing building is some distance away and the activities within the building itself do not cause a nuisance, the existing car park does cause a small amount of noise nuisance.

Additional information submitted by Agents

Cobra Plastics make components from extruded plastic for the Automotive. Packaging and Medical sectors as well as having a specialist matting division. The building is required as further production lines are required to meet increased production demand, after internal review this necessitated the proposed relocation of their existing engineering division into a bespoke building hence the current application. The engineering division make specialist machine tools for their production lines to suit the required extrusions, fabrication and moulding processes to suit Cobra's finished products.

Other Information

Public Rights of Way:

Footpath Z87 runs to rear of site but not affected by proposal.

History:

88/1776/3P – Erection of plastics extrusion factory of 1168 square metres and provision of parking – Approved 30.9.88

89/2090/3P – Construction of pallet store – Approved 1.12.89

91/0069/3P – Construction of covered unloading area and additional parking – approved 17.4.91

92/1946/3P – Erection of extrusion plant with ancillary storage and offices – Approved 16.12.92

94/0436/3P – Erection of part single/part two storey factory and office accommodation (phase 3) and amendments to phase 2 proposals. Extension of existing parking area – Approved 4.5.94

94/1510/3P – Erection of part single/part two storey factory and office accommodation (phase 3) and amendments to phase 2 proposals and extensions of existing parking area (revised scheme) – Approved 3.11.94

96/1131/3Z – Variation of conditions 8 and 9 of planning consent 94/00436/3P to allow working between 1300 hours Saturdays to 0600 hours Mondays – Approved 9.10.96

97/01052/VAC – Variation of conditions 8 and 9 of planning permission 94/0436/3P – to allow working hours to over the period 1300 on Saturday to 0600 hours on Mondays – Approved 8.12.97

98/01440/FUL – Alterations to elevations and the provision of internal 2 storey offices space - Approved 10.2.99

02/00506/FUL – Erection of extension to front to provide new reception lobby, new doorway and additional lighting to car park – Approved 27.6.02

04/01604/FUL Erection of an extension to side, new fire exit/staff entrance and car parking alterations and erection of car parking lighting. Approved 24/11/04

This application is being reported to the Planning Committee for determination because there are more than 5 letters of counter-representation.

Planning Considerations:

Policy Assessment:

The site relates to an existing premises within an industrial area (Key Employment Area) within the village boundary of Fleckney, therefore policy EM/2, CS7, CS11 and CS17 policies are relevant in the consideration of the application. The site is not within flood plain.

Policy EM/2 states that planning permission will be refused for development other than B1, B2 and B8 uses on site within existing industrial and commercial estates in the district. As this application relates to an existing industrial use on the site, it is considered that the principle of the development is acceptable and would comply with the requirements of above policy.

Policy CS7 states that economic and employment development will be enabled within the Harborough district in support of the sub-regional economic growth of Leicester and Leicestershire. The site is proposed to be a Key Employment Area (KEA) in the Allocations DPD the sites are protected from changes of use which may limit future business development.

Policy CS11 requires a number of criteria to be met, such as the proposal must not have a detrimental impact on the residential amenity of neighbouring properties, it should not have a detrimental effect on the visual amenities of the surrounding area and it must not result in a sub-standard level of on-site parking.

Policy CS17 states that rural centres (Fleckney) will be the focus of rural affordable and market housing, additional employment, retail and community uses to serve the settlement and the rural catchment area. Key employment areas in rural centres will be identified and protected from changes of use which may limit future business development. To support their designations as rural centres and improve sustainability Fleckney will be considered preferred locations for employment provision in the rural area in the review of existing employment sites and allocations. As the application relates to an existing industrial uses on land within the Industrial estates boundaries in a rural centre, the principle of the development is acceptable.

An Environmental Impact Assessment is not required under Schedule 2 Infrastructure projects as the area of development does not exceed 0.5ha.

Impact upon character of the area:

When viewed from Marlborough Drive the proposal, whilst large, will not appear out of context with the industrial character of their surroundings and as they are in the corner at the end of the cul-de-sac, in line with the existing building, the structure will not appear dominant structure in the street scene. The tallest building on the COBA site is 12.2metres high (opposite side to the application site).

The existing buildings on the site are substantial, and the proposed building will be nearer to the road than the existing building (approximately 14 metres at their nearest point) Given the lower level (1-3metres) of the site in comparison to Saddington Road and the 3.5m-4.5metres high bund and tree planting around the perimeter of the site, the building is not considered to dominate this street scene. The planting is established and whilst the plants are deciduous the depth of vegetation ensures that the building is sufficiently screened in

wintertime. Therefore it is considered that the development could be satisfactorily screened and that no significant harm would be caused to the visual amenities of the area.

Residential amenity:

There are residential properties opposite the application site on the south western side of Saddington Road. The building would be approximately 50 metres from the front elevation of these dwellings (No.1, 3 and 5 Baddock Way) and 34metres from the side wall of 2 Baddock Way. The proposal would be to the north-east of the existing houses on Saddington Grange. Due to the site being approximately 1-3 metres lower than the road, separation distances and position means the proposal is not considered to be significantly overbearing result or result in a loss of daylight. The side windows (ground floor view the bank, first floor = high level to factory and design office and toilets, will not result in a loss of privacy due to the long separation distances.

The agent has explained that the building will have internal blockwork walls up to a height of 2.475m not only to facilitate noise attenuation but also provide clean internal lines. As shown on the application plans, the noisier operations (EDM machines and Welding / Fabrication) are to be contained within bespoke blockwork structures within the proposed building to assist noise attenuation. The Environmental Health Officer has no objection to the scheme, subject to hours of operation condition. Prior to the submission of the application there was only one complaint in 2007 regarding the existing site which was not substantiated and no further action was taken. Coba Plastics has permission to operate on a 24 hour, however given the use and closer proximity to residents an hour's restriction is considered reasonable. Whilst the proposed development is a B2 (general Industrial use and would be nearer to the residential dwellings than the existing building, there is a buffer between the proposed building and the houses, there is a separation distance of 34-50metres, and with hours restriction the proposal is not considered to adversely affect neighbouring properties.

As in previous consents, it is recommended that permitted development rights be removed for ancillary plant and equipment in order to protect residential amenities. The application is therefore considered to be in accordance with Policy CS11 of the Harborough District Core Strategy.

Highways and parking considerations:

The existing car park (145 spaces), will have 3 car parking spaces removed. The number of employees remains the same. The access arrangement remains the same. The application is therefore considered to be in accordance with Policy CS5 of the Harborough District Core Strategy.

Conclusion:

It is considered that the proposal will comply with policy EM/2, CS7, CS11 and CS17 and would not have any adverse impact upon nearby dwellings or the appearance of the surrounding area.

Conditions / Reason:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. 2.
2. No development shall commence on site until a schedule indicating the materials to be used on all external elevations of the approved building 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. 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
4. Notwithstanding the provisions of Article 3 and Schedule 2, Part 8, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (or any Order amending or re-enacting that Order with or without modification) no additional plant or machinery shall be installed either on or outside the building without the prior written permission of the District Planning Authority. Reason: To ensure that as far as possible the proposed use does not become a source of annoyance to the nearby residents and to ensure compliance with Policy IN/1 of the Harborough District Local Plan.
5. Prior to the commencement of development, details of any lighting to be installed/erected, including hours of illumination, shall be submitted to and approved in writing by the District Planning Authority. The lighting shall be installed/erected in accordance with the approved details. Reason: To ensure that as far as possible the proposed use does not become a source of annoyance to the nearby residents and to ensure compliance with Policy IN/1 of the Harborough District Local Plan.

Notes to applicant:

1. NA1. Building Regulations.

12/00280/FUL – Great Bowden
Trustees of the Fernie Hunt

Installation of horse exerciser and horse lunge,
erection of manure store and formation of new
access track (partially retrospective), Land
opposite Fernie Hunt Stables, Nether Green

Target Date: 19/04/12

Recommendation:

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

The development hereby approved, due to its siting, would not adversely affect the form, character and appearance of the countryside or Conservation Area, residents amenity, nor result in additional traffic which would give rise to a road hazard. Furthermore, it is considered that a justifiable need for the development has been identified due to the special circumstances of the applicants operation. The proposal is therefore considered to comply with policy CS11 of the Harborough District Core Strategy and Supplementary Planning Guidance Note 6 and the aims and objectives of Policy 3 of the National Planning Policy Framework and no other material considerations indicate that the policies of the development plan should not prevail.

Site:

The application site is located to the north of Great Bowden. The site is bounded by open space to the east, west and north and residential properties to the south. The site is adjacent to the existing Fernie Hunt site which is currently being redeveloped for residential purposes. The site is within a Conservation Area. The Nether Green area of Great Bowden is characterised by a low density and varied form of development, predominantly consisting of large, two storey properties. The site is currently the home of the Fernie Hunt's kennel facilities, and there has also been the recent development of the stable block and vehicle storage building on the site.

The Proposal:

The application relates to the erection of a 10.8m diameter horsewalker, 20m diameter horse lunge (training area), a 27m by 4.5m manure store and a new access track. All works apart from the Horse Lunge have been carried out, and as such, the application is largely retrospective in nature.

Consultations:

Highway Authority:

Recommend approval subject to conditions

LCC Archaeology:

Given the known presence of archaeological remains on the site, we find it disappointing that this situation (work commencing prior to granting of permission) has arisen again. We would recommend that HDC consider taking enforcement action to ensure that no further ground disturbance is undertaken until an appropriate scheme of archaeological mitigation has been agreed and put into place. All currently open groundworks (trenches, stripped areas, etc.) should be left open and not backfilled until the applicant has arranged for an archaeological contractor to inspect them and investigate and record any archaeological remains disturbed.

HDC Environmental Services (in relation to amended plans):

Recommend Note to Applicants relating to manure storage

Great Bowden Parish Council:

Object to the proposal making the following comments: 1) Errors in D&A Statement 17.01 – mismatch of drawing sizes. 2) No details of manure store mentioned in Section 7 of application form, NO PERMISSION EVER GIVEN FOR THIS. 3) No waste management plan.

Great Bowden Parish Council (Additional Comments):

Further to our OBSERVATIONS sheet returned to you Monday 19th March, we have two further comments.

Application Form: The application states that the applicant is the Trustees of the Fernie Hunt; Section 8 of the application states that the applicant is not an elected member of HDC yet Councillor Neville Hall is Treasurer and a Trustee of the Fernie Hunt.

Lunge site: The site for the lunge is beneath a low voltage overhead power line. The safe minimum clearance beneath such lines as advised by the Health and Safety Executive is 5.2m (Agricultural Information Sheet No 8 and Guidance Note GS6). A lunging whip is typically 1.5 to 2m long plus a lash of equal length. Cracking the whip by a normal person the tip of the lash could well reach over 6m – enough to get tangled in the overhead cables, dangerous when dry, fatal when wet especially as some whips are made of carbon fibre, a very good conductor of electricity. Placing a working site below these cables may be a breach of the Electricity at Work Regulations 1989 and the Management of Health and Safety at Work Regulations 1999 and I would expect a full review of this by HDC's Environmental Health officer.

Representation:

6 letters received from 4 separate households (Stokes House, Pippin Cottage (x2), Grange Farm, The Paddock (x2) Nether Green) raising the following issues:

1) Application Form: The application states that the applicant is the Trustees of the Fernie Hunt; Section 8 of the application states that the applicant is not an elected member of HDC yet Councillor Neville Hall is Treasurer and a Trustee of the Fernie Hunt. 2) Lunge and Horse Exerciser: The height dimensions differ between the Design and Access Statement Section 17.01 and the detailed plans – which is correct? 3) Horse Exerciser: Already built without planning permission. 4) Lunge site: The site for the lunge is beneath a low voltage overhead power line. The safe minimum clearance beneath such lines as advised by the Health and Safety Executive is 5.2m (Agricultural Information Sheet No 8 and Guidance Note GS6). A lunging whip is typically 1.5 to 2m long plus a lash of equal length. Cracking the whip by a normal person the tip of the lash could well reach over 6m – enough to get tangled in the overhead cables, dangerous when dry, fatal when wet especially as some whips are made of carbon fibre, a very good conductor of electricity. Placing a working site below these cables may be a breach of the Electricity at Work Regulations 1989 and the Management of Health and Safety at Work Regulations 1999 and I would expect a full review of this by HDC's Environmental Health officer. 5) Manure Store: Despite what it says in the application, Section 7, there has been no previous application for planning permission for a manure store. An average horse will produce 20.4 kilos (or 45 pounds) of manure each day, equating to 7.5 tonnes annually! This quantity does not include the addition of soiled stable bedding material. Whilst some manure is dropped onto fields when horses and ponies are turned out, best practice usually involves the collection and removal of droppings from pasture. With stabling for 9 horses that's a minimum 68 tonnes of waste per annum. Environment Agency guidelines for stables state that the following is mandatory: ● "Run-off from manure heaps, contaminated yards, stable washings and hay soaking should not be allowed to enter surface waters or watercourses." The Environment Agency offers guidelines for good practice: ● "Permanent stores should have an impermeable base that slopes so that run-off can be collected easily in a sealed underground tank." 6) Where is the detailed plan so that a judgement can be made if these requirements are being met? In addition we would expect a

Waste Management Plan to be produced to detail what is going to happen to all this waste. 7) We also need to know how it is to be disposed of as this determines what environmental regulations are applicable (Environmental Permitting Regulations 2007). 8) The horse lunge has been outlined on the previous plans submitted by the hunt but without any detailed elevations. It is in an area of the paddock which has the horse vehicle barn and stable block and almost on the newly sited access road leading to the kennels, there is an overhead power line immediately above it. if the lunge is to TRAIN new horses for riding is this area totally inadequate? The vehicle movement from the traffic on the lane to our houses and that to the vehicle barn, stables and kennels, would surely disturb them during training. 9) I would again question the long term intentions of the hunt re their business interests as each application seems to be an addition and indicate a fast growing development on this field in a conservation area. This small corner of the field is becoming so densely built on there will soon be little space to graze the horses when they are not being stabled or exercised!!! 10) I would also question the area earmarked for the manure store needed for this rapidly growing business. Once again it is located very near to the houses on Nether Green "lane" and reading the Environmental Agency guidelines for good practice. 11) I wonder whether guidelines for good practice will be breached if erected on the site identified. 12) A total lack of respect for neighbours has been shown and already with the warmer weather i have noticed the smells have started. 13) It goes without saying that i am opposing this application and request if at all possible that a long term plan or intention for the rest of this area be submitted from the hunt. 14) It would stop the need to discuss each small individual application every 6-8 weeks and give all concerned a bigger picture of the hunts intentions.

Representation in relation to Amended Plans:

3 letters received from 3 separate households (Stokes House, Pippin Cottage, Grange Farm, Nether Green) raising the following issues: 1) objections as per previous. 2) Manure store has been completed. 3) Manure store does not comply with EA Good Practice. 4) Design and Access Statement is now out of date and therefore invalid. 5) How will waste be disposed of? 6) Cllr Neville Hall is a Member and Trustee of the Hunt. 7) Overall, the multiple planning applications for the development of various buildings on this site continue to be incomplete, and/or rushed through, and always at odds with the local community. 8) I am amazed the District Council allow this process to continue. 9) If this application is approved we will certainly be taking the matter up with the relevant government agencies.

Policy:

National Planning Policy Framework (NPPF)

Policy 3 – Supporting a prosperous rural economy

Harborough District Core Strategy:

Policy CS11 – Promoting Design and Built Heritage

Supplementary Planning Guidance Notes:

SPG Note 6 – Agricultural & Equestrian Buildings and Development for Sport and Recreation in the Countryside

Other Information:

Public Rights of Way:

None affected

The Application is being presented to the Planning Committee at the request of Cllr Mrs Johnson.

Confirmation regarding Point 1 of neighbour representations, Cllr Hall is not the Treasurer of the Fernie Hunt, however, he is a Trustee of the Fernie Hunt.

History:

Plan No.	Nature and Location of Development	Name of Applicant	Date Received	Decision / Date
07/00852/TCA	Works to trees	Great Bowden Parish Council	30.05.07	APPROVED 28.06.07
09/00043/FUL	Erection of new stable building and vehicle storage unit and relocate access road	The Trustees Of The Fernie Hunt	13.01.09	APPROVED 03.08.09
09/00035/FUL	Erection of workers dwelling and erection of triple garage. Erection of double garage to serve No.23 Welham Road and creation of an access.	Mr M Hudson	16.01.09	APPROVED 03.08.09
11/00491/FUL	Erection of stable building and vehicle storage unit	Trustees Of The Fernie Hunt	06.04.11	APPROVED 01.06.11
11/00842/PCD	Discharge of conditions 2 (external materials) 3 (internal materials) 9 (landscaping) and 10 (protective fencing for trees) of 11/00491/FUL	Trustees Of The Fernie Hunt	24.06.11	APPROVED 18.08.11
11/01025/FUL	Erection of workers dwelling, detached triple garage, creation of new access and associated access tracks (revised scheme of 09/00035/FUL)	The Trustees Of The Fernie Hunt	25.07.11	REFUSED 15.09.11
11/01811/FUL	Erection of worker's dwelling and detached garage; creation of associated access tracks (revised scheme of 11/01025/FUL)	Mr J Cowen	05.01.12	REFUSED 07.03.12

Planning Considerations:

Policy:

As this application is for the erection of a horsewalker, exercise area, manure store and access track in relation to the Fernie Hunt, Policy CS11 is the most relevant policy to be applied to this element of the proposal. This policy requires that the development should be of a scale, density and design that would not cause damage to the special qualities and character and amenity of the area in which it is situated.

Affect on the Character and Appearance of the Area:

The application site lies adjacent to the limit to development for the village, however, it is outside, and is therefore considered to be within open countryside. The provision of equine facilities is an activity which one would expect to see in the open countryside, particularly

within a site which already benefits from stabling. Furthermore, the new facilities would benefit from a certain level of natural screening which would help to obscure views of the buildings. The horse lunge and horse exerciser are of sizes commensurate to that of the development as a whole, and as such, they are not considered to have a detrimental impact upon the appearance of the countryside. Furthermore, the manure store is located adjacent to the recently constructed stable building, using the outer wall of this as one wall of the store. The paddock is not classified as important open land, and while some may feel that its openness is a character of the conservation area, the proposals are located within the context of the recent development, and as such the openness of the paddock as a whole, will, although to a lesser extent, remain. The access track also forms part of this application, and is sited as per previous applications for the workers cottage, utilising the previously approved access onto Nether Green, but being routed in a less obtrusive location along the existing avenue rather than encroaching further into the paddock as previously approved. It is therefore considered that the proposal is in accordance with policy CS11 of the Harborough District Core Strategy.

Highways and Parking Considerations:

The application site will utilise an existing access onto Nether Green. The new access is further away from existing residential properties than was previously the case. This will have the effect of mitigating any current impact upon the dwellings caused by the current use. The proposed access track is considered to be of adequate construction for the proposed use, featuring a passing bay at the midway point. It is therefore considered that the proposal would not have an adverse impact upon the highway or its users and therefore complies with Policy CS11 of the Harborough District Core Strategy.

Residential Amenity:

There are no immediately adjacent residential properties to the site, the closest being some 23.5m to the south of the Horse Lunge, and as such, given the level of existing screening in this area (mature trees on application site and boundary wall of The Paddocks), it is not considered that there will be a detrimental impact to residential amenity. The proposed Manure Store is located to the rear of the stable block, approximately 58m to the north of the closest property. It is therefore considered that the proposal is in accordance with CS11 of the Harborough District Core Strategy.

Other Issues:

LCC Archaeology initially requested that any groundworks involved in this application be monitored by an archaeologist, and that conditions be recommended on any approval. When they were informed of the retrospective nature of the application, a request was made that HDC consider enforcement action against the applicant to ensure that no further ground disturbance is undertaken until an appropriate scheme of archaeological mitigation has been agreed and put into place. Having discussed this with the Enforcement department, considering that in this instance there has been no breach of planning control, and given the nature of the work (i.e. that the development sits principally upon the ground) and the fact that 3 out of 4 elements of the proposal have been completed, it was not considered expedient to initiate enforcement action. However, conditions are recommended to require archaeological investigation of the site for the outstanding element of the scheme prior to its commencement.

Conclusion:

It is considered that the proposal is acceptable in terms of its impact upon surrounding properties and upon the appearance of the countryside. It is therefore considered that the proposal is in accordance with policies CS11 of the Harborough District Core Strategy.

Conditions:

- 1) The development of the Horse Lunge shall not commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to

and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

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

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

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

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

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

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

Note To Applicant:

- 1) The applicant is advised that there should be no burning of manure on site and that it should be regularly removed to avoid accumulation which could lead to smell, flies or vermin.
- 2) The applicant is advised that there should be no burning of manure on site and that it should be regularly removed to avoid accumulation which could lead to smell, flies or vermin.
- 3) If manure is to be stored on an impermeable surface a tank will need to be provided for the collection of contaminated run-off. Such a tank must accord with the standards laid down in the 'Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations'. The disposal of manure should be carried out in accordance with the MAFF 'Code of Good Agricultural Practice for the Protection of Water 1998'.