

Planning Committee Report

Applicant: Richborough Estates Ltd

Application Ref: 18/00826/OUT

Location: Land At Coopers Lane, Dunton Bassett

Proposal: Outline planning application for residential development of up to 59 dwellings (Class C3), with associated access, landscaping, open space and drainage infrastructure (Access to be considered) (revised description)

Application Validated: 14.05.2018

Consultation Expiry Date: 15.08.2018

Target Date: 13.08.2018 (Extension of Time Agreed)

Site Visit Dates: 04.06.2018 and 17.07.2018

Case Officer: Ruth Meddows-Smith

Recommendation

Planning Permission is **APPROVED** for the reasons set out in this Committee report and subject to completion of a Section 106 Agreement, or similar legal obligation, to secure appropriate highway mitigation and a package of infrastructure contributions to make the development acceptable in planning terms (Appendix A), and subject to the appended Planning Conditions (Appendix B).

Recommended Justification Statement:

The proposal is considered to meet the relevant policies in relation to highways, ecology, contaminated land, trees, amenity and flooding with the suggested conditions. No harm has been identified to heritage assets. The proposal will cause some harm to the character and appearance of the countryside, however this can be appropriately mitigated in the long term. Subject to condition, the proposal will provide housing in a sustainable location which will meet the needs of the District, including local needs for affordable and open market housing.

The Development plan contains policies and elements of policies relating to housing which are considered out of date. Paragraph 11 of the Framework is engaged, and therefore permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. When weighed together, the identified harm to the countryside is not considered to significantly and demonstrably outweigh the benefits of the proposal, including the benefit of the provision of housing. The proposal is therefore considered to comply with policies CS2, CS5, CS8, CS17, CS1, CS11 and paragraph 11 of the National Planning Policy Framework.

1. Site & Surroundings

- 1.1 The application site is a roughly L-shaped parcel of pasture agricultural land. The site represents open countryside in planning policy terms.

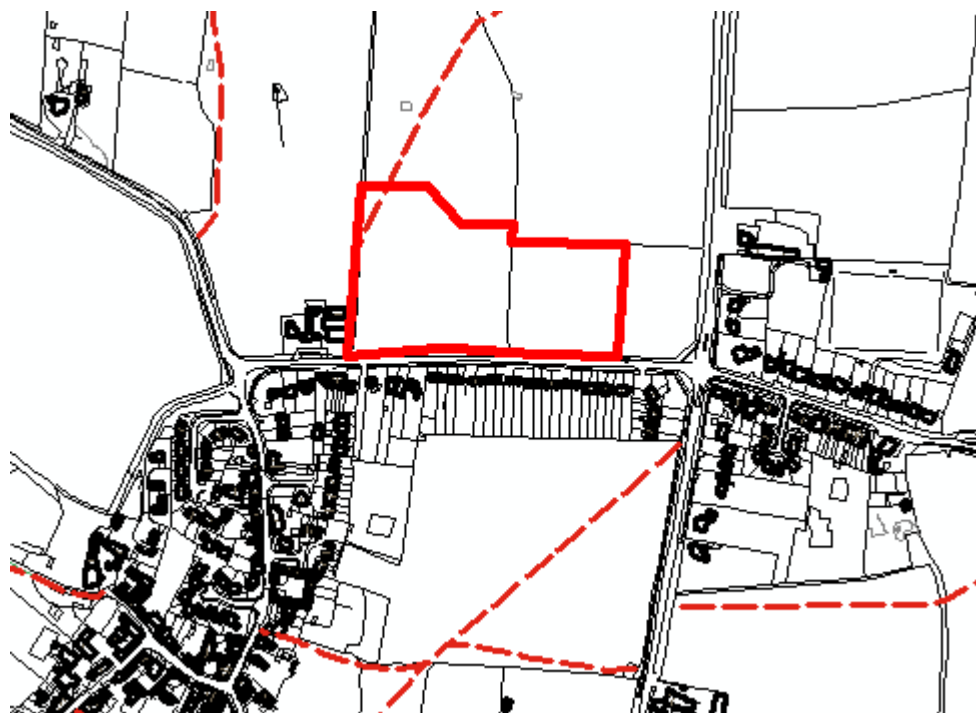


Figure 1: Application Site

(Source: HDC Uniform. Dashed Lines indicate Public Rights of Way.)

- 1.2 The total red line site area extends to approximately 3.47 hectares.
- 1.3 The site lies on the northern edge of Dunton Bassett, designated a Select Rural Village within the Core Strategy. Whilst the core of the village is located to the south-west, later housing development lies to the southern edge of Coopers Lane, to the north and south of the A426 crossroads to the east of the village (and including a car dealership on the north side), and to both sides of Station Road to the east, on the road to Ashby Magna.
- 1.4 Public Footpath Y39 traverses the north-eastern edge of the site, and is accessed from Coopers Lane. Two agricultural accesses lie on the south boundary to Coopers Lane, either side of the hedge dividing the two fields which comprise the site.
- 1.5 Coopers Lane runs along the site's southern boundary, running west (towards Broughton Astley) to the east. Approximately 70m to the east of the site, the Lane meets the A426 at a crossroads, with traffic controlled by traffic lights. Westwards beyond the junction, Station Road crosses the M1 before leading to Ashby Magna.
- 1.6 Elwells Farm lies to the immediate west of the site, and comprises the bungalow farmhouse with a number of agricultural barns. No livestock was evident within the barns on the occasions of the officer's site visits.
- 1.7 The site slopes down from the southern boundary with Coopers Lane, with levels falling from 122.9m to approximately 116.5m AOD at the west, and from 124m to approximately 120m AOD at the east. Within the western field, there is evidence of medieval field systems with the presence of ridge and furrow. Beyond the north of the site, the land rises up gradually, with views possible from the A426.
- 1.8 Established hedgerows and trees define three boundaries of the site, with no current delineation along the north-western boundary. One hedge runs across the middle of the site, separating the east field from the west, and containing some small gaps.

- 1.9 There are no Listed heritage assets which lie within close proximity to the site such that their setting would be affected by the proposed development. Dunton Bassett does not have a designated Conservation Area.



Figure 2: Aerial Photograph



Figure 3: site seen from the west, and showing site notice

2. Site History

- 2.1 The site has no previous planning history.
- 2.2 The representation refers to a recent refusal in the village. For information, this is application reference 16/01401/OUT, for the erection of up to 50 dwellings on Land South West of Church Lane, Dunton Bassett. This was refused by Members on 18th January 2017, for the following reasons:

1 - By virtue of its siting, and its indicative design (as shown on the submitted illustrative masterplan), the proposal will cause harm to the setting of the Parish Church of All Saints, Dunton Bassett. This harm outweighs the public benefits of the proposal, including the provision of housing and, in accordance with paragraph 134 of the Framework, and the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and policy CS11 of the Core Strategy, the proposal must be refused.

2 - The harm caused by the scale and siting of the proposal to the character and appearance of the village, significantly and demonstrably outweighs the benefits of the proposal, including the provision of housing when the Council cannot currently demonstrate a five year supply, and does not therefore represent sustainable development in the context of paragraph 14 of the NPPF. The proposal therefore fails policies CS11 c) iii), CS2 a) and CS17 a) of the Core Strategy.

3. The Application Submission

a) Summary of Proposal

- 3.1 The application (as amended) seeks outline planning permission to erect up to 59 new dwellings, with associated vehicular/pedestrian access, public open space, footpaths, sustainable drainage installations and other infrastructure. Except for 'access', all 4 other matters are reserved for future consideration ("Reserved Matters" consideration). Appearance, landscaping, layout and scale are Reserved Matters.
- 3.2 Vehicular access to the development site would be via a single new priority T-Junction on to Coopers Lane, as shown in Figure 2 below. It is intended that internal roads would be built to adoptable standards, although this is a detailed matter for consideration at Reserved Matters stage. A new footpath would be provided from the access westwards to meet the existing bus stop on the north side of Coopers Lane.

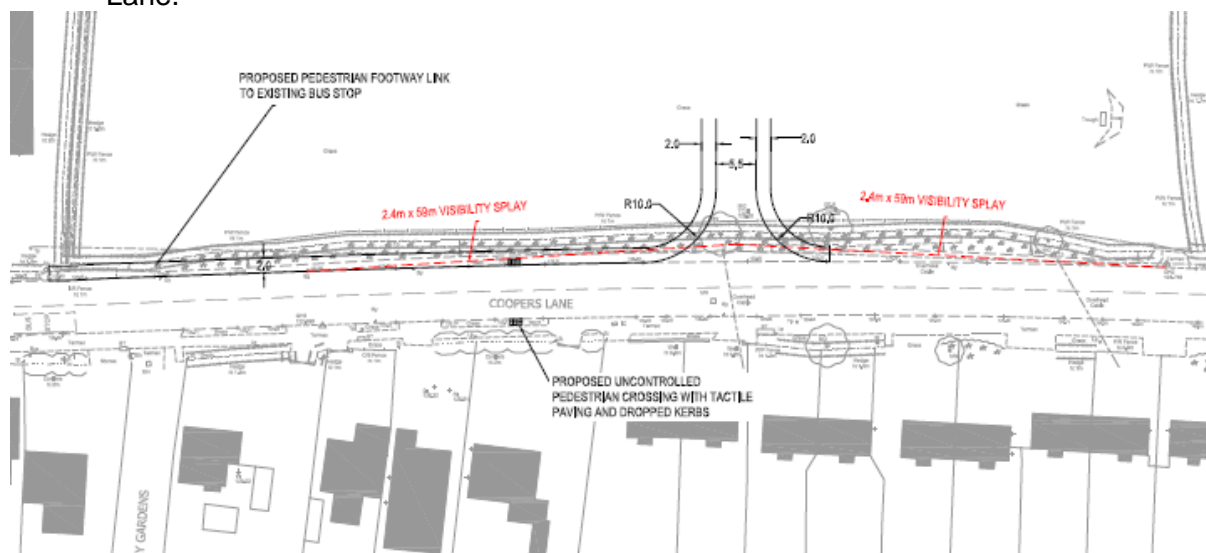


Figure 4: Extract from Proposed site access layout, drawing T17555 001 Rev C

- 3.3 An illustrative masterplan has been provided, showing a suggested layout for the development. The dwellings are shown contained within 7 blocks, served by private drives, 'lanes' and 'streets'. All existing trees and hedges are retained, except at the point of access, and small sections required for an internal road, agricultural access

to the fields beyond, and to allow for a footway link from the access westwards along Coopers Lane.



Figure 5: Illustrative Masterplan drawing P17-1384_005 Sheet no 01 Rev C

3.4 A Parameters' Plan shows areas proposed for different parts of the development



- Parameters Plan (P17-1384_007 Sheet no 01)
- Planning Statement including Statement of Community Involvement (May 2018)
- Site Location Plan (P17-1384_001)
- Land Ownership Plan (P17-1384_006)
- Topographical Survey (27081_T rev 1)
- Travel Plan (April 2018)
- Transport Assessment (April 2018)
- Proposed Site Access Layout Pedestrian Crossing Option (T17555 drawing 001 Rev B)
- Landscape and Visual Impact Assessment with plans and photo viewpoints (October 2017)
- Topography, GIS ZTV and Field Verified Visual Envelope (10997/P05a)
- Visual Receptors (10997/P04a)
- Strategic Landscape Masterplan (10997/P06)
- Cross Section of Proposed Northern Boundary at years 0, 5 and 15 (10997/07)
- Archaeological Desk Based Assessment (Revised April 2018)
- Tree Survey and Constraints Advice (June 2017)
- Geophysical Survey Report (January 2018)
- Ecological Appraisal Report (April 2017, version 2)
- Great Crested Newt Survey Report (June 2017, version2)
- Flood Risk Assessment (Revision 3, March 2018)
- Sustainable Drainage Statement (Revision P3, May 2018)
- Foul Water and Utilities Assessment (Revision P3, April 2018)
- Contaminated Land Desk Study Report, plans and historic maps (June 2017)
- Landscape and Visual Impact Assessment (May 2018)

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

- 3.9 Since validation of the application amended plans and additional information have been submitted:
- Illustrative Masterplan ('Parameters Plan') (P17-1384_007 Sheet no 01 Rev A)
 - Illustrative Masterplan (P17-1384_005 Sheet no 01 Rev C)
 - Strategic Landscape Masterplan (10997/P06A)
 - Landscape Note (Tyler Grange LLP)
 - Travel Plan (Revision A, 10th July 2018)
 - Transport Addendum Report 1 (10th July 2018)
 - Proposed site access layout pedestrian crossing option (T17555 drawing no 001 rev C)
- 3.10 In addition to a request from LCC Highways for additional/revised information, the amended plans and additional information primarily seeks to address two key concerns:
- Landscape and visual impacts: to provide more a transition from the open countryside to the built form of the village and to provide better screening when seen from the north;

- Scale: to reduce the number of dwellings in order to show a layout which, although indicative, is suggested to better reflects the character and appearance of the area.

d) Pre-application Engagement

- 3.11 The Applicant requested pre-application advice from the Local Planning Authority. The Officer's response suggested that the number of dwellings be as close to 40 as possible (at the time of the enquiry 70 dwellings were proposed), advice on viewpoints for the LVIA, and advice to minimise the encroachment into the countryside as much as possible.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community have been carried out on the application.
- 4.2 A summary of the technical consultee and local community responses which have been received is set out below. If you wish to view comments in full, please request sight of them, or search via: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

- 4.3 All comments below are the latest comments received at the time of writing this report and therefore address the amended plans/reduced housing numbers unless otherwise stated.
- 4.5 ***NHS – East Leicestershire and Rutland Clinical Commissioning Group (Infrastructure Contribution Request)***
The above development is proposing **59** dwellings, which based on the agreed average household size of 2.42 per dwelling (2011 Census) could result in an increased patient population of **143**.

The population of Dunton Bassett is served by The Orchard Medical Practice in nearby Broughton Astley. The surgery also has a branch surgery at Ullesthorpe nearby. It can be expected that the patients residing within the proposed development will seek registration from The Orchard Medical Practice.

The area of Broughton Astley and the surrounding villages have seen a significant number of new developments within the past 5 years. Several of which have not commenced which means The Orchard Medical Practice as a result is seeing a significant rise in demand which is expected to continue for some time.

Their current premises have been extended as far as the premises footprint will allow. The surgery is currently working with architects to plan an internal refurbishment to rearrange internal walls with a view to increasing the number of clinical rooms and also upgrading current clinical rooms....These changes are expected to increase the number of clinical rooms by one and increase the range of services available to patients.

They would therefore propose to use any S106 healthcare contribution resulting from this new development to be put towards that project.

The contribution which is likely to be requested is £16,422.12.

The CCG and the practice would request that the trigger point should be on or prior to the 10th premises being sold.

4.5 ***Severn Trent Water***

Consulted. No comments received.

4.6 ***Leicestershire County Council Access & Development Officer (Rights of Way) (Infrastructure Contribution Request)***

No objections, subject to conditions requiring footpath management plan, surfacing, gap/gate, way post. Note that "There is a discrepancy between the route of the path as depicted on the Definitive Map and the route available on the ground which runs a few metres further north to the route plotted on the applicant's planning drawing." The footpath as surfaced should be on the line of the Definitive Map. Also notes, "the surfacing of the footpath from the development to Cooper's Lane, is being sought through a condition which would require the developer to carry out the works in a similar manner to Planning Application No. 15/01425/OUT (land off Berry Close, Great Bowden) However if this practical approach cannot be agreed then Section 106 funds would be sought to enable the County Council to carry out the works. [for full comments, see file]

4.7 ***Leicestershire County Council Archaeology***

Consulted. No comments received.

4.8 ***Leicestershire County Council Civic Amenities (waste disposal)*** (First comments: no additional comments received following re consultation)

"The nearest Civic Amenity Site to the proposed development is located at Lutterworth and residents of the proposed development are likely to use this site. The Civic Amenity Site at Lutterworth will be able to meet the demands of the proposed development within the current site thresholds without the need for further development and therefore no contribution is required on this occasion."

4.9 ***Leicestershire County Council Ecology***

"This report and the follow-up Great Crested Newt Survey, which is on your website, are acceptable. The main habitat was recorded as improved grassland, and would not meet Local Wildlife Site criteria. There was no evidence of badger on site. Great Crested Newt DNA was found in a nearby pond some 200m to the NW, but none were present during a field survey. This is evidence of a small population that is unlikely to be impacted by the development. The hedgerows are valuable as local wildlife corridors. The submitted strategic landscape plan is satisfactory. Boundary hedges and the dividing central hedge are retained with buffer zones of open space alongside. The Reserved Matters layout will not be acceptable if these buffer zones are lost; the hedges should not form back garden boundaries. The layout shows significant opportunities for enhancement in connection with the flood retention basin to the NW. The area is partly within one of our new Swift Alert Areas, where nesting swift have been recorded recently. Swift are a local Biodiversity Action Plan species suffering declines in our area, in part due to loss of nest-sites. To help with their recovery, the development should incorporate a minimum of 5 groups of 3 swift nest-bricks within suitable gables/upper walls of properties. Details of this can be provided as planning condition. I have uploaded guidance on Swift conservation.

I recommend the following conditions:

1. Development to be in accordance with the strategic landscape plan.
2. All landscape planting in the informal/natural open space and adjacent to the site boundaries to be of locally native species only
3. All boundary hedges and the central dividing hedge to be retained with at least a 5m buffer zones of open space and natural vegetation alongside; short sections to facilitate access are acceptable
4. Before development commences, a biodiversity management plan for all retained and created habitats, including SuDs, to be submitted and approved by the LPA
5. The SuDS and the area of land around the SuDS in the NW corner to be designed to maximise benefit to wildlife, and should include wildflower grassland that is rich in species that attract pollinating invertebrates
6. Light spill onto retained hedgerows to be minimised to a value of 1lux or lower at the edge of the habitats, to maintain their value at bat foraging corridors.
7. Provision of swift bricks in line with advice from the County ecologist, a minimum of 5 groups of 3 bricks to be provided in suitable locations on properties on the edge of the development
8. Removal of vegetation outside the bird nesting season (March - July inclusive) or within 24 hours of the 'all-clear' from a suitably qualified ecologist
9. Badger re-survey prior to commencement of development if this does not take place before three years have elapsed since the April 2017 survey
10. A great crested newt mitigation plan to be approved prior to commencement of development, and a re-survey of the known great crested newt pond (pond 3 in JE's GCN survey of June 2017) prior to commencement of development if this does not take place before three years have elapsed since the start of the 2017 survey programme

4.10 **Leicestershire County Council Education (Infrastructure Contribution Request)**

"Primary School Sector Requirement £284,544.00

The site falls within the catchment area of Dunton Bassett Primary School. The School has a net capacity of 105 and 97 pupils are projected on the roll should this development proceed; a surplus of 8 pupil places. There are currently no pupil places at this school being funded by S106 agreements from other developments in the area to be deducted.

There is 1 other primary school within a two mile walking distance of the development.

Broughton Astley Old Mill Primary School	Deficit 29 (after 38 S106 funded places have been deducted)
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The overall deficit including all schools within a two mile walking distance of the development is 21 pupil places. The 20 deficit places created by this development can therefore not be accommodated at nearby schools and a claim for an education contribution of 20 pupil places in the primary sector is justified.

The requested contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Dunton Bassett Primary School or any other school within the locality of the development.

The contribution would be spent within five years of receipt of final payment.

Secondary School (11-16) Sector Requirement £194,135.31

The nearest 11-16 school to the development site is Thomas Estley Community College. The College has a net capacity of 900 and 976 pupils are projected on roll

should this development proceed; a deficit of 76 pupil places after taking into account the 11 pupils generated by this development. A total of 40 pupil places are included in the forecast for this school being funded from S106 agreements for other developments in this area and have to be deducted. This reduces the deficit of places at this school to 36 pupil places.

There are no other secondary schools within a three mile walking distance of the site.

The 11 places generated by this development cannot therefore be accommodated at nearby schools and a claim for an education contribution of 11 pupil places in the 11-16 is therefore justified.

The requested contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Thomas Estley Community College or any other school within the locality of the development.

The contribution would be spent within 5 years of receipt of final payment.

Post 16 Sector Requirement £0

The nearest Post 16 provision to the site is Countesthorpe Community College. The College has a net capacity of 295 and 429 pupils are projected on roll should this development proceed; a deficit of 134 pupil places after taking into account the 3 pupils generated by this development. There are currently 152 pupil places are being funded at this school from S106 agreements for other developments in this area which have to be deducted which reduces the deficit and creates a surplus of 18 pupil places. An education contribution will not, therefore, be requested for this sector.

Special Schools £0

As this development is less than 250 houses with two or bedrooms a claim for a Special School contribution will not be made.

Total Requirement: £478,679.21

With the rapidly changing environment of Education provision in Leicestershire it is becoming increasingly difficult to state which school or schools will serve a development once it is complete. We therefore request some flexibility in the use of the S106 funding generated by this development to enable the S106 contribution to be used for the provision, improvement, remodelling or enhancement of education facilities at schools in the locality of the development which the residents of the development would usually be expected to attend.”

Additional comment received, in request to clarification as to why the Primary School in Broughton Astley has been considered, bearing in mind there is a surplus at Dunton Bassett Primary School:

“Leicestershire County Council’s S106 consultation response regarding education contributions follows the methodology set out in the Leicestershire Planning Obligations Policy (2014). This methodology is followed for all S106 consultations, save for where special circumstances exist, such as large scale development necessitating the establishment of a new school.

The specific area of the policy that the agent’s attention should be drawn to is Appendix 3, paragraph 30:

“The need for a contribution will be established by comparing the number of pupils generated by the development with:-

- A) The net capacity of the catchment school and any other school within a 2 mile available walking route for primary school or 3 mile available walking route for secondary school from the development...
- B) The forecast number on roll for the catchment school and any other school within a 2 mile available walking route of the development site for primary schools and 3 miles for secondary schools...”

The 2 mile and 3 mile distances are based on:

- Home to School Travel and Transport Guidance, Statutory guidance for Local Authorities (2014) which sets out statutory walking distances at 2 miles for pupils below the age of 8 and 3 miles for pupils between the age of 8 and 16, beyond which the pupil may be eligible for school transport;
- The School Admissions Code (2014) expects that pupils are able to be accommodated in school places within a ‘reasonable distance’.

Taking the two documents together, Leicestershire County Council considers that a ‘reasonable distance’ for a school place would sit within the statutory walking distance, extended to 2 miles for all primary pupils.

When calculating S106 requirements, therefore, it is reasonable to include all schools within this distance from the development.

In this case, Old Mill Primary School is within 2 miles walking distance of the proposed development and is included in the calculation. Due to the number of pupils forecast for Old Mill Primary exceeding the capacity of the school, it would be reasonable for pupils to travel to Dunton Bassett Primary School to take up ‘surplus places’ in the school. Similarly, should Dunton Bassett Primary be forecast to be oversubscribed and surplus places forecast at Old Mill Primary, the proposed development would ‘benefit’ from these surplus places.

This methodology has been accepted as CIL compliant by all Planning Authorities in Leicestershire, along with Planning Inspectors through numerous planning appeals.”

4.11 **Leicestershire County Council Highway Authority (CHA)**

8 pages of initial comments, including requesting further information. 11 pages of subsequent/final comments. [All comments are fully available on file].

The final comments are summarised as:

- 2 D characteristics of the access are broadly in accordance with the Leicestershire Highway Design Guide (LHDG)
- Visibility splays of 2.4m ‘x’ set-back distance and 59m ‘y’ distance are proposed, in line with LHDG based on the recorded wet-weather design speeds quoted in the TA. Traffic flow and speed data collected in January 2017 by Dunton Bassett Parish Council has also been noted in the 4 TA as recording similar speeds to those recorded by the applicant. The LHA is content with the adopted visibility splays
- The proposed foot way and tactile paving uncontrolled pedestrian crossing are acceptable to the LHA.

- Vehicle swept path analysis of the access junction now includes analysis of a refuse vehicle such as that used by HDC, and of a 'Farm tractor and hay wagon' which is a reasonable proxy. The analysis shows that both require both sides of the access and major carriageway; however this is acceptable given the low/seasonal frequency at which such access would be required.
 - No concerns regarding road safety
 - Trip generation, Distribution and Assignment details are 85th percentile, have been spot checked by the LHA, and appear acceptable
 - Traffic peak flows reflect actual hours, have been spot checked and are acceptable.
 - The queue length survey could have been carried out in a different way, but "whilst the exact queue during the '10+' five minute period is not known, it is unlikely to be significant when compared to the queues throughout the rest of that period and would therefore be unlikely to have a bearing on maximum mean queues".
 - 5 committed developments in Broughton Astley (totalling 778 dwellings plus other uses) have been included in the calculations for predicted traffic flows, the LHA has spot checked the calculated predicted flows, and consider them to be acceptable.
 - Detailed capacity analysis of the two nearest off-site junctions has been undertaken (Coopers Lane/MainSt/Broughton Lane priority junction; and Coopers Lane/Lutterworth Road/Station Road traffic-light crossroads junction). The analysis has been spot checked by the LHA. "The modelling of all three junctions appears acceptable and operation appears to validate appropriately against queue observations". The Priority Junction and the site access junction both operate well within practical capacity, including when assessed against future flow. The crossroads junction is "expected to worsen following implementation of the proposed development. However, the worsening...is marginal and the use of 85th percentile trip rates in assessing the proposed development means that the development trips adopted may be particular[ly] robust". "the LHA does not consider the impact to be material in this instance".
 - The LHA is content that the proposal will not result in a material traffic impact on the local highway network
 - Internal layout hasn't been considered at this stage, but will need to be developed in accordance with the LHDG and the passage of agricultural vehicles will need to be considered.
 - The site is reasonably accessible; the proposed improvements to the two nearest bustops are in excess of what is required; the revised Travel Plan is acceptable.
- The advice concludes:

"The Local Highway Authority advice is that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with the National Planning Policy Framework 2018 (NPPF), subject to the Conditions and Contributions as outlined in this report."

Seven conditions are requested; also S106 contributions in the form of Travel Packs, 6 month bus passes (two per dwelling) and a Travel Plan monitoring fee are requested.

4.12 **Leicestershire County Council, Lead Local Flood Authority (LLFA)**

"The application is for a residential development comprising of 65 dwellings within Dunton Bassett. The site lies wholly with Flood Zone 1 and has a low risk of surface

water flooding. The submitted drainage and flood risk details appear technically acceptable to the LLFA at this stage.

Leicestershire County Council as LLFA advises the Local Planning Authority that: The proposed development would be considered acceptable to Leicestershire County Council as the LLFA if the following planning conditions are attached to any permission granted.

Conditions requested regarding: surface water drainage details (for during construction and for the occupied scheme), SuDS Maintenance Plan and Schedule and Infiltration testing.

4.13 Leicestershire County Council Library Services (Infrastructure Contribution Request)

"I would advise that the above proposal would result in the following service requirements, for which contributions should be sought from the developer:

The library facilities contribution is outlined in the Leicestershire Planning Obligation Policy (adopted 3rd December 2014). The County Council consider the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area.

The proposed development on Coopers Lane Dunton Bassett is within 3.5km of Broughton Astley Library on Main Street, being the nearest local library facility which would serve the development site. The library facilities contribution would be **£1,960** (rounded up to the nearest £10).

It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought for stock resources eg books, audio books etc for loan and reference use to account for additional use from the proposed development. It will be placed under project no. BR0001. There is currently one other obligation under BR0001 that have been submitted for approval. Subject to change due to future priorities of the library service...

..Consequently the proposed development at Coopers Lane Dunton Bassett is likely to generate an additional 94 plus users and would require an additional 226 items of lending stock plus reference, audio visual and homework support material to mitigate the impacts of the proposed development on the local library service.

The County Council consider the library contribution is justified and is necessary to make the development acceptable in planning terms in accordance with the relevant national and local policies and the additional demands that would be placed on this key infrastructure as a result of the proposed development. The contribution requirement is directly related to the development because the contribution is to be used for the purpose of providing the additional capacity at the nearest library facility to the proposed development which is at Broughton Astley.

It is considered fair and reasonable in scale and kind to the proposed scale of development and is in accordance with the thresholds identified in the adopted policies and to meet the additional demands on the library facilities at Broughton Astley which would arise due to this proposed development.

The request is based on the following formula for library facilities contributions:

1 bedroom houses/apartments @ £15.09 per house/apartment

2+ bedroom houses/apartments @ £30.18 per house/apartment
1 bedroom student dwelling @ £10.06 per house/apartment.”

4.14 ***Leicestershire Police (Infrastructure Contribution Request)***

“Leicestershire Police have no formal objections in principle to the application however we would like to make the following observations.

In respect to land off Coopers Lane, Dunton Bassett, Leicestershire and development of 59 dwellings.

I have now visited the site, which is set in a grassed area facing dwellings on the opposing side of the road. Access to the proposed site is via a single entry point on Coopers Lane in the south west corner of the site. The site plan is well constructed in blocks which create good natural observation for residents, which will deter potential intruders from entering and committing crime.

Permeability is high within the proposed site with vehicle access and public footpaths allowing free movement through the area. This will increase the risk of crime, so to mitigate this I recommend appropriate lighting of the footpath areas as well as access roads. There is also an open space area to the north west of the site which should have supportive lighting to enable residents to use it safely during winter shorter days.

Consideration of CCTV and appropriate signage is also recommended as coverage of a few key positions would increase safety and security for residents. The key positions are the single vehicle entry point, walkways and open space.

Parking for vehicles is recommended to be in curtilage where possible to reduce congestion and allow free access to emergency services. Perimeter fencing is established and effective so retention would be recommended to add to the effective and sympathetic appearance of the site.

Low level planting in front gardens to 1m high and similar fencing would allow a clear field of vision. Trees should have no foliage lower than 2m from the ground at the front to allow a similar clear field of vision. The subsequent natural observation would deter potential offenders. Side and rear access points fencing or barriers are recommended to be 1.8m high. Dwelling alarms are recommended where possible to alert witnesses and deter potential offenders, especially during the initial build period.

General Recommendations

1. Street lighting columns to BS 5489 are recommended.
2. Appropriate fencing should be used to enclose the perimeter and is recommended to be 1.8m in height. This can be via planting or manufactured fencing.
3. Key access points leading into the development should be considered for CCTV coverage supported by lighting to allow identification during day and night. This would allow vehicle and facial recognition in key areas. Appropriate signage should be in place to be compliant with the Data Protection Act.
4. Natural surveillance should be possible via ground level foliage being trimmed to 1m high and trees to have no foliage lower than 2m from the ground to allow a clear field of vision.
5. Vehicular parking is recommended to be in curtilage as part of the dwellings where possible. Communal parking should be supported by natural observation, lighting and be set in clearly defined areas to deter unauthorised access.

6. Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request.
 7. Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties if appropriate.
- 4.15 **HDC Community Facilities (Infrastructure Contribution Request)**
No request received from the Parish prior to drafting this report. Any request received will be included on the Supplementary List.
- 4.16 **HDC Environmental Services (Contaminated Land and Air Quality Officer)**
No objections, however “due to the findings of ASL Report No.152-17-087-11 June 2017 Desk Study Report, Land Off Coopers Lane, Dunton Bassett, requests a further Risk Based Land Contamination Assessment” by condition. Also an additional condition (Completion/verification Investigation Report)
- 4.17 **HDC Environmental Services (Environmental Health Officer - Noise)**
“Owing to the size of the development and its close proximity to neighbouring residents, I would recommend the following condition be attached to any approval” (a Construction Method Statement condition)
- 4.18 **HDC Housing Enabling and Community Infrastructure Officer (Developer Contribution) (Infrastructure Contribution Request)**
“My comments noted below are still valid in the main however based on a revised site yield of 59 units our 40% AH requirement will equate to 23.6 units rounded up to 24 units. On the assumption that this includes 3 x 2b bungalows this will reduce our total of AH units to 21 units including the 3 bungalows.” *[officers will check and confirm these figures, with information to be provided on the Supplementary Planning Information on the day of Committee]*

“Our Affordable Housing requirement will be to seek 40% Affordable Housing of the total site yield In accordance with Policy CS3. On a site proposal of **65** units, this will equal **26 AH units**. The applicant has proposed **3x2b bungalows** based on prior pre app discussions. In principle this would be acceptable and therefore will reduce our numerical requirement to **23 AH units**.”

Our tenure split requirements are for the affordable requirement to be provided as **60%** Affordable rented and **40%** to be provided as intermediate or shared ownership. We will be flexible on our tenure request

We will not stipulate our specific unit mix and tenure split for the affordable house types at this point in time. We will provide our exacting requirements if and when a full application* is submitted. This ensures greater accuracy in our request for specific unit types and accords more accurately with our housing need profile at a point when the scheme is more likely to be progress.

I have checked their Planning statement which commits to AH (3.5 and 5.39) which commits to on site AH.

The AH scheme will need to be agreed with the LPA. The applicant is therefore advised to contact the Council’s HE&CI officer at the earliest opportunity

Our RP list is included and the applicant is advised to consult our Partners at the earliest opportunity to gauge interest in a potential AH scheme.

The above stated AH comments need to be considered alongside my comments noted in email dated 28/9/17 and reference to Harborough’s Local Plan requirements

and the wider implications of a large development proposal in a settlement of this size.

For purposes of drafting a potential S106 agreement

We would expect delivery of an agreed affordable scheme to be delivered at the following triggers: Fifty percent (50%) of the Affordable Dwellings shall be ready for Occupation prior to the first Occupation of Fifty percent (50%) of the Market Dwellings; and

The remaining Fifty percent (50%) of the Affordable Dwellings shall be ready for Occupation prior to the first Occupation of Seventy Five percent (75%) of the Market Dwellings.”

[*Planning Officer Note – the Community Infrastructure Officer means a Reserved Matters application.]

4.19 *HDC Landscape Consultant (The Landscape Partnership)*

A detailed review of the Applicant's LVIA has been undertaken by and comments provided 12/07-2018. Following receipt of further information/revised plans, comments provided 09/08-2018. All comments are available in full on the file.

The comments conclude:

“In principle, we consider that the Site would provide an appropriate location for the proposed development, subject to further recommended changes set out above. Whilst there would be some evident harm, this is relatively localised, and potentially can be appropriately mitigated in the long term.”

4.20 *HDC Neighbourhood & Green Spaces Officer (Developer Contribution)*

The site generates a requirement for all typologies of open space except Outdoor Sports provision and allotments provision. However the Playing Pitch Strategy (PPS) has identified qualitative issues at the sports clubs in Dunton Bassett (football and cricket). Off site contributions of **£106,145.00** will therefore be required to enhance the existing outdoor sports provision and associated facilities.

Site: Land north of Coopers Lane Dunton Bassett Ref 18/00826/OUT Dwelling Number 59 Assumed Population 136 <i>Note all figures uplifted since 2009</i>			notes; The site is considered to be in a rural location for semi natural greenspace. Sports and Allotment provision are in oversupply in the local area, however it will be necessary to provide an off site contribution for suitable projects at local clubs or community groups. Dunton and Broughton Rangers have identified within the Playing Pitch Strategy that general pitch improvements are required, the clubhouse needs new showers, walkway and car parking. Dunton Bassett CC has also identified works required to the club house and practice nets. A contribution towards greenways and the provision or enhancement of existing walking , cycling or horseriding routes within 1.6km of the site will be required. An off site contribution for provision of burial space will be required for sites within 2km of the development site		
POS type		Minimum Area (ha)	Commuted sum for maintenance per ha	Total commuted maintenance for minimum area of POS	Off site contribution if required
Parks and Gardens 0.5ha per 1000 pop	On site	0.06785	£574,757.00	£38,997.26	
Outdoor Sports Facilities 1.6ha per 1000 pop	off site contribution will be required to address quality issues at adjacent site		£141,111.00	£0.00	£96,347.00

Amenity Greenspace 0.9ha per 1000 pop	On site	0.12213	£224,692.00	£27,441.63	
Natural and Semi Natural Greenspace	rural areas 8.5ha per 1000 pop	1.15345	£260,117.00	£300,031.95	
	urban areas 1.5ha per 1000 pop		£260,117.00	£0.00	
Children and Young People Provision 0.3ha per 1000 pop	On site	0.04071	£3,051,803.00	£124,238.90	
Allotments 0.35ha per 1000 pop	sufficient provision locally, but off site contributions may be required to address quality issues at other sites		£60,233.00	£0.00	
Greenways 1.3ha per 1000 population	On site/ off site	0.17641	to provide enhanced access or signage for existing sustainable routes.		£21,440.60
Cemeteries and Burial Grounds 0.375ha per 1000 pop	Off site contribution				£11,856.65
Total		1.56055			
<p>All POS to be provided on site, except Cemeteries and Burial Grounds contribution. Any off site contributions to be through negotiation of S106 with officers. If off site contributions are required this will either be for enhancement of existing facilities or provision of new facilities within the accessibility thresholds of the site for each typology. If more Open Space than the minimum provision for any typology is proposed by the developer, then commuted sums will be calculated on a pro rata basis.</p>					

4.21 **HDC Technical Services (Drainage Engineer)**

Consulted. No comments received.

4.22 **HDC Waste Management**

Consulted. No comments received.

4.23 **Dunton Bassett Parish Council**

"The Parish Council discussed the application.

SG feels that the development is too big for the village.

KB is in agreement and feels the traffic problems are a major issue

CH agrees with the above comments

AM agrees but feels that Dunton Bassett needs to have development.

The planning application was put to vote

3 Councillors recorded objections

The Parish Council objects to the application for the following reasons:

Traffic issues increasing on an already troublesome stretch of highway, accidents and speeding are a high occurrence.

Development is too big in scale in relation to villages current size.

The heritage of Dunton Bassett is being ignored as well as resident's feedback.

The landscape and environmental issues have not been taken into account for this development"

- 4.24 Where conditions have been requested by consultees, these have been considered against the tests contained within paragraph 55 of the NPPF 2018. Those which meet these six tests have been included: others have been incorporated into other conditions or placed as informative notes to the applicant.

b) Public Representations

- 4.25 At the time of writing the report, the application has generated 80 letters of objection from 67 households, and one letter "From the Residents of Dunton Bassett" signed by six households. This includes letters received following reconsultation on the amended plans/description. Any further representation received will be included on the Supplementary Information list for Members.

- 4.26 A petition has been received. The reason for the petition is given as:

"We do not want the housing development on Coopers Lane to go ahead for reasons such as the increase of traffic, visual impact on our village, limited school capacity concerns, potential loss of habitat, lack of amenities etc. We, the undersigned, are concerned citizens who urge Harborough District Council to act now and refuse the planning application for the housing development proposed on Coopers Lane, Dunton Bassett."

The petition is signed by 149 residents. Reasons for objection are also included, individually, from most signatories. These reasons are the same or similar as those matters raised within the representation, as summarised below.

- 4.27 The objection responses are summarised as follows:

Highways	<ul style="list-style-type: none">• Traffic congestion• Unsafe development, speeding traffic along Coopers Lane• Developments in Broughton Astley have increased traffic using Coopers Lane; queues of traffic extending back towards Broughton Astley at peak times• Increased use of unsafe and narrow 'rat-run' (Church Lane,
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	Main Street, onto Coopers Lane) <ul style="list-style-type: none"> • Insufficient parking provision
Facilities/Infrastructure	<ul style="list-style-type: none"> • Lack of existing facilities • Shop and post office recently closed • Whilst school is not completely full, pupils share classrooms and village hall is used for lunches and other school activities • No room to expand school • Residents will need to drive just to buy a pint of milk • Unsustainable, should use previously developed land instead
Ecology	<ul style="list-style-type: none"> • Wildlife will be harmed • Existing links between two local wildlife areas (willow pond to west and Parish Council field to the east) will be lost
Residential amenity	<ul style="list-style-type: none"> • Increase in air pollution as a result of the cars • Increase in light pollution • Increase in noise
Landscape/visual impact	<ul style="list-style-type: none"> • Loss of “beautiful view” • Rural nature of village will be lost • Poorly related to the village, disconnected and isolated • Layout doesn’t reflect linear character of the village • Is on the Green Belt • Loss of enjoyment of countryside, particularly from Rights of Way • Harmful to views in/out of the village
Other	<ul style="list-style-type: none"> • 65 or 59 is too many • Will alter character of the village • Loss of ridge and furrow • Detriment to historic character of village • Will lead to further development in the fields to the north • Does not create employment • Poor drainage at present • Crime will increase • District’s requirement will be met by 3000+ houses at new M1 junction • Will undermine Neighbourhood Plan process

5. Planning Policy Considerations

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 instructs that planning applications must be determined in accordance with the provisions of the Development Plan (DP), unless material considerations indicate otherwise.
- 5.2 The policies relevant to this application are set out below. More detail is provided in the “Common Planning Policy” section above.

a) Development Plan

5.3 The DP for Harborough comprises:

- The Harborough District Core Strategy, adopted November 2011; and
- The saved/retained policies of the Harborough District Local Plan (HDLP), adopted April 2001.

5.4 *The saved policies of the Harborough District 2001 Local Plan (HDLP)*

5.5 The HDLP was adopted in 2001 with an original end date of 2006. A small number of policies were “saved/retained” beyond that time. Of the limited number of policies that remain extant, Policy HS/8 (Limits to Development) should be noted.

5.6 However, blanket restriction housing policy HS/8 is not considered to be up-to-date with the Framework. The current Limits to Development were implemented in 2001. The background work leading to the establishment of these Limits is older; the Limits were established based on now out-of-date housing needs evidence.

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

The Core Strategy (CS) was adopted in November 2011 and covers the period from 2006 to 2028. The following aspects of the CS are notably relevant to this application.

5.8 Key CS Policies:

Policy CS1 – Spatial Strategy

Policy CS2 – Delivering New Housing

CS2 sets out the delivery policy for the distribution of a minimum of 7,700 dwellings between 2006-2028, including:

- Rural Centres and Selected Rural Villages will receive at least 2,420 dwellings.

[Planning Officer comment – this figure is now significantly higher, noting HDC’s 5yr housing supply being based on the latest evidence of FOAN at 532 dwellings per annum, with shortfall to be met within 5yrs and applying a 20% buffer.]

- (a) Housing development will not be permitted outside Limits to Development (either before or following their review) unless at any point there is less than a five year supply of deliverable housing sites and the proposal is in keeping with the scale and character of the settlement concerned.
- (b) All housing developments should be of the highest design standards (in conformity with Policy CS11) and have a layout that makes the most efficient use of land and is compatible with the built form and character of the area in which it is situated.

[Officer comment – The aspect of Policy CS2 which permits development outside Limits when there is less than a five year supply, but automatically rules it out when there is a five year supply, is a restrictive housing policy. It is judged to be out-of-date and reduced weight is attached to it. Paragraph 11 of the NPPF

takes precedence. However, the overarching direction advocated by both Policy CS2 and the Framework is that new housing should be provided in a sustainable manner and proposals should be in keeping with the scale and character of the settlement concerned.]

Policy CS3 – Delivering Housing Choice and Affordability

Policy CS5 – Providing Sustainable Transport

Policy CS8 – Protecting and Enhancing Green Infrastructure

Policy CS9 – Addressing Climate Change

Policy CS10 – Addressing Flood Risk

Policy CS11 – Promoting Design and Built Heritage

Policy CS12 – Delivering Development and Supporting Infrastructure

Policy CS17 – Countryside, Rural Centres and Rural Villages

CS17 specifically refers to the Countryside, Rural Centres and Selected Rural Villages, stating that “Housing in selected rural villages [SRV] will be on a lesser scale reflecting their size, character and service provision”. Dunton Bassett is identified as a SRV, having at least two key services.

[Planning Officer comment – CS17 contains elements which are restrictive to housing development and therefore not compliant with government policy as contained within the NPPF. Reduced weight must therefore be attached to CS17. The aims and objectives of the Framework, which seek to deliver high levels of housing growth in sustainable locations, attract significant weight. As per Paragraph 11 of the Framework, where the adverse impacts of a proposal do not significantly and demonstrably outweigh the benefits of the proposal (when assessed against the policies in the Framework taken as a whole), the proposal should be approved without delay (as long as specific policies in the Framework do not indicate that development should be restricted).

It is noted that Paragraph 6.63 of CS17 states “Development outside Rural Centres and Selected Rural Villages will be strictly controlled in order that the integrity of the landscape character and settlement pattern is protected.” This approach must be slightly less strict if the District LPA is to seek to deliver additional housing growth and achieve its housing land supply requirements. Each site must be assessed on its own merits: any harm stemming from this proposal must be identified and weighed against positive material considerations.]

- 5.9 Is not judged that Development Plan policies pertaining to housing are wholesale out-of-date; just that certain criteria/elements of such policies are out-of-date, to varying degrees, and should attract accordingly less weight in the planning balance. For example, CS1(a) and CS2(a). The strategic settlement hierarchy principles contained in CS1, CS2 and CS17 (which seek to direct new housing towards more sustainable locations) are judged to be up-to-date; landscape and heritage protection policies are up-to-date, good design policies are up-to-date and so forth – these policies (which are regularly relevant to planning applications for housing) are in line with the Framework and the emerging policies and strategic principles of the new Local Plan.
- 5.10 However, notwithstanding that the District can demonstrate a 5yr housing land supply, the adopted development plan does contain policies or elements of policies which are out of date. As such, the presumption in favour of sustainable development at Paragraph 11 of the Framework is engaged.

- 5.11 The site is not designated “Important Open Land” (Policy HS/9 of the 2001 Local Plan) and is not the subject of any other specific development plan or national landscape policy designation.

b) Material Planning Considerations

- 5.12 Material considerations include any matter relevant to the application which has a bearing on the use or development of land. The material considerations to be taken in to account when considering this application include the DP referred to above, emerging Neighbourhood Plans, the National Planning Policy Framework, the national Planning Policy Guidance, further materially relevant legislation, policies and guidance, appeal decisions, planning case law and high court judgements, together with responses from consultees and representations received from all other interested parties in relation to material planning matters.

- 5.13 *The National Planning Policy Framework (The Framework / NPPF)*

Please see the “Common Planning Policy” section above for planning policy considerations that apply to all agenda items.

- 5.14 *National Planning Practice Guidance*

- 5.15 *Planning (Listed Buildings and Conservation Areas) Act 1990 Sections 16(2), 66(1) and 72*

Sections 16(2) and 66(1) relate to Listed assets. Section 66 states, inter alia: “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Core Strategy Policy CS11 also applies in this respect.

- 5.16 *Emerging Local Plan (and Evidence Base)*

Following the Council’s submission of the Harborough Local Plan 2011 to 2031 to the Secretary of State on 16 March 2018, Planning Inspector Jonathan Bore has been appointed to undertake an independent examination into the soundness of the Plan. Given the stage of the new Local Plan, some weight is attached to its content. Within Policy H1 of the emerging Local Plan, Dunton Bassett is expected to take a minimum of 40 dwellings.

- 5.17 *Supplementary Planning Guidance*

In March 2003, a series of guidance notes were adopted as Supplementary Planning Guidance (SPG) to the 2001 Harborough District Local Plan. They cover a range of topics, for example layout and design issues. The Council agreed to retain said SPGs and link them to CS policies as applicable.

The following retained SPGs Notes are considered to be most relevant:

SPG Note 1: Design Principles to be Applied in Harborough District
SPG Note 2: Residential Development – Major Housing Sites
SPG Note 9: Landscape and New Development

SPG Note 10: Trees and Development
 SPG Note 11: Hedges and Development
 SPG Note 13: Crime Prevention and Reduction
 SPG Note 16: Requirements for the Provision of Land for Outdoor Play Space in New Residential Development
 SPG Note 19: Development and Flood Risk

5.18 *Dunton Bassett Neighbourhood Plan (emerging)*

The Dunton Bassett Neighbourhood Area was formally designated on 14th February 2018 and work is underway on the Neighbourhood Plan. No draft has been submitted as yet and therefore no weight can be attached to the Plan.

5.19 *A Detailed Investigation into the Housing Needs of Dunton Bassett – Midlands Rural Housing, July 2016.*

This concludes that “there is an identified need for 6 open market homes and 4 affordable homes in Dunton Bassett for those with a local connection”.

5.20 *HDC Planning Obligations SPD (Jan 17)*

5.21 *5 Year Housing Land Supply (5YS) Statement*

The Council produces bi-annual monitoring reports on the level of housing supply within the District. These reports include a five year housing land supply calculation and a housing trajectory for the remainder of the DP period.

The latest position following July 2018 NPPF concludes that the Council now has a 6.94 year housing land supply (August 2018).

5.22 *Supreme Court Judgement – [2017] UKSC 37; On appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin) – (Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant)) – Judgement given on 10 May 2017.*

The Judgement affirms that the correct approach has historically been taken by HDC.

5.23 *Institute of Highways and Transport “Guidelines for Providing for Journeys on Foot” (2000)*

5.24 *Chartered Institute of Highways and Transport “Planning for Walking” (2015).*

5.25 *Harborough District Landscape Character Assessment (2007)*

c) Emerging Local Plan Evidence Base

5.26 *Housing and Economic Development Needs Assessment (HEDNA; January 2017; GL Hearn)*

5.27 *Strategic Housing Land Availability Assessment – 2015 Update – Site Assessment Companion Guide Rural Centres (May 2016)*

The SHLAA is technical evidence which, together with other evidence documents, is being used to help identify potential strategic allocations as part of the new Local Plan. The site has not been included in the most recent SHLAA.

5.28 *Dunton Bassett Settlement Profile (May 2015)*

The Profile notes the following Constraints:

“There is a limited bus service to Leicester and very high levels of travel to work by car. Broadband speeds are currently poor and variable, but an upgrade is imminent. The village school has limited capacity and an extension may be required although the site is constrained with limited space to extend. The capacity of Broughton Astley GP surgery is also severely constrained and contributions towards a new GP surgery facility would be sought.

There are 2 Local Wildlife Sites on the edge of the village.

Development would need to respect the scheduled monument and numerous listed buildings (including their setting) around the western part of the village through sensitive design and siting.”

The Profile concludes with this summary:

“Dunton Bassett has the services to support its continued designation as a Selected Rural Village and the capacity to accommodate limited growth providing development is well related to existing services, sympathetic to its heritage asset and contributes to meeting community aspirations in terms of smaller starter homes and improved recreational facilities.”

d) Other Relevant Documents

5.29 The following documents should be noted:

- *The Community Infrastructure Levy Regulations 2010, S.I. No.948 (as amended)*
- *Circular 11/95 Annex A - Use of Conditions in Planning Permission*
- *ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)*
- *Leicestershire County Council Planning Obligations Policy (November 2014)*
- *Leicestershire County Council Local Transport Plan 3 (LTP3)*
- *Leicestershire County Council Highway Design Guide (April 2018)*

e) Reason for Committee Decision

5.30 This application is to be determined by Planning Committee because of the size and nature of the proposed development (it is a “Major Application” Development Type).

6. Assessment

a) Principle of Development, Including Locational Sustainability

Principle of Development

The National Planning Policy Framework

6.1 The Framework states at Paragraph 11:

“Plans and decisions should apply a presumption in favour of sustainable development....For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.”

- 6.2 As discussed below, officers consider that there are no specific Framework policies relevant to the application which indicate that the proposal should be refused. The Council does not have a five year supply of land and elements of the development plan are not up-to-date. Therefore, the ‘tilted balance’ of paragraph 11.d) ii) is engaged. Any adverse impacts of granting planning permission must therefore significantly and demonstrably outweigh the benefits for the application to be refused.

Saved Local Plan

- 6.3 The application site is a greenfield site in open countryside which lies outside the defined Limits to Development of Dunton Bassett (as established by the Harborough District 2001 Local Plan, Policy HS/8).
- 6.4 Limits to Development (Policy HS/8) around settlements were adopted 17 years ago, in the context of different national planning policies and based on now out-of-date housing needs evidence. Policy HS/8 is dated and inconsistent with relevant policies on sustainable housing development contained in the Framework. Furthermore, recent Inspectors, in the light of lack of 5 year housing supply, have given Limits to Development very limited weight when making appeal decisions. The Policy has been classed as a “restrictive” policy. For these reasons, very limited weight is given to Policy HS/8 in the assessment of this application.

Current Core Strategy

- 6.5 Policy CS17 of the Core Strategy qualifies that “new development in the countryside [outside settlements] ... will be strictly controlled” (p.100). The site is countryside.
- 6.6 Within Policy CS2 and CS17 of the Core Strategy, Dunton Bassett is classified as a SRV, with at least two services and able to take some additional housing development.
- 6.7 The site lies immediately adjacent to Dunton Bassett.
- 6.8 As mentioned, the Council is not able to demonstrate a 5 year supply of deliverable sites for housing and its policies for housing supply, including aspects of CS2 and CS17, cannot be considered entirely up-to-date / robust. Reduced weight must be attached to Core Strategy policies which seek to restrict housing delivery.

Emerging Local Plan

- 6.9 The emerging Local Plan (eLP) continues to identify Dunton Bassett as a Select Rural Village, and policy H1, “Provision of new housing”, identifies that the village will need to accommodate a minimum of 40 new dwellings. The eLP has been submitted for examination. Although the eLP could be subject to change, it is at a moderately advanced stage. Therefore, some weight is attached to the evidence base behind the eLP and the resultant policies contained in the eLP.
- 6.10 Allocations of sites have not been made at SRV level, however the eLP does not indicate that development of the site is unacceptable in principle.

Summary

- 6.11 The Local Planning Authority acknowledges that, even accounting for the Market Harborough Strategic Development Area, there are not a sufficient number of sites on brownfield land to accommodate the current need for new housing in the District. Therefore, development must occur on greenfield sites. In order to deliver housing growth it is considered that reduced weight must be attached to the restrictive aspects of Core Strategy to varying extents depending upon their lack of conformity with the Framework’s objective of sustainable development.
- 6.12 It is considered that limited weight should be given to 2001 Local Plan Policy HS/8, Core Strategy Policy CS2a Limits and those elements of Core Strategy Policy CS17 which restrict housing development solely on the basis that it is proposed outside Limits to Development. Resisting the proposal on grounds of it being beyond defined Limits to Development is not judged to be sustainable at appeal, nor a desirable approach if the Local Planning Authority is to seek to deliver the current and future housing needs of the District. The site’s location outside of the settlement boundary as defined by HS/8 should not, in principle, weigh against the scheme, irrespective of 5 year supply matters.
- 6.13 In circumstances where “relevant policies are out-of-date”, Paragraph 11 of the Framework advises that planning permission should be granted “unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.
- 6.14 In making any such assessment of adverse impacts and benefits, appropriate weight should be attached to all aspects of Development Plan policies which are not out-of-date and which remain in accordance with the Framework.

Locational Sustainability

- 6.15 Consideration now turns to the spatial relationship of the proposed development site to the facilities of Dunton Bassett – is the site satisfactorily located and accessible to these services, without the future occupiers of the dwellings having to rely on the private motor vehicle to access them. The school, pub and village hall of Dunton Bassett all lie within 800m of the site, thus meeting the guidance contained within The Chartered Institution of Highways and Transportation document ‘Guidelines for Providing for Journeys on Foot’ (2000), Building Sustainable Transport into New Developments (DfT, 2008) and The Chartered Institution of Highways and Transportation document “Planning for Walking” (April 2015).
- 6.16 There is a bus service which runs past the site which could give future occupiers transport choices and may reduce reliance on the private motor vehicle.

- 6.17 There is no pedestrian footway immediately past the site however the proposed access works will provide a footway from the site access westwards along the frontage towards the existing bustop. Tactile paving will be provided to create an uncontrolled pedestrian crossing point, as required by County Highways. There are good, well-lit and useable footways along the south side of Coopers Lane leading into the village.
- 6.18 Enhancements will also be made to the existing public Right of Way along the west boundary of the site; and – although only indicative – the proposed Masterplan indicates a number of footpaths within the site linking existing and proposed development to areas of public open space.
- 6.19 The County Highway Authority (CHA) considers the site to be reasonably accessible. They request contributions to promote public transport.
- 6.20 The representation raises issues of locational sustainability, including noting that future occupiers will have to get into their car just to buy a pint of milk. Officers agree that this is not ideal, and recognise the fairly recent closure of the Post Office within the village. However, within Policy terms, Dunton Bassett has been and is expected to take some development as it is identified as a SRV, and the designation going forward into the eLP takes account of the fact that the village has a pub and a school, and that all occupiers, whether current or future, need to rely on a motor vehicle for basic amenity food shopping. Whilst little weight can be attached to the eLP officers consider that the scale of proposed development adequately reflects the service provision within the village (although see paragraph 6.60 below): were the proposal for more dwellings, the lack of facilities may carry more weight.

Summary

- 6.21 Mindful of the information outlined above, along with cited best practice advice and guidance regarding acceptable walking & cycling distances, it is considered that the site lies within a satisfactory distance to services within the village. In locational sustainability terms the site would be satisfactorily connected. The location of the site would provide future occupiers with a realistic option to choose walking and cycling as an alternative to private vehicle trips in order to access village facilities, as well as locations farther afield, including those served by bus. When combined with the range of proposed S106 contributions, the location of the site is judged to accord with local and national locational sustainability principles and weight is attached to this positive material consideration.
- 6.22 The location of the site is judged to comply with HDC Core Strategy Policy CS5 'Providing Sustainable Transport', which seeks to ensure that future development is in areas well served by local services in order to reduce the need to travel and that people can gain convenient access to public transport for longer journeys.

b) Infrastructure Capacity

- 6.23 The application proposal would generate an increased burden on local services and facilities. This impact has been appraised by statutory and non-statutory consultees, as documented in Section 4 of this report.
- 6.24 Policy CS12 of the Core Strategy requires that appropriate measures are taken to mitigate the impacts of development and ensure that the necessary infrastructure to accompany development is provided.

- 6.25 The proposal would make provision through a S106 agreement for a range of financial contributions, including:
- Education;
 - Healthcare;
 - Local community facilities;
 - The local library;
 - Off-site sports facilities;
 - Off-site greenways;
 - Public open space;
 - Highway alterations and sustainable travel measures.
- 6.26 These contributions would ensure that any impact or additional strain on the existing infrastructure of the village, as well as beyond, can be suitably mitigated and that there would be no adverse harm. Officers note concerns within the representation that Dunton Bassett Primary School has little physical space to expand, and that the school uses the Village Hall for some of its requirements. However, the Local Education Authority are satisfied that a financial contribution from the developer could be used to enhance educational facilities, and that there are sufficient pupil places at the school to accommodate the numbers of children predicted onto the school roll should the development go ahead. (Their methods of calculating this are included in their full response, available on file). The proposal is judged to comply with Policy CS12 of the Harborough District Core Strategy, a policy to which full weight is attached.

c) Impact on the countryside and landscape

Policy Context

- 6.27 Chapter 15 of the 2018 NPPF relates to Conserving and Enhancing the Natural Environment, with paragraphs 170 – 173 specifically addressing the countryside. Of these, paragraph 170 b) states
- “Planning policies and decisions should contribute to and enhance the natural and local environment by...b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”
- 6.28 With the Rural Housing section of Chapter 5, paras 77 – 78 require planning policies and decisions to reflect local needs, bring forward rural exception sites, and locate housing in rural areas “where it will enhance or maintain the vitality of rural communities”.
- 6.29 Paragraph 127 (amongst other things) requires that planning policies and decisions:
- “are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)”
- 6.30 Core Strategy Policy CS8 addresses ‘protecting and enhancing green infrastructure’, which includes promoting the interests of ‘strategic green infrastructure assets’

(public rights of way being one such asset). Core Strategy Policy CS17(c) advises that:

“Rural development will be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape character area in which it is situated”.

Landscape Character and Capacity Research by HDC

- 6.31 Harborough District Council has carried out a landscape character assessment for the District: the Harborough District Landscape Character Assessment (LCA) (September 2007). It identified five Landscape Character Areas within the District. The site was determined to lie within the Lutterworth Lowlands Landscape Character Area. The LCA identifies the Lutterworth Lowlands Area as having a medium to high capacity to accommodate change, but states “The area has some limited capacity to accommodate localised development in particular around the larger settlements but the more rural parts of the area towards the north would not be appropriate”, and “the smaller villages of the area have much lower capacity and would need to be considered on a case by case basis”.
- 6.32 The LCA and other evidence documents have informed the current designation of Dunton Bassett as a Select Rural Village within the Core Strategy, about which CS17 a) states “Housing in select rural villages will be on a lesser scale reflecting their size, character and service provision”. (For further discussion of the principle of development, please see section 6 a) above).

The Application Submission & HDC Landscape Consultant Consideration

- 6.33 The site is not the subject of any local or national landscape designations. The site does not form part of a ‘valued landscape’ in terms of Paragraph 170 of the Framework. The landscape is of value at a local level to residents and visitors to the area, with concerns raised within the representation reflecting this.
- 6.34 The Applicant has submitted a Landscape and Visual Impact Assessment (LVIA) for the proposed development (Tyler Grange; May 2018), which has been reviewed by the LPA’s Landscape Consultant ‘The Landscape Partnership’ (TLP). The comments returned by TLP have generated further submissions by the Applicant as listed in paragraph 3.9 above. This information has also been appraised by TLP.
- 6.35 There is agreement between Tyler Grange and TLP about much of the landscape and visual affects of the proposal. They disagree as to the geographical extent of the Major-Moderate Adverse effect to the landscape of the site, and disagree about the visual impacts on users of footpath Y33, particularly where it meets Broughton Lane (Photoviewpoint 10, below in figure 12). Both parties are satisfied that these disagreements are of professional opinion as to likely effects. TLP state that:

“In principle, we consider that the Site would provide an appropriate location for the proposed development, subject to further recommended changes set out above. Whilst there would be some evident harm, this is relatively localised, and potentially can be appropriately mitigated in the long term. The development provides the opportunity to provide a high quality development that is more sympathetic than the existing ribbon development along Coopers Lane, and relates better to the main core of the village. Similarly, the illustrative proposals indicate the intention to retain most of the existing hedges and trees and provide a number of green corridors, areas of green

infrastructure, and tree and hedge planting. Subject to these being followed through at the reserved matters stage, the proposed houses are 1 or 2 storey, and potentially occasional 2.5 storey, and inclusion of the above recommendations, we consider the proposals would be acceptable with regard to landscape and visual matters.”

- 6.36 Their “above recommendations” were addressed by the applicant in their amended plans, and TLP responded thus:

“We welcome the revision to the proposals, in response to our concerns and advice. In particular, the parameter plan now reflects a commitment to the retention of the green corridors shown in the illustrative masterplan, and the additional planting around the pumping station, which would help overcome any visual impacts. The reduction in dwelling numbers by six, the additional 15m wide belt of native tree planting and associated hedgerow beyond the north-eastern boundary, and additional tree planting along the northern boundary is helpful. However, we consider this is the minimum to address our concerns regarding the settlement edge and integration of the development.”

- 6.37 TLP go on to make a number of suggestions as to how the scheme could be further improved:

- Increase the width and the depth (to 30m) of the proposed tree belt, to provide a substantial copse;
- Show planting within the gap left

TLP have indicated these suggestions on a plan extracted from the amended Strategic Landscape masterplan:



Figure 7: TLP suggested increased planting

- 6.38 The applicant has responded again to these comments, noting that there is no requirement within the SPG or any policy to entirely screen developments in this area, although expressing agreement if officers consider such a screen is needed. With regards to the gap in the planting, they confirm that this is required for agricultural access.

- 6.39 Given that the existing dwellings on Coopers Lane are not screened and are clearly visible from the north (see Figures 8 and 13 below), and that the site slopes downwards somewhat before the land rises again towards the north, it is the opinion of officers that the additional tree planting is not required. Members may take a different view. Planting to infill the small gap is not judged to be reasonable, given the requirement for continued agricultural access to the fields owned by the applicant to the north.

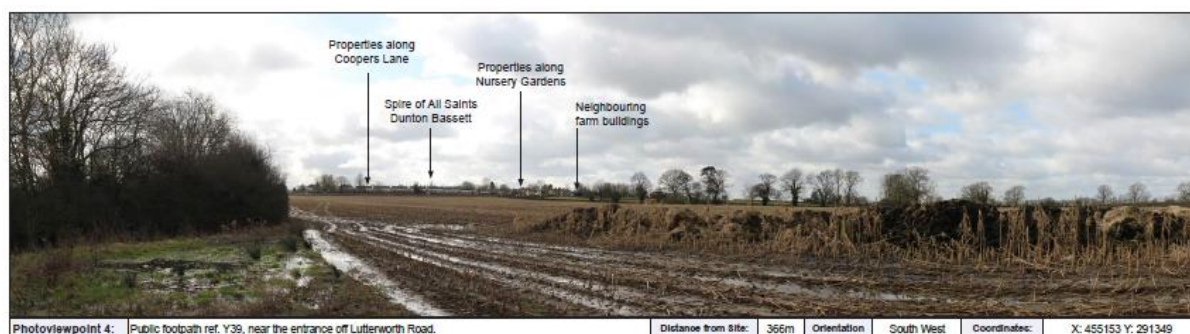
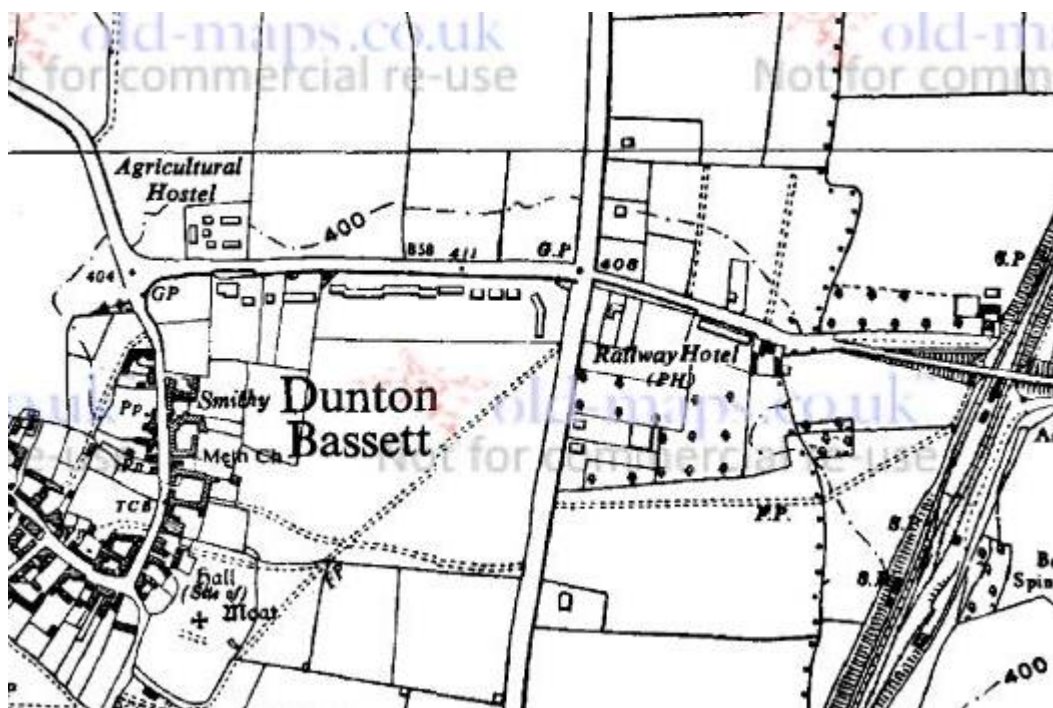
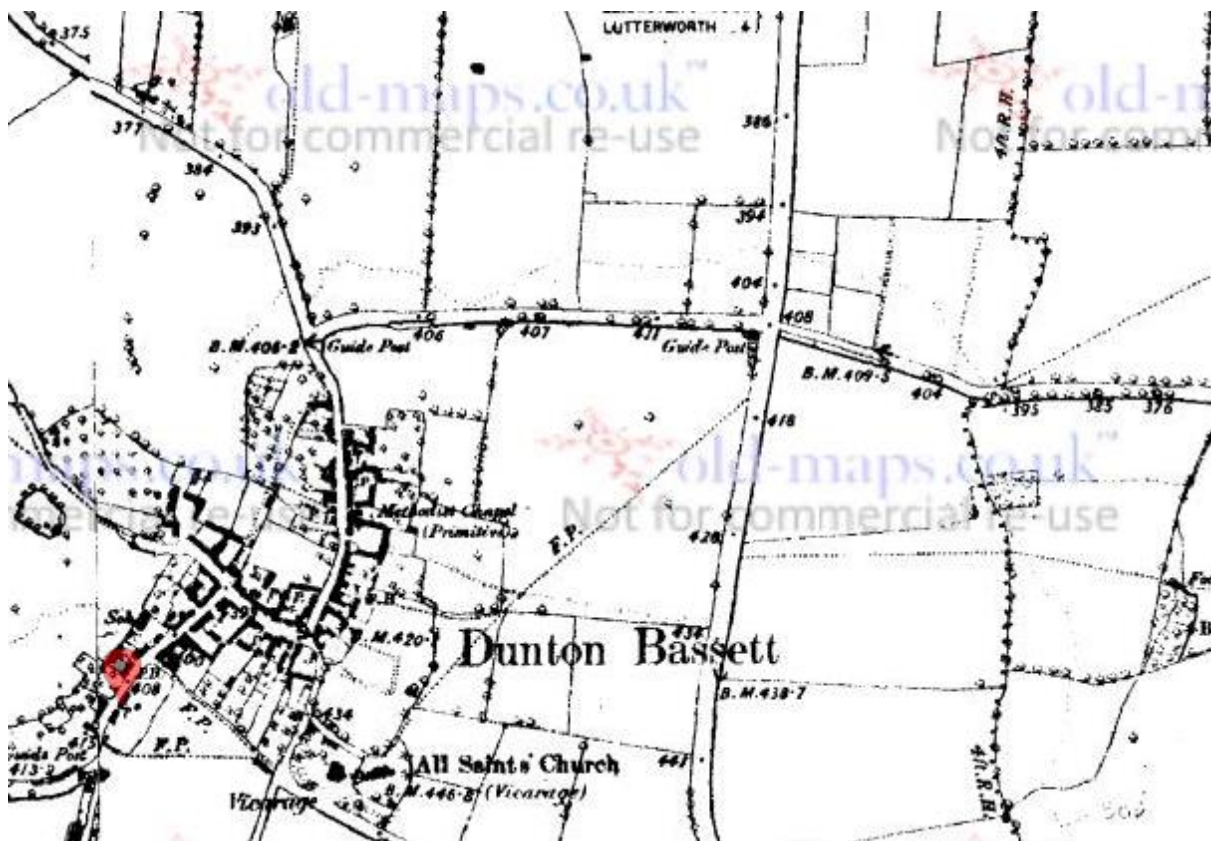


Figure 8: Photoviewpoint 4: looking southwards on Footpath Y39, near the entrance Off Lutterworth Road

Historic Growth of Dunton Bassett & Existing Built Form

- 6.40 In terms of the site's relationship to the existing built form/layout of the village, it can be seen from historic maps that Dunton Bassett has grown to the north and particularly eastwards during the C20th, presumably because of the railway (hence 'Station Road' and the former 'Railway Hotel' shown on 1903/1904 mapping and since becoming the Merrie Monk pub amongst other uses). This pattern of growth has, in the opinion of officers, given two distinct character areas to the settlement. The first is the historic core of the village, being a winding and linear mainly, with some more recent cul-de-sac development (eg Elwells Avenue, Wakes Close etc). The second character area comprises the more recent C20th development being Coopers Lane and Station Road "ribbon" development, including the "off-shoots" of Nursery Gardens and Elfin Grove, and individual dwellings around the cross-roads and along both sides of the southern arm of Lutterworth Road.



6.41 TLP's review of the LVIA finds that "This later development that has taken place to the north-east of the village poorly relates to [the] original nucleated core, and is less

unified and sympathetic in terms of settlement pattern, built character, and appearance”.

- 6.42 The land on which dwellings are proposed (according to the Illustrative Masterplan and Parameters Plan) has built form adjacent to or nearby its southern, eastern and western boundaries. This can be seen clearly on site, is demonstrated on the submitted Visual Receptors Plan and also from Photoviewpoint 10 within the applicant’s LVIA:



Figure 11: extract from Visual Receptors Plan, Tyler Grange (these block-shaded orange)

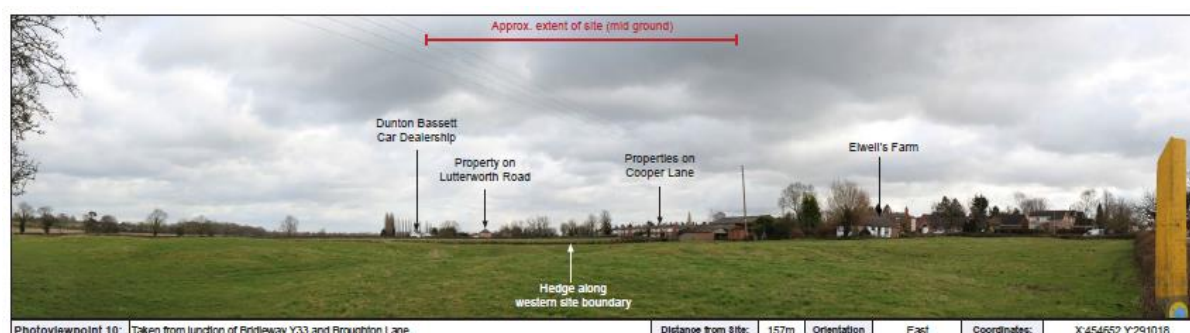


Figure 12: photoviewpoint 10, taken from junction of bridleyway Y33 and Broughton Lane, to the west of the site (Tyler Grange)

- 6.43 Although some of the development immediately adjacent is agricultural (Elwells Farm to the west, and the pasture field adjacent to the east, the site is not within entirely open countryside (or any identified Green Belt) and there are a number of existing visual detractors.
- 6.44 When approaching Dunton Bassett heading southwards along the A426, the site will be clearly visible from the top of the hill, near to the dwellings of Holmleigh, Hillview and Broadway. The submitted LVIA stopped short of these dwellings, on flatter ground in the valley, with photoviewpoint 4 being the nearest north (where bridleway Y33 meets the A426). From the higher ground, the village is clearly visible, with the houses along Coopers Lane and the barns of Elwells Farm seen, with the spire of the church behind.



Figure 13: site visit photograph, from Holmleigh to the north.

- 6.45 Given the evidence of the historic growth of the village, and that there is existing built form providing visual detractors adjacent to or near to the site, officers consider that the proposal would not be out of keeping with the historic pattern of growth and existing built form of Dunton Bassett in a manner which is significantly and demonstrably harmful.
- 6.46 Paragraph 170 of the 2018 NPPF requires that Planning decisions should recognise “the economic and other benefits of the best and most versatile agricultural land” (‘BMV land’). Annex 2: Glossary of the NPPF defines this as “Land in grades 1, 2 and 3a of the Agricultural Land Classification.” Grade one is best quality and grade five is poorest quality land.
- 6.47 The Applicant has not submitted any soil quality or classification report, and the site is under 5ha so that there is no statutory requirement to consult Natural England. Officers have searched Natural England’s Database (Magic) and this has not returned any results. A Trustee of the Landowner has however submitted the following informal assessment:
- “I have researched the land the subject of the planning application by reference to the DEFRA East Midlands Agricultural Land Classification maps and the land is within the broad category of Grade 3, with some Grade 4 land within the area. However the classification does not differentiate between Grade 3a and Grade 3b. Based upon my own knowledge of this land and discussions with the farmers who have farmed it, I believe it would fall with Grade 3b, being slightly above the nearby Grade 4. I understand the grading of land is down to the land’s versatility and suitability to a variety of crops. This land has only been used for grass production and not well suited to root crops or other cereals.”
- 6.48 At the time of the officer’s site visit, the land was being used for pasture, as it has on numerous times when officers have had occasion to pass the site. Furthermore, the site area is below 5ha such that, even if the land was considered to be BMV agricultural land, the economic and other benefits would be small.

Conclusions

- 6.49 The Applicant's LVIA and subsequent landscape submissions are considered to present a credible case that the adverse landscape impacts of the development would not significantly and demonstrably outweigh the benefits of the proposal. There is likely to be some evident harm, including the loss of open countryside and the inherent harm to the character and appearance of the area, but this would be fairly localised and can be appropriately mitigated in the long term.
- 6.50 Given the evidence of the historic growth of the village, and that there is existing built form providing visual detractors adjacent to or near to the site, officers consider that the proposal would not be out of keeping with the historic pattern of growth and existing built form of Dunton Bassett in a manner which is significantly and demonstrably harmful.
- 6.51 Recognising the small economic and other benefits of the land (including the unlikely presence of BMV agricultural land), and engaging the 'tilted balance' required by the District's out-of-date elements of the development plan, the harm caused to the character and appearance of the countryside is not considered to be sufficient to warrant refusal of planning permission.

d) Design

- 6.52 Core Strategy Policy CS2(b) states, in respect of new housing development, that the key considerations are: (1) the need for the highest design standard (in conformity with Policy CS11), (2) a layout that makes the most efficient use of land and is compatible with the built form and character of its surroundings, and (3) an appropriate mix of housing types.
- 6.53 Policy CS11 states that the highest standards of design will be sought. Development should respect its context and respond to the unique characteristics of the site and wider environment. Development should be of an appropriate scale, density and design.
- 6.54 Chapter 12 of the NPPF, 'Achieving well-designed places' states:
- "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"
- 6.55 Paragraph 122 of the NPPF requires that planning policies and decisions "should support development that makes efficient use of land", stressing (in paragraph 123) that:
- "Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances.....c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework..."
- 6.56 Design (form/layout, mass, scale, proportions, style, materials) is not a matter which is currently for consideration. Design would be evaluated at Reserved Matters stage in the event of an Outline approval.

- 6.57 The Applicant has submitted an amended Illustrative Masterplan (P17-1384_005 sheet 01 rev C) and an amended Parameters Plan (P17-1384_007 sheet 01 Rev A) to address concerns raised by officers and TLP. The submitted information provides an understanding of how the site could be developed with 59 dwellings, associated infrastructure & open space, taking into account the constraints of the site. The application submission does not preclude alternative designs as part of a subsequent Reserved Matters application, providing the key underlying principles established by this Outline application are followed.
- 6.58 The site totals 3.47 hectares in size.
- 6.59 The proposed residential area is 1.95 hectares (the rest being Public Open Space etc), with a resultant density of 30 dwellings per hectare. This precisely meets the requirements of CS2 b).
- 6.60 A reduction in dwelling numbers to nearer 40 would be preferable, particularly as a layout could then better reflect the general character of both Coopers Lane and the older core of the village. However, the following points must be considered:

- There is no identified landscape harm from 59 dwellings (which cannot be suitably mitigated in the long term);
- At present there are no other suitable sites for major development (either identified through the SHLAA or by approved planning applications);
- The density of 30 dph meets the requirement of CS2 b);
- Paragraph 123 of the NPPF requires that planning decisions should avoid low densities where there is an existing shortage of land for meeting housing needs.

- 6.61 The Parameters Plan shows the constraints of the site, being the need to retain the existing hedgerows to the south, east and west boundaries, and that running north-south through the centre of the site, and the requirement for the drainage attenuation basin to be located on the lower land to the north of the site. Because of these constraints, the applicant has argued that:

With particular regard to design, the desire to retain the existing field pattern and the need to create perimeter blocks within the site mean that there really are very limited options for how the site can be laid out, other than as shown in our plans. Indeed, I note that the comments from Leicestershire Police (dated 02.08.18) are supportive of this approach, which creates a strong frontage with outward-facing properties on all boundaries and next to all areas of open space. Any alternative road layout would prevent the formation of these perimeter blocks, and lead to rear boundaries facing either south towards Coopers Lane or north towards the open countryside; neither of which would be a desirable form of development.

- 6.62 “Perimeter blocks” are not a requirement from officers and, whilst rear boundaries facing south onto Coopers Lane is not desirable, officers can find no planning reasons why rear gardens should not face north onto the open countryside.
- 6.63 Although layout is not to be determined at this stage, Officers consider that the layout shown on the most recent plan is somewhat formal, and opportunities have been missed to create a more gradual transition from the countryside to the developed settlement edge. A layout showing smaller and semi-detached dwellings towards the southern edge of the site (reflecting the existing residential development on Coopers

Lane), with larger dwellings more widely spaced sited towards the middle and north would be preferable. The areas of landscaping and public open space could be provided as shown as a minimum on the Parameters Plan, and the position of the access is satisfactory to Highways.

- 6.64 Although little weight is given to the layout, (it being only illustrative), the applicant has demonstrated that 59 dwellings can be accommodated on the site.

e) Housing Mix (types / sizes)

- 6.65 A mix of market dwellings (60%) and affordable dwellings (40%) is proposed, which accords with standard policy requirements (for the “Harborough Rural South West housing sub-market area” – Policy CS3). For 59 dwellings, this equates to 23.6 affordable units, rounded up to 24. 5 affordable bungalows are proposed, which (on the basis of 2-for-1 provision) meets the requirement for 24 affordable units. The tenure split is flexible and will be determined at Reserved Matters stage; however it is likely to be 60% Affordable rented and 40% as intermediate or shared ownership. The proposed provision of Affordable housing on site meets policy CS3 and is considered acceptable by officers.

- 6.66 The applicant has provided an indicative mix of housing, as follows:

Indicative Housing Mix						
	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Market	0	4	13	18	5	40
Percentage	0%	7%	22%	31%	8%	68%
Affordable	4	9	6	0	0	19
Percentage	7%	15%	10%	0%	0%	32%
Total	4	13	19	18	5	59

This has changed slightly from the submitted mix, which showed 62% of the market dwellings as 4+ bedrooms.

- 6.67 The Council's most recent evidence (the HEDNA) suggests the following provision of open market housing, to meet housing needs within the District:

Table 90: Recommended Mix of Market Housing of Different Sizes

	1-bedroom	2-bedrooms	3-bedrooms	4+ bedrooms
Leicester	0-10%	20-30%	45-55%	10-20%
Blaby	0-10%	25-35%	50-60%	5-15%
Charnwood	0-10%	25-35%	45-55%	10-20%
Harborough	0-10%	25-35%	35-45%	15-25%
Hinckley & Bosworth	0-10%	35-45%	45-55%	5-15%
Melton	0-10%	25-35%	45-55%	5-15%
North West Leics	0-10%	30-40%	45-55%	10-20%
Oadby & Wigston	0-10%	30-40%	45-55%	5-15%
HMA	0-10%	25-35%	45-55%	10-20%

- 6.68 By comparing the two, it can be seen that the proposed indicative market housing mix would not be acceptable if proposed at reserved matters stage; it conflicts with the most up-to-date objectively assessed housing needs in the District found in the HEDNA (which is part of the evidence base for the new Local Plan).
- 6.69 Future development would need to include a significant proportion of 2 and 3 bedroom market dwellings; these are housing types which are commonly underprovided in the District, as recognised within the HEDNA, the Settlement Profile for Dunton Bassett and reflected in the representation. The most recent housing needs survey specifically for the village (2016) identifies 6 open market homes being required: these were 1no. 3-bed house and 5no. 2-bed bungalows.

There has been a relatively low rate of development since 2001 and there is a community aspiration for the provision of more small, starter homes. The population is under represented in the 16-34 age groups compared to the wider District. The village has a relatively high proportion of detached properties which tend to be less affordable. Sympathetic development may provide the opportunity to improve the mix of homes.

Settlement Profile for Dunton Bassett, May 2015.

- 6.70 Furthermore, an increase in the number of smaller 2- and 3-bed market homes could provide for a better layout, particularly if these were sited towards the south of the site, as discussed above.
- 6.71 The Indicative open market housing mix has been raised with the applicant, and their attention drawn to the findings of the HEDNA. Their response is, essentially, one of viability: that the requested primary school S106 contribution is adding “nearly £4,500 per plot to the total s106 costs”, and therefore a greater proportion of larger properties are needed. Three points must be considered here: the application is for Outline consent and detailed matters of scale and appearance are not to be considered at this stage; no evidence of viability has been submitted which the Council could test, therefore the applicant has not demonstrated his point, and thirdly; the applicant is not a developer – it may be that a developer could make cost-savings in a way not currently envisaged by the applicant whilst still meeting the S106 requirements and providing a better mix.
- 6.72 As recent appeals show, it is important to control housing mix at Outline stage. A condition is therefore recommended (C12 refers), to ensure that the housing mix at Reserved matters stage reflects the requirements of the District.

f) Access and Highway Safety

- 6.73 Access is a matter for detailed consideration as part of this application. The access layout as amended is shown on drawing number T17555, 001 Rev C (extract at Figure 4 above) and provides the following:
- Access to the south of the site, onto Coopers Lane
 - Width of 5.5m
 - Radii of 10m
 - Vehicular visibility splays of 2.4m x 59m
- 6.74 Off-site highway works are also proposed, being:
- New pedestrian footway to the west of the access, linking the site to the westwards busstop;

- Tactile paving and ‘dropped kerbs’ on the footways both sides of Coopers Lane to provide a pedestrian crossing point
- 6.75 The existing two agricultural accesses (either side of the central hedge) will be closed and hedging planted in the gaps, as shown on the Illustrative Masterplan and Parameters plan.
- 6.76 Nearly all the representation expresses concern about Highway safety and congestion, particularly given recent large-scale housing development in Broughton Astley and the impact this has had on traffic on Coopers Lane. Concerns are expressed about the impact of traffic from the proposal on the crossroads junction with the A426, the T-junction from Main Street onto Coopers Lane and the “rat-run” cut through from the A426 to Coopers Lane (via Church Lane and past the school through the village). The representation provides visual evidence of traffic queueing past the site, back towards Broughton Astley. Associated highway safety concerns are also stated, including for pedestrians, and for vehicles exiting driveways to the existing houses on the south side of Coopers Lane.
- 6.77 In support of the proposal, the applicant has submitted a Transport Assessment (TA) and Travel Plan, including a Transport Addendum Report (ATA) and a Revised Travel plan, in response to initial comments from County Highways. The TA and ATA show the background reasoning for the design and siting of the proposed access, and uses various data including traffic counts, turning counts, queue length surveys, speed surveys, TRICS database, TEMPro data etc. In addition to automated surveys, the site and surrounding highway network was visited by the applicant’s Highway consultant during the morning peak period. The TA and ATA also took account of committed developments at Broughton Astley totalling 778 dwellings (and other uses), and forecast future 2032 base traffic using local TEMPRO growth factors. Impact of the proposal on traffic queue length, highway safety and the capacity of the two junctions were assessed. The TA was informed by advice from County Highways as to the scope of surveys and suitable methodologies. No specific mention has been made of the ‘rat run’ cut through from the A426 via Church Lane; however surveys do assess the T-junction of Main Street and Coopers Lane (from which traffic using this ‘cut through’ would pass), and it must also be born in mind that any planning permission is not to rectify an existing situation – such a condition would not meet the tests within the NPPF.
- 6.78 The County Highway Authority (CHA) has reviewed the proposal in full and has provided two sets of detailed comments (03/07-18 and 31/07-18). The CHA has spot checked the data provided by the applicant and finds it accurate. Full details can be found within the reports and the Highways comments summarised at paragraph 4.11 of this report.
- 6.79 The applicants have assessed the Vehicle Trip Generation for the proposal (as 65 dwellings) and finds the following:

	Morning Peak Hour			Evening Peak Hour		
	In	Out	Total	In	Out	Total
Trip Generation Rate (per dwelling)	0.225	0.450	0.675	0.405	0.369	0.774
Vehicle Trip Generation (65 dwellings)	15	29	44	26	24	50

Figure 14: Trip Generation as summarised by the LHA

- 6.80 These represent 85th percentile rates, and are considered acceptable to the LHA.

- 6.81 Queue lengths at all roads of the two junctions closest to the site were recorded on Tuesday 9th May 2018. The queue length surveys recorded the maximum queue occurring in each five-minute interval during the morning and evening peak periods. A summary of the results is provided below.

Arm	Max Mean Queue		Longest Queue in Period	
	AM Peak	PM Peak	AM Peak	PM Peak
Coopers Lane/Lutterworth Road/Station Road				
Lutterworth Road North	13	7	26	16
Coopers Lane	9	8	17	17
Lutterworth Road South	9	12	16	21
Station Road	4	4	7	10
Coopers Lane/Main Street/Broughton Lane				
Broughton Lane	0	0	0	0
Main Street	0	0	1	3
Coopers Lane	0	0	0	0

Figure 15: Queue Length Survey Summary (source, applicant's TA)

- 6.82 The survey reflects anecdotal and visual evidence provided in the representation: that there are long queues of traffic along Coopers Lane at peak times, although the survey recognises that these queues clear within "the given cycle time" (ie it clears within the green phase of the traffic lights). The TA and ATA have subsequently assessed traffic flow around the site, including flow to a 2023 future year ('2023B'), and to 2023 existing commitments ('2023B+C'), and to 2023 including existing commitments plus the traffic from the proposed development ('2023B+C+D'). The LHA consider both the methodology of calculating predicted traffic flow, and the results of the calculation to be acceptable.
- 6.83 The two junctions near to the site have been assessed in detail, and their capacity considered in the light of committed development in Broughton Astley, plus predicted future growth to 2023 Base, plus traffic from the proposed development. The modelling by the developer has been spot checked by the LHA. Both the site access junction and the Coopers Lane/Main Street T-junction were both predicted to operate well within practical capacity following implementation of the development. Impact on the crossroads traffic light junction with the A426 is summarised as follows:

	Morning peak hour	Evening peak hour
Coopers Lane/Lutterworth Road/Station Road (signal-controlled crossroads junction)	<p>2017B: The junction operates within capacity, with a practical reserve capacity (PRC) of 5.8%.</p> <p>2023B+C: The junction operates over capacity, with a PRC of -4.2%.</p> <p>2023B+C: The junction operates over capacity, with the addition of development traffic resulting in a slightly worsened PRC of -5.0%. Degree of saturation, queues and delays all increase marginally.</p>	<p>2017B: The junction operates within capacity, with a PRC of 8.4%.</p> <p>2023B+C: The junction operates over capacity, with a PRC of -4.5%.</p> <p>2023B+C: The junction operates over capacity, with the addition of development traffic resulting in a slightly worsened PRC of -6.1%. Degree of saturation, queues and delays all increase marginally.</p>

Figure 16: Junction Capacity Assessment

- 6.84 The LHA thus recognises that “the operation of the Coopers Lane/Lutterworth Road/Station Road signal controlled junction is expected to worsen following implementation of the proposed development”. However, they consider that this is “marginal” and find that the TA probably overestimates the expected Trip rates somewhat, so are satisfied that the impact of the proposal on this junction is not material in this instance. No contributions or conditions are requested relating to the existing junctions.
- 6.85 Internal layout is a reserved matter and has therefore not been considered by the LHA in detail. Given that access through the site is to be retained for agricultural vehicles, the internal roads will need to be suitable for such vehicles and this can be controlled by condition. Tracking diagrams provided by the applicant show movements into and out of the access which are acceptable to the LHA. The LHA are satisfied that the proposed access (as amended) is safe, and suitable for agricultural vehicles (with a trailer), and a typically-sized refuse vehicle such as is currently used by HDC.
- 6.86 The TA states that “the relatively modest level of development traffic will have no material impact on highway safety on the local highway network” and the initial comments from the LHA state that they agree with this finding. The final comments from the LHA state that they “no longer [have] any road safety concerns with respect to the application”.
- 6.87 Whilst officers recognise local concerns regarding highway safety and congestion, as raised within the representation, it is clear that the Local Highway Authority, as a statutory consultee, are satisfied that “the residual cumulative impacts of the development can be mitigated and are not considered severe in accordance with the NPPF 2018”, subject to conditions and contributions.
- 6.88 The LHA has requested S106 contributions from the developer, to promote sustainable methods of transport and to allow their monitoring of the Travel Plan. These are considered to be CIL compliant.
- 6.89 The LCC Footpaths Officer has requested that the Applicant undertakes surfacing improvements to the existing Public Right of Way (foot path Y39) running adjacent to and across the site. He notes that there is a discrepancy between the route of the path as depicted on the Definitive Map and the route available on the ground which runs a few metres further north to the route plotted on the applicant’s planning drawing. Works to the footpath should follow the Definitive Map alignment as this is the route of the public right of way defined in law. A gap or gate will therefore needed to be installed at point A on the plan, to a satisfactory specification, to facilitate access and egress to the surfaced path. These details can be controlled by condition.
- 6.90 The LCC Footpaths Officer does not request any financial contributions from the developer, providing that there is agreement that the works can be carried out by condition.
- 6.91 Having considered the public representation, and giving great weight to the comments by the LHA, as statutory and technical consultee, it is considered that, subject to conditions and contributions, the proposal will not have an unacceptable impact on highway safety, would not cause a severe cumulative residual impact on

the road network and will provide a safe and suitable access, in accordance with CS11, CS5 and paragraph 108 of the NPPF.

g) Impacts on Heritage Interests

6.92 Dunton Bassett does not have a designated Conservation Area, although it does have a number of Nationally designated Listed Buildings. The nearest to the site is Bloomhills Farmhouse on Main Street (Grade II), approximately 218m south from the nearest point of the site. A Milepost is Listed grade II approximately 400yds north of Coopers Lane on the A426. There is also a Scheduled Ancient Monument (moated site with fishpond) south of the site, near to the church. Due to the distance of the site from these designated assets, together with intervening structures, officers consider that there will be no harm to their setting.

6.93 The Parish Church of All Saints in Dunton Bassett is Listed Grade II*. The spire of the church building is clearly visible on the horizon behind the site when seen from the north (Figures 8 & 13 above). However, the treeline and the existing dwellings on Coopers Lane already form part of the view of the spire, and the dwellings are at sufficient distance from the church building and on a lower level to ensure that there is no harm to the setting of this Listed Building, in the opinion of officers.

6.94 The applicant has submitted a desk-based Archaeological Assessment, including assessing the results of their Geophysical Survey. This concludes:

The Scheduled Monument, 'Moated site with fishpond at Dunton Bassett', is situated c.360m to the south of the site (Scheduled Monument No.1010915). The proposed development will result in change to the wider historic setting of the Scheduled Monument and the non-designated heritage asset of the historic core of Dunton Bassett. Although there is no intervisibility between either the Scheduled Monument or the historic core of Dunton Bassett and the site, extant ridge-and-furrow earthworks within the site form a part of the secondary historic setting of these assets. The ridge-and-furrow is a partial survival and lacks complexity; there are no additional associated earthwork features, such as hollow ways, balks, or joints, within the proposed development site. The proposed development is likely to involve the loss of most, if not all of the ridge and furrow within the site. The impact of this on the significance of the Scheduled Monument would be very limited and at the lowest extent of less than substantial harm.

A geophysical survey conducted within the site by Magnitude Surveys has found no evidence of hitherto-unknown significant archaeological features at the site; identifying anomalies of agricultural origin only. The study site is therefore considered to have a negligible potential for as-yet-unknown archaeological features dating from all periods.

6.95 County Archaeology have been consulted twice on the proposal and have not made comments. Given the distance of the site from the historic core of the village, the partial survival of the ridge and furrow (which does not currently have any statutory protection) and the lack of significant archaeological features found by the Magnitude geophysical survey, officers consider that any further work is unnecessary. The proposal is judged to accord with the Development Plan and the Framework in respect of archaeological matters.

- 6.96 It is judged that no harm to heritage interests would result from this proposal and the proposal accords with Policy CS11 of the Core Strategy and other national guidance and legislation in this respect.

h) Residential and General Amenities

- 6.97 Paragraph 127 f) of the Framework seeks to ensure a high standard of amenity for existing and future users of places. This is also reflected in Core Strategy Policy CS11.
- 6.98 As the layout, scale and external appearance of the proposed development are Reserved Matters, it is not possible to provide a detailed assessment of residential amenity impacts with regard to proposed overshadowing, overlooking or overbearing relationships within the development. However, it is considered that there would be adequate space to create satisfactory amenity relationships between new dwellings for future occupiers.
- 6.99 Given distance separations, and the intervening public highway and Right of Way adjacent to the west boundary, it is not judged that the development would cause harm to neighbouring amenities outside the site. Officers do not consider that there would be a loss of privacy from the play area overlooking front windows (of the properties to the south), as raised in the representation: the public highway is in between and, arguably, public surveillance of the play area is desirable.
- 6.100 The HDC Environmental Health Officer has recommended a Construction Method Statement Condition. Such a Condition would seek to control and limit the disturbance and inconvenience that may arise when building works are undertaken, for example the times at which construction activities and deliveries of materials would be undertaken. This would ensure that the impacts of necessary construction activities on the living conditions of local residents would be within reasonable tolerances. In addition to planning controls, it is noted that the Environmental Protection Act provides a variety of safeguards in respect of noise, air and light pollution and that Highways legislation offers control over mud/debris on roads.
- 6.101 The proposal is, in Outline form, judged to comply with the Development Plan in these respects.

i) Ecology

- 6.102 The site is on pasture land to the north of the built form of the village. There are non statutory designations on or near the site. There are seven notified Local Wildlife Sites (LWS) within 1km of the proposed site, the closest of which is a mesotrophic grassland adjacent to the west of the site (NWS 56375), including two mature crack willow trees in a pond along the western edge (NWS 56370). There is another Potential: Historic wildlife site in the field adjacent to the east boundary of the site. The area to the south of the site is known to be used by nesting Swifts.
- 6.103 The applicant has submitted ecology surveys and assessment. These find the following:
- Hedgerows on site provide a Priority Habitat of Principal importance and should be retained and buffered from development where possible;
 - There is potential for breeding birds, bats, badger, great crested newts and common amphibians to be affected by the development (either directly or by

affects on their habitat). Further surveys, new planting and construction practices are recommended.

- 6.104 LCC Ecology dept. is satisfied that the development can proceed in a manner which safeguards Protected Species. The conditions they recommend have been considered (as per paragraph 4.25) and included in the list of recommended conditions at Appendix B below.
- 6.105 With regard to protection and enhancement of ecological interests, the application is judged to comply with local and national policies, guidance and legislation in this respect.

j) Arboriculture

- 6.106 The Applicant's Arboricultural Survey demonstrates that there are few tree constraints on site. In the submitted Planning Statement, the applicant states that all the trees are to be retained bar one category C Elm tree. The hedges will be retained except at the point of access. The proposal includes a substantial amount of additional tree planting, although this is currently only indicative and will be considered fully at Reserved Matters stage.
- 6.107 No Tree Protection Order (TPO) trees are affected and no 'Category A' trees or hedgerows are proposed to be removed as part of the application proposals.
- 6.108 The 5m buffer zone ecology Condition would offer reasonable protection of boundary foliage and, as there are no trees within the developable area as shown on the Parameter's Plan, there is not considered to be a requirement for protective fencing during construction or other arboricultural Conditions.
- 6.109 The development is judged to be acceptable in arboricultural terms.

k) Flooding and Drainage

- 6.110 The site lies wholly within Flood Zone 1 and has a low risk of surface water flooding. CS10 requires that development be directed towards land within Flood Zone 1 and location of the site accords with this.

Surface Water and SuDS

- 6.111 The LLFA has considered the application and confirmed that the "submitted drainage and flood risk details appear technically acceptable to the LLFA at this stage", and "The proposed development would be considered acceptable to Leicestershire County Council as the Lead Local Flood Authority if the following planning conditions are attached to any permission granted." The 3 Conditions recommended by the LLFA are considered to offer satisfactory protection of flooding and surface water drainage interests. The Conditions are contained in Appendix B of this report.

Foul Water Drainage

- 6.112 The Applicant has liaised with Severn Trent and their comments are included within the submitted Foul Drainage and Utilities Strategy. This states that:
- A connection can be made to the existing 225m foul sewer present within Coopers Lane;

- Sufficient residual capacity is available to accommodate the foul flows from the proposed development, without a requirement for upgrading/reinforcement works;
- A pumped solution may be required to achieve a gravity connection, particularly given the drop in levels towards the north east of the site.

The submitted plans show a pumping station in the north eastern corner of the site.

6.113 Given that the Sewerage Undertaker has confirmed that the public sewerage system has available capacity to accommodate the foul flows from the proposed development and has not made comments on the application, the proposed foul drainage is considered to be acceptable and a condition requiring details is unnecessary.

6.114 The application is judged to accord with Policy CS10 in respect of flood risk and drainage considerations.

l) Air Quality

6.115 Paragraph 181 of the NPPF states:

“Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas...Planning decisions should ensure that any new development in Air Quality Management Areas and Clear Air Zones is consistent with the local air quality action plan.”

6.116 Air quality is recognised within the representation, particularly in the context of traffic generated by the development and traffic queues along Coopers Lane.

6.117 The site is not within any designated Air Quality Management Area or Clear Air Zones; the HDC Contaminated Land and Air Quality officer has not raised any concerns regarding air quality. The site does include areas of green infrastructure and soft landscaping enhancement which may off-set or reduce any possible air pollution. Highways do not consider that the traffic generated by the development is material or substantial.

6.118 For these reasons, the development is considered acceptable in air quality terms.

m) Planning Obligations

6.119 Planning obligations, also known as Section 106 Agreements (based on that section of The 1990 Town & Country Planning Act) are legal agreements made between local authorities and developers and can be attached to a planning permission to make a development acceptable (which would otherwise be unacceptable in planning terms).

6.120 Those obligations can encompass, for example, monetary contributions (towards healthcare, libraries or education), mechanisms for the provision of affordable housing, the on site provision of public open space / play areas, or off site works (highway improvements), as long as the obligation meets the three statutory tests of

The Community Infrastructure Levy Regulations 2010 (No. 948) (as amended) – “CIL”.

6.121 As per CIL Regulation 122, planning obligations must be:

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

6.122 These legal tests are also set out as policy tests in Paragraph 56 of the Framework.

6.123 Policy CS12 states that new development will be required to contribute to funding the necessary infrastructure which arises as a result of the proposal. More detailed guidance on the level of District and County contributions is set out in the HDC Planning Obligations Supplementary Planning Document (Jan 2017) and the Leicestershire County Council Planning Obligations Policy (Nov 2014).

6.124 Officers consider that the Appendix A S106 provisions would meet the LPA's and LCC's policy requirements, the tests set out in Paragraph 56 of the Framework and the CIL Regulations 122 and 123, including as they relate to pooled contributions.

7. Conclusion / Planning Balance

7.1 The Framework requires LPAs to grant planning permission for sustainable development. Paragraph 8 of the Framework states: “There are three dimensions to sustainable development: economic, social and environmental.”

7.2 In terms of economic considerations, additional housing would, amongst other things, provide employment and business generation during the construction period and the ensuing occupiers would contribute to the local and wider economy.

7.3 In social terms, the development would provide housing in a Select Rural Village settlement, thereby helping to meet local housing needs (both market housing and affordable housing needs). The proposal would make a contribution towards boosting the Council's Housing Land Supply, which is a consideration which generates weight in favour of the proposal.

7.4 The development would contribute to evidence-based social, educational, healthcare, sporting and environmental infrastructure needs in the locality. It is noted that these are necessary to make the development acceptable in planning terms and, therefore, carry neutral weight in the planning balance.

7.5 Technical consultees are satisfied, and the proposal is considered to meet the relevant policies in relation to highways, ecology, trees, contaminated land, amenity and flooding with the suggested conditions. There is no evidence to confirm that the proposal would lead to unacceptable air quality impacts.

7.6 The site is located on the edge of a sustainable SRV settlement, within adequate walking/cycling distance of key services within the village and public transport links. There is a realistic opportunity to access these by non-private vehicle means (for example, by foot or cycle). Satisfactory access to the village centre would be provided by the development through new highway footways and crossing points.

- 7.6 Whilst layout, scale and appearance are Reserved Matters, the illustrative Masterplan indicates that good design could be delivered on this site.
- 7.7 The site is satisfactorily contained in landscape terms and the proposal would respect the setting of Dunton Bassett, being in keeping with the historic pattern of growth and built form in a manner which is not significantly and demonstrably harmful. The development of this greenfield site would harm the intrinsic character and beauty of the countryside, particularly on the site itself, and thus cause inherent harm to the character and appearance of the area. Officers consider that this harm is fairly localised and can be appropriately mitigated in the long term, and that it would not significantly and demonstrably outweigh the benefits of the proposal.
- 7.8 Elements of conflict exist with Development Plan policies, such as intrinsic landscape harm which weigh against the proposal. However, with appropriate mitigation, the proposal is judged to largely accord with the up-to-date elements of Policies CS1, CS2, CS3, CS5, CS8, CS9, CS10, CS11, CS12 and CS17 of the Harborough District Core Strategy.
- 7.11 When assessed against the National Planning Policy Framework Paragraph 11 (presumption in favour of sustainable development), as well as the Framework taken as a whole, the adverse impacts of the proposal are not considered to significantly and demonstrably outweigh the benefits.
- 7.12 The application is therefore recommended for approval, subject to S106 planning obligations (Appendix A, to be included on the Supplementary Information on the day of Committee) and planning conditions (Appendix B).

Appendix B – Recommended conditions

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

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

- 2 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
 - (a) The scale of the development;
 - (b) The layout of the development;
 - (c) The external appearance of the development;
 - (d) The landscaping of the site;

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

REASON: The application was made for outline planning permission and is granted to accord with the provisions of Section 92 of the Town and Country Planning Act 1990 and Part 2 (5) of the Town and Country Planning (Development Management Procedure) Order 2010.

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

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

- 4 No development shall commence on site until a Footpath Management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall provide:
 - ~ a specification for a 2m wide stone/gravel surface for Public Footpath Y39 as shown A-B on the Definitive Map;
 - ~ a specification for a 1.5m wide stone/gravel surface for Public Footpath Y39 as shown B-C on the Definitive Map; and
 - ~ details of temporary diversion, fencing, gates, surfacing, signing and a time table for provision.

The development shall be implemented in accordance with the approved details prior to occupation of the first dwelling.

REASON: to ensure the Public Right of Way is safe and available during the period of construction and is of a suitable standard after the site has been developed to provide an all-weather route in the interests of amenity, safety and security of users of the Public Right of Way; in particular the new residents of the development..

- 5 No part of the development hereby permitted shall be occupied until such time as the access arrangements and pedestrian improvements shown on PTB Transport Planning Ltd drawing number T17555.001 Rev C have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Paragraph 109 of the National Planning Policy Framework 2018.

- 6 The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access on Coopers Lane that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of highway and pedestrian safety in accordance with Paragraph 109 of the National Planning Policy Framework 2018.

- 7 No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 59m metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Paragraph 109 of the National Planning Policy Framework 2018.

- 8 No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

REASON: In the interests of pedestrian safety and in accordance with Paragraph 109 of the National Planning Policy Framework 2018.

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

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

- 10 No part of the development hereby permitted shall be first occupied until a full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority.

Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework.

- 11 No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall 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 in accordance with Paragraph 109 of the National Planning Policy Framework 2018.

- 12 The details required to be submitted pursuant to condition 2 shall provide for a mix of market and affordable housing in accordance with Leicester and Leicestershire Housing and Employment Development Needs Assessment 2017 or subsequent approved policy document.

REASON: To ensure that the housing needs of the locality are appropriately addressed and provided for as part of this development.

- 13 The landscaping details to be provided pursuant to condition 2 shall be broadly in accordance with the Strategic Landscape Plan (Tyler Grange, drawing number 10997/P06A), and in the informal/natural open space and adjacent to the site boundaries shall show locally native species only

REASON: In the interests of wildlife and nature conservation and to accord with Harborough District Core Strategy policy CS8.

- 14 The layout details pursuant to condition 2 shall include a minimum 5m buffer zone of open space and natural vegetation from the built development area to the existing hedgerows on site. These existing hedgerows and the trees within them shall be retained in perpetuity and in no way disturbed, except by removal of short sections to facilitate access roads and driveways as part of the development layout, and for necessary maintenance and management as agreed by details pursuant to condition 28.

REASON: To ensure that the existing hedgerows and trees on the site can be retained, to enhance the development, in the interest of protected species, to safeguard the appearance of the area and the character and appearance of the countryside and to accord with Harborough District Core Strategy Policies CS11, CS8 and CS17.

- 15 Before development commences, a biodiversity management plan for all retained and created habitats, including SuDs, shall be submitted to and approved by the

Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity.

REASON: In the interests of wildlife and nature conservation and to accord with Harborough District Core Strategy policy CS8.

- 16 The details provided pursuant to condition 2 (appearance) shall include the provision of Swift bricks in line with advice from the County ecologist, a minimum of 5 groups of 3 bricks to be provided in suitable locations on properties on the edge of the development.

REASON: In the interests of wildlife and nature conservation and to accord with Harborough District Core Strategy policy CS8.

- 17 An up to date badger survey shall be submitted prior to the commencement of development, if development does not commence before three years have elapsed since the April 2017 survey. The results and mitigation measures shall be approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity.

REASON: In the interests of wildlife and nature conservation and to accord with Harborough District Core Strategy policy CS8.

- 18 Prior to commencement of development, a great crested newt mitigation plan shall be submitted to and approved in writing by the Local Planning Authority, and a re-survey of the known great crested newt pond (pond 3 in JE's GCN survey of June 2017) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development if this does not take place before three years have elapsed since the start of the 2017 survey programme.

REASON: In the interests of wildlife and nature conservation and to accord with Harborough District Core Strategy policy CS8.

- 19 No development (except any demolition permitted by this permission) shall commence on site, or part thereof, until a Further Risk Based Land Contamination Assessment, as recommended by ASL Report No. 152-17-087-11 June 2017 Desk Study Report, Land Off Coopers Lane, Dunton Bassett, 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. 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. 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.

REASON: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 178 of the NPPF

- 20 Prior to occupation of the completed development, or part thereof, either:

1) If no remediation was required by Condition 19 a statement from the developer or an approved agent confirming that no previously identified contamination was discovered during the course of development, or part thereof, is received and approved in writing by the Planning Authority, or;

2) A Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to the whole development, or part thereof, shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 178 of the NPPF

- 21 Building works, deliveries, clearance or any works in connection with the development shall take place on site between the hours of 08.00 - 18.00 hours Monday to Friday, 08.00 - 13.00 Saturday and at no time on Sunday or Bank Holidays.

REASON: To ensure that as far as possible the proposed use does not become a source of annoyance to the nearby residents and to ensure compliance with Policy CS11 of the Harborough District Core Strategy.

- 22 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) measures to control the hours of use and piling technique to be employed
- j) measures to control and minimise noise from plant and machinery

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

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.

- 23 No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the Local Planning Authority.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to accord with Harborough District Core Strategy Policy CS10

- 24 No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the Local Planning Authority.

REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase, and to accord with Harborough District Core Strategy Policy CS10.

- 25 No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority.

REASON: To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development and to accord with Harborough District Core Strategy Policy CS10.

- 26 No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.

REASON: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy and to accord with Harborough District Core Strategy Policy CS10.

- 27 The development hereby permitted shall be in accordance with the following approved plans and documents:
~ Proposed site access layout pedestrian crossing option (T17555 drawing no 001 rev C)
~ Site Location Plan (P17-1384_001)
~ Illustrative Masterplan ('Parameters Plan') (P17-1384_007 Sheet no 01 Rev A)

REASON: For the avoidance of doubt.

- 28 Prior to first occupation of the site, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for

all landscape areas, including all trees and hedgerows but excluding privately owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity.

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

- 29 With the exception of the new hedge and trees to the east boundary of the site (as referred to in condition 9 above), all new soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following first occupation of the site or the completion of the development, whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years from the date of first occupation of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

Informative notes

- 1 Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- 2 If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
- 3 Public Rights of Way must not be further enclosed in any way without undertaking discussions with the County Council's Safe and Sustainable Travel Team (0116) 305 0001.
- 4 If the developer requires a Right of Way to be temporarily diverted or closed, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 8 weeks before the temporary diversion / closure is required.
- 5 Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- 6 No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
- 7 The applicants are reminded that the responsibility for making sure that a hedge adjacent to a public footpath does not overhang or grow to obstruct the right of way, lies with the owner of the hedge/developer/landscape management company as the case may be.
- 8 There is a discrepancy between the route of the path as depicted on the Definitive Map and the route available on the ground which runs a few metres further north to the route plotted on the applicant's planning drawing. The route to be surfaced should follow the Definitive Map alignment (A-B) on the plan attached to the Right of Way comments as this is the route of the public right of way defined in law. A gap or gate will therefore needed to be installed at point A on the plan, to a satisfactory specification, to facilitate access and egress to the surfaced path. The existing stile(s) and waymark post should be removed and a waymark post re-located to point B indicated on the plan. If a stock fence or other physical boundary is to be erected at point A on the plan then a hand gate should be installed or gap created to a satisfactory specification as agreed by condition 4.
- 9 Planning permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory

functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

- 10 If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg> If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.
- 11 All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
- 12 With regards to condition 22 (construction method statement): In terms of f), j), and k), I would advise to the applicant to contact the District Council's Environmental Health team directly with regards to methodology in ensuring that they comply with the condition.
- 13 The scheme required by condition 23 shall include the utilisation of holding sustainable drainage (SuDS) techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change return periods.
- 14 The details required by condition 24 should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
- 15 The details required by condition 25 of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.
- 16 The results of infiltration testing required by condition 26 should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.

- 17 If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under Section 23 of The Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found at the following: <http://www.leicestershire.gov.uk/Flood-risk-management>.
- 18 Please note, it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.
- 19 The SuDS and the area of land around the SuDS in the NW corner to be designed to maximise benefit to wildlife, and should include wildflower grassland that is rich in species that attract pollinating invertebrates
- 20 Light spill onto retained hedgerows is to be minimised to a value of 1lux or lower at the edge of the habitats, to maintain their value at bat foraging corridors.
- 21 Any vegetation to be removed should be done so outside the bird nesting season (March - July inclusive) or within 24 hours of the 'all-clear' from a suitably qualified ecologist.
- 22 No trees or shrubs should be planted within 1 metre of the edge of the public right of way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species.
- 23 Prior to construction, changes to existing boundary treatments running alongside the Public Rights of Way, must be approved by the Local Planning Authority following consultation with the Highway Authority.
- 24 The further Contaminated Land Survey required by condition 19 shall be carried out in accordance with:
 - ☐ BS10175:2011+A2:2015 Investigation Of Potentially Contaminated Sites Code of Practice;
 - ☐ BS8576:2013 Guidance on Investigations for Ground Gas – Permanent Gases and Volatile Organic Compounds (VOCs) and
 - ☐ CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.The Remedial Scheme also required by this condition 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.
 - ☐ BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildingsThe Verification Plan required by this condition 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.
 - ☐ BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
 - ☐ CIRIA C735, "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases" CIRIA, 2014
- 25 The Verification Investigation Report required by Condition 20 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.

Applicant: Mr and Mrs Hall

Application Reference: 17/01270/FUL and 17/01271/LBC

Location: Knaptoft Hall Farm, Welford Road, Knaptoft

Proposals: Demolition of existing farmhouse and erection of replacement dwelling; conversion of former manor house/hall to residential ancillary accommodation; conversion and erection of single storey side extension to farm office/barn to form single dwellinghouse; demolition of agricultural buildings and structures and erection of 8 dwellings with associated access, parking and landscaping.

17/01271/LBC:

Conversion of house to residential ancillary accommodation including the removal of lean-to roof and wall to the north elevation; the reinstatement of windows; insertion of new openings to fenestration and internal alterations

Application Validated: 28.07.2017

Target Date: 27/10/17 (extension of time agreed)

Consultation Expiry Date: 10/10/17

Site Visit Date: various including 07/08/17

Case Officer: Louise Finch

Recommendation

Planning Permission 17/01270/FUL is **REFUSED** for the following reason:

When assessed against the National Planning Policy Framework Paragraph 11 (presumption in favour of sustainable development), as well as the Framework taken as a whole, the benefits of the proposal for enabling the restoration of the historic building are not considered to outweigh the dis-benefits of the proposal in respect of allowing residential development in an unsustainable location development in the countryside, whereby future occupants' ability to access facilities and services other than by private car would be severely restricted. The scheme would serve to urbanize this low key hamlet, doubling the amount of housing to the detriment of its low key rural character.

As such the proposal is contrary to policies CS5, CS9, CS11 and CS17 which seek, amongst other things, for development to be directed to the most sustainable locations, in areas well served by local services, where the need to travel is reduced and which encourage travel by a range of modes of travel. The development would also conflict with CS Policy CS11 which seeks, amongst other things, to ensure development respects and enhances local character.

Listed Building Consent 17/01271/LBC is **APPROVED** for the following reason:

The works proposed would not adversely affect the building or any of its features such that they would detract from its architectural or historic character. The proposal would result in the sympathetic restoration of this listed building, helping to ensure its long term viable use and is therefore considered to accord with Harborough District Core Strategy Policy CS11 and no other material considerations indicate that the policies of the development plan should not prevail, furthermore the decision has been reached taking into account 185 and 192 of the National Planning Policy Framework.

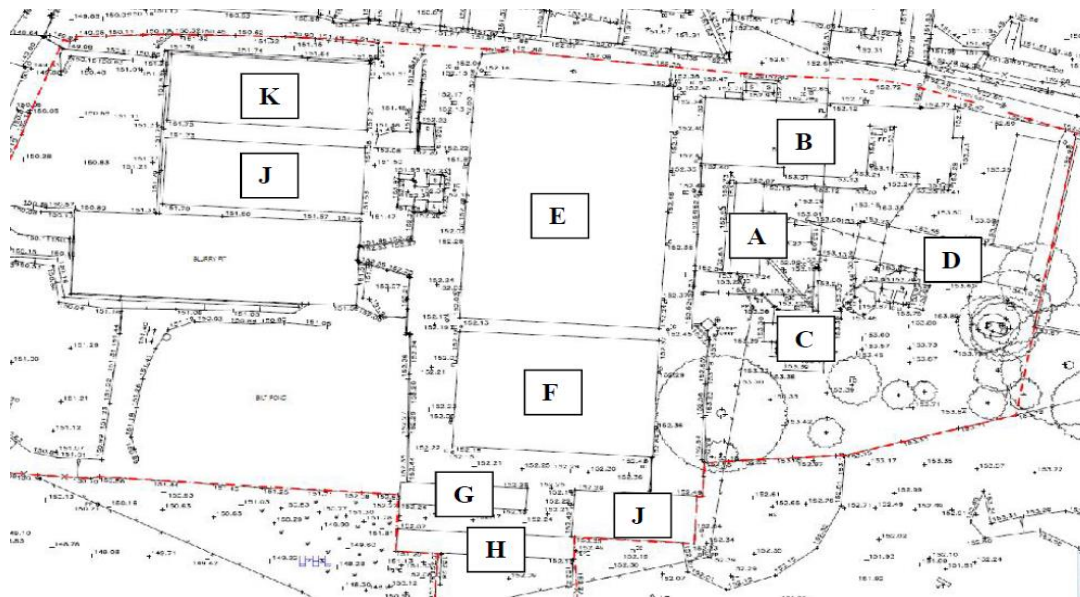
1. Site & Surroundings

1.1 The application site comprises approximately 1.6ha and is part of the original farmyard associated with Knaptoft Farm and includes existing farmhouse, remains of Knaptoft Hall (listed Grade 2 28/10/14) and various outbuildings, including brick built farm office and outbuildings. The site has previously been granted planning permission for comprehensive re-development, including the relocation and new farmstead with two new agricultural workers dwellings. Only the later part has been implemented. (see planning history below). It forms part of the overall agricultural holding known as Knaptoft Farm (total holding is 486ha) and is located on the western side of the A5199 off the unclassified road which serves the small hamlet of Knaptoft (the settlement contains the existing working dairy farm, various agricultural buildings/farm office and 6 dwellings. It also includes the Scheduled Ancient Monument (SAM) which includes the remains of village church, a collection of fishponds and the mound of former windmill which are associated with the deserted village) and is surrounded by open countryside. The site is located in a relatively elevated position as the main Welford Road rises from south to north but does continue to rise. There are hedges and trees to field boundaries.

Wider views of the site are available from surrounding countryside, including the Bridleway Y47 that runs to the south and west of the site.



Existing site layout:



Building A - Remains of Knaptoft Hall (Grade II Listed Building);
 Part of a Scheduled Monument including Knaptoft medieval settlement and manorial complex;
 Building B - Farm office and associated barn;
 Building C - Farm managers' house erected circa 1931;
 Buildings D to L - Livestock yard containing 13 mid C20 agricultural buildings with associated structures; and
 2 no. slurry pits to the south west



View from within the yard facing south west viewed from outside the farm office.
 Knaptoft Hall to the right hand side and the 1931 farmhouse is behind



South elevation remains of Knaptoft Hall-Grade 2 listed.



South elevation of the farm office and barn (19th-century threshing barn)



farmyard looking east

2. Site History

- 2.1 Planning permission has been granted for the relocation of the existing farmstead (11/01739/OUT/13/00994/REM), including the erection of several large modern agricultural buildings and 2 agricultural workers dwellings on the application site. The rationale behind the scheme is to provide a modern updated dairy facility to meet latest EU Standards which would be partially financed through the redevelopment of the farmstead.
- 2.2 12/01168/FUL Extension and conversion of farm buildings to form one dwelling, conversion of former manor house/hall to one dwelling, extension and alterations to seven existing dwellings to form six dwellings (revised scheme of 11/01738/FUL)(approved subject to completion of S106 for affordable housing).
- 15/00852/FUL – Alterations including garage repositioning to Plot L and addition of garage and driveway access to Plot J (revised scheme 12/01168/FUL) – Approved 2nd September 2015
- 2.3 Further applications for agricultural buildings have also been granted, including, most recently 18/00614/FUL- Erection of two livestock buildings, formation of concrete silage clamps, formation of private way and landscaped bund (Revised scheme of 16/01650/FUL).
The new farmstead development is operational and the agricultural dwellings occupied.

a) Summary of Proposals

Background: Approved scheme under reference 12/01168/FUL

**Revised Scheme 15/00852/FUL:**

Key changes;

Separate access to serve Plot L

Garage buildings serving plot J and L moved to new position to south of plot J as shown below.



Current proposal:

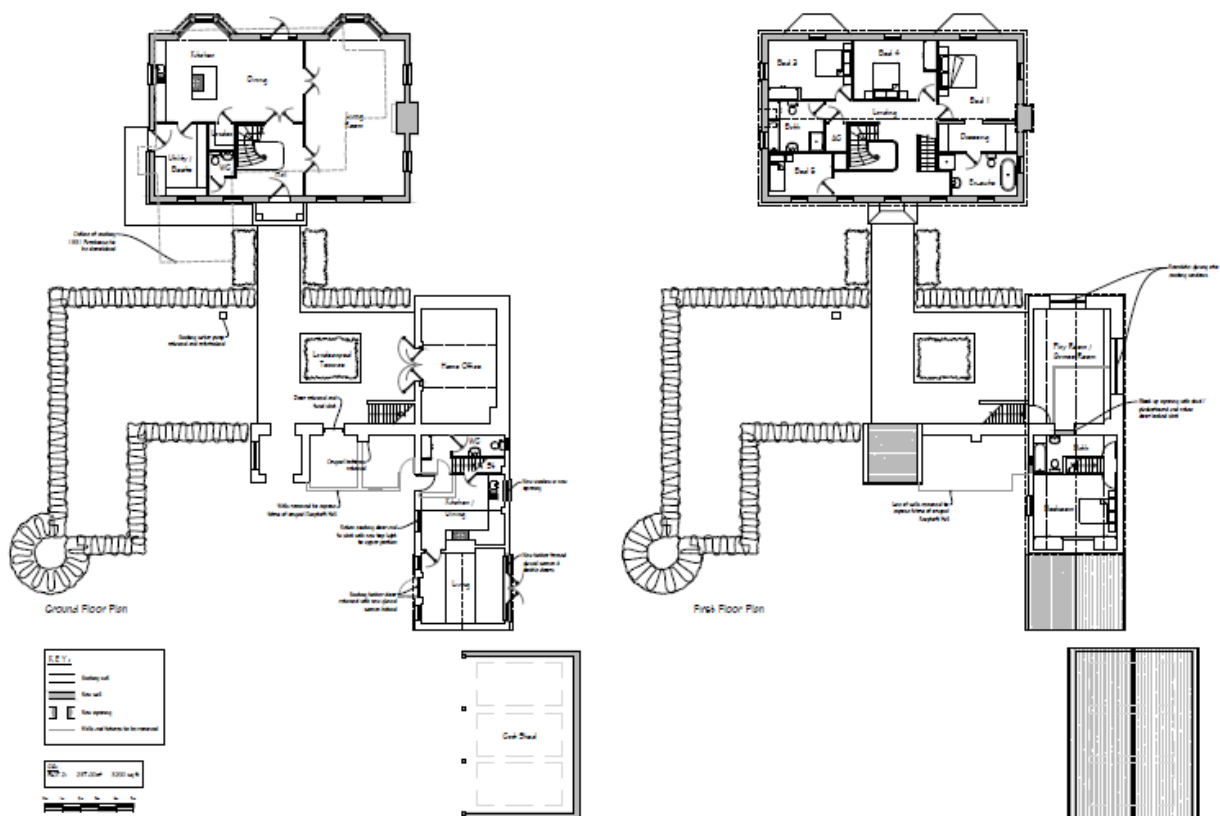


As can be seen from the comparative site plans, the current scheme, includes the new dwellings on

western part of the site.

Plot 1 : comprises the Grade II listed remains of Knaptoft Hall will be converted to form ancillary residential accommodation to a rebuilt dwellinghouse on the site of the 1931 farmhouse that will be demolished (see photo above) The replacement dwellinghouse will be located to the south elevation of the surviving Tudor Hall. The 2.5 storey building would measure a length of 14.7m, a depth of 9.4m, 5.8m to the eaves and 8.8m to the ridge of the gable end pitched roof. The plot would be approached from the northern side with the existing farm buildings enclosing this site will be demolished. The design is traditional in nature.

Whereas the previous scheme was for the retention of the farmhouse this scheme proposes its demolition and rebuild as shown below. The tudor hall would be converted to ancillary accommodation (home office, kitchen/dining, living accommodation, games room, bedroom and bathroom shown), as opposed to a separate dwelling (and extension), approved under the previous scheme. An open sided timber car port is also proposed to serve this plot.

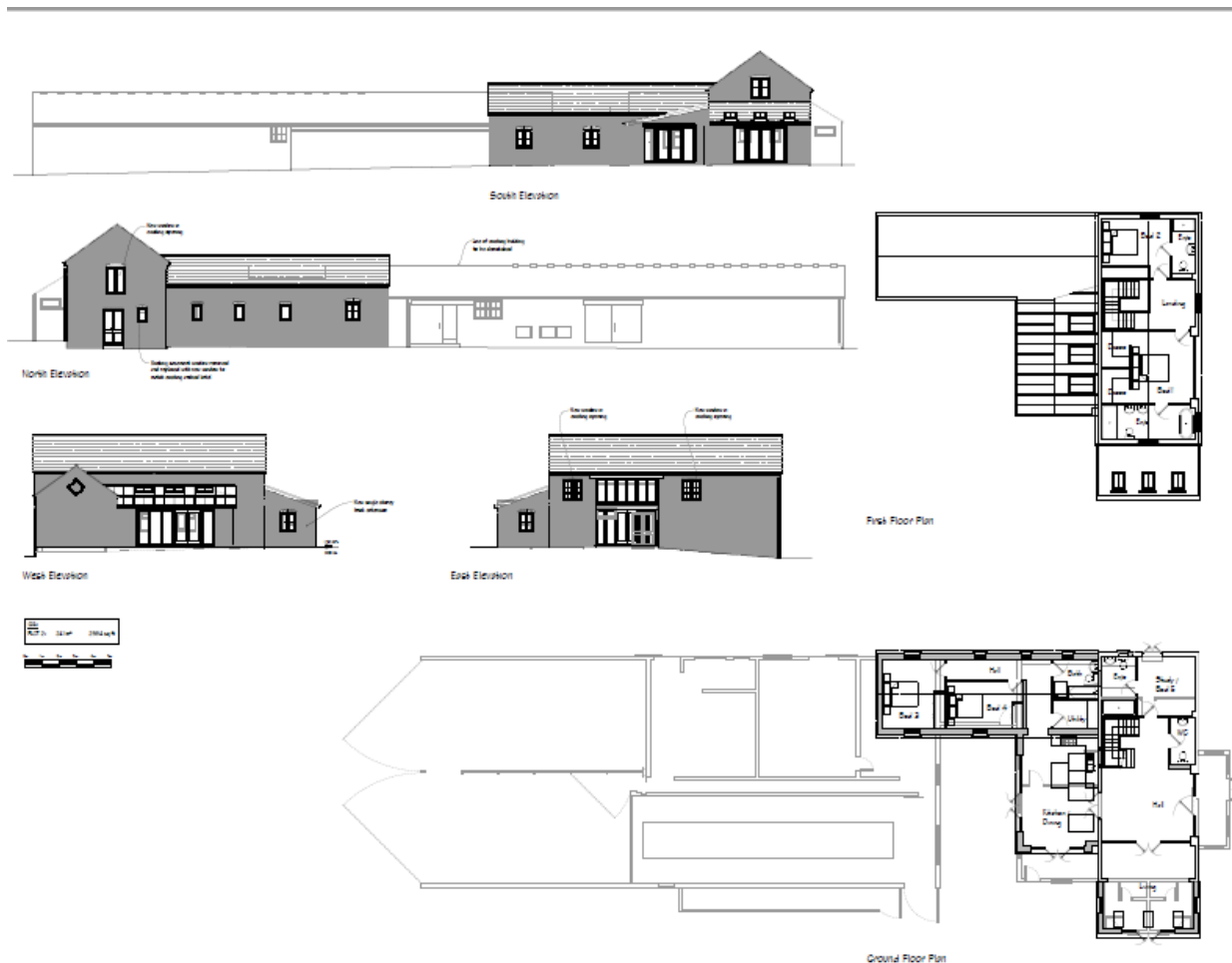




Details of works to The old Hall;

A single plot would be created and formed by the remains of the Hall and the rebuilt farmhouse that will reinstate the original approach to the house via the porch. This would reveal the form of the early house through the removal of the north elevation lean-to wall. The works to the building are minor in nature, given that the use as ancillary accommodation, and no extensions are proposed and fewer internal alterations to the historic fabric than was originally the case.

Plot 2: partial demolition and conversion of the farm office and adjoining barn, including single storey extensions. The buildings positioned to the east and south east of the conversion will be demolished and concrete hardstanding removed.



Plot 3-10: (8 new dwellings) will be erected to the west of Knaptoft Hall within the existing farm complex.

The plots will be formed around a central courtyard space accessed from the existing road. The buildings will contain a range of dwelling bedroom sizes and scales, with predominately single and 1.5 storey buildings.

Plot 3: 191.5 msq. (4 bed)

Plots 4: 107.8m sq.(3 bed)

Plot 5: 78.1 msq. (2 bed)

Plot 6: 100.3 msq. (3 bed)

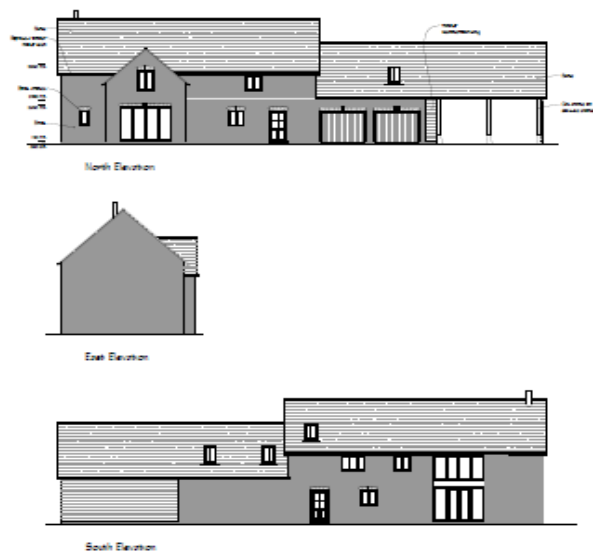
Plot 7: 208 m sq. (4 bed)

Plots 8: 162m sq (4 bed)

Plot 9: 208m sq.(4 bed)

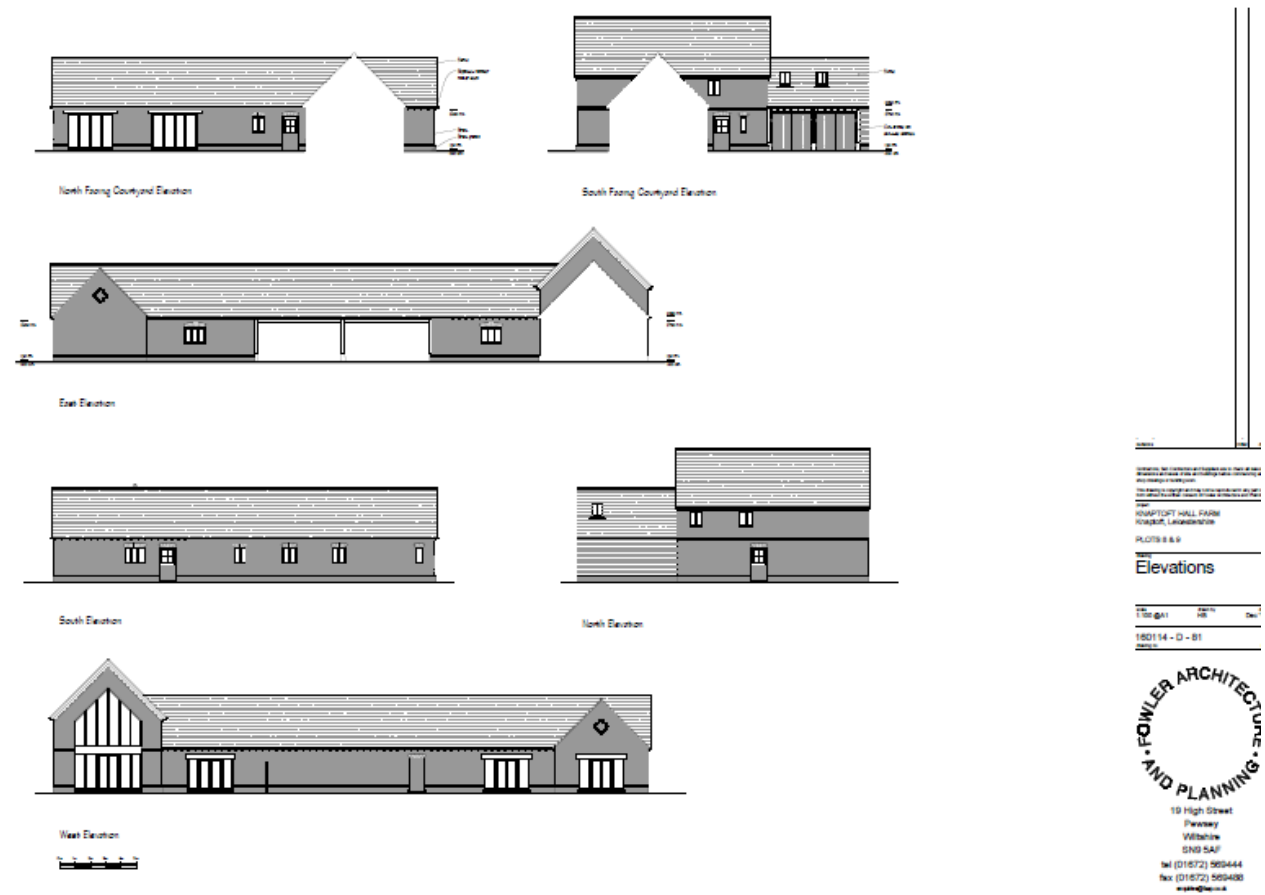
Plot 10: 265 m sq. (4 bed)

Total new build approximately 1320.7 m sq, (excluding plots 1 and 2).



Plot 7; above

Plots 8 and 9 shown below. All plots have minimum of 4 bedrooms and comprise significant floor space



Plot 10 (below)



The previously included cottages located on the north of the site are excluded from the proposal and are the subject of separate consents for extensions/rationalisation. Use is made of the existing access, also served by the existing cottages, and agricultural enterprise, onto Welford Road, and passing bays are required.

b) Documents submitted

Site plans and elevations.
Viability assessment in relation to the previously approved scheme.
Planning statement
Heritage Statement
Archaeological Assessment
Flood risk assessment
Highways assessment, Transport Assessment and Road Safety Audit..

c) Pre-application Engagement

3. PREAPP/17/00057 (summary)

"My main concern is the principle of additional dwellings in this unsustainable location. Substantial negative weight is attached to future occupants' ability to access facilities and services as well as the scheme's effect on the character and appearance of the countryside. Whilst I appreciate that some large agricultural buildings will be removed, these are typical of the rural location on the current farmstead is viewed as a distinct group of that nature as opposed to an isolated residential development, which in my view would look distinctly alien.

As discussed, the benefits of the scheme, arguably not public benefits, would be the restoration of the Old Hall, but there is no-over riding need for this restoration to be carried out. The building is not identified as “at risk” and if it were, this is dealt with under separate legislation. There is also the “duty of Care” of the owner of the building.

The proposed scheme seems to go well beyond what was previously agreed and I do not consider that any perceived heritage benefits outweigh the harm identified”.

4. Consultations and Representations

4.1 Consultations with technical consultees and the local community were carried out on the application.

4.2 Firstly, a summary of the technical consultee responses received are set out below. Where comments relate to developer contributions, these will be discussed in more detail within the main body of the report. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

4.3 Highways (LCC):

Further information sought-originally asked for transport assessment which was subsequently submitted

Some further clarification sought following the submission of the TA.
Stage 1 Road Safety Audit which considers the proposed passing bays and the proposed Junction improvements submitted.

The Local Highway Authority advice is that, in its view, the residual cumulative impacts of the development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the Conditions as outlined in this report (this would include passing bays to be provided along the access road).

4.4 Lead Local Flood Authority:

The application documents as submitted are insufficient for the LLFA to provide a detailed response at this stage. In order to provide a detailed response, the following information is required:

- Plans of a proposed surface water drainage strategy, showing proposed SuDS features, indicative levels and a suitable outfall location/discharge point. Where infiltration is proposed, infiltration testing in accordance with BRE Digest 365 Soakaway Design is required.
- Assessment of the proposals to ensure a limiting surface water discharge of 5l/s.
- Demonstrate the proposals for exceedance flow and associated overland flow routing.
- Evidence that the developer has control over land through which the surface water outfall is proposed, including details of a formal legally binding agreement with the third party land owner.

Title deeds have subsequently been provided which shows that the applicant owns the land including the proposed location of the outfall, further to this an overland flow plan has been provided for an exceedance event and an updated drainage strategy

and drawing identifying a swale which attenuates the surface water drainage from the site and discharges at 5l/s
Conditions are recommended.

4.5 Ecology (LCC):

They have provided clarification on the bat surveys that were done in 2015 (which did include B4) and have explained that B9 (which hasn't been surveyed recently) won't be demolished.

I'm happy for a condition to cover resurveys of the licensed buildings (B3,B5,B6,B11) as needed to modify the existing license – my only recommendation would be for these survey results to be submitted to us prior to commencement

4.6 Historic England:

The Scheduled Monument and Listed Building comprise the remains of the Tudor Hall and Gardens a highly complex set of structural and other remains parts of which are standing and parts below ground. This scheme has been the subject of pre-application advice and we have flagged that any scheme for a replacement dwelling to the 20th century house would need to be informed pre-determination by a scheme of archaeological investigation, which would in itself require Scheduled Monument Consent. As it stands the application is not supported by sufficient information with regard to the archaeological impacts of the proposals in respect of National Planning Policy Framework Paragraphs 128 and 129.

A scheme that reinstated something of the hierarchy of the site through a new more substantial and polite dwelling to replace the 20th century house would have merit and might secure the useful use of the listed building going forwards within a sympathetic presentation of the monument. That outcome if successfully achieved might well represent a public-good since it would support the public interest in the conservation of the monument and building, however a poor scheme with poor outcomes might as easily represent a harm to the public interest. There is not such an imperative for structural repair as might offset the harm of a poor architectural solution or a scheme which caused substantive archaeological loss. The scheduled monument and listed building are not at present on our published at risk register, whilst the standing elements lack a use at present and this can be regarded as a source of risk alongside the redundant nature of the modern cattle sheds, the actual above and below ground remains were not when last seen at risk of immediate significant further loss to significance.

Notwithstanding the need to understand the preservation of below ground remains and the impact of the existing (20th cent) and previous (19th cent) house as context for new main house design there are also the impacts of the associated garden and ancillary uses and servicing to consider. With regard to the design of the new main house the initial drawings are in a restrained neo-classical mode and whilst this would appear broadly sympathetic it is a style extremely vulnerable to quality of drawing, materials and execution and moreover does risk stylistic anachronism in what is already a very complicated site to understand. Perhaps options in a modern idiom by an architect experienced in successful projects on comparable sensitive sites might also be worth considering and might offer alternative ways to articulate with the remains of the early house.

As to the removal of the 19th century lean-to wall against the former front elevation of the hall, this would better reveal the form of the early house but would require a specialist engineer's opinion and to be justified within an holistic scheme (and a plan for its conservation). The proposed hedging layout would need further work both to understand the stair turret shown in Nichols' and to establish the method for planting.

As discussed in earlier applications the area of concrete hard standing adjacent to the church yard is likely to include areas of burials formally within the graveyard and as such any work under Scheduled Monument Consent will need to minimise or eliminate ground disturbance (and comply with the burials legislation).

The proposed link block between the existing mid-nineteenth century barn at the NE corner of the site and the proposed range at right angles is unfortunate and would detract from the setting of the designated assets, this is perhaps a point to step back from the creation of an L shaped arrangement or accept that communication between the old and new would be limited.

As regards the proposed development on the land to the west within the foot-print occupied by modern sheds we would not see this as pivoting on heritage matters provided design, massing and detailing did not detract from or suburbanise the rural monument and historic building setting, this element is very much a matter for the LPA.

Recommendation

Historic England has concerns regarding the application on heritage grounds

4.7 Conservation Officer:

The proposal involves a complex group of heritage assets including a Listed Building and a Scheduled Monument. The conversion of the Listed Building which is the remains of the Tudor Hall is in principle acceptable as is in my opinion the demolition and rebuild of the existing farmhouse.

These works could potentially enhance the setting and better reveal the significance of the Heritage Assets. However the proposal also includes a large amount of development within the site which in my opinion will not further enhance the setting of the heritage assets. The building is not on the Historic England at risk register and therefore it could be argued that the preservation of the building could be possible without the need for the additional development of the site. It is for the planning officer to consider whether the benefits of the further development would outweigh any harm or if this necessary to achieve the optimum viable use of the Heritage Asset and to comply with the NPPF.

4.8 LCC (Archaeology)

We recommend that the planning authority require that the applicant complete an Archaeological evaluation of the development proposal. This should specifically targeting the impact of the replacement dwelling and associated works around and to the south of the listed former hall.

(Subsequently submitted)

b) Local Community

4.9 Parish: none received

4.10 Publicity: 8 neighbours consulted and one site notices posted .
One comment received, asking whether dwellings are for agricultural occupancy or general occupation?

5. Planning Policy Considerations

5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the provisions of the

development plan (hereafter referred to as the 'DP'), unless material considerations indicate otherwise.

a) Development Plan

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

5.3 The DP for Harborough comprises:

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

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

- *Harborough District Core Strategy*

5.5 The Core Strategy (hereafter referred to as the 'CS') was adopted in November 2011 and covers the period from 2006 to 2028.

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

CS5 – Providing Sustainable Transport

CS8 – Protecting and Enhancing Green Infrastructure

CS9 – Addressing Climate Change

CS10 – Addressing Flood Risk

CS11 – Promoting Design and Built Heritage

CS12 – Delivering Development and Supporting Infrastructure

CS17 – Development in the countryside

b) Material Planning Considerations

- *National Planning Policy Framework*

5.6 The Framework published July 2018, replaces previous national guidance set out in Planning Policy Guidance and Planning Policy Statements.

5.7 The overarching policy objective of the Framework is the 'presumption in favour of sustainable development'. It identifies three dimensions to sustainable development: economic, social and environmental (paragraph 11). These are mutually dependent and in order to achieve sustainable development economic, environmental and social gains should be sought jointly and simultaneously through the planning system (para. 8). The presumption in favour of sustainable development is seen as "at the heart of the Framework" through plan-making and decision-taking (para.11). For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the

policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- *National Planning Practice Guidance*

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

- *Supplementary Planning Guidance*

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

Relevant local Supplementary Planning Guidance Notes:

SPG Note 1: Design principles

Note 6 – Agricultural and equestrian buildings.

- *The national Planning Practice Guidance Suite (06.03.14)*
- *Appendix A to Circular 11/95 – Use of conditions in planning permission*
- *Circular 06/2005 – Biodiversity including statutory obligations within the planning system*

c) Other Relevant Information

- *Reason for Committee Decision*

5.10 This application is to be determined by Planning Committee because the Applicant is a Council Member.

6. Assessment

a) Principle of Development

6.1 The principle of conversion and low key extensions to existing buildings on site has been established on this site by virtue of the previous consents granted. However, it is clear that the current scheme far exceeds that previously granted, which was essentially renovation and conversions of existing buildings. The location is not sustainable as there are no services within walking distance, and there are no public transport opportunities, thus each new household would be reliant upon use of private transport.

Where restrictive housing policies are considered out of date, in light of the lack of housing supply, the LPA must consider whether; (para 11)

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 202 of the Framework states “ Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies”.

6.2 In this case, the key considerations relate to the impact on heritage assets and whether the development of 8 new dwellings in an unsustainable countryside location is justified in respect of the public benefits arising from the scheme, namely the restoration of the listed Hall, and bringing it back into a long term viable use.

6.3 The Applicants Agent has submitted a detailed viability assessment which “provides specialist appraisals of the investment required to redevelop the site and market testing of the sums required to enable the development. The proposed development would generate the total sum that has been identified as being needed to restore the listed building and enhance its setting including other heritage assets, the demolition and remediation of the largely derelict farmstead. The sale proceeds from the development would be the only source of funding. If the scheme were not approved then the Applicants would do no more than fulfil the minimum statutory requirement to maintain the Listed Building in a wind and weather tight condition. The remainder of the site would fall into disrepair threatening the intrinsic character and beauty of the countryside and harming the significance of the heritage assets. The Applicants would also not be able to deliver growth to the rural economy by expanding the modern farm complex by implementing the recent planning permission for the dairy unit

The restoration of the Grade II Listed remains of the hall is central to the conservation benefits and it cannot be treated in isolation from the wider site extents, condition and costs of which substantial investment is essential. The 2013 permission was incapable of achieving this, as is the Pre-Application suggestion of the Council to limit development to the replacement of the farmhouse and conversion of the barn”

6.4 The Councils viability experts subsequently confirm that the consented scheme is unviable and cannot meet the cost of restoration of the listed Hall and that the new dwellings proposed are required to improve the scheme viability”.

As the total amount of new floor space is over 1,000 sq.m, there would normally be a 40% on site affordable housing requirement (though in this remote location, an off site contribution may be sought). The Applicant has also detailed that this is not viable, given the exceptional costs (renovation of listed building, archaeological requirements and works to access road).

The Council’s viability consultants have assessed the information presented and conclude that an off site contribution (£689,114) is viable.

The net increase is 1,148sqm of residential floorspace with an average floorspace of 121.3sqm from the residual 7 units, subject to 40% affordable housing under CS3.

The Council’s viability consultants have assessed the information presented and conclude that an off site contribution (£689,114) is viable. However, based on the net floor space gain, against the vacant building credit (for redundant floor space), it is concluded that there would be no requirement.

b) Technical Considerations

1. Impact on the character of the area

The site is within the Laughton Hills District Character Area⁹ that has a valued rural character within distinctive ridgeline and steeply sloping sides of the ridge, which characterise the character area that includes a few deserted medieval settlements, such as Knaptoft, scattered throughout the character area. The site is positioned on a ridge of higher land surrounded by views of surrounding open countryside. The land gradually slopes away to the south and west. Views of the Site are available from the wider countryside, including Bridleway Y47 that runs to the south and west of the Site.

Policy CS17 of the Core Strategy, together with emerging Local Plan Policy GD3 seeks to restrict development in the countryside, outside of key settlements and selected rural villages, except for the purposes of agriculture, etc. This approach has been supported in several recent Appeal decisions, and in this case whilst the conversion of the traditional buildings and redevelopment of the farmhouse would be supported, the additional eight dwellings is considered excessive, and would change the low key rural character of Knaptoft. The clearly domestic nature of the site would also create a clear distinction from existing agricultural buildings, which although not attractive, are typical of an agricultural farmstead.

2. Impact on setting of Scheduled Ancient Monument/setting of listed building.

The LPA has a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a heritage asset. Paragraph 195 of the Framework sets out that in determining planning applications, LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Para 196 of the Framework confirms that the significance of a designated heritage asset (including CAs) can be harmed or lost through development within its setting.



North elevation facing south-west showing the porch and later lean-to structures



West elevation showing the 16th century brickwork. Note the presence of diaper brickwork or groups of lozenges to the lower level and the lack of quoins where the 16th century brickwork meets the later brickwork to the left.

The proposals for Knaptoft Hall Farm can be separated into four principal elements in relation to heritage assets and landscape:

- The replacement of the existing farmhouse with a new house;
- The conversion of the remains of Knaptoft Hall to provide ancillary accommodation to the new farmhouse;
- The conversion of the barn to residential use;
- The construction of eight new dwellings on the site of the present modern agricultural sheds.

The present farmhouse is a building which does not have any heritage value, and its replacement with a new house will not, in principle, cause harm to the setting of the Scheduled Monument, the boundary of which passes close to the north and east of the house.

The new house is of traditional form and scale appropriate to a large farmhouse will not cause harm to the setting of the Grade 2 listed remains of Knaptoft Hall.

The proposed house is larger than the present and its footprint will extend slightly into the area of the Scheduled Monument. This is not considered to be of particular concern as the line of the boundary to this part of the designated area was drawn to exclude the present house rather than actually defining the known edge of a discrete monument. A programme of archaeological evaluation is proposed for the area to the south of the remains of the Hall as there is potential for archaeological remains.

The 19th-century additions to the west of the Old Hall, forming part of a later farmhouse worker's

Accommodation, and the stable building, will be retained. It is proposed to remove the lean-to

structures to the west of the porch which will reveal the brickwork of the original north elevation

of the house and at least one stone mullioned window, better revealing significance of the listed structure. It is considered that the lean-to structure to be removed is of later 19th century

date and contributes little to the significance of the listed building and its removal will not harm the special interest.

As part of the proposed scheme the porch element of the Hall will once again become an entrance,

reinstating the formal approach to the dwelling house, by providing the entrance into the garden area of the proposed new house. Together with the formation of a curtilage to the north of the Hall, the former formal, north elevation of the Hall will have a improved setting.

The previously approved scheme created two separate curtilages, one each for the converted Knaptoft Hall and the extended farmhouse.

The creation of a single curtilage, utilising the remains of the Hall as part of the rebuilt house on the site of the farmhouse, would restore the historic context of the site as a single unit with a principal elevation facing south, and approached from the north.

This aspect of the proposal is considered acceptable and would represent the key public benefit of the scheme.

The conversion of the former threshing barn to residential use has previously been approved and it is considered that the principal of conversion to residential use remains an acceptable approach to the reuse of this building. It is proposed to extend the building with the addition of a range attached to the west elevation of the barn at its north end. This will reflect the position of the historic buildings which were part of the U-plan group and so are not considered to be harmful to the character of the building.

It is also proposed to construct a single storey lean-to within the angle between the barn and the proposed north range replacing the modern additions which enclose the west side of the barn at present. The modern flat-roofed addition to the south gable is also to be replaced with a more traditional mono-pitched roof single-storey building which will be of a more traditional appearance than the existing and thus will represent an improvement in the aesthetic value of the barn.

In addition, the modern lean-to entrance porch attached to the east elevation will be removed in this scheme, reinstating the threshing bay opening which will represent an improvement in the aesthetic value of the east elevation and the overall character.

The removal of the agricultural buildings to the eastern boundary will have a particularly positive enhancement to the setting of the Grade II listed church ruins.

The area to the west of Knaptoft Hall is a large late 20th century dairy farm consisting of several large agricultural buildings, areas of hard-standing and a slurry pit. Due to a reorganisation

of the farming enterprise, the buildings are now redundant. It is proposed to demolish the existing buildings which do not have any architectural or historic merit and replace them with the eight residential units, which have been designed with a loose "farm-stead" feel.

Notwithstanding the relatively sympathetic design, the erection of 8 new, substantial, dwellings and associated boundary treatment and paraphernalia would significantly change the character and appearance of the site and result in a more urbanised setting. While the agricultural buildings are not attractive per se, they are low key and typical of a traditional rural farmstead.

Harm vs public benefits

Paragraphs 195 and 196 of the Framework both require the decision maker to weigh this harm against the public benefits of the proposal. Paragraph 196 states "Where a development proposal will lead to less than substantial harm to the significance of a

designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

The current scheme does have benefits in respect of the listed building as it would be retained as ancillary to the Old Farmhouse in one curtilage (although the farmhouse would be re-built), although the previously approved scheme was also considered sympathetic. The impact on the setting of the SAM or church is not considered to be improved significantly from this proposal, over that previously approved, and the overall setting would be more urbanised.

It is considered that, *less than substantial* harm would be caused to the setting of the SAM and listed buildings. Enhancement to the heritage asset would result provided the development is carried out to a high standard with appropriate materials, architectural detailing and landscaping, and the works could be conditioned to ensure completion prior to occupation of any new dwellings on the site. Thus the overall impact on the heritage asset is neutral as whilst there would be some change in the setting from rural farmyard to residential setting, there would be some public benefits in respect of restoration of the listed building.

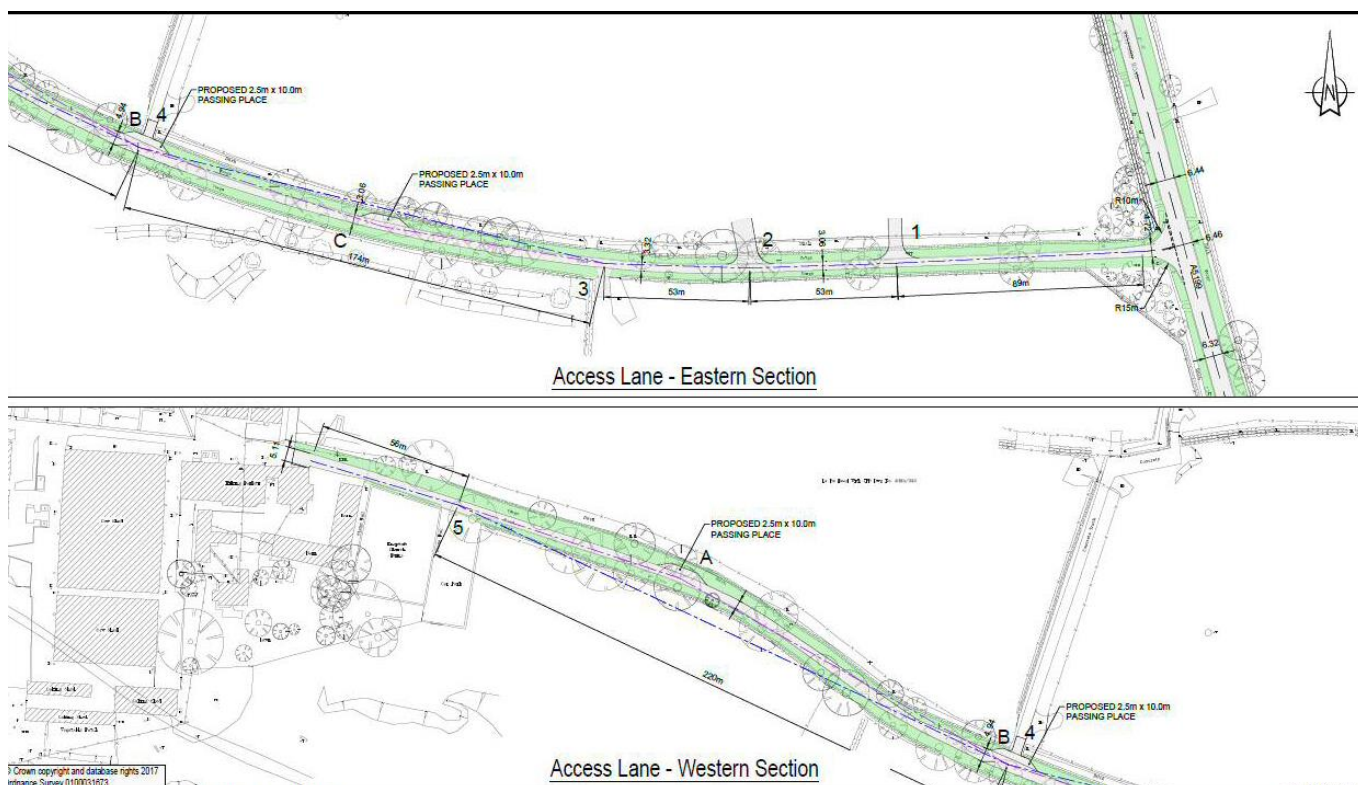
3. Residential amenity

Due to the proposed location of the proposal and relationship with existing cottages which are the other side of the access road, together with the removal of existing large agricultural buildings, it will not harm the residential amenity of the neighbouring residents; therefore the application is considered to be in accordance with Policy CS11 of the Harborough District Core Strategy.

4. Highway safety and parking

Access will be via the existing County highway, accessing onto the Welford Road, as currently. As with the previous consent, a series of passing bays would be required, together with localised widening as the road is currently narrow and opportunities for passing limited.





In summary, the proposal is considered acceptable in highway safety terms, and accords with Core Strategy Policies CS5 and CS11 and paragraph 32 of the Framework.

5. Impact on wildlife

A bat mitigation strategy was included as previous condition and relates to the existing building on Plot J and the site as a whole. This would still be relevant and requires updating as per Ecology comments. With the condition updated, there would be no adverse impact envisaged, thus it accords with Policy CS8 and paragraph 117 of the Framework.

6. The Planning Balance / Conclusion

6.1 When assessed against the National Planning Policy Framework Paragraph 11 (presumption in favour of sustainable development), as well as the Framework taken as a whole, the adverse impacts of the proposal are not considered to significantly and demonstrably outweigh the benefits.

The provision of 10 dwellings, including the long term restoration of an important historic building is a benefit of the development as discussed below:

6.2 Environmental sustainability

The proposal is sited in an unsustainable location, and not within walking distance to shops, schools or services. It will cause no harm to protected species, highway safety, flooding/flood risk, archaeology, residential amenity. Whilst there will be some impact on the setting of the heritage asset, this must be balanced against it's overall restoration and securing its long term future. The building is currently in a poor state of repair and could be in danger of permanent loss if left as such.

6.3 Economic sustainability

The development would have economic benefits in the short term arising from the construction of the development and the longer term through residents' expenditure in local services. The proposals will support the rural economy by supporting the growth of the new farmstead.

6.4 Social sustainability

The benefits of the scheme, including the provision of 10 dwellings, would provide additional housing stock and the restoration of the listed building would have wider public benefits.

6.5 Conclusion.

When assessed against the National Planning Policy Framework Paragraph 11 (presumption in favour of sustainable development), as well as the Framework taken as a whole, the benefits of the proposal for enabling the restoration of the historic building are not considered to outweigh the dis-benefits of the proposal in respect of allowing residential development in an unsustainable location development in the countryside, whereby future occupants' ability to access facilities and services other than by private car would be severely restricted. The scheme would serve to urbanize this low key hamlet, doubling the amount of housing to the detriment of its low key rural character.

As such the proposal is contrary to policies CS5, CS9, CS11 and CS17 which seek, amongst other things, for development to be directed to the most sustainable locations, in areas well served by local services, where the need to travel is reduced and which encourage travel by a range of modes of travel. The development would also conflict with CS Policy CS11 which seeks, amongst other things, to ensure development respects and enhances local character.

6.6 The listed building is considered acceptable and would ensure the sympathetic restoration of the Old Hall, therefore it is recommended that application is approved with the conditions as listed below.

7. Planning Conditions (listed building consent only)

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

2. No development shall commence on site until a detailed design and method statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include existing and proposed ground levels, layout and depths of all foundations, service trenches, drains, landscaping and other groundwork's, and all revisions of such. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity. REASON: The site is likely to contain important archaeological remains and to accord with the Harborough District Council Core Strategy Policy CS11.

3. No works shall commence on site until a full schedule and specification of repairs/works has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out fully in accordance with the approved details. REASON: In the interests of preserving the character and appearance of the heritage asset and to accord with Harborough District Core Strategy Policy CS11.

4. No works shall commence on site until full details of all new external windows and door joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:50 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:10. The works shall be carried out in accordance with the approved details and retained as such in perpetuity. REASON: In the interests of preserving the character and appearance of the heritage asset and to accord with Harborough District Core Strategy Policy CS11.

5. No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity. REASON: In the interests of visual amenity and the character and appearance of the area and to accord with the Harborough District Council Core Strategy Policy CS11.

Planning Committee Report

Applicant: Mr and Mrs L Brown

Application Ref: 17/01805/FUL

Location: White House, Main Street, Ullesthorpe

Proposal: Erection of three dwellings with vehicular access

Application Validated: 23.10.2017

Target Date: 18.12.2017 (Ext of Time Agreed)

Consultation Expiry Date: 23.04.2018

Case Officer: Mike Smith

Recommendation

Planning Permission is APPROVED for the following reason and as set out in the report and subject to the appended conditions:

It is considered that the proposal is acceptable in terms of residential amenities, providing good living conditions for future occupants and not adversely affecting existing dwellings. The design and layout of the development is sympathetic to the character and appearance of Ullesthorpe and the Conservation Area. As the Development plan contains policies and elements of policies relating to housing which are considered out of date paragraph 11 of the Framework is engaged, and therefore permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Furthermore, the development would not give rise to any highway danger or flood risk. It is therefore considered that the proposal is in compliance with policies CS2 and CS11 of the Harborough District Core Strategy.

1. Site & Surroundings

1.1 The application is located within the village of Ullesthorpe and currently forms the extended residential curtilage of The White House which occupies a site at the junction of Main Street and Manor Road.



Looking East towards the application site (Manor Road on right).

- 1.2 The White House is a large detached two- storey property which fronts onto Main Street from where the current premises are accessed. In addition to the house itself the property includes a range of both two storey and single storey outbuildings.
- 1.3 The main garden area to the property lies to the side and rear and includes a number of mature trees particularly located around the boundaries of the site along Main Street and Manor Road.
- 1.4 Although the house and gardens are general level, due to the changes in elevation outside of the site the garden sits approximately 2.0m above the level of Manor Road which forms the rear boundary of the site. This frontage largely therefore comprises of a high stone wall and planted embankment.



Looking towards site from Manor Road.

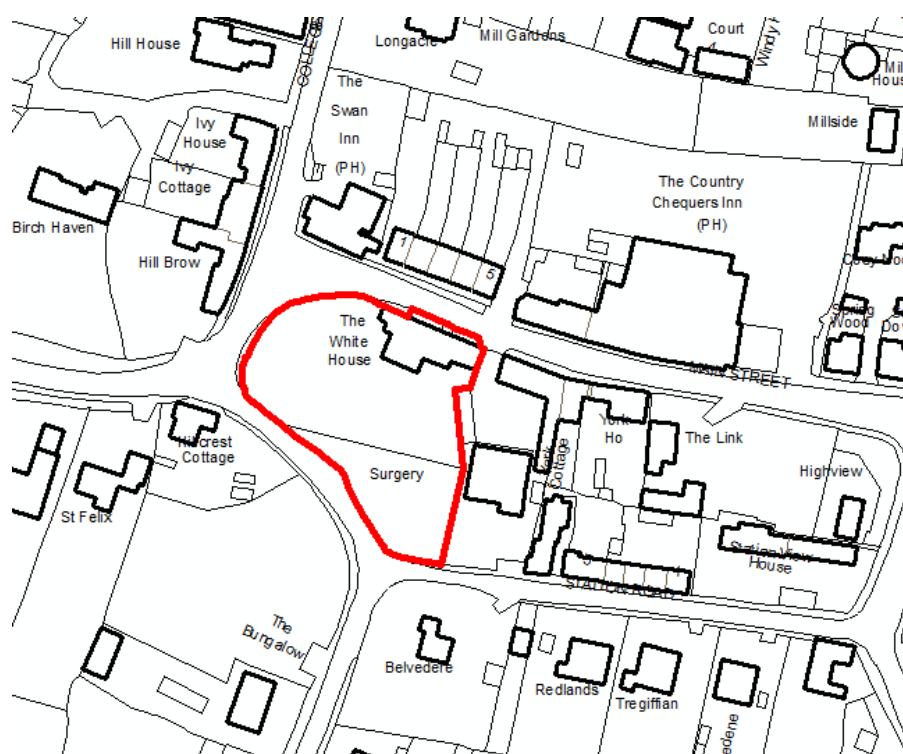


Figure 1: Location Plan



Figure 2 : Aerial Photograph

2. Site History

2.1 None relevant

3. The Application Submission

3.1 This is a detailed application for the erection of three detached dwellings and the formation of a new access into the site off Manor Road.

a) Summary of Proposals

3.2 The application proposes the erection of three detached, two storey dwellings within the rear garden of the property and the formation of a new vehicular/pedestrian access from Manor Road into the site. This new access would serve all three new dwellings as well as The White House itself and the proposals therefore include on site parking provision for all four properties.

3.2 Following initial consultation responses the application has been amended as follows:

- The overall size of Plots 1 and 2 has been reduced and the roof design altered to reduce the size and massing of the dwellings.
- The design of the access has been amended to increase visibility
- The layout has been amended to provide appropriate on site parking for all three new dwellings as well; as the existing dwelling.

- A dedicated footpath has been created through the site allowing all dwellings direct pedestrian access onto Main Street.

b) Documents submitted

- 3.3 As well as the application forms and detailed plans the application has been accompanied by the following documents: –
- Planning Statement
 - Transport Assessment
 - Arboricultural Impact Assessment and Tree Survey
 - Biodiversity Survey and Report
 - Topographical Survey
 - Archaeological Evaluation
- 3.4 Subsequently revised layout and detailed plans have been submitted and in addition a Tree Management Plan

c) Pre-application Engagement

- 3.16 Pre application discussions were held prior to the submission of this application.

4. Consultations and Representations

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

a) Statutory & Non-Statutory Consultees

LCC Highways

- 4.3 Initially requested the submission of further details and information on the access and parking arrangements.

Following the submission of revised details has commented as follows:

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

The applicant has provided the requested long section drawing which details a gradient of 1:20 for the first 5 metres and 1:12 for the remainder. The LHA design guide would require no steeper than 1:20 for the first 5m and no steeper than 1:12 thereafter, as such the proposed gradient is considered acceptable. Achieving these gradients will likely require significant earthworks, retaining features and may lead to significant level differences within the site and which may be a material consideration for the Local Planning Authority. Any retaining wall which is located adjacent to the public highway would also be subject to separate technical review and approval by the LHA prior to construction.

The revised access drawing also proposes a pedestrian access onto Main Street to enable pedestrians to access existing pedestrian infrastructure and avoid the necessity to route via the vehicular access and onto Station Road and Manor Road. The applicant has also now indicated the provision of 3 parking spaces for each dwelling and 3 spaces retained for The White House. This provision is in line with that required in the LHA design guide for 4 bed dwellings and therefore anticipated to be acceptable for the residential development proposed.

4.4 LCC Forestry Team Leader

I note that all the trees are around the perimeter of the plot, and several are very large and prominent trees in the village and street-scene, particularly the mature sycamores, and the smaller trees contribute to the amenity of the corner plot.

The arb. report provides all the necessary detail to inform a development layout, and the proposed new housing largely avoids the root protection areas (RPA) of the large trees; there are small incursions but these are likely to be insignificant to tree health and safety. The proposed access drive successfully avoids any significant trees and the use of a no-dig construction would minimise the effects of incursion into the RPA of the adjacent mature sycamore. Although the RPAs are largely avoided, my concerns with the proposal are mainly with shade and overbearing. The rear garden of plot 3, for example, is very small and likely to be entirely shaded by the crown-spreads of the mature trees, although the front of the building would receive full sun. Plot two is similar in some respects in that the very narrow garden will be wholly shaded by the retained large trees on the boundary to the south and west; the front presumably faces into the site and directly north. This juxtaposition of new homes too close to large trees almost invariably leads to future pressure to heavily prune or remove such trees, for reasons of shade, leaf-fall, a sense of discomfort and overbearing etc., and there are numerous earlier developments where this has occurred which should alert us to the problem. In this respect I wonder whether three properties is an over-development of the available plot.

Following further discussions with the applicant and the submission of additional details:

The Ecolocation tree management plan largely accords with our earlier discussions, in that the larger 'landscape' trees area retained which contribute to the ambience of this part of the village. Crown-raising and removal of deadwood/defective stems are the main works on the large trees, with smaller shrubs being coppiced and only small elderly or inconspicuous trees being removed.

4.5 Ullesthorpe Parish Council

Objects to the proposals :

- Parking - there are concerns about inadequate parking provision at the proposed development site. There is no overflow parking in the vicinity and any further on-street parking would further compromise highway safety for other road users and pedestrians.
- The access to the proposed development is highly problematic. It is sited in a location that presents several hazards. It is a narrow, single track road with no footpaths. The road is already heavily utilised by HGVs and large farm vehicles accessing the nearby farm. Pedestrian access to the proposed development would be extremely dangerous. There is nowhere for construction vehicles to park safely, the only option would be for them to block roads.
- There is concern that the number of properties proposed is over-intensification of the site. As noted earlier there is not enough parking

provision for this number of properties and there will be nowhere for visitors to park, it will be very difficult for deliveries, refuse collections etc. to safely carry out their operations.

- Ullesthorpe Parish Council (UPC) is aware that amended plans have been submitted in relation to the above application. After reviewing the amended plans UPC would like to register that our original objections to the application still stand. The proposed access changes do not remove the serious safety concerns we have for pedestrians and vehicles. In addition to our original comments it has also been brought to our attention that the tree proposal suggests removing 3m of tree branches from the base of trees that will not be felled. The proposed development is in a conservation area and such extensive works will not only impact adversely upon the conservation area but cause concerns about a possible collapse onto the highway of the supporting wall with the removal of such a large amount of mature growth.
- Further to comments made on our letters dated 16th November 2017 and 31st May 2018 Ullesthorpe Parish Council (UPC) would like to make a further representation.
- Whilst UPC appreciates that Leicestershire County Council (LCC) Highways have not issued any reasons for concern to warrant refusal of the application UPC wish to strongly reiterate their objections. The conditions set by LCC do not overcome the safety concerns. Ullesthorpe being mindful of a lack of 5-year housing supply have already over-supplied their obligation and there are another 45 houses to come that are not accounted for. Any further development in the village should be resisted.
- Finally, UPC request that the Planning Committee undertake a site visit to familiarise themselves with the dangers of the access etc. The road is a very busy access route to the doctors' surgery and church and is routinely used by young and elderly residents.

4.6 HDC Conservation Officer

The site is located within the Conservation Area of Ullesthorpe and although there are no Listed Buildings within the area directly surrounding the site, the location is within an historic settlement and therefore some of the surrounding properties have some merit as historic buildings of character. It is however acknowledged that the proposal is not considered to harm the setting of any Listed Buildings.

The development of this site is I believe acceptable in principle, and the conversion of the buildings to the north in my opinion could be achieved without resulting in harm to the Conservation Area, however I have some concerns regarding the size of the proposed new dwellings. These are large dwellings and therefore potentially appear out of keeping with the character of the surrounding area. The fact that they are on elevated land from Manor Road further emphasises this.

4.7 LCC Ecology

I have no objections to this proposal, which is entirely within an existing garden; there is no need for an ecology survey. None of the trees meet Local Wildlife Site criteria as veterans, although the Sycamore will be of value as large mature specimens. Although Sycamore is a non-native species of less intrinsic value to wildlife than native species such as Oak, large trees always have value due to the number of micro-habitats that will be present. If possible, they should be retained. I have no recommendations for mitigation as planning condition.

4.8 LCC Archaeology

Appraisal of the above application against the Leicestershire & Rutland Historic Environment Record (HER), together with consideration of the submitted desk-based assessment (ULAS ref.: 2017-145), indicates that the scheme lies within an area of significant archaeological interest, within the medieval and post-medieval historic settlement core of Ullesthorpe (HER ref.: MLE10380). The proposals envisage the development of the existing domestic garden to the White House to provide space for three new dwellings and associated landscaping, access, etc.

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

Following those comments the applicants have prepared and submitted an Archaeological Impact Assessment in consultation and the County Archaeologist who has been re-consulted. Comments awaited.

b) Local Community

4.8 23 letters of objection and 3 commenting on the proposal have been received which comments as follows:

- Infill may be the least damaging form of development but it needs to be sensible. The proposal applied for here represents a gross overdevelopment of so small a site and is entirely inappropriate to a village location.
- In rushing to build here, there and everywhere, no proper consideration is being given to the long-term consequences. Lessons of the past, in terms of the detrimental physical and mental effects of people living cheek-by-jowl, are being ignored. Children, in particular, need ready access to the outdoors; communal play areas are not the answer.
- It would not be safe for a child to venture out from these houses. The proposed access, for both vehicles and pedestrians is an accident waiting to happen. On paper, this may appear to be a quiet village backwater but, forget Ullesthorpe, the road layout here is one of the most dangerous in the area.
- The comments of County Ecology are staggering. Basing a site appraisal on information applicable to another location is hardly a responsible approach. Further proof, if any were needed, that the Planning Consultation process has become a cosmetic sham. It is nonsense to claim that a mature garden has no ecological value.
- Alarming, County Ecology's statement is consistent with others made in connection with various building projects being rammed through Planning at the present time. Apparently, neither gardens, farmland nor, even, nature reserves, offer any significant benefits to wildlife.
- Bearing in mind that there are no truly wild areas around here and the Council expends large sums of taxpayers' money in laying waste the roadside verges, it would be interesting to know where these creatures do reside. Small wonder that those striving to save our dwindling pollinators face an uphill task.
- I object to this development as the vehicle and development access will be located on a narrow single track road. This part of the road can at times become very busy

and dangerous with cars, HGV's, tractors and LGV's. I therefore object as I do not feel that this is a safe access point for the development. The proposed increase in width of the access road gives extra sight lines to vehicles exiting the site, but not to oncoming traffic from either Main Street or Station Road or the rest of Manor Road. Manor Road itself is effectively a blind corner, hampered and thus limited by high hedges and trees as it approaches the bend.

- Firstly looking at the plans and the elevated position of the site I believe this will result in our rear garden being overlooked and therefore result in a loss of privacy, as the plan states ambiguously "Retains the majority of important site features including mature trees and hedges and the existing boundary wall!" I would like clearer understanding of what the word majority would be as removal of trees T26 and T28 in particular would further allow a view across my rear garden.

4.9 Representations have also been received from Cllr Page, which comment

- Could we also please note that not withstanding Highways comments this is a very busy pedestrian route to the church and a very busy doctors surgery.
- In the absence of any pavement, a blind corner and additional vehicular access this matter needs evaluating and if permitted necessary conditions should be imposed to ensure the safeguarding of pedestrians and road users at this blind corner .
- May I suggest a site visit for members to gauge the lay-out and could you please inform me of the committee date

5. Planning Policy Considerations

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

a) Development Plan

Harborough District Local Plan

5.2 Relevant Policy of HS/8 – Limits to Development. The site is located within the Limits to Development of North Kilworth.

Harborough District Core Strategy (Adopted November 2011)

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

5.4 Policy CS17: Countryside, Rural Centres and Rural Villages is also relevant. This states that new development in Selected Rural Villages will be on a lesser scale than in Rural Centres and that development will be on a scale which reflects the size and character of the village concerned, the level of service provision and will take into account recent development and existing commitments. Rural development will be located and designed in a way that is sensitive to its landscape setting, retaining and where possible, enhancing the distinctive qualities of the landscape character and conserves and, where possible, enhances settlement distinctiveness.

b) Material Planning Considerations

Supplementary Planning Guidance

- 5.5 The Supplementary Planning Guidance Note that is most relevant to this application is Note 3 Development of single plots, small groups of dwellings and residential development within Conservation Areas.

The Framework

- 5.6 The National Planning Policy Framework states that there is a presumption in favour of sustainable development and that development should be approved without delay if they accord with the development plan. It states that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 5.7 The Framework states that the design of the built environment is of great importance and that good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.

c) Other Relevant Information

6. Assessment

a) Principle of Development

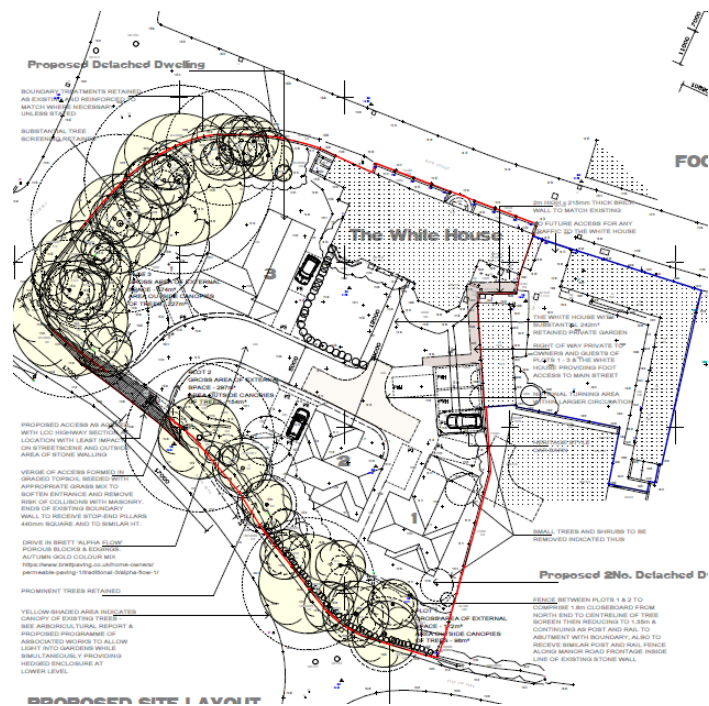
- 6.1 The White House is a large cottage style dwelling that occupies a substantial plot at the junction of Main Street and Manor Road at the heart of the village of Ullesthorpe. It is within a Conservation Area. Apart from the house itself the site contains a range of both single and two storey outbuildings. The majority of the site comprises of a very large private garden associated with house. Although the edges of the site are visible from public streets, the interior of the site is well-screened by mature trees in particular on its north-western and south western boundaries. A stone wall forms the remainder of the southern boundary and is an attractive feature off Manor Road at its junction with Station Road.
- 6.2 Ullesthorpe is identified under Policy CS1 in the adopted Core Strategy as a Rural Centre being a focus for rural housing, additional employment, retail and community uses to serve each settlement and its catchment area. Policy CS 2 Delivering New Housing identifies the overall housing provision and distribution in Rural Centres further advising that:
- a) Limits to Development boundaries around settlements will be used to shape their future development as follows:
 - Limits to development will be reviewed through the Allocations DPD in order to enable the scale of new housing envisaged to be accommodated; and
 - Housing development will not be permitted outside Limits to Development (either before or following their review) unless at any point there is less than a five year supply of deliverable housing sites and the proposal is in keeping with the scale and character of the settlement concerned.
 - b) All housing developments should be of the highest design standard (in conformity with Policy CS11) and have a layout that makes the most efficient use of land and is compatible with the built form and character of the area in which it is situated.

- 6.3 It is therefore considered that the principle of development in this location on a site within the confines of the village is acceptable and in accordance with the development Plan

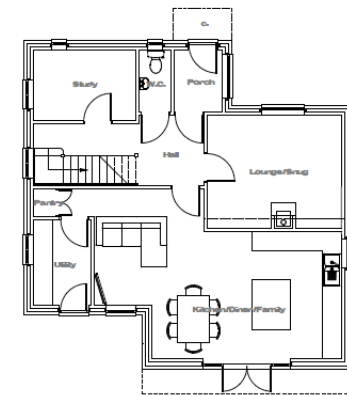
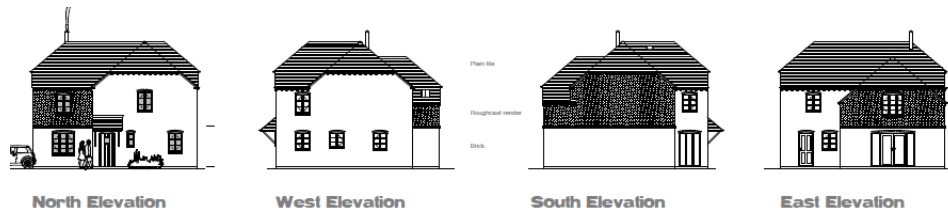
b) Technical Considerations

1. Layout and Design.

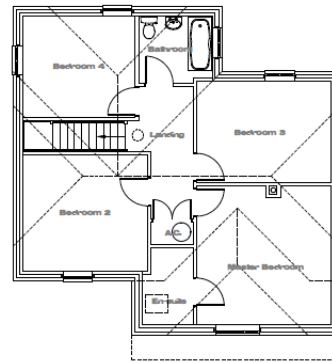
- 6.4 As highlighted above the site lies within the village and apart from the house and its associated outbuildings comprises of a substantial garden area enclosed and surrounded by mature trees, shrubs and to the south along Manor Road a substantial stone wall where the site is well above the level of the road . Due to the change in levels between the site and Manor Road to the rear the site is elevated above the road up to in part between 3 and 4 meters higher than Manor Road.
- 6.5 The proposal is for the development of three detached dwellings within the extended garden of the White House with a newly created access being formed from Manor Road. This will serve not only the three new proposed houses but also the White House itself, although this currently benefits also from an existing access from Main Street. On site parking is proposed for all four properties. .
- 6.6 Plots 1 and 2 are two storey, four bedroom dwellings with an overall height of 7.6 meters whilst Plot 3 is a three bedroom property of a 1 ½ storey design up to 6.3 meters in height. The designs reflect simple elevational treatments and it is proposed that the dwellings would be constructed externally of brick with a mixture of external brickwork with some painted elevations, The White House itself as the name implies is white painted rendered building. On the roofs it is proposed to utilise either plain tiles or slates.
- 6.7 The details of Plots 1 and 2 have been amended slightly reducing the overall size and footprint of the dwellings and changing the roof configuration to one incorporating half hips. As a result the overall bulk and massing of these two plots has been reduced.
- 6.8 Following initial concerns about the impact of the development on some of the mature trees within the site, the applicants have liaised with the County Councils Forestry Officer and produced an Arboricultural Management Plan for the site. This has not only assessed the impact of the development on existing trees and made recommendations for works to existing trees but also provided recommendations for the planting of a new native mixed hedge to be planted along the boundary of the site fronting onto Manor Road. This hedge will form a good screen to the site from Manor Road and provide shelter and increase biodiversity.



Plot 1



Ground Floor Plan



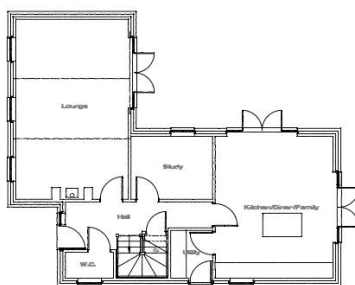
First floor plan



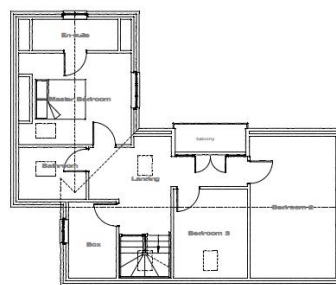
Plot 2



Stair Section



Ground Floor Plan



First floor plan



Plot 3

- 6.9 Due to the elevated nature of the site in particular in relation to Plots 1 and 2 which would be located towards the site frontage facing Manor Road, these 2 dwellings would be more prominent within the street scene. However due to the retention of existing trees within the site, proposals for additional hedge planting and landscaping and the provision of a post and rail fence, their visual impact on the street scene, prominence within the wider landscape and impact on the wider character of Ullesthorpe would be somewhat mitigated.

3. Conservation and Amenity

Conservation

- 6.9 The site is located within the boundary of the Ullesthorpe Conservation Area which covers much of the central of the village. Within the Conservation Area are a small number of Listed Buildings including 5 Station Road a Grade II end of terrace dwelling, Mill House on Mill Road a former windmill also Grade II, Ullesthorpe Congregational Church and The Manse also both Grade II buildings located to the south of the site on Manor Road.
- 6.10 Whilst there was some initial concern about the size and design of the proposed dwellings and their impact on the character and appearance of the conservation area, as set out above, as a result of discussions with the applicants revisions have been made to the size and designs of the proposed two storey dwellings which would lie to the south side of the site closest to Manor Road. It is now considered that subject to the proposed tree works and planting scheme along the boundary of the site being implemented in accordance with the submitted report, the impact of the development on the character and setting of the conservation area would result in a less than substantial harm and that this would be off set by the benefits of developing three new dwellings that would have an economic and social benefit.
- 6.11 The location of the site and the proposed development is such that the dwellings would not be seen from any viewpoint in the context of the setting of any of the listed buildings as described above.

Trees

- 6.12 The impact on the character of the Conservation Area is mitigated partially by the presence of the mature trees, and the Agent has provided an Arboricultural Impact Assessment report, which assesses the impact of the development on the trees. It concludes that 6 trees will be removed (all Category C-low quality with limited conservation benefits). The impact on the retained trees is Plot 1: no impact; Plot 2 no impact; Plot 3: house footings T11 (3% incursion), T17 (less than 1%), New drive/access: T28 (12% incursion) Could be excavated or use no dig solution. The incursions into the RPA by excavation of up to 20% are normally considered acceptable with no significant impact on healthy trees.

A tree management plan has also been submitted and this shows various works, such as crown lifting, crown raising and selective pruning, which will allow more light to enter gardens. A new native hedge is also to be planted to the boundary with Manor Road.

Amenity

- 6.12 The nearest property to the site is the Doctors Surgery located on Station Road. Although Plot 1 would be located close to the site boundary and be in an elevated position relative to the surgery building and the design of the dwelling does contain a number of ground and first floor windows, the boundary of the site in this area comprises of a substantial brick wall. This will largely screen the ground floor of the property and first floor windows are limited to a bathroom and en-suite and a secondary small bedroom window. A condition requiring that all bathroom and en-suite windows are obscure glazed is proposed.
- 6.13 The nearest residential properties to the site, Hillcrest Cottage and Belvedere are located on the opposite side of Manor Road between 25 and 30 metres from the

proposed dwellings. Whilst the proposed dwellings would occupy an elevated position relative to both of these properties, the existing and proposed boundary planting comprising of a newly planted native hedgerow supplemented by a post and rail fence would provide a satisfactory form of screening not only of the site but also limiting any opportunity for overlooking and loss of amenity.

- 6.14 Hillcrest Cottage located on the south side of Manor Road would however be located close to the proposed access into the site although much of the frontage of the site comprises of a substantial boundary hedge that screens and encloses part of its garden.

4. Highways

- 6.15 A focus for many of the objections received has been the proposal to create a new access into the site off Manor Road.
- 6.16 Manor Road which serves a number of residential properties as well as Manor Farm itself although over much of its length being a two way road (albeit in places rather narrow); is along the stretch where it passes the application site only a single carriageway in width. The road is further restricted by the stone wall that forms the rear boundary of The White House which runs along one side of the road and an embankment and hedgerow that runs along the other side of the road. In addition the road itself curves and rises slightly from Main Street before dropping down to where it meets Station Road and Stevens Close beyond.
- 6.17 As a result the forward visibility along this short stretch of road and the ability for vehicles to pass, including commercial vehicles associated with Manor Farm is very limited.



Manor Road facing towards Main Street with the application site to the right.

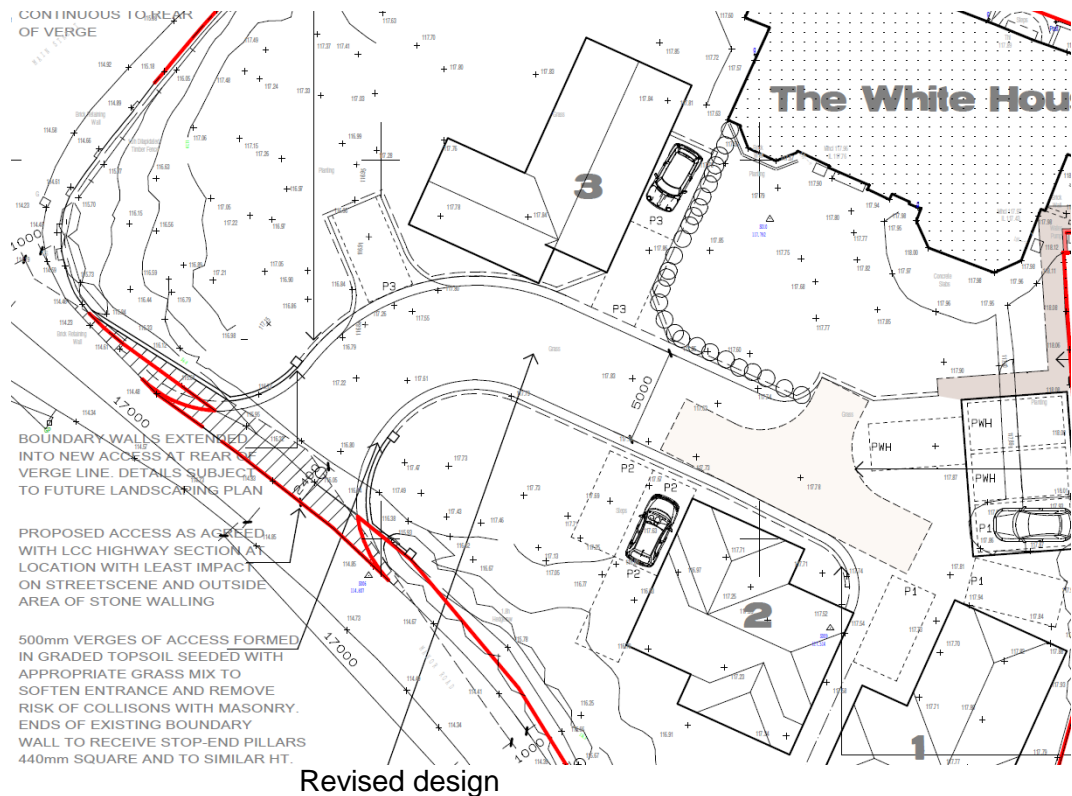


Manor Road at the point of the proposed access.

- 6.18 However following initial concerns from the Highway Authority about the design of the access revised plans have been submitted.



Original layout



- 6.19 These have not only improved car parking and turning facilities within the site to maximise the opportunity for vehicles to enter and leave in a forward direction but also clarified the details of the gradient of the access due to the change in levels between Manor Road and the site at this point to meet highways requirements. In addition new boundary walls are to be constructed to each side of the access along the rear of the visibility splays thus ensuring that this area is not obscured. Finally the layout now includes a dedicated pedestrian access through the site for occupants of the proposed dwellings to walk directly onto Main Street rather than having to walk out onto Manor Road itself.
- 6.20 Along with residents, officers do have serious concerns about forming a new access into this site from Manor Road particularly in this location and given the restrictions highlighted above. However, in the light of the Highway Authorities acceptance of the proposals and without their support, it is considered that there are insufficient highways grounds to refuse the application.

7. The Planning Balance / Conclusion

- 7.1 As the Development plan contains policies and elements of policies relating to housing which are considered out of date. Paragraph 11 of the Framework is engaged, and therefore permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Taking all of the above factors into consideration, it is considered that the proposals would contribute towards achieving sustainable development and on balance it is recommended that the application be approved subject to the following conditions

8. Planning Conditions

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

2.The development hereby permitted shall be in accordance with the following approved plans 4442/02rev A, 4442/05, 4442/11 rev c, 4442/21 rev c and 4442/31 rev a REASON: For the avoidance of doubt.

3.Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted. 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

4.New planting, landscaping and tree works shall be undertaken and implemented in accordance with the assessment and recommendations of the Arboricultural Management Plan by ecolocation dated January 2018 and shall be retained as such in perpetuity REASON: In the interests of the establishment and management of the landscaped areas and to accord with Harborough District Core Strategy Policy 11

5.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.

6.No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable. REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problem in the area.

7.Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access. REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework 2018.

8.No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall 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 in accordance with the National Planning Policy Framework 2018.

9. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number 4442/05. Thereafter the onsite parking provision shall be so maintained in perpetuity. REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework 2018.

10. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) and, once provided, shall be so maintained in perpetuity. REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework 2018.

11. No part of the development hereby permitted shall be occupied until such time as the vehicular access arrangements onto Manor Road and pedestrian access onto Main Street shown on drawing number 4442/05 have been implemented in full. REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework 2018.

12. Before the development hereby permitted is first occupied all window(s) in bathroom and en-suites shall be glazed with obscure glass (at least Level 3) only and the windows shall be permanently maintained with obscure glazing at all times thereafter. REASON: In the interests of residential amenity and privacy and to accord with Harborough District Core Strategy Policy CS11

13. No development shall commence on site until details of the existing and proposed ground levels and finished floor levels of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity. REASON: To ensure a satisfactory form of development which is compatible with the character of the surrounding locality and to accord with Harborough District Core Strategy Policy CS11.

Planning Committee Report

Applicant: Persimmon Homes North Midlands

Application Reference: 18/00871/PCD

Location: Land At Fleckney Road, Saddington

Proposal: Discharge of conditions 4 (hard and soft landscaping), 6 (landscape management plan), 10 (construction method statement), 14 (tree protection) and 16 (refuse storage) of 16/01355/FUL

Application Validated: 22.05.2018

Target Date: 17.07.2018

Case Officer: Nicola Parry

Recommendation

To discharge the requirements of condition 4, 6, 10, 14 and 16 of planning permission 16/01355/FUL in line with the details submitted (as amended).

1. Site & Surroundings

- 1.1 The site is located off Fleckney Road, Saddington. The site is approximately 12.3ha and has full permission to construct 290 dwellings 16/01355/FUL .

2. Site History

- 2.1 The site has the following planning history:

16/01355/FUL -

3. The Application Submission

a) Summary of Proposals

- 3.1 This is a request to the Council to discharge the following conditions attached to planning permission 16/01355/FUL:

Condition 4 (hard and soft landscaping)

Notwithstanding approved Drawing BIR5310_06-B (Open space landscaping plan), no development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any trees and hedgerows to be retained, together with measures

for their protection in the course of development;

- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure;
- (f) hard surfacing materials;
- (g) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (h) retained historic landscape features and proposed restoration, where relevant; and
- (i) a programme of implementation.

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

Condition 6 (landscape management plan)

No development shall commence on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and maintained in accordance with the approved details.

Condition 10 (construction method statement)

No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include details of, and a timetable for, the provision of 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;
 - j) measures to control the hours of use and piling technique to be employed;
- and
- k) measures to control and minimise noise from plant and machinery
- has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and verified where appropriate.

Condition 14 (tree protection)

No development shall commence on site until any trees that are to be retained on the site have been enclosed by protective fencing, in accordance with British Standard 5837 (2010): Trees in Relation to Construction. Before the fence is erected its type and position shall be approved by the Local Planning Authority in writing, and after it has been erected it shall be

maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

Condition 16 (refuse storage)

No development shall commence until details for the storage of refuse and materials for recycling have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and before the associated dwelling(s) is first occupied and shall be retained as such thereafter.

b) Documents submitted

3.2 The following documents were submitted with the application:

PH.218216.DA Site Location Plan;
P18-0678_01 Detailed POS Proposals 1 of 6
P18-0678_02A Detailed POS Proposals 2 of 6;
P18-0678_03 Detailed POS Proposals 3 of 6;
P18-0678_04A Detailed POS Proposals 4 of 6;
P18-0678_05 Detailed POS Proposals 5 of 6;
P-18-0678_06A Detailed POS Proposals 6 of 6;
P18-0678_07 Detailed On Plot Proposals 1 of 6;
P18-0678_08 Detailed On Plot Proposals 2 of 6;
P18-0678_09 Detailed On Plot Proposals 3 of 6;
P18-0678_10 Detailed On Plot Proposals 4 of 6;
P18-0678_11 Detailed On Plot Proposals 5 of 6;
P18-0678_12 Detailed On Plot Proposals 6 of 6;
220/300/LEAP - LEAP Drawing;
Landscape Management Plan April 2018;
Construction Method Statement April 2018;
Arboricultural Method Statement April 2018;
PS/FLECK/SL1 Rev D Site Layout (1 of 2);
PS/FLECK/SL2 Rev D Site Layout (2 of 2);

3.3 Most of the above documents have been superseded to address comments raised by statutory consultees / case officer. The documents for consideration are therefore:

PH.218216.DA Site Location Plan;

P18-0678_01A Detailed POS Proposals 1 of 6
P18-0678_02B Detailed POS Proposals 2 of 6;
P18-0678_03A Detailed POS Proposals 3 of 6;
P18-0678_04B Detailed POS Proposals 4 of 6;
P18-0678_05A Detailed POS Proposals 5 of 6;
P-18-0678_06B Detailed POS Proposals 6 of 6;

P18-0678_07A Detailed On Plot Proposals 1 of 6;
P18-0678_08A Detailed On Plot Proposals 2 of 6;
P18-0678_09A Detailed On Plot Proposals 3 of 6;
P18-0678_10A Detailed On Plot Proposals 4 of 6;
P18-0678_11A Detailed On Plot Proposals 5 of 6;
P18-0678_12A Detailed On Plot Proposals 6 of 6;

220/300/LEAP - LEAP Drawing;

Landscape Management Plan April 2018 Rev A;

Construction Method Statement April 2018 Rev B;

Arboricultural Method Statement April 2018;

PS/FLECK/SL1 Rev D Site Layout (1 of 2);

PS/FLECK/SL2 Rev D Site Layout (2 of 2);

4. Consultations and Representations

4.1 Consultation with statutory and non statutory consultees has been undertaken. A summary of their responses is set out below:

- **Local Highway Authority**

1st Response

Objection to Discharge of Condition 10. The LHA finds that the plans submitted to discharge Condition 10 are insufficient to do so. This is because the submitted plans do not specify measures for the protection of the natural environment, the measures that will be used to control and minimise noise from plant and machinery, and details of the piling technique that will be employed, if at all.

2nd Response

The LHA considers that the plans submitted to discharge Condition 10 are insufficient to do so. Since the amended plans have been submitted, the issue relating to the piling technique has been rectified, as it has been identified that no piling is to occur on site. However, there is still no mention of the measures for the protection of the natural environment and the measures that will be used to control and minimise noise from plant and machinery. As such, the LHA requests amended plans to address these issues.

Final Response

I've had a look at the revised CMS, and this would overcome the objection(s) we had.

From a Highways perspective the CMS has addressed all our elements, and upon further consideration, although I mentioned the element regarding the protection of the natural environment, it would be a matter for yourselves as the LPA to decide, rather than Highways. Apologies for that, it was an error on my part.

- **LCC Forestry Team Leader**

I've looked at the landscaping plan with particular reference to the tree species. I understand that none of the trees will be on LCC-adoptable land.

I offer the following comments on species:

Throughout the site, the specified T4 *Malus tschonoskii* (pillar apple) is notoriously susceptible to apple scab disease, which defoliates and leaves unsightly trees with decreasing vigour. I would suggest substituting alternative species such as *Sorbus Embley/commixta*; *S. Golden Wonder*; *S. x arnoldiana* Schouten; *Prunus Sunset Boulevard*; *Gleditsia Sunburst*; *Amelanchier Robin Hill*; *Acer buergerianum*.

On plots 5/19/20/23/93/138/140/142/231/245, the specified T3 Carpinus betulus Frans Fontaine will ultimately grow far too large for the space available and is almost impossible to prune sympathetically. I would therefore recommend substitutions as above.

- HDC Public Open Spaces Officer

- 1st Response

- I have had a look at the landscape plan and landscape management plan and make the following comments:

- The amount of open space provided on site is sufficient to meet the requirements of the site.

- The species used, sizes, sourcing, locations etc are all satisfactory.

- I note the retention of the existing hedgerows, and bridleway.

- The tree protection zone has been indicated on the landscape plans. The Arboricultural method statement satisfactorily deals with the specification for tree protection.

- The topsoil depths have been specified for shrub and grass areas. Please note that the 150 mm of topsoil specified beneath ornamental grass is not required below the grass seed mixes EM10 or EM8. A low fertility tilth should be provided for these areas.

- The specification for the LEAP maintenance does not specify how inspections /repairs will be undertaken to record when and if damage or wear and tear to play equipment. It does not specify that engineering visits will be recorded, or that an annual play inspection will be taken by RoSPA or similar.

- HDC Planning Enforcement Officer

- For consistency, Times of construction works and deliveries should be between 8.00am – 6.00pm Monday to Friday and 8.00am – 1.00pm Saturdays, and not at any time on Sundays, Bank Holidays and Public Holidays.

- HDC Environmental Health Officer

- 1st Response

- Hours should be as per those stated on our website.

- Couple of other points to note, there is no reference to piling i.e. whether they intend to and if so, what methods/controls will be implemented etc. could it be that the comments we made asking for a CMS were some time ago as our new standard request for such asks specifically for details on piling.

- Also, where they make reference to dampening down roads etc. to control dust, I would advise that they extend this to monitoring dust emissions and dampening down any problem areas on site (not just the roads).

- 2nd Response

The document submitted in support of the discharge of this condition is quite vague and provides little information on how they will manage the construction of the site. For example, the section about dust and emissions they talk generally about methods to reduce dust emissions although there is little substance to the information they provide. For example, they state that they will enforce site speed limits although give no indication as to what that speed limit would be. Furthermore, they state that they will monitor dust emissions on site and that any problem areas will be dampened down but give no information on how they will monitor dust. This is a particular concern as existing properties are North East of the site and any dust that might arise from the site would be in the prevailing wind direction.

Likewise, there is little information concerning noise from the site. From my experience, noise complaints can generate from construction sites from things such as reversing beepers and it would be good for the developer to consider how they may be able to alleviate this nuisance.

Furthermore, the applicant has not provided any information as to whether they intend to undertake any piling on site. This is a specific condition of Condition 10) j).

Final Response

Thank you for obtaining this information for me. The document details more specific measures on how the site will be managed. I am therefore happy for the condition to be discharged.

• **Fleckney Parish Council**

Working hours should be limited to 8.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm Saturdays. No working on Sundays or Bank Holidays.

The hours proposed of 7.30 am to 7 pm Monday to Friday and 8am to 1pm on Saturdays are contrary to your own guidance where there is potential to cause noise nuisance in construction works. Both sites on the A6 in Kibworth have their hours set as per the guidance.

The early start and late finish will not only severely affect the residential amenity of adjacent and nearby properties in terms of noise and dust and in the winter months light pollution but may also set a 'precedent' for other sites within the Village. It is also understood that David Wilson (18/00914/PCD) has agreed to the guidance hours of working.

- 4.2 It is important to note that the Planning Act does not require consultation with the local community (including the Parish Council) on this type of proposal as the decision is solely based on the technical assessment of the submitted documentation by the Council and by its consultees where professional advice is sought to do this. However, Harborough District Council publishes details of all of the application types that it receives in its weekly list which can be viewed by all. 15 letters of objection (at the time of writing this report) have been received, raising the following points:

- The construction work will directly affect residents adjacent to the site area for a number of years and no doubt affect the village as a whole.
- The working hours should start no earlier than 8.30 and finish at 5pm. I also do not believe Saturday working should be allowed - let us have some peace!
- I disagree with this application also solely on the amenities of the village at present do not cater for another 290 houses

- Allowing these extended working hours (7.30am to 7pm) will not only be detrimental to both neighbours of the site and the village as a whole, but will also set a precedent for other developments within the village which are undoubtedly forthcoming.
- Clearly the developer cannot carry out these working hours in the winter months without some form of area flood lighting which would be detrimental to its neighbours amenity, and in summer months the early evenings are the precise time that its neighbours wish to enjoy their outside space undisturbed.
- I think it is only fair and reasonable to be able to enjoy our outdoor areas in the evenings in the summer months and would ask that site hours adhere to HDC's own guidance. I am also concerned about the physical and mental health and well being of residents close the site, and the risk of long term exposure to construction noise, dust and other pollutants and the potential health impacts. This site will take several years to complete and any risk should be kept to an absolute minimum
- I would also raise the question of site traffic not accessing the site through the village as it is outside the limits of the village which is subject to Weight Restrictions.
- There should not be working every Saturday as the construction of such a large and unwanted site will continue for years and unless restricted will make our lives a misery.

5. Planning Policy Considerations

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

a) Development Plan

Harborough District Core Strategy (Adopted November 2011)

5.2 It is not a requirement of the Planning Act to assess this type of scheme under adopted policy.

b) Material Planning Considerations

The National Planning Policy Framework ('the Framework')

5.3 There are no relevant policies in the NPPF in relation to this type of proposal. However the sister NPPG (National Planning Policy Guidance note) states in paragraph 034 that the government makes it clear that development should not be delayed by discharging planning conditions and the expectation is that cases should be dealt with promptly and usually in a 21 day period from submission.

Supplementary Planning Guidance

5.4 There are no suitable adopted guidance notes for the consideration of this proposal.

Neighbourhood Plan

5.5 Fleckney does not have an adopted neighbourhood plan, in any event, it is not a requirement of the Planning Act to assess this type of scheme under any type of adopted policy.

6. Assessment

- 6.1 This is a request to discharge condition 4, 6, 10, 14 and 16 of planning permission 16/01355/FUL which granted full permission for the erection of 290 dwellings on land off Fleckney Road, Saddington

Condition 4

- 6.2 The amended landscaping plans submitted are sufficient to recommend the discharge of Condition 4.

Condition 6

- 6.3 The amended Landscape Management Plan (Rev A) provides information on the following matters:

- Existing and Proposed Tree, Hedgerow and Shrub Planting
- Proposed Habitat Enhancements
- Proposed Surface Water Ponds/Ditches
- Equipped Children's Play Area- LEAP
- Elements of Landscape Management
- Environmental Considerations
- Landscape and Ecological Management Generally
- Litter Removal
- Amenity Grassland
- Tree and Shrub Planting
- Specimen Tree Planting
- LEAP
- Review of Management Plan
- Landscape Maintenance Programme

- 6.4 The case officer and consultees are content with the amended Landscape Management Plan and as such recommend the discharge of Condition 6.

Condition 10

- 6.5 The amended Construction Method Statement (Rev B) provides information on the following matters

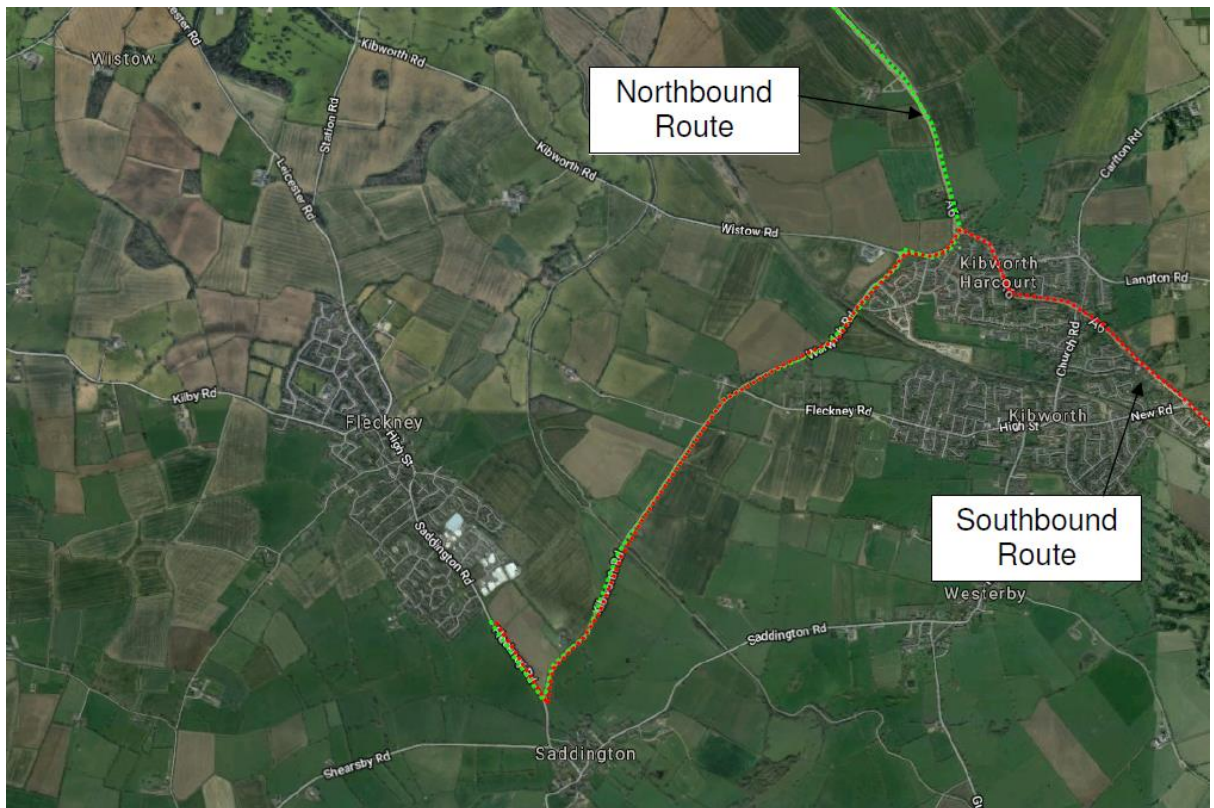
- Site Compound
- Site Personnel Car Parking
- Security Fencing
- Sequence Guidelines
- Maintenance
- Site Cleanliness
- General control measures for road cleaning and dust suppression
- Mud on roads
- Dust and Noise Emissions
- Units under construction
- Rubbish Skips
- Uploading and Storage of Construction Materials
- Waste Management
- Construction working hours - 08.00 hours and 18.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays and not at any time on Sundays, Bank

Holidays and Public Holidays.

Construction Traffic Management and Compound Plan



Construction Route Plan:



- 6.3 The Applicant confirmed via email no piling is proposed.
- 6.6 The case officer and consultees are content with the amended Construction Management Plan and as such recommend the discharge of Condition 10.
- 6.7 The details submitted in relation to tree protection are sufficient to recommend the discharge of Condition 14.
- 6.8 The details submitted in relation to refuse storage are sufficient to recommend the discharge of Condition 16.

7. Conclusion

- 7.1 To discharge the requirements of condition 4, 6, 10, 14 of planning permission in line with the details submitted (and as amended)

Planning Committee Report

Applicant: C/O The Fred Wilson Trust

Application Ref: 18/00944/OUT

Location: Swiftway Community Centre, Central Avenue, Lutterworth

Proposal: Outline application for the demolition of existing building, erection of 2 and 3 storey residential development (comprising of up to 10 flats). including associated car parking, landscaping and other external works (access to be considered)

Application Validated: 11.06.2018

Target Date: 10.09.2018

Consultation Expiry Date: 12.07.2018

Site Visit Date: 18.06.2018

Case Officer: Mike Smith

Recommendation

Planning Permission is **APPROVED** for the reasons set out in the report and subject to the appended conditions and s106 or similar obligation:

The proposed development would, by virtue of its scale, design, form and massing, not adversely affect the living conditions of neighbouring residents, would not adversely affect local highway safety or give rise to a road safety hazard. It would respond appropriately to the site's characteristics. In addition, the proposal would not adversely affect ecological or archaeological interests or lead to an unacceptable flood risk. As the Development plan contains policies and elements of policies relating to housing which are considered out of date paragraph 11 of the Framework is engaged, and therefore permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The proposal complies with Policies CS2, CS3, CS5, CS8, CS9, CS10, CS11 and CS17 of the Harborough District Core Strategy.

1. Site & Surroundings

1.1 The application site is situated within an established, primarily residential area of Lutterworth at the junction of Swiftway and Central Avenue. The site is currently occupied by the Swiftway Community Centre a large but single storey flat roofed building currently in use as a martial arts training centre.

1.2 The building itself occupies most of the site although undeveloped areas to the front of the building are lawned and to the side and rear are used for on site car parking.

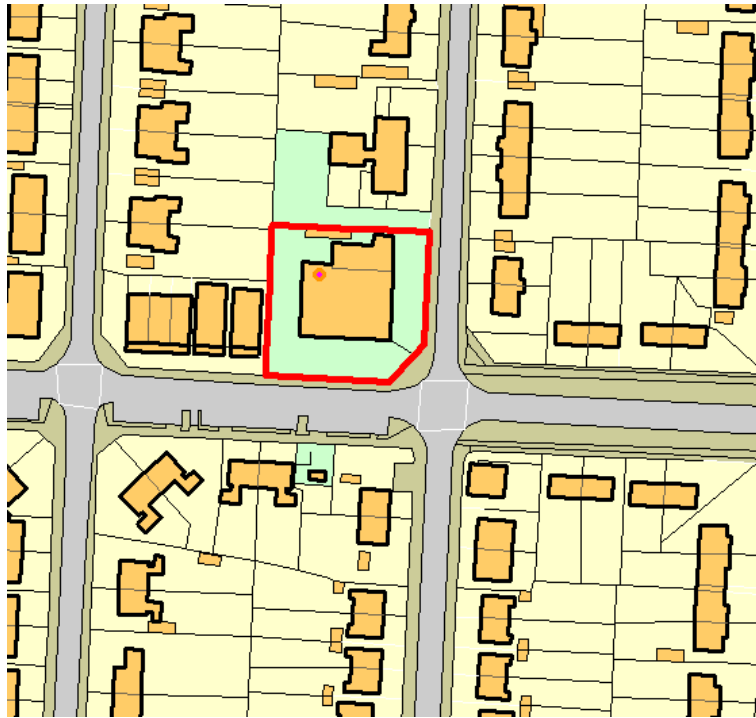


Figure 1 Site Location



Figure 2: Aerial Photograph

2. Site History

2.1 Various applications for use of building and extensions for community use.

3. The Application Submission

a) Summary of Proposals

3.1 This is an Outline application with all matters reserved except for access and is for the redevelopment of the site involving the demolition of the existing building and the redevelopment of the site by the erection of a two / three storey residential development comprising of up to 10 flats. The plans and forms submitted with the application indicate 5 x 1 bed flats and 5 x 2 bed flats.

3.2 The access to the site off Central Avenue is to be retained and improved and on site parking for 10 cars (100%) is indicated on the submitted plans together with ancillary landscaped areas around the building. In addition to car parking on site cycle storage and refuse storage is indicated as part of the proposals.



Indicative Layout Plan

b) Documents submitted

i. Plans

3.2 The application has been accompanied by the following plans:

- 1:1250 Site Location Plan

- Application Forms
- Design and Access Statement
- Indicative floor plans and elevations of a 2/3 storey building
- Sketch layout plan of the site showing the siting of the building , location of the access and layout of the site
- Detailed plan of the access

d) Pre-application Engagement

- 3.5 Pre-application engagement was carried out prior to submission, although further supporting information has been included in support of the application.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out for the application. This occurred initially on the 14th June 2018.
- 4.2 Firstly, a summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to:
www.harborough.gov.uk/planning.

a) Statutory & Non-Statutory Consultees

- 4.3 HDC Neighbourhood and Green Spaces Officer and Neighbourhood Planning Champion:

Open Space contributions generally are required for developments over 10 units therefore the policy does not apply. The contribution for cemetery and burial grounds (assuming a population in the development of 17 persons) will be £1,485.36

- 4.4 HDC Housing Enabling and Community Infrastructure Officer
This seems to be a single dwelling development in which case no comment require from me...unless it exceeds 10.000Sqm

- 4.5 Cadent Gas
Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadents legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

- 4.6 LCC Ecology
Have no objections to this and no requirements for an ecology survey, as the building is in an urban area without significant nearby bat foraging habitat.

- 4.7 LCC Developer Contributions

- Civic Amenities
- Education
- Libraries

No request for contributions

- 4.8 LLFA
No objections but request drainage conditions
- 4.9 Lutterworth Town Council
Object to the application due to inadequate on site car parking provision
- 4.10 LCC Highways
The Local Highway Authority advice is that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 (now 108) of the NPPF, subject to the Conditions as outlined in this report.

b) Local Community

- 4.4 No letters of representation have been received from local residents.

5. Planning Policy Considerations

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

a) Development Plan

- 5.3 The current Local Development Plan consists of the Local Development Framework Core Strategy 2006-2028 (adopted November 2011) and saved policies of the Harborough District Local Plan (adopted 2001).
- Harborough District Core Strategy (Adopted November 2011)
- 5.4 Relevant policies to this application are:
- CS1 – Spatial Strategy
 - CS2 –
-
- Harborough Local Plan 2001 (retained policies)
 - HS/8
 - EM/11

b) Material Planning Considerations

- 5.5 The following material planning considerations are relevant to this application:
- The National Planning Policy Framework (The Framework/NPPF) 2018, particularly Para.11 (presumption in favour of development), Section 1

(Building a Strong Competitive Economy) and Section 2 (Ensuring the Vitality of Town Centres)..

- National Planning Practice Guidance
- New Local Plan

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

- Leicestershire County Council 6C's Design Guide
The 6Cs Design Guide (hereafter referred to as 6CsDG) deals with highways and transportation infrastructure for new developments

6. Assessment

a) Principle of Development

- 6.1 The site lies within the built up area of Lutterworth in a largely established residential area of the town. Apart from the commercial/retail properties immediately adjacent to the site, the surrounding area comprises of a mixture of residential properties including house and flats. The building itself is not operational as a community centre, open to the public, but has a specific low key use for karate. As such, its loss is not considered prejudicial to the wider community and there are wider benefits in respect of providing smaller scale housing opportunities in a sustainable location.

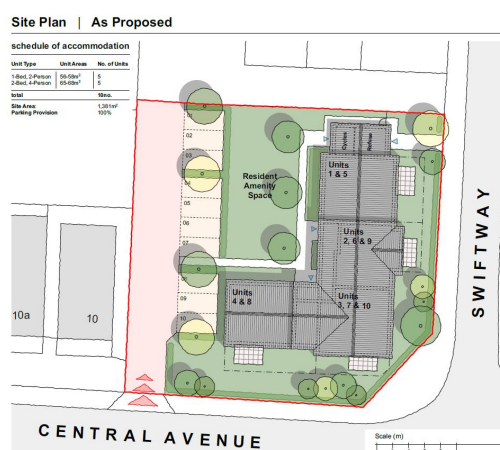


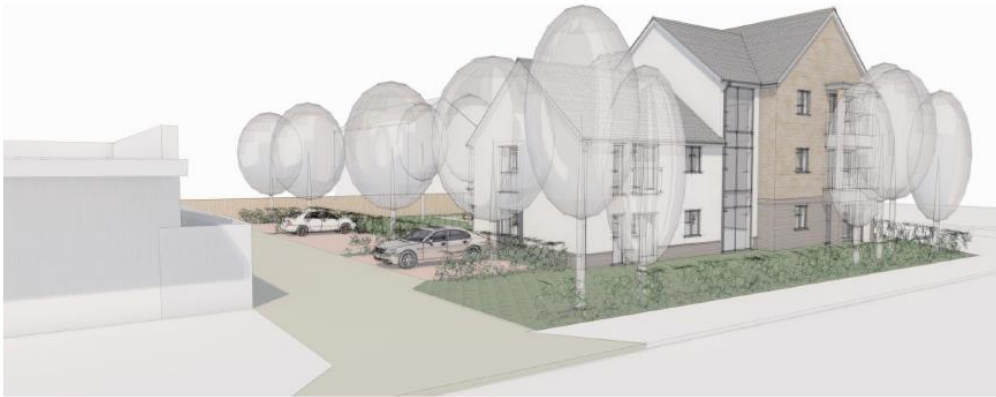
Swiftway Community Centre with retail parade to side.

- 6.2 Being in this location the principle of the residential redevelopment of the site is in compliance with development plan policy and the national policy guidance as set out in the NPPF. Lutterworth is a highly sustainable location for development as recognised in the adopted Core Strategy, this has good access to the services and facilities of the town as well as;
- Local employment opportunities; and
 - public transport routes

b) Layout and Design

- 6.3 Although an outline application with all matters reserved except for access, the applicant in support of their proposals have submitted indicative sketch plans and elevations of the proposed buildings together with a sketch layout of the site.





Illustrative 3D views of proposed scheme

- 6.4 The plans show a development of 2/3 stories in height, not dissimilar to the height of the residential flats immediately adjacent on Central Avenue and with simple elevational treatment.



The building is sited towards the frontage of the site onto Central Avenue with amenity space around the building and car parking to the rear.

- 6.5 The plans show a development of 10 flats, 5 x 1 bedroom and 5 x 2 bedroom and with 10 on site parking spaces. This equates to 100% parking standards which would be the minimum standards in line with the County Councils Highways Design Guide, although this acknowledges that one space per dwelling may be appropriate
- where car ownership may be low, such as town centres and other locations where services can easily be reached by walking, cycling or public transport.

c) Highways and Parking

- 6.9 Although Lutterworth Town Council has objected to the proposals on the grounds of lack of parking, the Highway Authority has not raised any objections.
- 6.10 The site is clearly within the built up area of Lutterworth and not far from the town centre with good access to services and facilities. In addition the site lies close to existing public transport routes that provide access both within Lutterworth itself and the surrounding villages and to Leicester and Rugby in the wider area.
- 6.11 As a result the whilst it may be desirable to increase the number of car parking spaces relative to the number of flats proposed from a sustainability aspect any residents would have good access to alternative means of transport and lack of parking would not a sufficient reason for refusal. In addition to on site parking the indicative plans do contain provision for on site cycle storage facilities (C7 refers).

d) Planning Obligations

- 6.12 Planning obligations, also known as Section 106 Agreements (based on that section of The 1990 Town & Country Planning Act) are legal agreements made between local authorities and developers and can be attached to a planning permission to make a development acceptable (which would otherwise be unacceptable in planning terms).
- 6.13 Those obligations can encompass, for example, monetary contributions (towards healthcare, libraries or education), mechanisms for the provision of affordable housing, the on site provision of public open space / play areas, or off site works (highway improvements), as long as the obligation meets the three statutory tests of The Community Infrastructure Levy Regulations 2010 (No. 948) (as amended) – “CIL”.
- 6.14 As per CIL Regulation 122, planning obligations must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 6.15 These legal tests are also set out as policy tests in Paragraph 204 of the Framework.
- 6.16 Policy CS12 states that new development will be required to contribute to funding the necessary infrastructure which arises as a result of the proposal. More detailed

guidance on the level of District and County contributions is set out in the HDC Planning Obligations Supplementary Planning Document (Jan 2017) and the Leicestershire County Council Planning Obligations Policy (Nov 2014).

- 6.17 Section 4 of this report (above) and Appendix A (below) identify the developer contributions sought by consultees, provide assessment as to whether the requests are CIL compliant and indicate trigger points (to determine at what stage of the development the contribution should be provided).
- 6.18 Officers consider that the Appendix A S106 provisions would meet the LPA's and LCC's policy requirements, the tests set out in Paragraph 204 of the Framework and the CIL Regulations 122 and 123, including as they relate to pooled contributions

7. The Planning Balance / Conclusion

- 7.1 The proposed use is considered to be an appropriate and acceptable form of development in this location within the built up area of Lutterworth. The area surrounding the site is primarily residential in character and the indicative layout and designs suggest that a suitable detailed scheme could be developed on the site without adversely affecting the character of the area or the amenities on existing residential properties.
- 7.2 It is therefore recommended that the scheme is approved subject to the planning obligations listed in Appendix A and the Conditions set out in Appendix B below.

Appendix A – Planning Obligations

APPENDIX A PROPOSED PLANNING OBLIGATIONS			
Request by HDC	Obligation for Public Open Space		
Amount / Detail	Delivery	CIL Justification	Policy Basis
£1,485.36 Contribution towards cemetery provision	To comply with an agreed Schedule.	An off site contributions towards cemetery provision is required for developments of over 5 units	Provision for Open Space Sport and Recreation (HDC, 2015). Core Strategy Policy CS12; Appendix 2 (Infrastructure Schedule). The Framework Section 8. HDC Planning Obligations Supplementary Planning Document Jan 2017.
Request by HDC	Community Facilities		
Amount / Detail	Delivery	CIL Justification	Policy Basis
£7350 (or 735 per dwelling) for new build / extension projects or upgrading of existing premises at Lutterworth.	50% to be paid to HDC prior to the Commencement of Development. 50% to be paid to HDC prior to the First Occupation of any dwelling.	HDC consider the Community Facilities request to be necessary to make development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the proposed development. The request accords with thresholds identified in adopted policies and would meet the additional demands on Lutterworth Community Facilities which would result from the development. (See full consultation response 23.07.18 for full justification.)	HDC Planning Obligations Supplementary Planning Document Jan 2017. The Framework Section 8.
Request by HDC	Obligation for Performance Bond		
Amount /Detail	Delivery	CIL Justification	Policy Basis

District contribution – 15% of application fee or £250 per Contribution.	TBC	It is appropriate for the Council to recover costs associated with the negotiating, production and subsequent monitoring of developer contributions. This covers the legal costs of creating agreements, any costs associated with obtaining independent or specialist advice to validate aspects of the contributions and the costs of monitoring	HDC Planning Obligations Supplementary Planning Document Jan 2017.
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Appendix B

Conditions

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. REASON: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
 - (a) The scale of the development;
 - (b) The layout of the development;
 - (c) The external appearance of the development;
 - (d) The landscaping of the site;

The development shall be carried out in accordance with the approved details. REASON: The application was made for outline planning permission and is granted to accord with the provisions of Section 92 of the Town and Country Planning Act 1990 and Part 3(6) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

- 3 The Reserved Matters shall generally conform to the layout and designs as set out of plans W321/P09, P10 and P04 and result in a development of no more than 10 dwellings and with a building of maximum height of no more than 12 metres.
- 4 Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway. REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Paragraph 108 of the National Planning Policy Framework 2012.
- 5 No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on BRP Architects drawing number W231 P01 rev A

have been implemented in full. REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Paragraph 108 of the National Planning Policy Framework 2012.

- 6 No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall 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 in accordance with Paragraph 108 of the National Planning Policy Framework 2012.
- 7 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

Planning Committee Report

Applicant: Mr And Mrs Gareth Dyer

Application Ref: 18/01014/FUL & 18/01015/LBC

Location: Yew Tree House, Elms Lane, Burton Overy

Proposal: Erection of a single storey extension with frameless glass link to newly formed doorway opening to side gable and new space to contain relocated family kitchen and garden room

Application Validated: 14/06/2018

Target Date: Time limit extension agreed.

Consultation Expiry Date: 17/07/2018

Site Visit Date: 04/07/2018

Case Officer: Mr Sam Peppin Vaughan

Recommendation

Planning permission is **REFUSED** for the reason set out in this report.

The proposed extension by reason of its location extending forward of the principal elevation of Yew Tree House, a grade II listed building located within the Burton Overy Conservation Area, would cause harm to the significance of these designated heritage assets which would not be outweighed by wider public benefits. The proposal therefore conflicts with policy CS11 of the Harborough Core Strategy and paragraph 196 of the NPPF (2018)

1. Site & Surroundings

- 1.1 The application site is located to the eastern side of Elms Lane within the Burton Overy Conservation Area. It is a grade II listed building, which comprises the front range of a larger building, which was subdivided in 2005; the other half of the building which does not form part of this application retains the historic name of 'The Elms'.

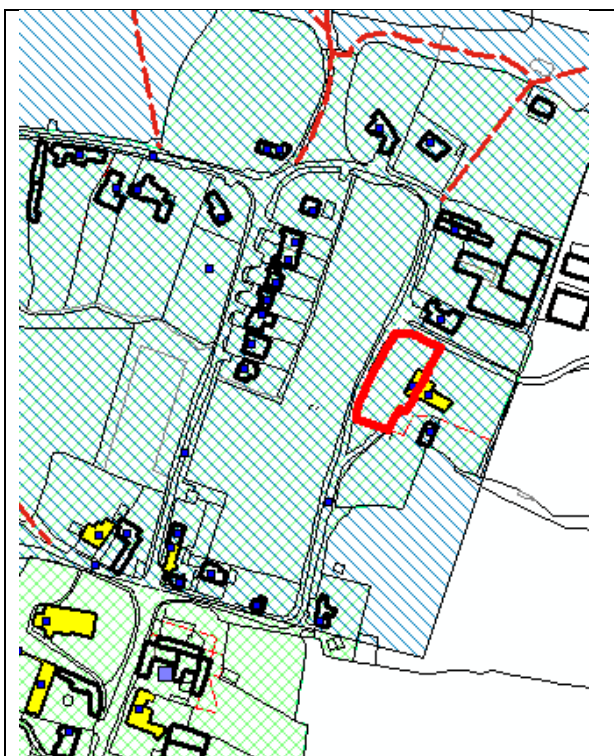


Figure 1: Site location (site edged in red; Conservation Area hatched green)

- 1.2 The house comprises the front range of the historic building, which was built as a farmhouse in the late 18th century. The garden to the front and sides is its only amenity space; the accommodation is set over four floors with a converted basement.
- 1.3 The house is set at a higher level to the street and is accessed by 7 steps leading up from ground level; there is a parking area at ground level to the front and side of the property. The land levels continue to rise across the site and beyond to the north.
- 1.4 The property was listed in 1986; the list description reads as follows:

BURTON OVERY ELMS LANE (East Side) The Elms II

House. Late C18, with earlier origins. Red brick and Welsh and Swithland slate roofs with brick end stacks. Stone coped gables and parapeted cornice with dentils and guttae alternated. 3 storeys and basement of 3 8/8 sash windows with 4/4 sashes on 2nd floor. Gauged brick lintels. Central wooden doorcase with pilasters and flat bracketed canopy. 6-panelled door with fanlight. 3 square stone steps. Stone mullion basement window on right end. 2 and 1 1/2 storey wings to rear, the lower part of former with diapered brickwork on rubble stone plinth. Inglenook fireplace inside.



Figure 2: Front Elevation



Figure 3: View of Yew Tree House from Elms Lane



Figure 4 – View of application site from main approach to house



Figure 5 – View of the application site as viewed from the front

2. Site History

- 2.1 The application site once included the land to the north; in 1962 planning permission was granted for a detached dwelling on this plot which is now known as 'The Jays'. It

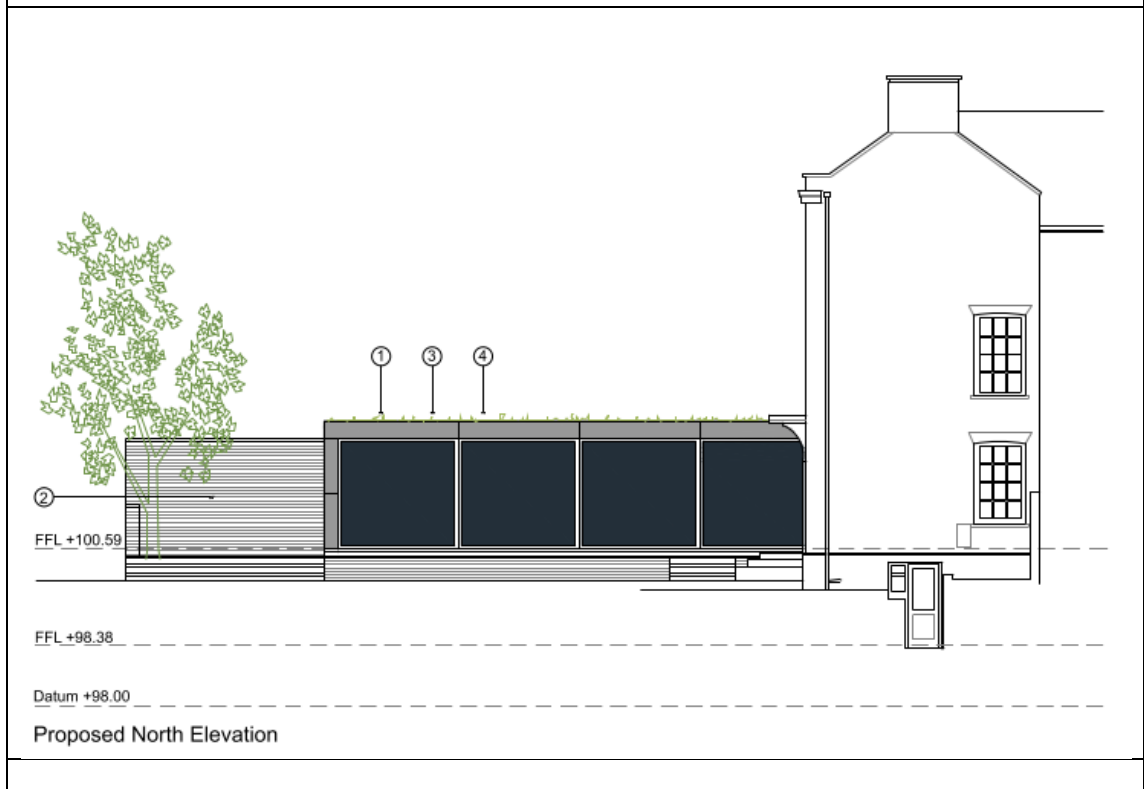
is on higher land to the application site and can be seen from the garden of the application site.

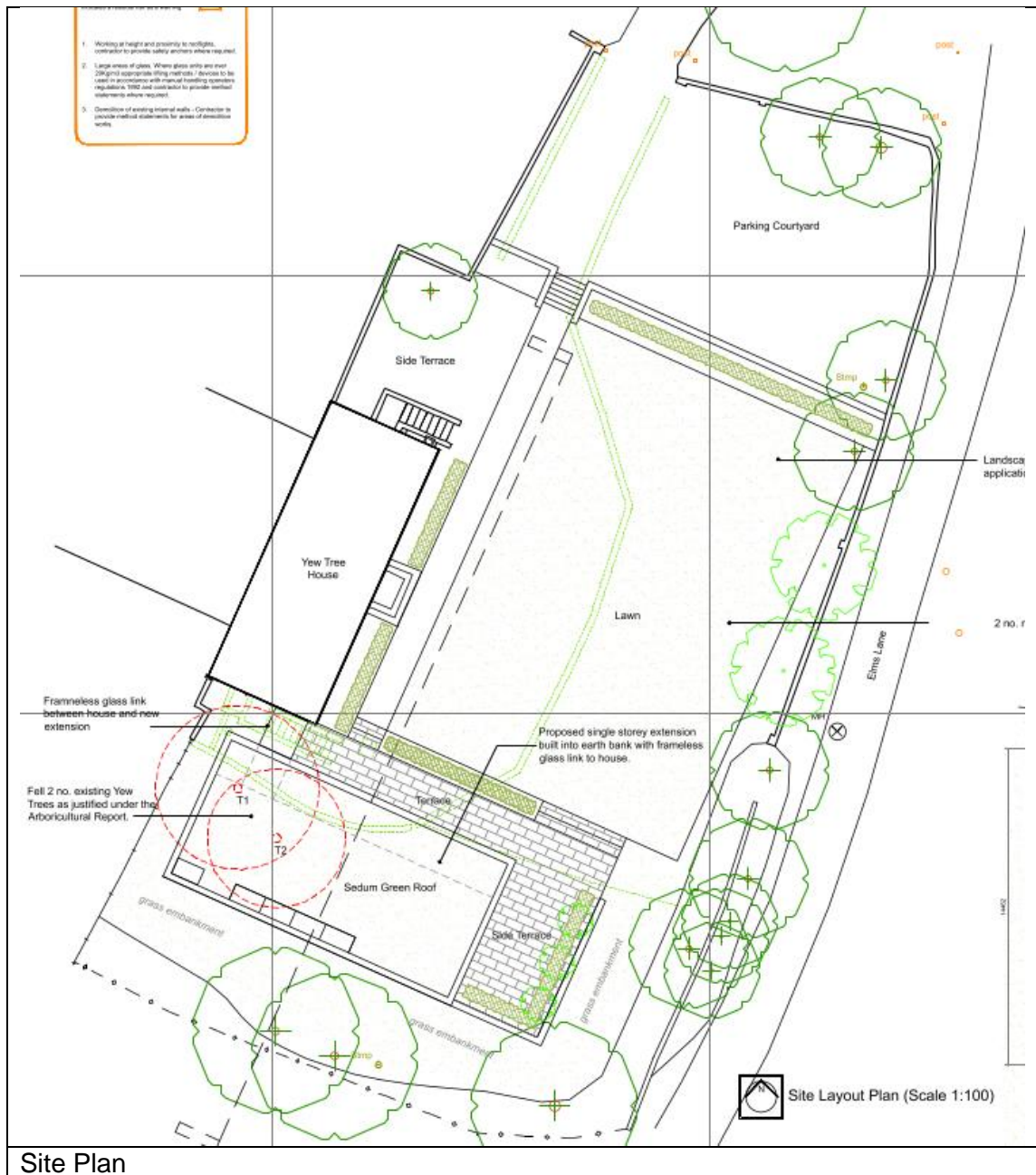
- 2.2 Planning permission (94/00439/3P) and listed building consent (94/00438/3L) were granted in 1994 for the subdivision of 'The Elms' into two properties as is at present, but this consent does not appear to have been implemented.
- 2.3 Planning permission (05/00862/FUL) and listed building consent (05/00863/LBC) were subsequently granted in 2005 for the subdivision of 'The Elms' into two houses, which was implemented.
- 2.4 13/00047/TCA – was approved in 2013 for works to fell 6 trees and reduce 3 trees.

3. The Application Submission

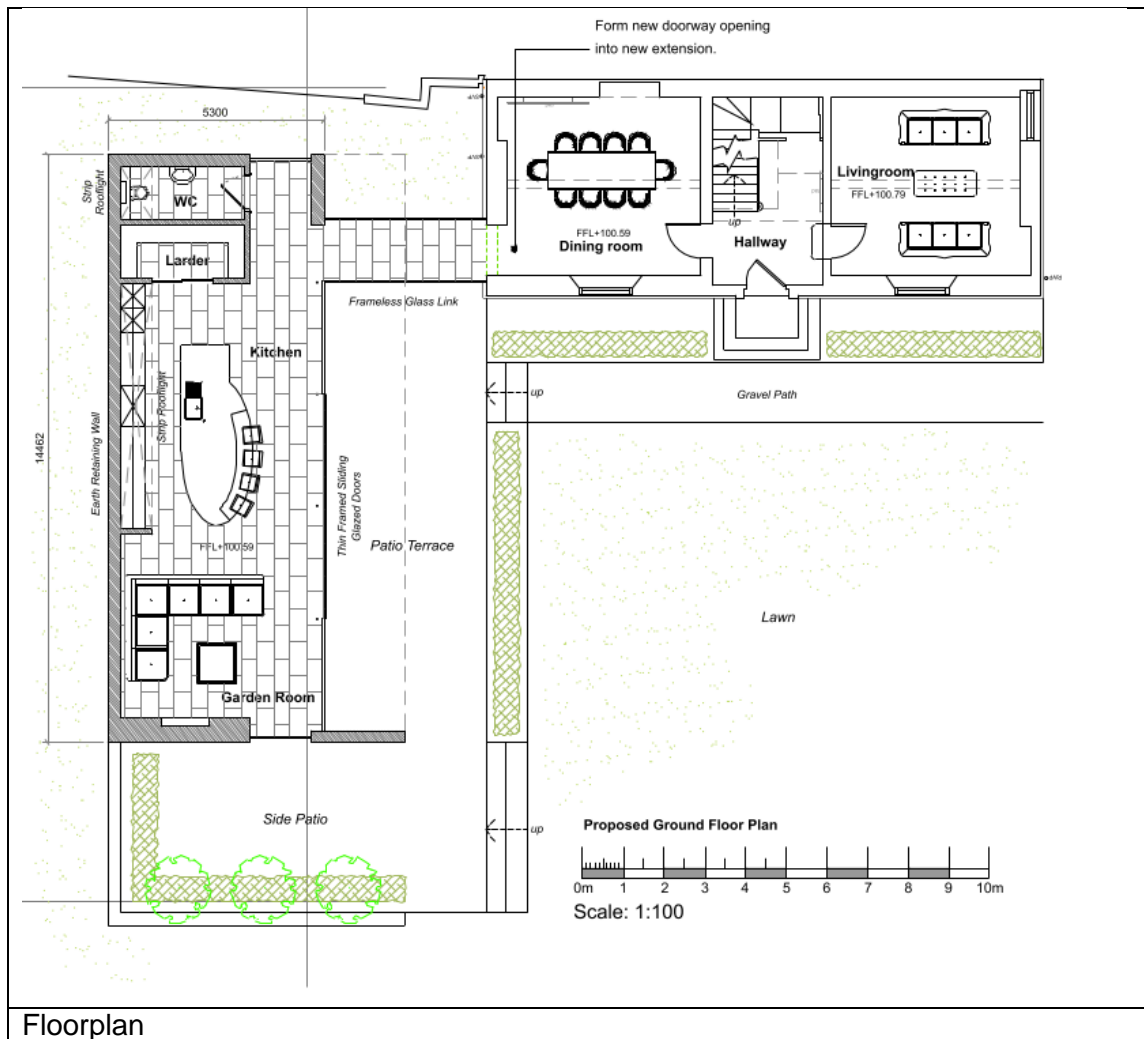
a) Summary of Proposals

- 3.1 These applications seek full planning permission and listed building consent for the erection of a single storey extension at the side and front of the property. It would be joined to the main house through the construction of a glazed link.
- 3.2 It would be built into the side of the hill, and as such the land would be partially excavated and flattened; a retaining wall would be built along the northern edge of the extension and the adjacent patio.
- 3.3 The extension would be surrounded by a patio terrace which would be two steps (approx. 300mm) higher than the garden but on the same level as the ground floor of the main house.
- 3.4 The proposed extension would be for a new kitchen with associated larder, WC and garden room. It would be of a contemporary design with an overhanging flat roof, which would oversail the extension and partially cover an associated patio terrace.
- 3.5 The kitchen extension would be 14.5 metres long; of this 11 metres would project forward of the principal façade of the building. The retaining wall would extend a further 4.5 metres to serve the patio area. It would be 5.3 metres wide while the roof would oversail by a further 2 metres. The building would be 3 metres high while the retaining wall would be 2.6 metres with a lower section on the return being 1.2 metres.
- 3.6 It would be located 4 metres away from the side wall to the property and joined to the main house by a glazed link which would be 1.5 metres wide and 2.4 metres high.
- 3.7 The physical works to the listed building would require the removal of a section of wall on the north elevation of the ground floor to allow access to the glazed link along with any works to affix the link to the main building.
- 3.8 The rear and sides of the extension would be built in red brick while the front would be floor to ceiling glazing with thin-framed sliding doors. The roof and soffit would be clad in black zinc with a green sedum roof above.
- 3.9 Two yew trees would be removed as part of the proposal and a gravel path would be laid across the lawn giving direct access to the proposed extension.





Site Plan



b) Documents submitted

i. Plans

3.10 Both applications were submitted with the following plans:

- Drawing No. 17255-17-01 (Topographical Survey)
- Drawing No. 17255-17-03 (Measured Site Survey - floorplans)
- Drawing No. 17255-17-03 (Measured Site Survey – elevations)
- Drawing No. L.10 (Location, Site and Floorplans)
- Drawing No. L.11 (Proposed Elevations)

ii. Documents

3.11 The applications were supported by the following documents:

- Heritage Assessment by CGMS – 12 June 2018
- Design & Access Statement by Lead Architecture – June 2018
- Tree Survey by RJ Tree Services LTD – 13 March 2018

c) Pre-application Engagement

3.12 It is understood that pre-application discussions took place regarding this proposal with the previous conservation officer, who also dealt with the application for the parking area and garage.

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

3.13 No amendments have been sought as it is felt the principle of the development is unacceptable and this cannot be addressed through amendments.

4. Consultations and Representations

4.1 Consultation with statutory consultees and the local community were carried out on the application.

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

a) Statutory & Non-Statutory Consultees

Parish

4.3 *“Burton Overy Parish Council has no comment to make. This application would be supported by the proposed Neighbourhood Plan.”*

County Ecology

4.4 No objections as the proposal is for a single-storey extension and would not affect the roof space of the main house.

b) Local Community

4.5 There have been no other representations to either application.

5. Planning Policy Considerations

a) Development Plan

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

5.1 The relevant policy to this application is CS11. This is detailed in the policy section at the start of the agenda.

b) Material Planning Considerations

- *The National Planning Policy Framework (2018)* ('the Framework')
- 5.2 Chapter 16 of the Framework, Conservation and enhancing the historic environment is particularly relevant
- *Supplementary Planning Guidance*
- 5.3 The Supplementary Planning Guidance Note that is relevant to this application is Note 5: Extensions to Dwellings.
- *New Local Plan*
 - *The National Planning Policy Guidance*
 - *The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990*
 - *Burton Overy Neighbourhood Plan – submission stage*

c) Other Relevant Documents

- 5.4 The following documents should be noted:
- Circular 11/95 Annex A – Use of Conditions in Planning Permission;
 - ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System); and
 - Leicestershire County Council Highways Authority Design Guide.

d) Other Relevant Information

- *Reason for Committee Decision*

5.5 As a matter of public interest as it has been said the previous Conservation Officer gave an assuring view.

6. Assessment

a) Principle of Development

- 6.1 Subject to the proposal complying with the relevant planning policies and guidance outlined above, the principle of extending a residential dwellinghouse is considered to be acceptable.
- 6.2 The principle of extending a listed building is dependent on whether or not harm is caused to its significance, and whether or not this can be outweighed by wider public benefits.

b) Technical Considerations

1. Impact on Heritage and Visual Amenity

- 6.3 As set out above, the building in question is a grade II listed building, which is the front range of a former large farmhouse. While the listed asset is in two separate ownerships, any impact is considered on the asset as a whole.
- 6.4 It is considered that the west façade, which comprises the application site is one of the key elements of the building's significance and its most important architectural feature. This elevation would have been designed as the building's main façade and incorporates features associated with polite Georgian architecture including a symmetrical façade, multi-pane double-hung sash windows a central door with doorcase and fanlight.
- 6.5 The house is predominantly viewed across an open lawn, which combined with its setting at a higher level gives it a prominence in its local area and may have been integral design features when it was originally built.
- 6.6 The proposed extension would extend forward of this principal façade. In doing so, it is considered that it would cause harm to the special character of the building and its setting.
- 6.7 The new structure would be read in context of the façade drawing attention away from its key historic features and un-balancing its symmetry.
- 6.8 While it is accepted that the design has been carefully considered to compliment the main building it is considered that this would not overcome the impact on the special character of the building.
- 6.9 Given the sensitivity of this front elevation and its significance to the special character of the building, I do not consider it would be possible to build an extension in this location without causing harm to its special character.
- 6.10 It is accepted that there is no more suitable location within the application site, which could accommodate an extension of this size, but this situation was created when the original property was subdivided in 2005 and has been in place since.
- 6.11 It is not considered the removal of the wall section to allow access to the proposed extension would cause harm on its own given the modest level of work and location on a side elevation.

2. Other Considerations

- 6.12 Given the height and location of the proposal I do not consider it would have any impact on neighbouring residential amenity, local parking provision or local ecology.
- 6.13 The neighbourhood plan (submission document) contains policy, DBE1, which contains guidance on design, including the development of historic farmsteads. The plan at submission stage does not hold much weight; notwithstanding the comments of the parish council, it is not considered that the proposal complies with any policies in the plan, which would outweigh the national and local policy considerations.

c) Impact on trees

- 6.13 Two Yew trees would be removed as part of the proposal. While the loss of trees is regretted; they do not have good form having been previously reduced in size and

have limited public amenity value being towards the rear of the site. Replacement trees are proposed which I consider would adequately compensate for the loss.

7. The Planning Balance / Conclusion

7.1 In summary, it is considered that the proposed extension would cause harm to the setting and significance of Yew Tree House which is a grade II listed building and within the Burton Overy Conservation Area. It is not considered that the wider public benefits of providing additional living space would outweigh the harm caused and as such the application is not acceptable.

7.3 Accordingly, it is recommended that planning permission be refused for the following reason:

The proposed extension, by reason of its location, would cause less than substantial harm to the setting and significance of the listed building and the character and appearance of the Burton Overy Conservation Area and there are no wider public benefits which outweigh this harm.

Planning Committee Report

Applicant: Mrs A Kane

Application Ref: 18/01070/FUL

Location: August Cottage, 3 The Lindens, Station Road, Broughton Astley

Proposal: Change of use from a dwelling to a mixed use comprising residential use and use of indoor swimming pool and associated areas to provide swimming lessons (retrospective)

Application Validated: 22/06/2018

Target Date: 17/08/2018 (Extension of time agreed)

Consultation Expiry Date: 18/07/2018

Case Officer: Faizal Jasat

Recommendation

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

Core Strategy Policy CS11 seeks to ensure that the amenities of existing and future neighbouring occupiers are safeguarded and where appropriate, encourage travel by a variety of modes of transport. The change of use of the residential swimming pool for ancillary commercial use for swimming lessons results in a significant increase in the number of people visiting the site and an increase in traffic generation in and around Lea Close. As a consequence, the amenities of existing and future neighbouring occupiers are adversely affected by the change of use and therefore the application site is considered unsustainable and the use considered to adversely impact on the quality and character of the residential area. The proposal is therefore contrary to Harborough District Core Strategy Policy CS11, the NPPF (particularly paragraphs 11 and 127) and Harborough District SPG Note 18.

1. Site & Surroundings

- 1.1 The application site consists of a modern backland development comprising four detached dwellings. The site is accessed off Station Road and the dwelling is accessed via a shared private drive.
- 1.2 The site consists of a detached two storey dwelling house with six bedrooms. The site has a large indoor pool located to the rear of the site and with a single storey link to the main dwelling. The pool and rear garden can be accessed via an entrance gate located to the rear of the house and accessed from Lea Close.
- 1.3 The site has four off street car parking spaces. The applicant has stated that all on-site parking is for residential occupants and visitors only and that there is a covenant in place that stipulates this. Unrestricted off-street parking is located to the north and east of the site around Lea Close and Croft Way, which are relatively narrow and winding streets.

- 1.4 The application site is located within a wholly residential part of Broughton Astley. A higher density housing development surrounds the site to the north and east and the remaining houses to the south comprise of large houses on large plots positioned in a linear formation fronting Station Road.

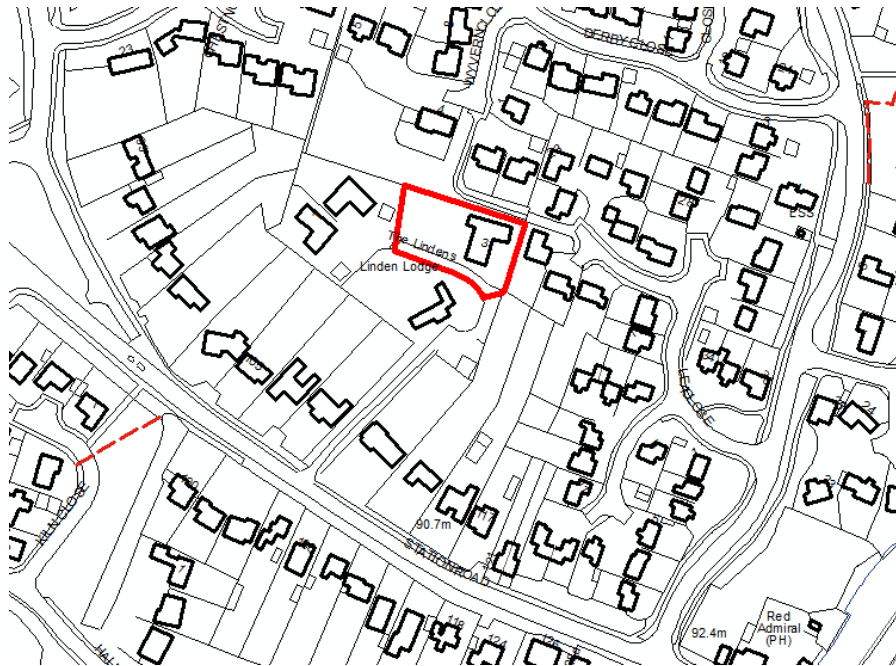


Figure 1: Site Location



Figure 2: Shared access to site off Station Road



Figure 3: View of house from shared drive



Figure 4: Swimming pool building (right) and link to host dwelling (left)



Figure 5: View of indoor pool



Figure 7: View of Lea Way and walkway leading to rear of site (as outlined)



Figure 6: Rear access from Lea Way



Figure 8: View of Croft Way from Station Road – Lea Close junction on left

2. Site History

2.1

- 01/00503/FUL – Erection of single storey conservatory link between existing house and swimming pool: Approve
- 00/01540/FUL – Erection of detached swimming pool: Approve
- 00/01125/FUL – Erection of indoor swimming pool: Approve
- 90/00041/3R – Erection of 4 bungalows and alterations: Approve

3. The Application Submission

a) Summary of Proposals

- 3.1 This application is a retrospective planning application seeking full approval for the change of use of an existing domestic swimming pool to include a mixed use for tuition to private groups and individuals (predominantly children) for swimming lessons. No internal or external alterations are proposed or seek regularisation.
- 3.2 Access to the pool is via a gate to the rear of the property accessed from Lea Close. The site has four off-street car parking spaces. However, the applicant has started that there is a covenant in place only allowing for residential occupants and visitors to use the off-road parking spaces and private driveway. Therefore all customers for the commercial use are directed away from the front drive.
- 3.3 The applicant has stated that lessons are limited to a maximum of three students per hour.
- 3.4 The current hours and days of use are:

Day	Morning	Afternoon	Evening	Daily no. of users based on 3 per hour
Monday	0930 – 1130		1800 – 1930	9
Tuesday				
Wednesday	0930 – 1200	1430 – 1700		12
Thursday				
Friday				
Saturday	0930 – 1230			9
Sunday	0930 – 1300			9

- 3.5 The proposed hours and days of use are:

Day	Morning	Afternoon	Evening	Daily no. of users based on 3 per hour
Monday	0930 – 1130	1315 – 1445	1800 – 1930	12
Tuesday				
Wednesday	0930 – 1200	1430 – 1700		12
Thursday		1545 – 1715		3
Friday	0930 – 1130	1300 – 1430		9
Saturday	0930 – 1300			9
Sunday	0930 – 1300			9

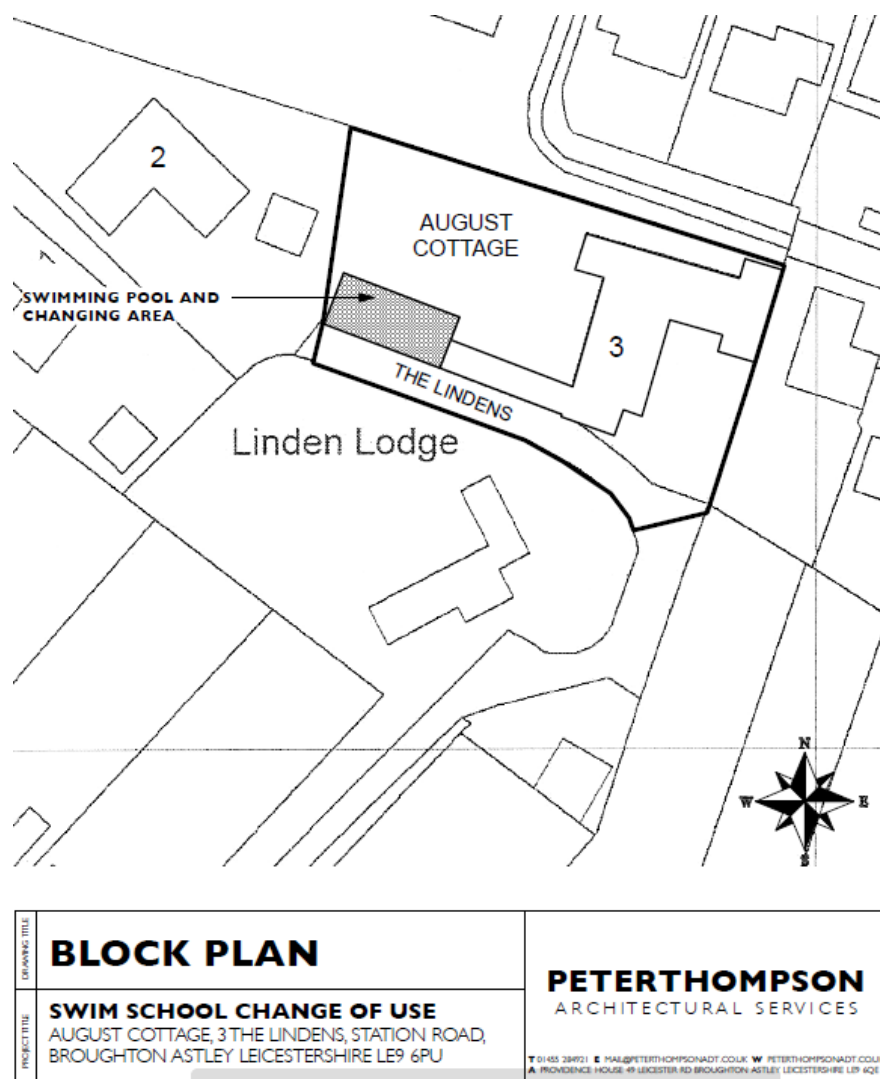


Figure 10: Proposed Block Plan

b) Documents submitted

i. Plans

3.6 The application has been accompanied by the following plans:

- Location Plan
- Block Plan
- Design and Access Statement

ii. Supporting Statements

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

- Revision to number of on-site parking spaces (from 8 to 4)
- Agent's response to public comments regarding parking and access
- Applicant's response to public comments
- Applicant's response to Officer recommendation of refusal

c) Pre-application Engagement

- 3.8 No pre-application advice was sought by the applicant with regard to whether the use was considered acceptable. However, the Council's Planning Enforcement Team advised the applicant that the change of use required planning permission after it was brought to the Council's attention about the unauthorised change of use.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 27th June 2018 and this statutory consultation period expired on 18th July 2018.
- 4.2 Firstly, a summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to:
www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

4.3 ***Broughton Astley Parish Council***

That whilst the Parish Council recognises the value of this amenity it has serious concerns regarding the provision of parking for the business. Although a few local customers could walk to the venue there are a large number who travel from outside Broughton Astley.

The applicant encourages clients to park on Croft Way, although it is evident from testimonials of Lea Close residents that they have been inconvenienced and have objected with their reasons.

Parking on Croft Way is not a solution to this problem. At present regular customers to the Station Road shops face difficulty when attempting to park. Croft Way already has nose to tail parking in the available space from Station Road to Lea Close. These spaces are opposite a bus stop.

From Lea Close to Derby Close parking has recently been observed opposite the entrance to Townsend Close which is dangerous and does not comply with parking regulations. Additionally, there is a bus stop on both sides of this stretch of the road.

Customers are arguing that only three spaces are needed and therefore these can be easily accommodated.

Councillor Patrick calculated that:

Using Wednesday as an example Morning of 2.5hrs = 5 lessons

Afternoon of 2.5hrs = 5 lesson.

A potential total of 30 cars during the day

However, clients will arrive before the previous lesson has finished, so after the first lesson 6 spaces will be needed at any one time. This will create a huge impact on Croft Way. These extra cars will move all parking out into the surrounding area which is residential.

With regards to the actual planning application:

The hours of opening on the application do not match those on the design statement so this needs to be clarified prior to any permissions being granted, especially the evening times.

Also there is some confusion as to why the 8 spaces on the application (revised to 4) cannot be used because the drive is privately owned. If a solution could be found to park at the premises these spaces would go a long way to solving the parking problem.

Also Members were unsure as to whether customers would have pedestrian access along the drive.

4.4 **Local Highway Authority (LHA)**

There are 4 existing on-site parking spaces and there are no proposals to provide additional on-site parking to accommodate the additional traffic generated by the site. Given that up to 3 service users can be accommodated on-site at one time it is likely that the proposal will occasionally result in overspill parking into the public highway. However, aside from Station Road the immediate surrounding public highway network is comprised of unclassified, residential estate roads where some degree of on street parking is not uncommon. Furthermore, whilst parking on street is currently observed within the residential estate, there have been no recorded personal injury collisions within the last 5 year period.

Taking this into consideration, and having reviewed the documents submitted in support of this application, it is not reasonable to conclude that the additional traffic generated by the proposal would result in a severe highway impact. As such, the LHA would not seek to resist this application despite the lack of additional on-site parking.

Notwithstanding the LHA's position, noting the shortfall in on-site parking the Local Planning Authority may take a different position when considering any amenity impact associated with this proposal and with regards to the modest increase in on-street parking that could occur.

b) Local Community

4.5 A total of 51 representations have been received:

- 43 in support: The majority of supporting representations are from parents who have children that use the service. Only one supporting representation did not state whether they use or have used the service. Supporters of the proposal include local residents, with the majority of supporters/service users residing outside of Broughton Astley and beyond:
 - 18 supporters from Broughton Astley
 - 25 supporters from surrounding areas within the District and wider County
- 7 in objection: All objections relate to impacts the proposal has on **loss of roadside parking** around Lea Close and the wider area and subsequent adverse **highways safety impacts** due to the increased number of vehicles visiting the site. One objector has also raised concerns regarding the potential

increase in **noise and disturbance** caused by customers coming to and from the site.

- 1 general comment: From a previous objector stating that parking issues had subsided after the planning application was submitted and due to the applicant's notice of advising customers to park away from Lea Close

5. Planning Policy Considerations

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

a) Development Plan

- 5.2 Harborough District Core Strategy (Adopted November 2011)
Relevant policies to this application are as follow and detailed in the policy section at the start of the agenda:
- Policy CS11: Promoting Design and Built Heritage

b) Material Planning Considerations

- 5.3 Material Planning Considerations relevant to this application:
- 5.4 National Planning Policy Framework (NPPF) paragraphs:
- 11 – The presumption in favour of sustainable development
 - 127 – Achieving well-designed places
- 5.5 National Planning Practice Guidance
- 5.6 Supplementary Planning Guidance Notes (SPG):
- SPG Note 18 – Working From Home
- 5.7 Broughton Astley Neighbourhood Plan 2013-2028
- Policy SD1 - Presumption in favour of sustainable development

6. Assessment

a) Policy Context

6.1 Paragraph 11 of the NPPF states:

Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.2 Paragraph 127 of the NPPF states:

Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

6.3 The parts of Core Strategy Policy CS11 relevant to this application states:

Development should be well planned to:

- Ensure that the amenities of existing and future neighbouring occupiers are safeguarded;
- Where appropriate, encourage travel by a variety of modes of transport;

6.4 Policy SD1 of the Broughton Astley Neighbourhood Plan states:

The Parish Council will support proposals that accord with the policies in the Broughton Astley Neighbourhood Plan (and, where relevant, with policies in the Harborough District Core Strategy).

When commenting on development proposals the Parish Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework; and will work proactively with applicants to find joint solutions which mean that proposals can be supported wherever possible; and to secure development that improves the economic, social and environmental sustainability of the area.

6.5 SPG Note 18 on Working From Home states:

Whilst appropriate types of home working will be encouraged by the District Council it is important that the nature of the work carried out at home is compatible with a residential environment and does not lead to problems of noise, disturbance, excessive traffic generation or have a visual impact which would be out of keeping with a residential environment.

b) Planning Consideration

- 6.6 The test in determining whether a business operating from home is considered acceptable or not, is to determine whether the overall character and use of the site remains as residential and is not undermined or adversely impacted upon by the commercial use.
- 6.7 It is acknowledged that Broughton Astley lacks community and leisure facilities. However, the existing pool is not subsidised for public use and is solely used for private swimming lessons to paying customers. The use is therefore classed as a private commercial use and not a public swimming pool or community facility. The applicant has also stated that the use benefits local community. However, the majority of customers reside outside of Broughton Astley.

- 6.8 The application has received 43 individual representations of support: 18 from individuals within Broughton Astley and 18 from outside Broughton Astley. In addition, having assessed the number of potential users based on 3 customers taking lessons per hour during the existing and proposed hours of use – as existing: 39 and as proposed: 54 – the number of customers visiting the site is considered significant and that a material change of use to part of the site has taken place and demonstrably outweighs the primary use of the application site and character of the wider area as residential.
- 6.9 The applicant has stated that there are four off-street vehicle parking spaces for residential users and visitors only and a covenant in place that stipulates this. However, it is acknowledged that covenants are not a planning consideration. Having searched through the planning history for the site, it appears that no such stipulation was added via planning condition. In any case, the applicant has directed customers to access the site from the rear on Lea Close. This has resulted in parents parking in and around Lea Close in order to drop off and collect children taking swimming lessons.
- 6.10 The site is located close to bus stops. However, it appears that the majority of parents drop off and collect children by car. This is evident from the comments of local objectors and the notice that the applicant has placed on site during the time that the planning application was submitted.
- 6.11 The LHA have assessed the application based on the site having four off-street parking spaces and consider that the site can adequately accommodate the extra vehicles travelling to and from the site. However, the reality of the existing situation is that customers are not parking at the application site and instead being directed to access the site from the rear at Lea Close and Croft Way. This is evident from the notice that the applicant has placed on site for customers and the comments of local objectors.
- 6.12 The nature of the existing use results in customers visiting the site throughout the day, as opposed to a childminding use where children are dropped off at the start of the day and collected at the end of the day. This has resulted in an increased number of cars parking in and around Lea Close and Croft Way and an increase in the number of people visiting people the application site and an increased and adverse level of noise and disturbance caused to neighbouring residents throughout the day.

c) Conclusion / Planning Balance

- 6.13 It is apparent that while the dwellinghouse appears to remain solely in residential use, it appears that the swimming pool use and operating a commercial use that adversely impacts upon and undermines the character of the house and surrounding area as residential. The use is considered to result in increased and adverse levels of noise and disturbance throughout the day within a residential area, caused by excessive traffic generation and an over intensification of use of the swimming pool primarily intended for residential use.
- 6.14 It is the view of the Officer that the applicant's business has outgrown the application site and that an alternative location outside of a residential area would be more appropriate. There will be benefits from a successful business and swim teaching which are not to be disregarded, but they do not outweigh harm to local amenity.

- 6.15 Core Strategy Policy CS11 seeks to ensure that the amenities of existing and future neighbouring occupiers are safeguarded and where appropriate, encourage travel by a variety of modes of transport. The change of use of the residential swimming pool for ancillary commercial use for swimming lessons results in a significant increase in the number of people visiting the site and an increase in traffic generation in and around Lea Close. As a consequence, the amenities of existing and future neighbouring occupiers are adversely affected by the change of use and therefore the application site is considered unsustainable and the use considered to adversely impact on the quality and character of the residential area. The proposal is therefore contrary to Harborough District Core Strategy Policy CS11, the NPPF (particularly paragraphs 11 and 127) and Harborough District SPG Note 18.

Planning Committee Report

Applicant: Mr Ponsford

Application Ref: 18/01080/FUL

Location: Land Opposite 65 Meadowbrook Road, Kibworth Beauchamp, Leicestershire

Proposal: Erection of a dwelling.

Application Validated: 22/06/2018

Target Date: 17/08/2018 (Extension of time agreed until 07/09/2018)

Consultation Expiry Date: 30/07/2018

Site Visit Date: 09/07/2018

Case Officer: Jeremy Eaton

Recommendation

Planning Permission is **REFUSED**, for the reasons set out below;

1. The proposed development, by virtue of siting (including its siting on a prominent corner plot and forward of the established building line of dwellings along the eastern side of Meadowbrook Road), scale, height, massing and appearance, would result in the creation of a cramped, obtrusive and incompatible form of development, which in turn would be out of keeping with and detract from the built form and the character and appearance of the local surrounding area, including the visual amenity to the street scene to Meadowbrook Road and the Public Right of Way No. B5, where it would become overly prominent. Accordingly, it is considered that the proposed development would result in an incongruous form of development, contrary with the relevant provisions of Policy CS11 of the Harborough District Core Strategy, "saved" Policy HS/8 of the Harborough District Local Plan and Policies H1 and H4 of the Kibworth Villages' Neighbourhood Plan. Furthermore, it is considered that the proposed development would be contrary with Paragraphs 11 and 127 of the National Planning Policy Framework.
2. The proposed development, by reason of siting, scale, massing, height, material treatment and appearance, would result in an overbearing form of development in context of the neighbouring residential property's, No. 30 Meadowbrook Road, private amenity space, which would be demonstrably harmful to the occupants of this neighbouring property. Accordingly, the proposal would be contrary with the relevant provisions of Policy CS11 of the Harborough District Core Strategy, "saved" Policy HS/8 of the Harborough District Local Plan and Policy H1 of the Kibworth Villages' Neighbourhood Plan. Furthermore, the proposal would conflict with Paragraphs 11 and 127 of the National Planning Policy Framework.

3. The proposed development would provide for insufficient vehicular parking provision, as per the design standards/requirements set out in Leicestershire Highways Design Guide, within the curtilage of the application site. This would result in an undesirable increase in on-street parking to the detriment to highway safety. Accordingly, the proposed development would be contrary with the provisions of Policies CS5 and CS11 of the Harborough District Core Strategy, Policy H5 of the Kibworth Villages' Neighbourhood Plan and the Leicestershire Highways Design Guide. Furthermore, the proposal would conflict with Paragraph 11 of the National Planning Policy Framework.

1. Site & Surroundings

- 1.1 The Application site is located to the eastern side of Meadowbrook Road within the Development Limits of the Rural Centre of Kibworth (Kibworth Beauchamp and Kibworth Harcourt). Residential properties, No. 30 Meadowbrook Road and No. 2 Welton Close, adjoin the southern and eastern boundaries of the application site respectively. Adjoining the northern boundary is a small wooded area of public open space, with the London to Leicester main railway line located beyond that to the north.
- 1.2 The site comprises a narrow rectangular parcel of land, approximately 166 sq.m. in extent, which is currently used as an allotment and for the keeping of chickens. The site contains a small single-storey garage/shed outbuilding.
- 1.3 The ground level of the site is level; however, the site is approximately 1.2m lower than the adjoining residential property, No. 30 Meadowbrook Road. This boundary comprises a mixture of retaining wall with fencing above, and fencing. The eastern and northern boundaries are enclosed by fences. The western boundary is enclosed by existing vehicular gates, which are served by an existing vehicular access off of Meadowbrook Road.
- 1.4 To the north of the site is a Public Right of Way (PRoW) No. B5.



Figure 1: Site Location



Figure 2: Site Layout Plan as Existing

2. Site History

2.1 The application site has previously been the subject of the following planning history:

- 05/00579/FUL – Change of use of to residential land and erection of a shed – Approved (19.05.2005);
- 05/01794/FUL – Erection of 3 storey, 3 bedroom dwelling – Refused (08.02.2006);
- 06/00493/FUL – Erection of 3 storey dwelling (revised scheme of 05/01794/FUL) – Refused (30.05.2006);

- APP/F2415/A/06/2031572/WF - Erection of 3 storey dwelling – Appeal Dismissed (16.03.2007);
- PREAPP/16/00249 – Erection of a two bedroom dwelling – Pre-application advice provided (29.11.2016);
- 17/00178/FUL - Erection of detached two storey dwelling – Refused (30.03.2017); and
- APP/F2415/W/17/3185551 - Erection of detached two storey dwelling - Appeal Dismissed (08.02.2018).

3. The Application Submission

a) Summary of Proposals

- 3.1 This application seeks full planning permission in connection with the erection of a detached one-bedroom, one-and-a-half-storey dwelling house on the application site, with associated rear private amenity space and a driveway, which would provide accommodation for 1 no. off-street vehicular parking space, and garden to the front. Figure 3, overleaf, indicates the Site Layout Plan as proposed.
- 3.2 The dwellinghouse proposed would have a built footprint of approximately 10.5m depth x 4.73m width. It would be sited approximately 5.7m in from the western site boundary, at its closest point, and approximately 10.1m in from the eastern boundary, at its closest point. The dwelling would sit within the existing northern and southern boundaries, with limited separation between the dwellinghouse and the boundaries; in this case the dwelling would be sited approximately 0.15m from the northern boundary and approximately 0.9m from the southern boundary. The building would have a height of approximately 3.8m (eaves) and 6.0 (ridge) respectively. Its proposed material treatment includes: brickwork to walls under a concrete tiled roof, whilst the material treatment for the proposed doors and fenestrations is unknown. Figure 4, overleaf, provides further contextual information in respect of the design of the proposed dwelling.

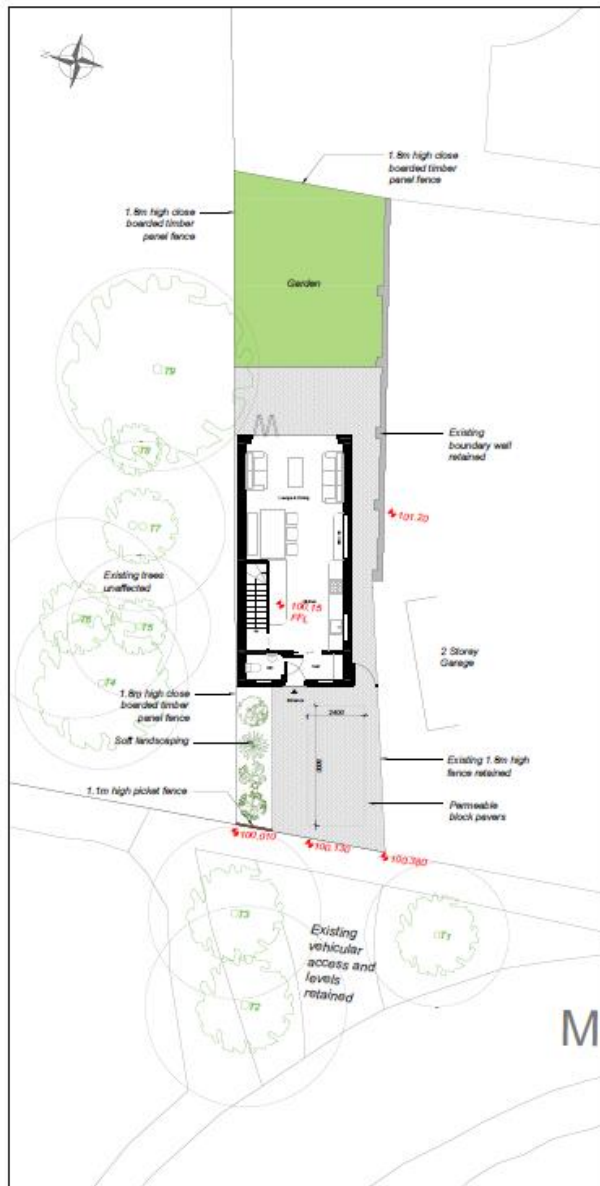


Figure 3: Proposed Site Layout Plan



Figure 4: Proposed Floor Plans & Elevations

b) Documents submitted

i. Plans

3.3 The application has been accompanied by the following plans:

- Drawing No. 3216/PL01 Rev – (Site Location Plan);
- Drawing No. 3216/PL02 Rev – (Existing and Proposed Site Plan); and
- Drawing No. 3216/PL03 Rev – (Proposed Plans and Elevations).

ii. Documents

3.4 The application has been accompanied by the following documentation:

- Application Form; and
- Design & Access Statement.

c) Pre-application Engagement

- Local Planning Authority

3.5 Prior to the submission of this planning application, the proposal was not the subject of a pre-application enquiry, especially following the refusal of Planning Application reference 17/00178/FUL and the subsequent dismissal of Planning Appeal reference APP/F2415/W/17/3185551, as outlined in Section 2. of this report.

- Kibworth Beauchamp Parish Council
- 3.6 It is unknown as to whether or not the Applicant has engaged in pre-application discussions with the Parish Council.

4. Consultations and Representations

- 4.1 Consultation with statutory consultees and the local community were carried out on the application.
- 4.2 A Site Notice was displayed outside the application site on Meadowbrook Road on 9th July 2018. This expired on 30th July 2018.
- 4.3 A summary of the statutory consultee responses received is set out below. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

- Kibworth Parish Council**
- 4.4 No representation received.
- Harborough District Council (Technical Services – Drainage)**
- 4.5 No representation received.
- Harborough District Council (Environmental Health)**
- 4.6 No representation received.
- Leicestershire County Council Highways**
- 4.7 No representation received.
- Leicestershire County Council (Ecology)**
- 4.8 I have no objections to this proposal. The proposed house is within a small plot that appears to be managed as a garden. The building on site is clearly unsuitable for bats, with a roof of sheet material. There is no requirement for an ecology survey.
- Leicestershire County Council (Forestry and Arboricultural Officer)**
- 4.9 There was an previous application here – see attached email.

Essentially the current application is very similar, except to say that some pruning of trees on the adjacent land would be necessary as they have now grown to extend over the boundary somewhat. The trunks of adjacent trees are some 4m away from the side wall of the proposed building; using the trunk diameter measurements supplied on the 'Proposed Site Plan', the largest-diameter tree (0.4m) would merit a root protection area radius of 4.8m, but the limited incursion of the proposed building would in my opinion have little or no effect upon tree health. On the other hand, the building would probably require a specifically-designed and deeper (or mini-piled) foundation to accommodate the growth of the adjacent trees.

As long as there are no changes to the existing drive across the grass verge, the three LCC-adopted trees thereon (1 cherry; 2 field maples) should be unaffected; again some crown-raising might be necessary to accommodate site machinery.

b) Local Community

- 4.10 This application has generated a relatively low level of representation from the local community. To date, 14 no. letters of representation had been received in connection with this planning application; 12 no. of which add support to the proposed development, whilst 2 no. of which object to the proposed development.
- 4.11 In respect of the letters of objection received, the Case Officer acknowledges that the representations received are very detailed and whilst regard has been had to these in assessing this application, it is impractical to copy these verbatim and, therefore, a summary of the key points/concerns raised, in no particular order, is provided below:
- The site is constrained by virtue of its very limited width;
 - The proposal represents a cramped form of development; the design is out of character with the other large dwelling houses sited within large plots and would not reflect the existing streetscape, and therefore out of keeping with the character and appearance of the local area;
 - Vehicular access to the site, and potential for the unsafe access of vehicles onto Meadowbrook Road by virtue of its location on a bend, as well as the potential conflict with users of the footpath/PRoW (No. B5);
 - Impact on the residential amenity of neighbouring residential properties by reason of being overbearing in nature;
 - The proposed development would not provide a good standard of amenity for future occupiers;
 - Concerns regarding the use of the office for the purposes of a second bedroom;
 - It has been suggested that there are discrepancies in the submitted documentation in terms of the levels between the application site and the adjoining property, No. 30 Meadowbrook Road; and
 - Reference has been made to Planning Appeal reference APP/F2415/W/17/318551, specifically in connection with the proposed level of off-street vehicular parking provision and the easement over land which is under the ownership of the Local Highway Authority, which is proposed to serve the access to the application site.

5. Planning Policy Considerations

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *“where in making any determination under the Planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.”*
- 5.2 Unless stated, an explanation of the development plan policies; material considerations, evidence base and other documents referred to can be found at the beginning of the Agenda under ‘All Agenda Items Common Planning Policy’.

a) Development Plan

- 5.3 The current Local Development Plan consists of the Local Development Framework Harborough District Core Strategy 2006-2028 (adopted November 2011), “saved policies” of the Harborough District Local Plan (adopted 2001) and the Kibworth Villages’ Neighbourhood Plan 2017-2031 (adopted in January 2018).

Harborough District Core Strategy

5.4 The following policies are considered to be relevant to this application:

- Policy CS1 (Spatial Strategy);
- Policy CS2 (Delivering New Housing);
- Policy CS5 (Providing Sustainable Transport);
- Policy CS8 (Protecting and Enhancing Green Infrastructure);
- Policy CS9 (Addressing Climate Change);
- Policy CS10 (Addressing Flood Risk);
- Policy CS11 (Promoting Design and Built Heritage); and
- Policy CS17 (Countryside, Rural Centres and Rural Villages).

Harborough District Local Plan ("saved policies")

5.5 Of the limited policies which remain extant, the following policy is considered to be relevant to this application:

- Policy HS/8 (Limits to Development).

Kibworth Villages' Neighbourhood Plan

5.6 The following policies are considered to be relevant to this application:

- Policy SD1: Limits to Development;
- Policy H1: Windfall Sites;
- Policy H3: Housing Mix;
- Policy H4: Building Design Principles;
- Policy H5: Residential Car Parking;
- Policy H6: Refuse Storage;
- Policy H7: External Storage;
- Policy ENV2: Important Trees and Woodland;
- Policy ENV3: Biodiversity;
- Policy ENV8: Watercourses and Flooding;

b) Material Planning Considerations

5.7 Material Planning Considerations relevant to this application are:

- The National Planning Policy Framework (The Framework/NPPF);
- National Planning Practice Guidance (NPPG);
- Supplementary Planning Guidance Notes 1, 3, 9, 10, 11, 13, 14 and 19 ;
- Leicestershire Highways Design Guide;
- Five-Year Housing Land Supply Statement; and
- Emerging Local Plan.

The Harborough Local Plan 2011-2031 was submitted to the Secretary of State for Ministry of Housing on 16th March 2018. It has yet to undergo independent examination, which is envisaged for the end of Summer 2018.

c) Other Relevant Documents

5.8 The following documents should be noted:

- Circular 11/95 Annex A – Use of Conditions in Planning Permission;
- ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System); and
- Building for Life 12 (BFL12) (2012).

d) Other Relevant Information

5.9 United Kingdom Supreme Court JUDGMENT 10 May 2017 Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) & Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant).

Council 3rd December 2012 report on new Local Plan for Harborough and its review of the Core strategy and NPPF compliance.

Reason for Committee Decision

5.10 This application is to be determined by Planning Committee as the Local Planning Authority by virtue of the counter representation received; the Council have received a minimum of 7 no. letters of support, from the local community.

6. Assessment

a) Principle of Development

6.1 The application site is located within the Development Limits to the Rural Centre of Kibworth (Kibworth Beauchamp and Kibworth Harcourt), as established under “saved” Policy HS/8 of the Harborough District Local Plan and more recently under Policy SD1 of the Kibworth Villages’ Neighbourhood Plan.

6.2 For planning assessment purposes, the application site is considered to represent land which is not previously developed land. Indeed, the application site is not occupied by any permanent structure, only structures/buildings which are considered to be temporary in nature. In addition, the site is currently used as an allotment and for the keeping of chickens, as associated residential garden land to No. 65 Meadowbrook Road. This type of land use would be excluded from land classified as previously developed land (as per that definition provided within the NPPF).

6.3 Paragraph 78 of the NPPF states:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

6.4 Policy CS1 of the Harborough District Core Strategy states:

“To maintain the District’s unique rural character whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services, the spatial strategy for Harborough District to 2028 is to:

a) Enable the development of at least 7,700 dwellings across the District during the period 2006- 2028;

...
g) *Develop the communities of Kibworth, ... as Rural Centres as a focus for rural housing, ... to serve each settlement and its catchment area;*
..."

6.5 Policy CS2 of the Harborough District Core Strategy states:

"The overall housing provision of at least 7,700 dwellings between 2006-2028 will be distributed as follows:

- ...
 - *Rural Centres and selected rural villages at least 2,420 dwellings.*
- a) *Limits to Development boundaries around settlements will be used to shape their future development as follows:*
 - ...
 - *Housing development will not be permitted outside Limits to Development ... unless at any point there is less than a five year supply of deliverable housing sites and the proposal is in keeping with the scale and character of the settlement concerned."*

6.6 Policy CS17 of the Harborough District Core Strategy states:

"Beyond Market Harborough, Lutterworth, Broughton Astley and Leicester PUA, development over the plan period will be focussed on Billesdon, Fleckney, Great Glen, Husbands Bosworth, Kibworth and Ullesthorpe. As Rural Centres they will be the focus for rural affordable and market housing, ... to serve the settlement and its rural catchment area. ... In all cases development will be on a scale which reflects the size and character of the village concerned, the level of service provision and takes into account recent development and existing commitments. ..."

6.7 "Saved" Policy HS/8 of the Harborough District Local Plan states:

"The District Council will grant planning permission for development within the defined limits to development of settlements indicated on the Proposals Map Insets, where the following criteria are met:-

1. *The design and layout of the development is in keeping with the scale, form and character and surroundings of the settlements;*
2. *The development does not conflict with Policy HS/9;*
3. *The development does not adversely affect the amenities of residents in the area."*

6.8 Policy SD1 of the Kibworth Villages' Neighbourhood Plan states:

"Development shall be located within the Limits to Development as defined on the Proposals Map unless there are special circumstances to justify its location in the countryside outside the Limits of Development."

6.9 Policy H1 of the Kibworth Villages' Neighbourhood Plan states:

"Small scale development proposals for infill and redevelopment sites will be supported where:

- 1) *It is within the Limits to Development;*
- 2) *It helps to meet the identified housing requirement for the Plan area in terms of housing mix;*

- 3) *It maintains and where possible enhances the character of the built environment;*
- 4) *It is of an appropriate scale which reflects the size, character and level of service provision within the Plan area;*
- 5) *It retains natural boundaries such as trees, hedges and streams;*
- 6) *It provides for a safe vehicular and pedestrian access to the site and any traffic generation and parking impact created does not result in an unacceptable direct or cumulative impact on congestion or road and pedestrian safety;*
- 7) *It does not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise; and:*
- 8) *It does not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the occupiers of the dwelling."*

- 6.10 In view of the above, and subject to the proposal complying with the relevant planning policies and guidance, the principle of a new residential dwelling within the defined Limits to Development to the Rural Centre of Kibworth is considered to be acceptable in line with the relevant provisions of Policies CS1, CS2 and CS17 of the Harborough District Core Strategy, "saved" Policy HS/8 of the Harborough District Local Plan and Policies SD1 and H1 of the Kibworth Villages' Neighbourhood Plan.

b) Design

- 6.11 With regard to matters of design, the Government attaches great importance to the design of the built environment. Paragraph 124 of the NPPF states that *"good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*
- 6.12 Paragraph 127 of the NPPF advises that planning decisions should aim to ensure that developments function well and add to the overall quality of the area, respond to local character and history and reflect the identity of local surroundings and materials and are visually attractive as a result of good architecture and appropriate and effective landscaping.
- 6.13 With regard to determining applications, paragraph 131 of the NPPF states *"great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."* Paragraph 130 states *"permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."*
- 6.14 Policy CS11 (Promoting Design and Built Heritage) of the Harborough District Core Strategy requires proposals for development to exhibit a high standard of design to *"create attractive places for people to live, work and visit."* To meet these requirements, proposed development should *"be inspired by, respect and enhance local character, building materials and distinctiveness of the area in which it would be situated."* In addition, development *"should respect the context in which it is taking place and respond to the unique characteristics of the individual site and wider local environment beyond the site's boundaries to ensure that it is integrated as far as possible into the existing built form of the District."*
- 6.15 Saved Policy HS/8 of the Harborough District Local Plan requires the design and layout of development proposals to be in keeping with the scale, form, character and surroundings of the settlement in which it is to be sited within.

6.16 Policy H1 of the Kibworth Villages' Neighbourhood Plan states:

"Small scale development proposals for infill and redevelopment sites will be supported where:

...

2) It helps to meet the identified housing requirement for the Plan area in terms of housing mix;

3) It maintains and where possible enhances the character of the built environment;

...

5) It retains natural boundaries such as trees, hedges and streams;

..."

6.17 Policy H3 of the Kibworth Villages' Neighbourhood Plan states:

"To meet the future needs of the residents of the Plan area, new housing development proposals should provide a mixture of housing types specifically to meet identified local needs in the Kibworth villages. Priority should be given to dwellings of three bedrooms or fewer and to homes for older people."

6.18 Policy H4 of the Kibworth Villages' Neighbourhood Plan states:

"All new development proposals of one or more houses, ... should satisfy the following building design principles:

...

3) The character, scale, mass, density and layout of the development should fit with the surrounding area, including external roof and wall materials, and should not adversely impact on the visual amenity of the street scene or wider landscape views;

...

6) Schemes, where appropriate, should contain a fully worked up landscape proposal. Hedges and native trees should be retained. Plot enclosures should, where possible, be native hedging, wooden fencing or stone/brick wall of local design. Enhancements are to be made to the biodiversity of the scheme, for example provision for swifts, hirundines, house sparrows, other birds, bats and hedgehogs;

7) Security lighting should be appropriate, unobtrusive and energy efficient;

8) Developments, where appropriate, should incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency."

6.19 In this case, it is considered that the application site provides some degree of separation between the existing residential development to the south of the application site (No. 30 Meadowbrook Road and below) and the wooded open space located to the north of the site that extends downhill towards the railway line.

6.20 The surrounding area is part of a post-war planned residential estate development. It is considered that this development has a pleasant suburban character stemming from the larger-sized dwellings set within spacious rectangular plots, and set back from the highway, with a generous spacing between dwellings and open frontages. There is the presence of grass verges and landscaping within the streetscene. All of these elements contribute significantly to the character and appearance of the immediate local area.

6.21 With regard to the proposed development, it relates to the erection of a dwellinghouse on the application site. The proposed new dwelling will be located

within a similar position of the existing outbuilding on-site albeit it will occupy a greater footprint than that existing. The footprint of the proposed dwelling will have a narrow width and be of a significantly longer depth, which in turn would result a strong vertical emphasis of the proposed dwellinghouse, with limited separation between the northern and southern site boundaries. It will be located forward of the established building line of dwellings along Meadowbrook Road. The frontage of the plot would be almost entirely taken up by an area of hardstanding to provide for off-street vehicular parking with limited opportunity to implement any significant landscaping scheme. It is considered that the built form, as proposed, would largely be derived by virtue of the site constraints as previously outlined; however, it is considered that this would be out of keeping with the prevailing character and built form of the immediate locality.

- 6.22 By virtue of the topography of the application site and surrounding land, it will be set-down slightly (by approximately 1.2m) than the neighbouring residential property, No. 30 Meadowbrook Road. Its height would be approximately 6.16m, its design reflecting a one-and-a-half storey dwelling.

- 6.23 In this case, by virtue of that proposed and in consideration of the location of the application site, on a prominent corner plot, it is considered that the proposed development would be prominent when viewed from directly to the west of the application site along Meadowbrook Road, and from the north along the PRoW (No. B5). From these locations, the cramped layout of the application site will be readily apparent, as would the overall character and appearance of the proposed dwellinghouse, which is considered to be at odds with the surrounding built form along Meadowbrook Road. Indeed, the design of the neighbouring properties is characterised by wide, detached, two-storey properties, whilst the proposal in this case is for a narrow, one-and-a-half-storey dwellinghouse.

- 6.24 Furthermore, by virtue of that proposed, it is considered that this would also contribute to the reduction in the openness of the street scene in the immediate vicinity of the application site, to a detrimental effect. In this case, it would provide a conspicuous hard edge to the application site and wider residential estate development, which although not physically protruding into the area of open space to the north of the application site, would jar with the soft edge currently presented.

- 6.25 In view of the above, it is considered that the proposed development would represent an incongruous form of development that would be out of keeping with the built form and the character and appearance of the local area, in particular the street scene to Meadowbrook Road and the adjoining PRoW to the north of the application site. Accordingly, it is considered that the proposed development would be contrary with the relevant provisions of Policy CS11 of the Harborough District Core Strategy, “saved” Policy HS/8 of the Harborough District Local Plan and Policies H1 and H4 of the Kibworth Villages’ Neighbourhood Plan. Furthermore, it is considered that the proposed development would be contrary with the relevant provisions of the NPPF.

- 6.26 Notwithstanding the above, it is considered that the proposed development would meet the requirements of Policy H3 of the Kibworth Villages’ Neighbourhood Plan by virtue of the proposed dwellinghouse representing a smaller-sized property (three bedrooms or less) in line with the requirements of this Policy.

c) Residential Amenity

- 6.27 Paragraph 127 of the National Planning Policy Framework *“planning ... decisions should ensure that developments ... f) create ... a high standard of amenity for existing and future users.”*
- 6.28 Policy CS11 (Promoting Design and Built Heritage) of the Harborough District Core Strategy requires proposals for development to *“ensure that the amenities of existing and future neighbouring occupiers are safeguarded.”*
- 6.29 “Saved” Policy HS/8 of the Harborough District Local Plan requires proposals for development to protect the amenity of the occupants of neighbouring residential properties, and the wider local area.
- 6.30 Policy H1 of the Kibworth Villages’ Neighbourhood Plan states:
- “Small scale development proposals for infill and redevelopment sites will be supported where:*
- ...
- 7) It does not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise; and:*
- ...”
- 6.31 In order to objectively assess the impact of the proposed development upon existing residential amenity, the Council has adopted Supplementary Planning Guidance (SPG), which relate to matters of design.
- 6.32 The guidance states that there are three main ways in which development can impact upon residential amenity:
- Loss of light (overshadowing);
 - Loss of privacy (overlooking); and
 - The erection of an over dominant or overbearing structure (outlook).
- 6.33 In order to ensure an acceptable amenity relationship between existing and proposed development, the Local Planning Authority has adopted minimum separation distances, as outlined within the SPG. It requires a level of separation of 21.0m between facing elevations containing principal windows and 14.0m between a blank elevation and a principal window.
- 6.34 The neighbouring residential property which would potentially be most affected by the proposal includes No. 30 Meadowbrook Road, which is located to the south of the application site. None of the other neighbouring properties would be affected in any way by virtue of that proposed in respect of the above matters.
- 6.35 In respect of No. 30 Meadowbrook Road, its private amenity space is located somewhat unconventionally to the side (north) of the property as opposed to the rear (east) which is common in respect of the other neighbouring properties along the eastern side of Meadowbrook Road. The width of the garden between the northern (side) elevation (which contains a primary habitable room window at ground floor level to serve a habitable room (living area)) and the southern boundary of the application site is approximately 11.0m; however, a conservatory extension to No. 30 lies within this distance, of which would experience a level of separation of less than 11.0m to the boundary.

- 6.36 With regard to the proposed dwellinghouse, this will be located between approximately 0.9m and 1.4m from the southern boundary of the application site, i.e. that shared with No. 30 Meadowbrook Road, orientated to the north. Approximately 7.0m of the rear portion of the proposed dwellinghouse, to a maximum height of approximately 6.16m (up to 4.96m in height due to the ground level differences between the two sites), would be seen from within the private amenity space and from the side (north) elevation of the dwellinghouse to this neighbouring property.
- 6.37 In this case, the level of separation between the side elevation of the proposed dwellinghouse and that of No. 30 Meadowbrook Road fails to comply with the guidance outlined above in respect of separation distances. In addition, whilst the proposed dwellinghouse does not extend across the full width of No. 30 Meadowbrook Road's private amenity space, it is considered that by virtue of the level of projection of the proposed dwellinghouse across the garden, its siting, scale, height, mass, material treatment and overall appearance, this would create an overbearing effect, especially when viewed within the private amenity space, which would be detrimental to the amenities of the occupants of the neighbouring property.
- 6.38 Notwithstanding the above, in reference to No. 30 Meadowbrook Road, it is considered that the proposal would likely lead to some loss of natural day light to the private amenity space of this neighbouring property; however, it is considered that any impact would not be demonstrably harmful, as a significant extent of the amenity space will largely remain unaffected, and will continue to benefit from natural day light. There are no concerns in respect of loss of natural day light to the side elevation of the dwellinghouse to No. 30 Meadowbrook Road given this would equally be the case in this situation. Furthermore, given the orientation of the proposal to No. 30, there are no concerns with respect to the proposal having any adverse impact upon the neighbouring property's access to sun light.
- 6.39 Furthermore, it is considered that the proposal, by virtue of Velux style roof light windows being proposed to the rear elevation of the proposed dwellinghouse at first floor level (approximately between 1.5m and 1.8m in height above finished floor level), would result in opportunities to overlook the private amenity space of No. 30 Meadowbrook Road, which in turn would lead to some degree of loss of privacy, both real and perceived, to the occupants of No. 30 Meadowbrook Road; however, in this case it is considered that any opportunities to overlook this amenity space would not be significant as a large area of the neighbouring property's amenity space will remain private, in which case this would not be demonstrably harmful.
- 6.40 As previously advised, none of the other neighbouring properties would be impacted by virtue of that proposed in respect of the above matters.
- 6.41 The private amenity space proposed, approximately 66 sq.m in extent, would provide an acceptable level of amenity area for the future occupiers of the proposal. However, this provision is substantially less than that afforded for existing properties along Meadowbrook Road.
- 6.42 In view of the above, it is considered that the proposed development would be contrary with the relevant provisions of Policy CS11 of the Harborough District Core Strategy, "saved" Policy HS/8 of the Harborough District Local Plan and Policy H1 of the Kibworth Villages' Neighbourhood Plan. Furthermore, the proposal would conflict with paragraph 127 of the National Planning Policy Framework.

d) Highway Matters

6.43 Policy CS5 of the Harborough District Core Strategy states:

“Proposals for assessing traffic impact, highway design and parking provision associated with the new development should accord with the guidance contained in “Highways Transportation and Development” published by Leicestershire County Council”. N.B. This guidance has subsequently been replaced by the ‘Leicestershire Highways Design Guide’.

6.44 Policy CS11 of the Harborough District Core Strategy states:

“Development should be well planned to:

i) Incorporate safe and inclusive design, suitable for all to access;

...

vii) ... encourage travel by a variety of modes of transport.”

6.45 Policy H1 of the Kibworth Villages’ Neighbourhood Plan states:

“Small scale development proposals for infill and redevelopment sites will be supported where:

...

6) It provides for a safe vehicular and pedestrian access to the site and any traffic generation and parking impact created does not result in an unacceptable direct or cumulative impact on congestion or road and pedestrian safety;

...”

6.46 Policy H5 of the Kibworth Villages’ Neighbourhood Plan states:

“New residential development should incorporate sufficient parking provision to meet the needs of future residents in accordance with the Leicestershire parking standards ...”

6.47 The proposed development relates to the erection of a dwellinghouse on the application site. Whilst the Application Form outlines this will be a 1 no. bedroom property, it is suggested that the proposed dwellinghouse could well be occupied as a 2 no. bedroom dwellinghouse. Indeed, whilst an office is indicated at first floor level, on the proposed floor plan drawing (Drawing No. 3216/PL03), there would be no guarantee that this would be retained as an office in the event that the property was sold by the Applicant and new occupants moved in. On this basis, it is considered that the proposed development would result in the creation of a 2 no. bedroom dwellinghouse.

6.48 In line with the guidance contained within the ‘Leicestershire Highways Design Guide’, 2 no. off-street vehicular parking spaces would be required to serve the resultant dwellinghouse, subject to them being designed in accordance with the design standards outlined within the Design Guide.

6.49 The ‘Leicestershire Highways Design Guide’ outlines that parking spaces should be 2.4m wide x 5.5m depth as a minimum. In addition, if the parking space is to be bounded by wall/fence/hedge/trees or similar obstruction on one side, the width of the parking space should be 2.9m as a minimum. In the case that the parking space is bounded on both sides the parking space should be 3.4m wide. In the case of parking spaces to be provided internally within a garage, where a single garage is proposed, its minimum internal measurements should be 6.0m x 3.0m with a

minimum door width of 2.3m, and where a double garage is proposed, its minimum internal measurements should be 6.0m x 6.0m with a minimum door width of 4.2m.

- 6.50 The off-street vehicular parking provision is proposed to be provided within the area of hardstanding to the frontage of the plot. This area will measure approximately 4.4m wide x 6.0m length. It will be bound by the existing hard boundary treatment to the southern boundary of the application site.
- 6.51 In this case, it is considered that the area of hardstanding would not accommodate 2 no. off-street vehicular parking spaces in line with the design standards set out within the 'Leicestershire Highways Design Guide', as outlined above. It is considered that only 1 no. compliant space could be provided within the curtilage of the application site. Accordingly, it is considered that by virtue of the inadequate off-street vehicular parking provision, this would result in an undesirable increase in on-street parking to the detriment to highway safety.
- 6.52 No modifications are proposed to the existing vehicular access that serves the application site, off of Meadowbrook Road. Furthermore, the proposed development will not impact upon this access either.
- 6.53 Leicestershire County Council's Highways Department were consulted on this application. No consultation response has been received.
- 6.54 In view of the above, it is considered that the proposed development would not be acceptable on highway grounds, contrary with the provisions of Policies CS5 and CS11 of the Harborough District Core Strategy, Policies H1 and H5 of the Kibworth Villages' Neighbourhood Plan and the 'Leicestershire Highways Design Guide'.

e) Ecology

- 6.55 Paragraph 170 of the NPPF states:

"The planning system should contribute to and enhance the natural and local environment by:

...

- *Minimising impacts on and providing net gains for biodiversity ..."*

- 6.56 Paragraph 175 of the NPPF states:

"When determining planning applications, local planning authorities should apply the following principles:

...

- *Development proposals where the primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around the developments should be encouraged, especially where this can secure measurable net gains for biodiversity."*

- 6.57 Policy CS1 of the Harborough District Core Strategy states:

"To maintain the District's unique rural character whilst ensuring that the needs of the community are met through sustainable growth ..., the spatial strategy for Harborough District to 2028 is to:

...

*n) Develop the Green Infrastructure asset of the District as a resource for biodiversity conservation and enhancement, habitat restoration, low key recreation, tree and woodland creation and flood mitigation;
...*

6.58 Policy CS8 of the Harborough District Core Strategy states:

“This policy seeks to secure a high quality, accessible and multifunctional green infrastructure network across both rural and urban areas of Harborough district, which contributes to healthy lifestyles and a rich, diverse natural environment.

...

d) Biodiversity and Geo-diversity Assets

...

Through the systems of development control, ..., the Council and its partners will:

i) Protect, manage and enhance the District's biodiversity ...;

ii) Contribute to the achievement of Leicester, Leicestershire and Rutland Biodiversity Action Plan targets for species and habitats and respond to changing conservation priorities as they emerge;

...

vi) Avoid demonstrable harm to habitats or species which are protected or which are of importance to biodiversity;

...

viii) Require proposed new development to incorporate beneficial features for biodiversity as part of good design and sustainable development;

...

6.59 Leicestershire County Council's Principal Ecologist has been consulted on this application. No objection has been raised, and no request for any further ecological survey work to be undertaken has been made. Furthermore, no ecological impact is envisaged in this case.

6.60 In view of the above, it is considered that the proposed development would be in accordance with the provisions of Policies CS1 n) and CS8 d) of the Harborough District Core Strategy, and the relevant provisions of the NPPF.

f) Flood Risk/Drainage

6.61 Policy CS10 of the Harborough District Core Strategy states:

“a) New development will be directed towards areas at the lowest risk of flooding within the District; with priority given to land within Flood Zone 1.

b) The use of Flood Zones 2 and 3a for recreation, amenity and environmental purposes will be supported; where an effective means of flood risk management is evident, and considerable green space is provided.”

- 6.62 According to the Government's Flood Map for Planning, the application site is identified as being within an area (Flood Zone 1) at risk of suffering a 1 in 1000 year (0.1% chance) flood event. This is supported by the Council's own mapping data. Accordingly, residential development within Flood Zone 1 is considered to be acceptable in principle in line with Policy CS10.
- 6.63 Notwithstanding the above, Policy CS10 continues to state:
- "d) All new development will be expected to ensure that it does not increase the level of flooding experienced in other areas of the District.*
- e) Surface water run off in all developments should be managed, to minimise the net increase in the amount of surface water discharged into the local public sewer system.*
- f) The following settlements are particularly sensitive to any net increase in surface water discharge into the local surface water sewer network:*
- ...
- Kibworth
- ...
- g) The use of Sustainable Drainage Systems (SuDS) will be expected; and design and layout schemes which enhance natural forms of on site drainage will be encouraged."*
- 6.64 The Application Form outlines the Applicant intends on surface water being disposed of via the mains sewer, whilst the method of foul water drainage would also be to the mains sewer. No further details of this proposal are provided in support of this application.
- 6.65 Harborough District Council (Technical Services – Drainage) were consulted on this application; however, no representations were received.
- 6.66 In this case, it is suggested that appropriate conditions should be applied in the event that the Local Planning Authority are minded to grant planning permission in order to ensure an appropriate method of foul and surface water drainage can be achieved.
- 6.67 In view of the above, and subject to conditions, it is considered that the proposed development would be in compliance with Policy CS10 of the Harborough District Core Strategy.

g) Arboriculture

- 6.68 Question 10 of the Application Form outlines that there are no trees or hedgerows on the application site; however, it has outlined that there are trees or hedgerows on adjacent land that could influence the proposal or otherwise be influenced by virtue of the proposed development.
- 6.69 The application is not supported by a full Tree Survey in accordance with BS 5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations', nor has an Arboricultural Impact Assessment been submitted to assess the impact of the proposals on these trees.

- 6.70 Notwithstanding the above, Drawing No.'s 3216/PL02 Rev - indicates the location of the existing trees within the area of open space adjoining the northern boundary of the application site. In this case, the drawing suggests that the proposed dwellinghouse would be located out with the Root Protection Areas of all the trees located within this adjoining land.
- 6.71 Leicestershire County Council's Forestry and Arboricultural Officer has been consulted on this application. No objection has been raised. Notwithstanding this, the Officer's comments indicate that minor pruning of the existing trees within the area of open space adjoining the northern boundary of the application site will be required as the trees have now overgrown on to the application site. In respect of Tree No. T9 within this area, it is outlined that a larger root protection area would be required than that indicated on Drawing No.'s 3216/PL02 Rev -. In this event, the proposal would result in a minor incursion into the root protection area of this tree; however, the Officer considers that this would have little or no effect upon the health of this tree, or otherwise the building would likely require a specifically-designed and deeper (or mini-piled) foundation to accommodate the growth of the adjacent trees, which would be covered under the Building Regulations procedure. Furthermore, in respect of the 3 no. trees located to the west of the application site within the adopted highway, the Officer considers that some crown-raising might be necessary to accommodate site machinery.
- 6.72 Based on the consultation response received by Leicestershire County Council's Forestry and Arboricultural Officer, it is considered that the proposal will not prejudice the retention and well-being of the subject trees on the adjoining area of public open space, and planning conditions could control the above matters in the event that the Local Planning Authority were minded to grant planning permission in this case.
- 6.73 In view of the above, and subject to conditions, it is considered that the proposed development would be in accordance with the relevant provisions of Policy CS11 of the Harborough District Core Strategy.

h) Land Contamination

- 6.74 Paragraph 170 of the NPPF states:

"The planning system should contribute to and enhance the natural and local environment by:

...

- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."*

- 6.75 Paragraph 178 of the NPPF states:

"Planning policies and decisions should also ensure that:

- a site is suitable for its proposed use taking account of ground conditions and any risks arising from land ... contamination. ...;*
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990;*
- and*
- adequate site investigation information, prepared by a competent person, is available to inform these assessments."*

- 6.76 Harborough District Council's Environmental Health Department were consulted on this application. No consultation response has been received.
- 6.77 In this case, in the absence of a consultation response from the Council's Environmental Health Department, it is considered that the proposed development, and the introduction of more sensitive receptors on the application site, would not result in an unacceptable risk to human health from potential land contamination of the application site.
- 6.78 In view of the above, it is considered that the proposed development would be acceptable in accordance with the relevant provisions of the NPPF.

i) Sustainable Development

- 6.38 The National Planning Policy Framework (NPPF) identifies three objectives to sustainable development – economic, social and environmental. Taking each of these in turn the following conclusions can be reached.
- Economic
The development would contribute towards economic growth during the construction period in terms of employment; and
In the longer term, the additional population would be likely to increase spending, for instance in the local shops and help support the range of other local services, which would help maintain their viability.
 - Social
Provides 1 additional market-housing dwelling, which would contribute towards the Council's 5-year housing land supply;
The application site is located within a sustainable settlement, the Rural Centre of Kibworth. The site is located within reasonable walking and cycling distances to a range of amenities and services and public transport services, in which case future occupiers of the proposed development would not need to wholly rely on the private car for day-to-day living; and
The proposal will adversely impact upon the residential amenity to the occupiers of the neighbouring residential property, No. 30 Meadowbrook Road.
 - Environmental
The application site is located within a sustainable settlement, the Rural Centre of Kibworth. The site is located within reasonable walking and cycling distances to a range of amenities and services and public transport services, in which case future occupiers of the proposed development would not need to wholly rely on the private car for day-to-day living;
The proposal is considered to have a harmful impact on the built form and character and appearance of the local area, including the street scene to Meadowbrook Road and the PRow No. B5;
The proposal is considered to adversely affect highway safety by reason of inadequate provision of off-street vehicular parking provision within the curtilage of the application site; and
The proposal is not considered to have any adverse impact in respect of matters of arboriculture, ecology, flooding/drainage or land contamination.
- 6.39 In line with Paragraph 11 of the NPPF, it is considered that the adverse impacts of the proposed development would significantly and demonstrably outweigh the

benefits of the proposal in this case, and as such would not constitute sustainable development.

7. Conclusion/The Planning Balance

- 7.1 In summary, it is considered that whilst the proposed development would provide residential development within the District, which would therefore contribute towards the Council's Housing Land Supply, in this case the adverse impact of the proposed development would significantly and demonstrably outweigh any public benefit of the proposal.
- 7.2 The proposed development is considered to result in the creation of an incompatible form of development, which would be out of keeping with the built form and character and appearance of the local area. In addition, the proposal will fail to preserve the residential amenities to the occupants of the neighbouring property No. 30 Meadowbrook Road. Furthermore, the proposal is considered to adversely affect highway safety by reason of inadequate provision of off-street vehicular parking provision within the application site.
- 7.3 Accordingly, the proposal would be contrary with the provisions of Policy CS11 of the Harborough District Core Strategy, "saved" Policy HS/8 of the Harborough District Local Plan and Policies H1, H4 and H5 of the Kibworth Villages' Neighbourhood Plan. Furthermore, it is considered that the proposed development would be contrary with the relevant provisions of the NPPF.

Notes to Applicant:

1. In accordance with the provisions of paragraph 38 of the NPPF, Harborough District Council (HDC) takes a positive and proactive approach to development proposals focussed on solutions. HDC work with applicants in a positive and proactive manner by:

- Offering a pre-application advice service, and
- Advising applicants of any issues that may arise during the consideration of their application and, where possible, suggesting solutions.

Also:

- In this case the Applicant did not seek pre-application discussions with the Local Planning Authority prior to the submission of the application, especially following the previous refusal of Planning Application reference 17/00178/FUL and the subsequent dismissal of Planning Appeal reference APP/F2415/W/17/3185551.
- In this case the Applicant was advised of the issues after the initial site visit.
- The Applicant was not afforded the opportunity to amend the proposal; however, in this case, it was not considered that any amendment would address all of the reason(s) for refusal.

2. The development is hereby refused in accordance with the following plans:

- o Drawing No. 3216/PL01 Rev – (Site Location Plan);
- o Drawing No. 3216/PL02 Rev – (Existing and Proposed Site Plan); and
- o Drawing No. 3216/PL03 Rev – (Proposed Plans and Elevations)

Planning Committee Report

Applicant: Mr Philip Millicheap

Application Ref: 18/01136/OUT

Location: Tanglewood, Snows Lane, Keyham

Proposal: Outline application for the erection of a dwelling and associated works (all matters reserved)

Application Validated: 29.06.2018

Target Date: 24.08.2018 (Extension of Time agreed to enable Committee determination)

Consultation Expiry Date: 01.08.2018 (Weekly List)

Site Visit Date: 10.07.2018

Case Officer: Nick White

Recommendation

Planning Permission is **REFUSED**.

Recommended Refusal Reason:

Outside larger settlements, Rural Centres and Selected Rural Villages (i.e., in small settlements not identified as Selected Rural Villages and in the countryside), new residential development is strictly controlled. Keyham does not qualify as a Rural Centre or Selected Rural Village and the settlement does not possess Limits to Development. The village is in a relatively remote location and lacks basic shops, services, community facilities, public transport links and local employment. Opportunities to walk or cycle to such services, facilities, public transport and jobs are severely limited by the nature of the public highway network in the locality, which lacks pavements and street-lighting and requires navigation along hilly, winding and narrow de-restricted roads. Consequently, future occupiers of the proposed dwelling would lack viable transport alternatives, be overly reliant on the use of private motor vehicles and create higher levels of carbon output. The proposal does not represent a rural exception site for affordable housing or identified local housing need. The proposed open market dwelling would not enhance or maintain the vitality of the rural community through supporting the services and facilities of an adjacent rural settlement. The proposal is not essential for the needs of a rural worker, nor would it comply with other National Planning Policy Framework Paragraph 79 criteria. The limited benefit of the proposal in terms of its single unit contribution to housing supply does not outweigh the significant and demonstrable harm of the proposal. The proposal represents an inappropriate and unsustainable form of development that is contrary to Policies CS1, CS5(a), CS9(a) CS11(c)(viii) and CS17 of the Harborough District Core Strategy and the National Planning Policy Framework's presumption in favour of sustainable development.

1. Site & Surroundings

- 1.1 The application site is a 755sq.m portion of garden land belonging to the dwelling known as Tanglewood, which is the last dwelling in Keyham along Snows Lane.
- 1.2 Tanglewood is a large detached dwelling. It possesses a large frontage containing a range of trees, as well as an exceptionally large garden to its side and rear. The residential curtilage of Tanglewood runs to approximately 4,700sq.m (nearly half a hectare). Paddock land to the east is also associated with the site.
- 1.3 Keyham is a small rural settlement which lacks a basic range of shops, services, public transport links and employment opportunities. The village falls below the 2-service threshold required to qualify as a Selected Rural Village. Keyham does not possess Limits to Development.



(Source: Uniform Mapping; 1:2500 scale. White dashed lines = public rights of way)



(Source: Uniform Mapping; 1:750 scale)

- 1.4 The site lies outside the Conservation Area of the village. It is considered that the proposal would not affect the setting of the Conservation Area. The proposal would not affect the setting of any Listed assets, Scheduled Ancient Monuments or other designated and non-designated heritage assets.
- 1.5 Land levels generally slope downhill from west to east and from north to south.
- 1.6 The Tanglewood dwelling lies to one side of the site and countryside lies to the other sides. A sewage works lies to the east of the site, approximately 65m from the edge of the proposal site.

Tanglewood dwellinghouse:



View across the proposal site, looking east towards the sewage works:



(Source: PO Photos, taken 10.07.18)

View into the site from Snows Lane, showing vehicle access and tree cover on the site:



(Source: Google Streetview; image date Sept 2012)

Opposite view out of the site:



(Source: PO Photo 10.07.18)

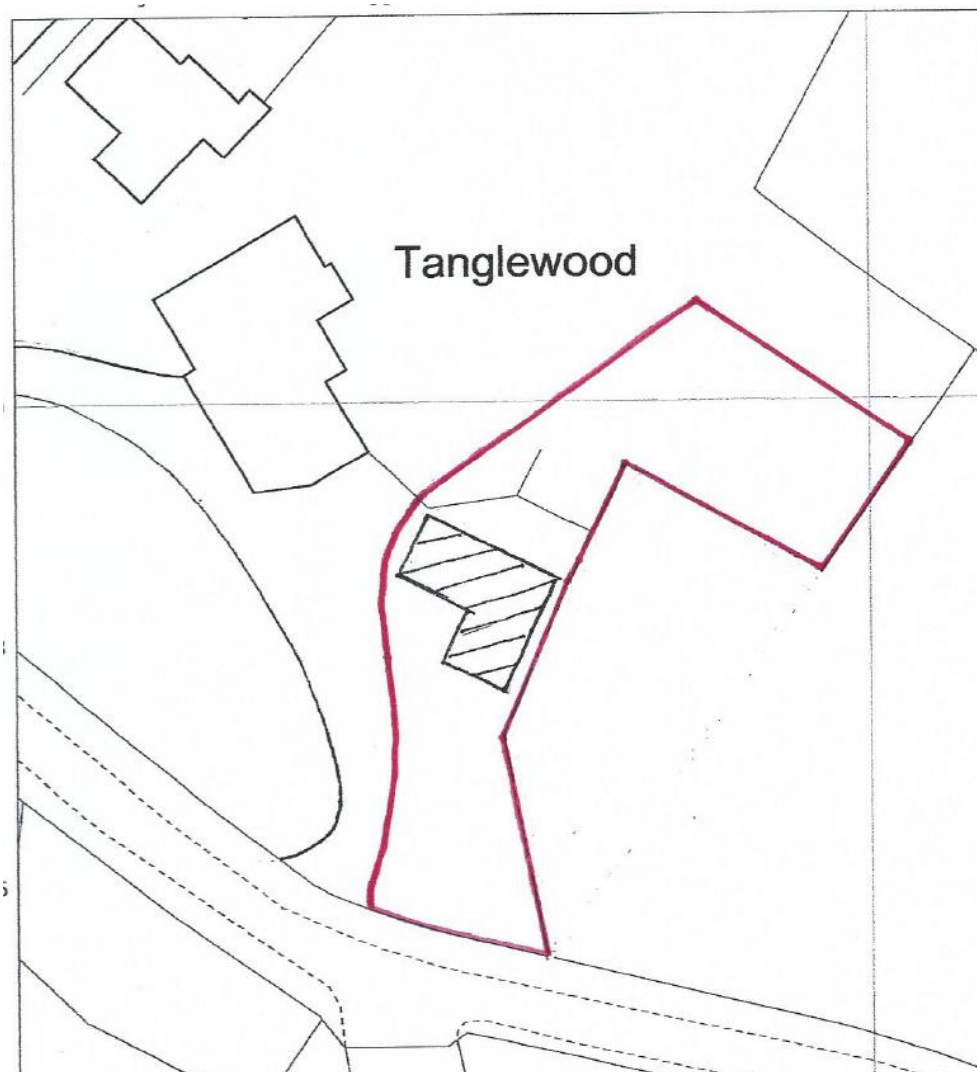
2. Site History

- 2.1 Tanglewood was erected during the 1960s.
- 2.2 The site has no pertinent planning history.

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal seeks outline planning permission for the erection of a detached open-market dwellinghouse.
- 3.2 All matters are reserved. In accordance with The Town and Country Planning (Development Management Procedure) (England) Order [Part 3, 5.(3)], the means of access to the site is indicated in the submitted plans and Application Form: "Vehicular access will be shared with the existing double entry driveway used by Tanglewood (Application Form Section 3).
- 3.3 The Application Form Section 3 also indicates that the proposal would involve a "2 storey detached 4 bedroom dwelling with garaging and ancillary rooms below utilising sloping site to match height of neighbouring properties."
- 3.4 Surface water is proposed to be disposed of by "Soakaway" (Application Form Section 5). It is judged that the Building Regulations would satisfactorily control this matter.



b) Plans and Statements / Documents For Assessment

3.5 The Applicant is seeking determination based on the following information and plans:

- Application Form
- Site Plan (1:1250 scale)
- Indicative Layout (1:500 scale)

c) Pre-application Engagement

3.6 No pre-application advice has been sought.

4. Consultations and Representations

4.1 Consultations with technical consultees and the local community have been carried out on the application.

4.2 A summary of the technical consultee and local community responses which have been received is set out below. If you wish to view comments in full, please request sight or search via: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

4.3 *Severn Trent Water*

Consulted. No comments received.

4.4 *HDC Housing Services*

"We have 992 applicants on the housing register, and out of these 1 stated on their application that they would "ideally like to live" in Keyham. The 1 person who put down Keyham as a preference is a single applicant with access to their child so they would be eligible for 1 bed properties and 2 bed flats.

Home seekers can indicate a preference of area on their application, however once assessed and active on the housing register, there are no restrictions on where they can place bids within the Harborough District.

Historically the Council have never had any properties in Keyham since at least 2003."

4.5 *HDC Technical Services (Drainage Engineer)*

Consulted. No comments received.

4.6 *HDC Environmental Services*

Consulted. No comments received.

4.7 *Leicestershire County Council Highways Authority (LCC HA)*

Not consulted. The proposal is not judged to have highway safety implications.

4.8 *Leicestershire County Council Ecology*

"I have no objections in principle to this; the site appears to be part of an existing garden/amenity space alongside an access drive. I would be concerned if any trees were to be lost. A bat surveys of significant trees would be required if any were removed."

4.9 Parish Meeting / Council

Consulted. No comments received.

b) Local Community

4.10 Three letters of support have been received, which includes one from an occupier of Tanglewood. These letters opine that the proposal would not cause any visual or residential amenity harm.

4.11 A petition of support signed by 39 individuals (including the two occupiers of Tanglewood) has been received, with regard to the statement "we the undersigned support the above application". The petitioners do not raise any material planning considerations or explain reasons for support.

5. Planning Policy Considerations

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

5.2 The policies relevant to this application are set out below. More detail is provided in the "Common Planning Policy" section above.

a) Development Plan

5.3 The DP for Harborough comprises:

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

5.4 *Harborough District Core Strategy*

The Core Strategy (CS) was adopted in November 2011 and covers the period from 2006 to 2028. The following Policies of the CS are relevant to this application.

- Policy CS1 (Spatial Strategy)
- Policy CS2 (Delivering New Housing)
- Policy CS5 (Providing Sustainable Transport)
- Policy CS8 (Protecting and Enhancing Green Infrastructure)

- Policy CS9 (Addressing Climate Change)
- Policy CS10 (Addressing Flood Risk)
- Policy CS11 (Promoting Design and Built Heritage)
- Policy CS17 (Countryside, Rural Centres and Rural Villages)

5.5 *Saved policies of the Harborough District Local Plan (2001)*

- Policy HS/8 – Limits to Development

Little weight is attached to Policy HS/8 owing to its restrictive nature, its age (2001), its out-of-date evidence base and its lack of conformity with the NPPF (24.07.18) and the emerging new Local Plan. The District's 6.94 year housing land supply position is also noted.

b) Material Planning Considerations

5.6 Material considerations include any consideration relevant to the circumstances which has a bearing on the use or development of land. The material considerations to be taken in to account when considering the merits of this application include the DP referred to above, the National Planning Policy Framework (NPPF), the national Planning Policy Guidance, further materially relevant legislation, policies and guidance, together with responses from consultees and representations received from all other interested parties in relation to material planning matters.

5.7 *The National Planning Policy Framework (The Framework / NPPF) (24.07.18)*

Please see the "Common Planning Policy" section above for planning policy considerations that apply to all agenda items.

5.8 *National Planning Practice Guidance*

5.9 *Emerging HDC Local Plan (eLP)*

The eLP, which is gaining increasing weight in the decision making process now that it has been submitted for examination, continues the existing Core Strategy Development Plan settlement hierarchy approach in directing new housing to sustainable locations in the District. The eLP goes beyond the current Core Strategy and addresses Paragraph 78 of the NPPF (24.07.18) by also identifying groups of villages where development in one village may support services in a village nearby (e.g., the Claybrookes and the Langtons). Keyham is not identified.

Paragraph 78 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."

5.10 *Leicester & Leicestershire Housing and Economic Development Needs Assessment (HEDNA) (January 2017)*

- 5.11 *HDC (Saved Local Plan) Supplementary Planning Guidance*
- 5.12 *Circular 11/95 Annex A – Use of Conditions in Planning Permission*
- 5.13 *Leicestershire County Council Highways Authority Local Transport Plan 3*
- 5.14 *Leicestershire County Council Highways Authority Design Guide*
- 5.15 *ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)*
- 5.16 *5 Year Housing Land Supply Statement*

The Council produces monitoring reports on the level of housing supply within the District. These reports include a five year housing land supply calculation and a housing trajectory for the remainder of the DP period.

Based on up-to-date Government Policy (NPPF 24.07.18), the Council has a **6.94** year housing land supply. This lifts the Council out of its former 5YS shortfall (01 April 2018 position = 4.92 YS). This change is primarily based on the Government's removal of a need (for the District) to include a 20% supply buffer in the methodology for calculating 5YS.

c) Other Relevant Information

- 5.17 *Reason for Committee Decision*

This application is to be determined by Planning Committee because a petition of counter representation containing 25 or more signatures has been received.

6. Assessment

a) Housing Requirement and Housing Land Supply

- 6.1 The District's positive 5YS position **does not** create additional weight in favour of approving the application based on the fact that it would contribute to housing land supply. Notwithstanding, the proposal's contribution towards housing land supply is a benefit to be weighed in the planning balance.
- 6.2 However, the proposed dwelling is indicated to be a larger property (4 bedroom), which would not benefit the most up-to-date Objectively Assessed Need for Housing (OAN) in the District in terms of boosting the supply of smaller dwellings (1, 2, or 3 bed dwellings) (HEDNA 2017).
- 6.3 Furthermore, the proposal would not enhance the NPPF's objectives of supporting "entry-level exception sites, suitable for first time buyers" (Paragraph 71) or "rural exception sites that will provide affordable housing to meet identified local needs" (Paragraph 77). The HDC Housing Services team has stated that there is no identified local need for the proposal in Keyham.
- 6.4 Given that the proposal is indicated to be for a single, larger (4 bedroom) open market dwelling unit, in a rural location where there is no up-to-date (local or District

based) evidence to show that there is specific need for this type of proposal, limited weight is attached to the proposal's contribution towards housing land supply.

b) Principle of Development

- 6.5 Harborough District's Core Strategy (adopted 14/11/11), which forms the main component of the Development Plan for the District, contains a range of policies which relate to the distribution of new housing.
- 6.6 Policies seek to direct new housing to settlements which are well served by public transport links, shops, services and community facilities and which possess a range of employment opportunities (or better access to employment). The housing strategy is part of a key local and national planning policy objective to reduce reliance on private motor vehicles, to reduce concomitant carbon emissions and to improve opportunities to walk and cycle. It can be referred to as 'locational sustainability'.
- 6.7 Core Strategy Policies CS1, CS5, CS9, CS11 and CS17 are most pertinent to this proposal in terms of locational sustainability considerations.
- 6.8 Policy CS1 advises that development will be supported which "*adapts to climate change and helps to reduce the District's carbon emissions*" (criterion o).
- 6.9 Policy CS5 states:
- "Future development in Harborough District will seek to maximize the use and efficiency of existing transport facilities and seek to achieve the best overall effect for transport for the District as it looks to a lower carbon future.*
- a) The majority of future development will be located in areas well served by local services to reduce the need to travel, where people can gain convenient access to public transport services for longer journeys and where local journeys may be undertaken on foot or by bicycle".*
- 6.10 Policy CS9 states:
- "Development which adapts to climate change and helps to reduce the District's carbon emissions will be supported. This will be achieved through measures to ensure that:*
- a) New development is directed towards the most sustainable locations and mitigates against any potential impacts on the environment".*
- 6.11 Policy CS11 states that development "*should be well planned to ... encourage travel by a variety of modes of transport*".
- 6.12 Policy CS17 explains that "*new development in the Countryside and other settlements not identified as Selected Rural Villages will be strictly controlled*".
- 6.13 Keyham lacks a basic range of key services (basic being 2 or more "relevant services"; as defined in Paragraph 6.62 of the Core Strategy). Employment opportunities and public transport links are also limited, or do not exist. The village falls below the service-quota to qualify as a Selected Rural Village. Keyham is thus sub-SRV as per the terms of Policy CS17. The village lacks Limits to Development, although this last point about Limits is considered to carry negligible weight as they

are an out-of-date 2001 Local Plan concept and, for example, Limits are not incorporated into an up-to-date neighbourhood plan. Keyham has not initiated a neighbourhood plan.

- 6.14 The current proposal for one market dwelling would not make a significant impact on the viability of the village's one key service (its public house). The NPPF Paragraph 78 (published 24.07.18) encourages growth in smaller settlements where it would support services in another small village nearby. In this vein, the emerging Local Plan identifies groups of villages in the Harborough District where this is applicable, for example, the Claybrookes and Church Langton and East Langton. Keyham is not identified in the Core Strategy or emerging Local Plan as a settlement where new market housing is supported. The NPPF advocates the same policy position regarding locational sustainability (which falls under the umbrella of 'environmental sustainability', one of the NPPF's "three overarching objectives").
- 6.15 The proposal would create a dwelling in perpetuity in a location where occupiers would be reliant on unacceptably high levels of private vehicle usage. Future occupiers would, generally, be wholly dependent on the use of a car / private vehicle to access basic and essential services (such as schools, doctors, shops, etc.), employment opportunities and public transport links. Walking and cycling (other than for leisure purposes) would not be a realistic option owing to the distances involved, the lack of pavements and safe cycle routes, and the narrow, winding, hilly, unlit and de-restricted nature of the public road network.
- 6.16 The District has a positive 5 year supply of deliverable housing land (a 6.94 year supply). The benefit of the proposal in terms of providing one additional market dwelling unit does not outweigh the significant harm associated with the unsustainable location of the development.
- 6.17 The Applicant informally outlines an environmentally friendly design:
- "The design would utilize environmentally friendly energy sources including a ground source heating system and photovoltaic electricity generating panels" (Application Form, Section 3).
- However, this would not mitigate the identified harm. Environmentally conscious design is expected as a standard in all new dwellings under the Building Regulations.
- 6.18 The proposal for a new open market dwelling in Keyham would significantly conflict with current Development Plan and emerging Local Plan policies. Furthermore, the NPPF does not support the proposal in principle.

Precedent

- 6.19 Other new dwellings (planning applications and confidential pre-application enquiries) in Keyham have recently been resisted or controlled by rural exemption policies, for example, 16/01943/FUL, Pear Tree Farm, Snows Lane and applications on the "Keyham Livery" site.

Solution Finding

- 6.20 Paragraph 38 of the 24.07.18 NPPF states:

"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available,

including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”
(Formerly articulated by Paragraphs 186 and 187 of the 27.03.12 NPPF.)

- 6.21 During my site visit, the occupiers of Tanglewood explained the potential family-care benefits of the proposal – they anticipate that the new dwelling would be occupied by relations who could offer care and support into their old age. The Applicant (who does not live at Tanglewood) has explained by email dated 17.08.18:

“It is also worth mentioning to you that we are also creating some employment for ourselves as well. My wife will help with cleaning and other duties which currently requires people travelling to the village and personally I will be providing property maintenance and gardening which I am currently trying to do, this involves me travelling quite a few times a week to help. Eventually this may involve other work within the village, my wife also manufactures soft furnishings for some of the Keyham residents.”

- 6.22 It is noted that Tanglewood is a large dwelling, split over multiple levels internally and throughout its garden. It possesses an exceptionally large garden and a swimming pool, which require high levels of maintenance.
- 6.23 The proposal is assessed without prejudice as an open market dwelling (which, for example, could be built by a developer and immediately sold). It would not be reasonable for the LPA to restrict who lives in the dwelling and the timescale within which it is disposed of (sold on). A personal occupancy restriction is not reasonable in a situation like this. The informally indicated family-care benefit is not an extenuating policy circumstance and it is relatively transient compared to the permanence of the proposed dwelling. Additionally, the site lies in a location which is relatively remote from a doctors’ surgery, emergency healthcare, hospital and other facilities.
- 6.24 The first of the following two potential solutions was suggested to the Applicant in writing on 20.07.18. The Applicant replied asking that their planning application is determined at Planning Committee. The Applicant did not comment on the potential solution.
- 6.25 Given the family-care matter informally outlined by the occupiers of Tanglewood, it is considered that a mobile log cabin (or equivalent), which is not permanently affixed to the ground, may be acceptable. It should not be a substantial and permanent dwellinghouse occupied independently to Tanglewood. It would effectively be an ancillary annexe outbuilding to Tanglewood, situated within the garden grounds of Tanglewood; a Planning Condition could be added to prevent it being sold or let independently to Tanglewood. It would be justified based on temporary family-care requirements. It could feasibly be sold on / removed once the family-care requirement has been served. A planning application with a supporting statement which confirms a family-care justification would be required.

The Applicant has described care and employment services to the occupiers of Tanglewood as being an existing and ongoing situation. The application has been submitted in Outline, not for full planning. It would likely take a number of additional months to obtain Reserved Matters approval and Discharge Conditions. The timescales to arrange and complete construction of a dwellinghouse would further protract the process. If planning permission were sought / granted for the above

mobile cabin solution, a further benefit is that it could be implemented very quickly by comparison.

6.26 Examples of potentially suitable mobile homes are as follows:



6.27 A second solution could be an extension to the main dwelling to create additional accommodation / an annexe.

c) Technical Considerations

1. Design and Visual Amenity

- 6.28 Layout, Scale, Appearance and Landscaping are all matters reserved by the applicant for future consideration.
- 6.29 It is judged that a dwelling could be accommodated on this site which accords with local and national planning policies regarding good design and visual amenity.

2. Ecology

- 6.30 LCC Ecology recommends a Condition requiring a bat survey should any “significant trees” be proposed to be removed. The layout of the dwelling is not being fixed at this stage. There is sufficient space within the site to accommodate a dwelling without requiring the removal of significant trees. This issue could be resolved at Reserved Matters stage.
- 6.31 The proposal is judged to comply with Policy CS8 of the Harborough District Council Core Strategy in this respect.

3. Flooding and Drainage

- 6.32 The site does not lie in a flood risk zone and there are no known constraints to development related to drainage and flood risk matters. The application is judged to comply with Policy CS10 of the Harborough District Core Strategy in this respect.

4. Highways

- 6.33 Access is a Reserved Matter. Snows Lane is a low traffic volume and speed environment. Two accesses serve the existing dwelling.
- 6.34 It is judged to no significant detriment to public highway safety (risk of accident or injury) would result from a proposal for one additional dwellinghouse on the site.
- 6.35 It is evident that there is satisfactory space within the site to create off street car parking and turning facilities.
- 6.36 The proposal is judged to accord with Policies CS5 and CS11 of the Harborough District Core Strategy in the above respects.

6. Residential & General Amenities

- 6.37 Given distance separations, orientations, levels, and other variables between Tanglewood and the proposal site, it is judged that satisfactory amenity relationships could be achieved at Reserved Matters stage.
- 6.38 The proposal would not impact on other neighbouring sites.

- 6.39 Some concerns exist about the proximity of the proposal to the sewage works, although during my site visit the occupiers of Tanglewood advised that in their circa 3 decades of living there they have never experienced an unacceptable effect in terms of smell, noise or other pollution.
- 6.40 The proposal is judged to be acceptable in terms of its residential and general amenity impacts.

7. Trees

- 6.41 The proposal may require the removal of trees to enable construction and avoid excessive overshadowing. None of the trees are currently protected by TPOs. Trees may be proposed to be removed by the site developer at Reserved Matters planning stage. Given that Layout and Landscaping are Reserved Matters, it is acceptable that assessment of this matter is deferred to a Reserved Matters application. An arboricultural survey & report would be expected at that stage. The report would qualify the value of trees and which trees are proposed to be retained or removed. The report would inform Layout and Landscaping. The report may need to stipulate how retained trees would be protected as part of the development.

d) Sustainable Development

- 6.42 The NPPF requires LPAs to grant planning permission for sustainable development, unless otherwise justified. Paragraph 8 of the NPPF states: "Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways ... an economic objective ... a social objective and an environmental objective".
- 6.43 In terms of achieving economic objectives, the proposed dwelling would provide employment during the construction period. However, the input which future occupiers could have into the local rural economy are very limited owing to the lack of rural shops, services and public transport links in Keyham and neighbouring rural villages. Positive planning weight is further reduced because the proposal is for only a single dwelling.
- 6.44 In social terms, the development would provide a market dwelling.

Some transient family-care benefits have been informally described during the application process, but these do not diverge from an ordinary process of growing old and little weight is attached to these benefits. The planning system could not ensure that even transient benefits are delivered (adding personal Conditions to permanent dwellings is generally an unreasonable practice).

Furthermore, the Applicant has indicated that they wish to erect a larger (4 bed or more) dwellinghouse. Although this would be commensurate with the plot size and neighbouring dwellings, the proposal is not providing for a smaller dwelling or affordable unit, of which the District's OAN evidence base indicates there is heightened need compared to larger dwellings. Keyham is not part of a neighbourhood plan area – local need for the proposal has not been identified via this process. There is no evidence that there is specific need for the proposed open market dwelling, nor that it could secure significant social benefits.

- 6.45 In terms of environmental objectives, the Development Plan, emerging Local Plan and NPPF are consistent and clear that new housing should be directed to more sustainable locations. Keyham lacks a basic range of shops, services, public transport links and employment opportunities. Housing growth in Keyham would not support the preservation of shops and services in a nearby rural village. The viability of shops and services in Scraftoft is not reliant on new dwellings being allowed in Keyham. Notwithstanding, opportunities to walk or cycle to shops, services, public transport links and jobs in Scraftoft and Leicester are severely limited by the nature of the public highway network in the locality, which lacks pavements and street-lighting and requires navigation along hilly, winding and narrow de-restricted roads. Future occupiers of the proposed new dwelling would lack viable transport alternatives and be overly reliant on the use of the private motor vehicle, with higher levels of carbon output.
- 6.46 If appropriately designed, it is considered that a proposal could protect the natural, built and historic environment.
- 6.47 On the basis of the Section 6 assessment of this report, the proposal is not judged to represent sustainable development. Significant and demonstrable conflict with the NPPF is identified.

7. The Planning Balance / Conclusion

- 7.1 The proposal would lead to residential development in an unsustainable 'sub-SRV' rural settlement which lacks basic shops and services.
- 7.2 The proposal would not support services another small rural settlement.
- 7.3 Opportunities to walk or cycle to shops, services, public transport links and jobs are severely limited by the nature of the public highway network.
- 7.4 The proposal would create higher reliance on private vehicle usage, with commensurately higher levels of lifetime carbon output.
- 7.5 The proposal would contribute to the Council's Five Year Housing Land Supply (5YS). However, the proposal is for larger open market dwellinghouse, for which there is no evidence of identified local need. The proposal is not for an affordable dwelling and is not essential for a rural worker. Limited weight is attached to the proposal's contribution towards housing land supply.
- 7.6 A dwelling could be delivered without harming the amenities of surrounding residents or general amenities in the area, without adversely affect ecological, archaeological or arboricultural interests, without exacerbating flood risks and without being detrimental to highway safety.
- 7.7 The proposal could be delivered without harming the character and appearance of the site and locality.
- 7.8 The proposal does not accord with Policies CS1, CS5, CS9, CS11 and CS17 of the Harborough District Core Strategy and no other material considerations indicate that the policies of the Development Plan should not prevail.
- 7.9 The proposal does not accord with the emerging Local Plan, although limited weight is attached to this matter given that the Plan has not been through full examination.

- 7.10 The proposal does not accord with the 24.07.18 NPPF and its presumption in favour of sustainable development.

Appendix A

Recommended Informative Note

1. NPPF Paragraph 38

In accordance with the provisions of paragraph 38 of the NPPF, Harborough District Council (HDC) takes a positive and proactive approach to development proposals and focuses on solutions. HDC works with applicants in a positive and proactive manner by:

- Offering a pre/post-application advice service, and
- Advising applicants of any issues that may arise during the consideration of their application and, where possible, suggesting solutions.

Also:

- In this case the applicant did not seek pre-application advice;
- The application was made Valid on 29.06.18. The site was visited on 10.07.18 and the occupiers of Tanglewood were verbally advised of policy concerns on 10.07.18. Following further review, the applicant was advised of concerns in writing on 20.07.18, concluding with the following "recommended way forward" solution:

"A temporary, modestly-sized log cabin, which is not permanently affixed to the ground, may be acceptable. This would effectively be a temporary and ancillary annexe outbuilding to Tanglewood, situated within the garden grounds of Tanglewood. It would be justified based on temporary family-care requirements. However, it should not be a substantial dwellinghouse occupied independently to Tanglewood."

An extension to Tanglewood may also be acceptable.

The applicant has elected to seek a decision on the current proposal.