

## Planning Committee Report

**Applicant:** Wheatcroft Properties Ltd.

**Application Ref:** 16/02030/OUT

**Location:** Land rear of Unit 4, Marlborough Drive, Fleckney

**Proposal:** Erection of up to 8,550sq.m. of B1 (business)/ B2 General Industrial) and B8 (storage or Distribution) employment land (all matters reserved)

**Application Validated:** 19/12/16

**Target Date:** 20/03/17

**Consultation Expiry Date:** 07/02/17

**Site Visit Date:** 05/01/17 (Extension of time agreed)

**Case Officer:** Naomi Rose

## Recommendation

Planning Permission is **Approved** subject to conditions and S106 or similar obligation to secure items set out in the report and appendix.

The proposed development hereby approved, by virtue of it being appropriate use classes (B1, B2 or B8) and design will generate employment opportunities in the district and does not adversely affect amenities of adjoining residents, nor result in additional traffic which would give rise to a road safety hazard. Furthermore the proposal does not adversely affect archaeology, drainage and ecology. The proposal is therefore considered to accord with Harborough District Core Strategy Policies CS1, CS7, CS11 and CS17 no other material considerations indicate that the policies of the development plan should not prevail, furthermore the decision has been reached taking into account 186-187 of the National Planning Policy Framework.

## 1. Site & Surroundings

- 1.1 The site is located to the south-east of Fleckney village centre, on the edge of the settlement, accessed off Saddington Road and the existing Industrial estate of Churchill Way. The site is an undulating grassy area of agricultural land. The ground levels are approximately 115-116.5 AOD along the boundary with residential properties rising to 118.5AOD along the south-eastern boundary. The site area is 2.83hectares.



- 1.2 There is a high metal fence to the south-west boundary with Coba and the other small Industrial units on Churchill Way/Marlborough Drive. To the north-west boundary is a high fence and residential properties on Cobwells Close, either the rear or side elevations of the properties back onto the site. There is a hedgerow to fields to the north-east and south-east boundaries, plus a line of trees along the south-east boundary.
- 1.3 Access to the site is via Marlborough Drive in front of Coba building/car park and to the side of Unit 4, the site is secured by a metal fence/gate. Surface water drainage is provided for in the form of a detention basin/swale running along the north and western boundaries.
- 1.4 There is a Public Rights of Way Z87 outside the application site along the south-eastern boundary, connecting Saddington Road with the Grand Union Canal. To the north and east of the site are fields that rise to the Kilby – Foxton canal (SSSI) which is to the north of the application site and Kibworth Road to the east. The canal is at a significantly lower level than the fields and as it heads east goes into a Saddington tunnel under the Kibworth Road.

## 2. Site History

- 2.1 The Site has the following planning history.

05/00443/OUT Erection of industrial unit (means of access, siting, external appearance and design to be considered) Refused 16/06/05

*1. The proposed development by virtue of its siting, scale, massing and design would have a significant intrusive impact upon the rural surroundings which would be harmful to the character and appearance of the countryside. As such the proposal is contrary to policies EV/5 and EM/7 of the Harborough District Local Plan.*

2. A noise impact assessment is required in order to assess the effect of the development upon nearby residential properties. An assessment has not been submitted with the application and there is therefore insufficient information available to demonstrate that the impact of the proposal upon residential amenities would not be adverse. As such the proposal is contrary to the policy IN/1, EV/5 and EM/7 of the Harborough District Local Plan.

3. The proposed development is not ideally located in relation to the specified road network and, if permitted, will lead to an undesirable intensification in vehicular traffic (particularly HGVs) on the local roads that are of a poor standard in their width and alignment and such an intensification would not be in the interests of the highway and the safety of road users. As such the proposal is contrary to Accessibility and Transport Policy 1 of the Leicestershire, Leicester and Rutland Structure Plan and policies IN/1 and TR/3 of the Harborough District Local Plan.

06/00538/OUT Erection of an industrial unit (manufacturing and offices) (resubmission of 05/00443/OUT) (means of access, siting, external appearance and design to be considered) Refused 31/05/06

The details of the proposal were: 888sq.m. of Industrial floor space and 540sq.m of offices over 2 floors the height of the building was 8.5metres.

1. The proposed development by virtue of its siting, scale, massing and design would have a significant intrusive impact upon the rural surroundings which would be harmful to the character and appearance of the countryside. As such the proposal is contrary to policies EV/5 and EM/7 of the Harborough District Local Plan.

2. A noise impact assessment is required in order to assess the effect of the development upon nearby residential properties. An assessment has not been submitted with the application and there is therefore insufficient information available to demonstrate that the impact of the proposal upon residential amenities would not be adverse. As such the proposal is contrary to the policy IN/1, EV/5 and EM/7 of the Harborough District Local Plan.

3. An ecological survey is required to allow the full impact of the proposal on the ecology of the site to be considered. A survey has not been submitted with the application and there is therefore insufficient information available to demonstrate that the impact of the proposal potential wildlife present on the site. It is considered that the proposal would be contrary to Policy RM/8 of the Harborough District Local Plan.

4. The proposed development is not ideally located in relation to the specified road network and if permitted, will lead to an undesirable intensification in vehicular traffic (particularly HGV's) on the local roads that are of a poor standard in their width and alignment and such an intensification would not be in the interests of the highway and the safety of road users.

5. Furthermore the development, if permitted, could create a precedent for similar proposals which would be difficult to resist and lead to a further increase in traffic which would not be in the interests of Highway safety.

06/00623/FUL Creation of an access road Refused 31/05/06

1. The proposed development would involve the creation of an 11 metre wide highway which projects 90 metres into the open countryside and beyond the defined limits to development. The road would dissect a currently open and attractive parcel of land

*and would extend the commercial nature of the industrial estate into the countryside. The proposed development would create an incongruous and obtrusive feature which would be out of keeping with the natural undeveloped character of the land. It is considered that as the proposal would unduly harm the appearance of the countryside and it would fail to comply with Policies EV/5 and IN/1 of Harborough District Council's Local Plan.*

- 2.2 The noise, highways, countryside and ecology issues have been addressed by the applicant in this current application.

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

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

- 3.1 Is in outline with all matters reserved. The site area is 2.83ha. A Topographical survey (D1490), Location plan 0001B, Parameters plan 002E and Illustrative layout 004E have been submitted with the proposal to show how the site could be developed. and help inform the amount of gross floorspace being applied for and how landscaping/planting will add to and complement existing on-site planting.

- 3.2 The Parameters plan shows access via Marlborough Drive into the centre of the site and a road spur to the north. There are is divided into 5 zones

Zone A: Use Class B1, B2 and B8

Max. Gross Internal Floor space = 1,135sq.m.

Max. Building height = 6m

FFL = 116.65 AOD

Zone B: Use ClassB1(c)

Max. Gross Internal Floor space = 1,661sq.m.

Max. Building height = 6m

FFL = 116.65 AOD

Zone C: Use ClassB1, B2 and B8

Max. Gross Internal Floor space = 1,830sq.m. (1,148sq.m)

Max. Building height = 8m

FFL = 116.65 AOD

Zone D: Use Class B1, B2 and B8

Max. Gross Internal Floor space = 2,210sq.m.

Max. Building height = 10m (Revised down to 8m)

FFL = 116.70 AOD

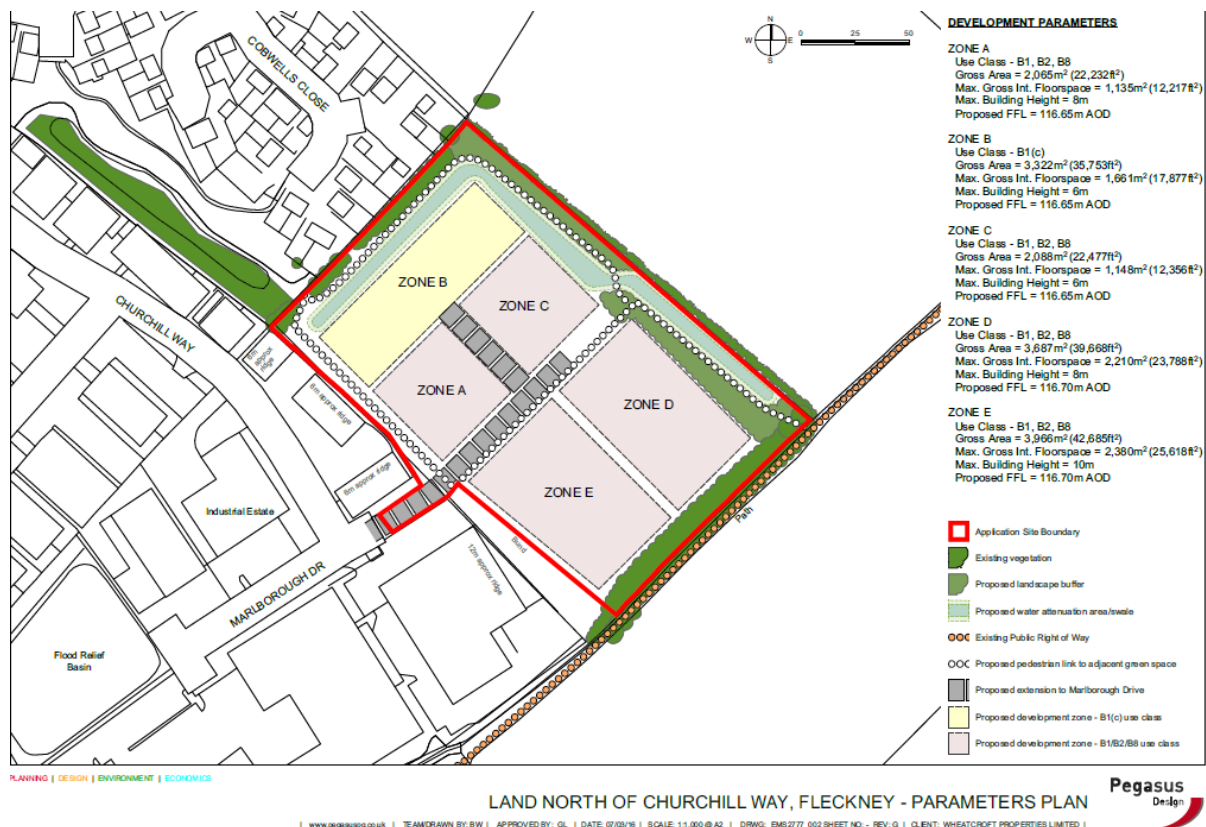
Zone E: Use Class B1, B2 and B8

Max. Gross Internal Floor space = 2,380sq.m.

Max. Building height = 12m (Revised down to 10m)

FFL = 116.70 AOD





## Amended Parameters plan

3.3 The Parameters plan shows there is a proposed landscape buffer to the north–east boundary with the field. Plus a water attenuation area/swale along the north–east and north–west boundary of the application site. There is also a proposed pedestrian link from the adjacent green space between Cobwell Close and the Churchill Way Industrial units to the right of way in the east corner of the site.

3.4 The illustrative plan shows:

Zone A: shows 2 small units backing onto the pedestrian link and units on Churchill Way;

Zone B: shows smaller units backing onto the water attenuation feature and Cobwell Close, with car parking area to the front;

Zone C: indicates smaller units with car parking spaces to the front and water attenuation feature to the rear and enhanced landscape buffer to the fields beyond;

Zone D; shows two large industrial units with parking to the front and water attenuation feature, right of way and landscape buffer to the rear; and

Zone E: indicate smaller Industrial units with car parking to the front.

3.5 Amendment A:

- Revised ecology report (v.3 January 2017);
- Landscape and visual assessment (February 2017)
- Lighting Strategy report
- Additional footpath along the northern and western site boundaries - Revised Master plan 04F and Parameters plan 02F;

3.6 Amendment B:

- Zone C revised from 1,830sq.m. to 1,148 sq.m. reducing the overall maximum floorspace for the development to 8,534sq.m (description amended).
- Floorspace calculations are based on a standard plot coverage of 50% with additional allowance for mezzanine office space within the units.
- Swap Zone A and C building heights;
- Zone E reduced from 12 metres to 10metres and;
- Zone D from 10metres to 8metres (Parametres plan 02 Rev G).

### 3.7 Additional information submitted relating to Highways and Drainage.

#### **b) Documents submitted**

##### **i. Supporting Statements**

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

- Design and access statement
- Planning Statement (Nov. 2016)
- Transport Assessment (September 2016)
- Interim Travel Plan (November 2016)
- Landscape and visual appraisal
- Arboricultural Impact assessment (Nov. 2016)
- Archaeology Desk Based Assessment (April 2016)
- Ecological Appraisal v.3 (Jan. 2017)
- Phase 1 Geo-Environmental Investigation (Oct. 2016)
- Flood Risk Assessment (Nov. 2016)
- Noise Impact Assessment (Sept 2016)
- Consultation report (Nov. 2016)
- Lighting Strategy report (10<sup>th</sup> Feb 2017)

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

3.9 No pre-application discussions took place with the Development Management Section, however the Agent did contact the Policy Section and were advised of the inclusion within the ELAA (Employment Land Availability Assessment).

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

4.1 Consultations with technical consultees and the local community were carried out on the application. 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](http://www.harborough.gov.uk/planning)

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

4.2 *Highways:* No objection subject to conditions relating to restriction on floor area associated to a use class, travel plan and construction method statement.

*Comments 06/01/17:* The development proposed falls within the defined study area of the Cumulative Development Traffic Impact Study jointly commissioned between Leicestershire County Council and Harborough District Council to assess the cumulative impact of development within a study area which broadly encompasses the A6 corridor through Kibworth and surrounding settlements. As such it would be

necessary to await the outcome of this work before the impact of the above development proposal could be fully considered.

#### Comments 28/2/17

- A worst case scenario to be applied for trip generation associated with the planning uses sought. (85<sup>th</sup>ile rates used for relevant and applicable sites within the TRICS database);
- Trip distribution ought to take account of the variance in planning uses sought and include sensitive tests as appropriate taking account of the weight restrictions in place locally; for example, a greater proportion of B8 land use may lead to additional trips routeing south of Fleckney;
- Application of an arbitrary threshold of 45 to 60 peak hour movements is not considered appropriate for the determination of a material impact at a junction. Combination of a thorough assessment of the network baseline situation and robust trip generation and distribution is a more robust methodology for ascertaining likely developmental impact and relevant off-site junctions to be assessed;
- Review of current planning land use and existing site mix ought to be undertaken for the existing industrial estate;
- Traffic surveys undertaken on the 12<sup>th</sup> July 2016 may not represent an accurate baseline scenario due to the proximity of the summer school holidays and no other surveys or assessment of the operation of the local network has been undertaken;
- Future assessment year should be a reasonable prediction of when the application is likely to be **fully** built out and 5yrs hence is typically proposed. Given the application was not submitted until 2017, 2021 may not be appropriate.
- Assessment of the Saddington Road / Churchill Way priority junction in accordance with Design Manual for Roads and Bridges TD42/95 is required.

#### Comments 26/7/17:

##### Background

Since the previous formal highways advice provided 28 February 2017 which advised additional transport assessment work was required it is noted that the application has been revised to:

*"Erection of up to 8,550sq m of B1 (Business)/B2 (General Industrial) and B8 (Storage or Distribution) employment land (all matters reserved)."*

Furthermore the applicant has submitted a drawing titled PARAMETERS PLAN and has agreed that the breakdown in land use that this plan depicts could be conditioned thereby clarifying the planning land uses and quantum sought. To this end it is understood that a condition could be included on a planning permission granted which provides the County Highway Authority with a sufficient level of assurance of the proposal's highway impact in the absence of the additional transport assessment work previously requested.

The considered application is outline, all matters reserved and therefore no review or comment is made on the layout or access proposed since this will be dealt with in the relevant subsequent applications.

### **Trip Generation**

As part of the desktop analysis, the applicant calculated trip generation from data provided from the TRICS database. The forecast trip generation presented in the TA is replicated below;

Time Period	All Vehicles		
	Arrival	Departure	2-Way
AM (0800-0900)	57	21	78
PM (1700-1800)	10	46	56

Trip distribution has identified a significant portion of the development traffic travelling to and from the development site to the south (70%) and 30% of trips expected to travel north through Fleckney in part owing to the weight restrictions in place.

### **Wider Impact**

The Cumulative Development Traffic Impact Study assessed the cumulative impact of pending applications, at links and junctions identified within the Kibworth Beauchamp, Kibworth Harcourt, Fleckney, Saddington and Great Glen areas. The capacity assessment of the links and junctions identified demonstrates that the A6 corridor within the study area is operating significantly over capacity and consideration must therefore be given to the introduction of highway improvements to mitigate the otherwise severe highway impact from this development and the cumulative impact of the other developments proposed.

The study went on to identify concept highway improvements for the A6 Leicester Road / Wistow Road roundabout and the A6 Harborough Road / New Road junction to accommodate the impact of the cumulative development tested within this study. In addition, concept highway improvements were identified for the Church Road / A6 / Marsh Drive junction which would allow traffic from Church Road and Marsh Drive to access the A6 Leicester Road more freely compared to the existing junction layout.

Notably, the referenced concept highway improvements were deemed necessary to accommodate traffic flows from the Baseline 2021 traffic flow scenario and Baseline 2021 + Cumulative Development scenarios and the study went on to conclude that local junction interventions and bespoke highway improvements proportionate to the scale of the total development quantum proposed should be pursued. The study demonstrates that this development has a material impact at the junctions identified and therefore improvements are required to alleviate the significant impacts of the development.

The CHA understands the highway network's role to enable economy, growth and employment. To enable and facilitate such growth, the CHA recognises the pivotal role the A6 plays in providing a vital connection to areas of employment, education and the strategic road network. With due consideration to both the local and wider road network, where a material impact of development has been established, the CHA will continue in its endeavours to pursue these wider opportunities to propagate both housing and employment. By way of these necessary, relevant and proportional improvements as identified in the study, the CHA advises that

development can appositely progress and the county highway network can continue to operate efficiently as it must for County, District, local resident's and developer's interests.

Until such time as a final scheme has been identified, a scenario of 'short term pain' for 'long term gain' is considered to be acceptable. Therefore, it is recommended that this development should contribute towards improvements to the wider highway network as considered appropriate by Harborough District Council in consultation with Leicestershire County Council.



The contributions are detailed in Appendix A.

- 4.3 *Ecology*: No objection, subject to conditions relating to GCN mitigation in line with reports recommendations (section 6), Landscape and SUD/Flood measure to optimise biodiversity value, including locally native species, site clearance outside bird nesting season (March-Aug); A lighting strategy to minimise light spillage along the north and eastern boundaries.

*Comments 24/3/17*: the revised Ecology report is acceptable as it now takes into account GCN

- 4.4 *Natural England*: No objection

- 4.5 *HDC Environmental Health Officer*: No objection, subject to a condition to ensure the mitigation measures recommended are implemented. Has a light impact assessment been submitted as part of the application? *Officer comment: A light assessment was not submitted, this was raised with the Agent and a Lighting Strategy was submitted.*

*Comment 4/4/17*: The lighting assessment is acceptable, happy with the control strategy to satisfy the guidance set out in the ILP document and the curfew to be adhered to of 11pm-7am.

- 4.6 *HDC Contaminated Land Officer*: No comment/objection

- 4.7 *LCC Archaeology*: No objection, subject to conditions

*Comments 18/1/17*: defer the application for field evaluation by trial trenching.

*Comment 9/3/17* Whilst it is maintained that the site possess and archaeological interest warranting appropriate investigation and mitigation. Following a re-appraisal of the information the County Archaeology Officer has recommended conditions to secure a comprehensive evaluation by trial trenching, this information is then used to prepare a suitable mitigation programme for any significant archaeological remains encountered.

- 4.8 *Severn Trent*: No objection, Foul is proposed to connect into the public sewer, which would require a section 106 sewer connection approval. Surface water to connect into a ditch, for which we have no comment.

- 4.9 *Local Lead Flood Authority*: No objection, subject to conditions relating to surface water drainage scheme, management and maintenance and infiltration.

Holding objection, (dated 20/2/17) the following additional information is required.

- Evidence by means of a CCTV survey of the outfall route from the on-site ditch and submission of details demonstrating that the outfall is suitable to accept flows from the site.
- Amended calculations in line with the revised climate change rainfall allowance published February 2016.
- Clarify the nature of the ditch along the south west boundary and how this feature will be integrated (or otherwise) into the drainage proposals.
- Amended proposals where required to provide a minimum 300mm freeboard within the basin above the 1 in 100 year plus climate change event water level.

Further drainage information has been submitted on 6<sup>th</sup> September 2017.

Comment 15/9/17 : the application documents are insufficient, the following information is required for a positive response: amended calculation in line with the revised climate rainfall allowance published Feb 2016. Also amended proposals were required to provide a min. 3000mm freeboard within the basin above 1 in 100 year plus climate event water level.

4.10 *LCC Arboriculturalist*: No objection,

Comment 8/3/17 The Arboricultural report is detailed and comprehensive, and indicates there are no category A trees, several Cat. B trees and most are Cat. C/U. I agree with this assessment. The main block of trees G23 to the south-east boundary and G7 and G8 on the north-west boundary are retained. A landscape condition will strengthen the boundary block planting or screening, incorporating a number of individual specimens.

4.11 *LCC Access & Development Officer (Rights of Way)*: No objection/comment

Comments 6/01/17 I am obliged to inform you that there is an outstanding, as yet undetermined application to have three public rights of way added to the Definitive Map of Public Rights of Way which affect this application site. These are not formally recorded public footpaths. They are alleged public rights of way which the applicant and some local residents consider to be public rights of way on the basis that they state that they have used them for a period of 20 years or more as of right.

Looking at the illustrative Master Plan it is clear that the applicants have made concessions to accommodate some of the alleged public paths (on a different alignment) through the proposed development. This would provide/preserve a valuable link for local residents, to existing public Footpath Z87 and the wider countryside.

The Rights of Way Officer requests whether there is scope to provide extra links that would more closely accord with the alleged public paths which have been claimed. (See attached indicative suggested routes plan) The routes are not plotted with any degree of accuracy but are merely a starting point for possible discussion. If this were acceptable to the local community and developer it might obviate the reason for the current outstanding Definitive Map Modification order application and enable matters to be progressed more expediently, both in terms of public access and planning. If this is a viable option then widths, surfacing and signage could be agreed as part of reserved matters.

Comments: 25/4/17

Response to the additional footpath link, no objection. A further route was suggested to the south, however, this was on land outside the applicants ownership.

Comments 8/6/17

No further comments

4.12 *The Landscape Partnership*:

No objection, subject to the recommendations in Section 3 being addressed at reserved matters stage.

**b) Local Community**

- 4.13 39 letters (including emails) of objection were received in response to the initial consultation process. From 30 separate households. Including one from Oadby and one from North Carolina, USA. A summary of the representations received is outlined below:
1. Create more traffic in an already busy village, increase traffic congestion;
  2. Increase in fumes;
  3. Danger to children's safety as they cross the road, OAP's and cyclists;
  4. Road surface already poor in the village, potholes will be exacerbated by more HGV traffic;
  5. Industrial estate only has one point of access;
  6. Cut across a long establish right of way from the rear of the village to the existing footpaths;
  7. Increase in noise and light pollution;
  8. The existing road network is poor standard and not designed to support such traffic increases and there is little prospect of improvement to support this development;
  9. Footpaths are narrow and close to the road, therefore unsafe for pedestrians;
  10. Size of development overbearing to resident's and impact their quality of life;
  11. Impact upon local habitat/wildlife;
  12. Our village will be destroyed;
  13. Previous applications were refused, on highways and countryside grounds, still valid now;
  14. In 2006 the Highways Authority stated they would be against development of the site as any extension of the cul de sac style road would not allow easy access for emergency vehicles;
  15. bus service is inadequate;
  16. loss of privacy;
  17. Impact upon the countryside;
  18. People have used this land to walk across for exercise;
  19. Why create more units when there are 3-4 units empty;
  20. Create a dominant and oppressive environment; and
  21. village already overdeveloped;
- 4.14 7 Responses to revised plans and description 14/3/17 Objection:
- Original comments still apply;
  - Road network in Fleckney already represents a major risk to pedestrians and traffic; Fleckney roads are narrow country lands already made dangerous by large articulated vehicles;
  - Weight restriction in the village is not enforced, often putting pedestrians at risk and pavement is less than 2metres in parts;
  - Larger lorries frequently park on Saddington Road to unload restricting visibility;
  - With plans for more houses need to consider application in its context also taking into account impact upon Saddington and Kibworth.
  - Road surfaces in Fleckney are in a dangerous state;
  - Increase in noise and light pollution;
  - No benefit to local community.
- 4.15 A petition of 60 signatories Against the development, as the proposal will dramatically increase the amount of traffic movements at the junction of Churchill Way and Saddington Road. Roads in the village are already at breaking point with the volume of traffic, approved there will be a massive increase in vehicles using Saddington Road to the south and north through the village.
- 4.16 Parish objects (1) the impact of additional traffic on the village and the surrounding area. No provision has been made to alleviate the impact by the provision of off-site highway improvements. The recent study has identified that the A6 corridor is

already operating significantly above its theoretical capacity level and suggested a number of junction improvements. (2) the location of the development in close proximity to Cobwells Close is detrimental to occupiers (3) increase in noise and pollution on residents (4) premature (5) should be a much greater buffer and noise attenuation measures not necessarily a bund. (6) traffic calming measures should be included (7) pavements should be widened and up-graded.

## **5. Planning Policy Considerations**

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

### **a) Development Plan and material planning considerations**

- 5.2 Please find the relevant policies in the front of the Agenda.

- *The National Planning Policy Framework:*  
 Section 1 Building a strong, competitive economy  
 Section 3 Supporting a prosperous rural economy  
 Section 4 Promoting Sustainable Transport  
 Section 7: Requiring good design  
 Section 8: Promoting Healthy communities  
 Section 11: Conserving and enhancing the natural environment
- *Harborough District Core Strategy*  
 CS1 - Spatial strategy  
 CS5 – Providing sustainable transport  
 CS7 - Enabling employment and business opportunity  
 CS8 – Protecting and enhancing Green Infrastructure  
 CS9 – Addressing climate change  
 CS10 Addressing Flood Risk  
 CS11 – Promoting design and built heritage  
 CS17 – Countryside, rural centres and rural villages  
 CS12 – Delivering Development and supporting infrastructure.
- *Supplementary Planning Guidance*  
 SPG Note 9 – Landscape and new development  
 SPG Note 10 - Tree and Development  
 SPG Note 12 - Lighting in town and country
- Harborough District Council Landscape Character Assessment 2007
- Harborough Rural centres Landscape Character assessment and Landscape Capacity Study HRC LCA/LCS (July 2014)
- Employment Land Availability Assessment ELAA May 2012
- Housing and Employment Development Needs Assessment (HEDNA) July 2017
- Existing Employment Areas Review 2012



## **b) Other Relevant Information**

- 5.3 This application is to be determined by Planning Committee because the application is categorised a major application and because of the number of objections received.
- 5.4 A public exhibition took place on Thursday 14<sup>th</sup> July 2016 from 3.30-7:30pm, this was publicised less than a week earlier by a leaflet drop and posters. A website was also set up which provided information on the scheme and a comments form.

## **6. Assessment**

### **a) Principle of Development**

- 6.1 The site is outside the limits of development for Fleckney, as identified by Saved Local Plan policy HS/8, therefore it is designated open countryside. The site abuts the limits of development of Fleckney village. This policy sets the defined limits to Development, but must be viewed in the context that the Local Plan is not 15 years old and based on out-of-date evidence about the development need of the District.
- 6.2 Fleckney is defined as a sustainable rural centre in the Core Strategy (Policy CS17) as it has a primary school, Public house, food shop, GP surgery, Post Office, Library. Policy CS17 recognises that beyond urban areas, Rural centres such as Fleckney will be the focus of rural housing, additional employment, retail and community uses to serve the settlement and its rural catchment area and that rural centre will be the preferred locations for employment provision in the rural area.
- 6.3 The land has been identified in the Employment Land Availability Assessment ELAA (2012) (ref: E/001RC/11) as being '*Suitable for development*' as there are no environmental or physical constraints and potentially accessible by sustainable modes of transport and lies adjacent to an existing Key Employment Area. The site is controlled by an owner with the intention to realise employment development in 5 years time, so the site is considered '*Available for development*'. The site has no identified accessibility, market or cost factors to make the site unviable or that will affect the site within 3 years time therefore it is considered '*Achievable development*'. A new ELAA is currently being drafted. However, it should be borne in mind that just because the site is in the ELAA, does not result in planning permission.
- 6.4 In terms of accessibility the centre of Fleckney is within walking distance at approximately 780-800metres away (measured along the pavement). The nearest bus stop is 360metres away opposite The Meer. No.44 Centrebus to Market Harborough runs hourly. Arriva bus No.49 runs to Leicester every 30mins and stops at Manor Road which is 600m metres away. Therefore the site is considered accessible to sustainable modes of transport.
- 6.5 Churchill Industrial site is identified as a key employment area, a site of significance for existing and future business development in the District which should be identified and allocated solely for office/light industrial or distribution uses Class B1, B2 and B8). The Existing Employment Area Review report 2012 states it is a large well established general Industrial estate of good condition. The site has adequate links to the highway and good access by public transport. There is good demand with some vacancies. It is the only major employment site in the settlement.
- 6.6 The evidence base produced for the New Local Plan shows that there is a distinct need for employment development in Harborough and based on the Employment

Land Availability Assessment (ELAA) (2012) that the greatest potential for meeting this need lies in rural centres. It is clear from the review of potential sites contained in the Harborough Employment Land Availability Assessment (2012) that sites which are outside the current limits to development (greenfield sites) will need to be released for development.

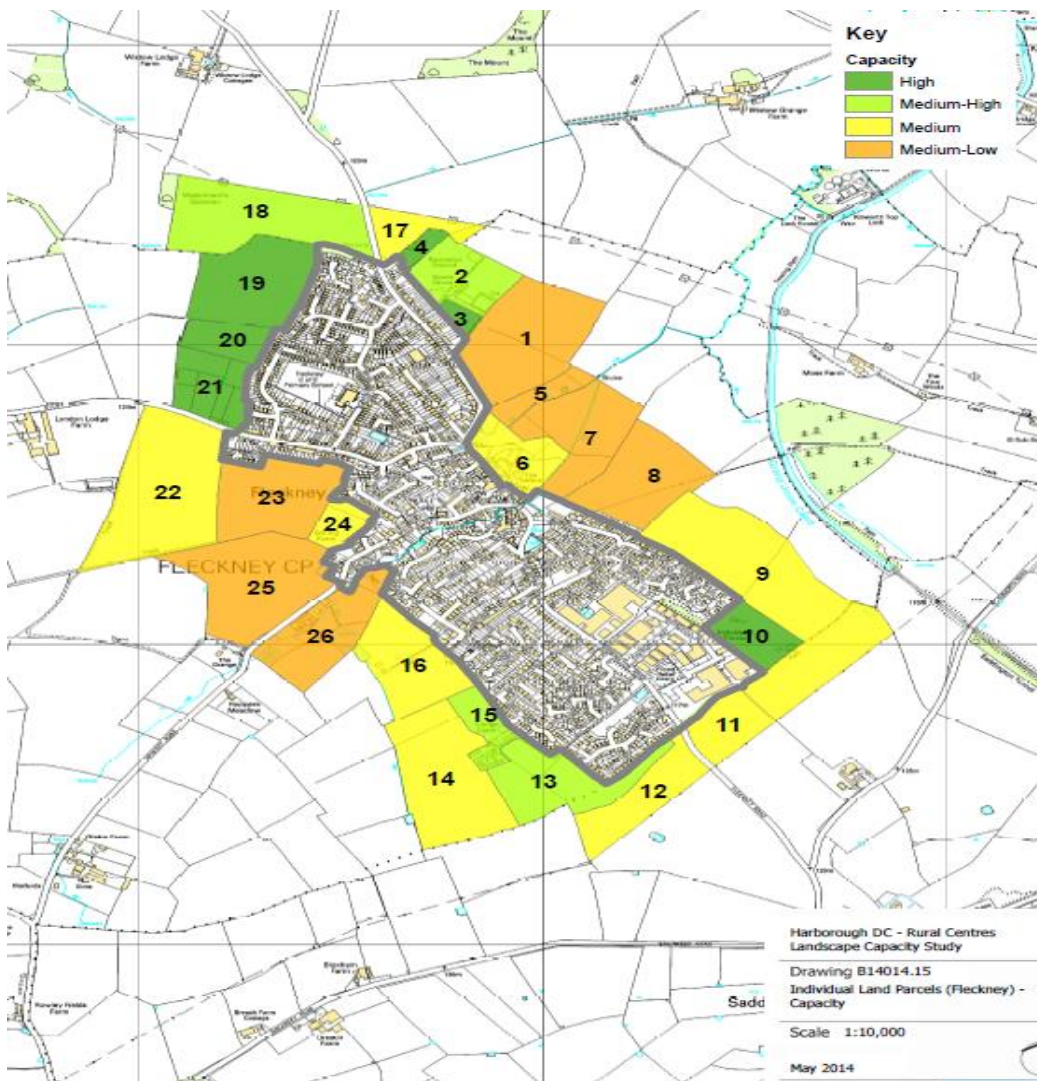
- 6.7 The Councils current evidence base demonstrates there is a demand for additional employment space (B1, B2 and small scale B8) in the District, in particular a need for smaller industrial units within rural areas. The Housing and Economic Development Needs Assessment (HEDNA) identifies a need for up to 215 ha of land for office space, (Harborough 17-24ha) 165ha of land for manufacturing (Harborough 28ha) and 117ha of land for small warehousing and distribution (Harborough 9ha).
- 6.8 The Harborough District Local Plan 2011-2031 Proposed submission (Sept. 2017) proposed policy F2 - Land off Marlborough Drive is proposed to be allocated for Industrial and commercial development, however, given the stage the process is at, we give it no weight.
- 6.9 Whilst the layout plan is indicative at this stage, it can be seen that the size of units varies across the site. The proposed units will also be flexible in their size, with the potential for neighbouring units to be joined together and therefore provide scope for newly established businesses to grow in size without having to relocate. This is already evident in Churchill Way.
- 6.10 Officers consider that there is a need for employment development in the District and more locally in Fleckney. Due to a lack of available brownfield land, land beyond the limits of development will have to be used to provide this need. It has also been demonstrated that the site put forward for employment development is locationally sustainable. Also the proposed development would bring considerable economic benefits by providing modern and flexible employment space to meet market demand in the area and provide increased employment opportunities. The development would also generate business rate income for the Council.

## **b) Technical Considerations**

### **1. Landscape and Visual Impact**

- 6.11 Core Strategy Policies CS11 and CS17 (c) advises *“rural development will be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape character area in which it is situated”* At a national level, the site is situated within the national character Area (NCA) 94 Leicestershire Vales. At a district level, the Council identifies in the ‘Rural centres Landscape Character assessment and Landscape Capacity Study’ that Fleckney is within the Lutterworth Lowlands Local Landscape Character Area. The key characteristics of the area are gently undulating landform, mixed open farmland, areas of ridge and furrow and limited woodland cover. Hedgerows are generally low and clipped fragmented with limited hedgerow trees. Victorian traces and villas related to the 19<sup>th</sup> Century hosiery industry and areas of later 20<sup>th</sup> Century suburban residential development.
- 6.12 The Landscape Sensitivity Appraisal describes the land as un-managed grassland interspersed with regenerating hawthorn and blackthorn scrub. An area of regenerating Sycamore trees is located along the length of the south-eastern boundary. It concludes that development would form a good association with the edge of Fleckney.

6.13 The site is identified in the Capacity Study as land parcel 10 and concludes it has high capacity for development. The appraisal states that the parcel represents probably the best location for future commercial development in Fleckney since it forms a logical extension to the existing Churchill Industrial Estate, utilising an existing access point and being contained to the south-east by vegetation. The association with Cobwells Close would need to be addressed. The appraisal identified aspects that should be considered in relation to future development scheme: retention of existing landscape features and vegetation; safeguard views from the public footpath and Grand Union canal; provision of a buffer between commercial and residential developments; building height of commercial development should respect the adjacent residential countryside and industrial land uses to ensure any future development is not intrusive in its setting; consideration of wider views within the village should be included; buildings in the vicinity are generally of modern origin and so not demonstrate any vernacular features or materials. It is concluded that Local Landscape Character Areas Sensitivity is Moderate.



#### Fleckney Individual land parcels capacity

6.14 The Applicants Landscape and Visual Appraisal identified constraints and opportunities and assessed the visual impact from 10 viewpoints. In response to these a landscape strategy was formulated:

- Retention of the majority of the hedgerows around the site boundaries, including enhancement;
- Inclusion of green infrastructure and attenuation areas to the north-western edge to allow a corridor of separation between the residential properties;
- Inclusion of additional buffer planting and an attenuation areas to the north-eastern edge to allow further screening between the proposal and the wider countryside;
- Inclusion of a formal pedestrian link from the open-space to the north-west to the existing Public right of way;
- Specification and implementation of a high quality landscape scheme.

6.15 The report concludes that there is very limited loss of existing landscape elements, the existing boundary vegetation provides a strong sense of enclosure, the proposed built form is off-set from the more exposed rural boundary (north-east) and boundary with residential properties and site is bounded by built form.

6.16 On behalf of the Local Planning Authority,, The Landscape Partnership (TLP) reviewed the application and the submitted Landscape and Visual Appraisal (Pegasus Group Feb. 2017) and concluded that the proposed changes to the maximum building heights are welcomed and provide and appropriate layering of buildings heights adjacent to the existing residential area and adjoining countryside. This is particularly the case in relation to views from elevated location to the north-east and east and from adjoining properties. Provision is made to retain much of the existing vegetation as well as providing landscape buffers and areas of new green infrastructure. TLP have a number of recommendations that are advised are incorporated as part of any future reserved matters application.

- **Future management plan** of retained vegetation to improve health, form, condition and longevity and provision of new replacement and understorey planting (see Condition 12);

- **New planting** along the north-western boundary with Cobwell Close. The plans do not show proposed new landscape buffer planting. But the Planning Statement and HRC LCA/LCS identify the need for buffer planting. The existing vegetation (blackthorn and bramble is insufficient to provide a screen and maybe invasive in the future. However, there may not be sufficient width for a landscape buffer, which may result in increasing the width of the buffer strip or re-locating the water attenuation area/swale (see Conditions 2 and 11);.

- **Provision of an attractive route** and are of informal open space for the new footpath link along the n-w and n-e boundaries by reducing the amount of proposed water attenuation areas by re-locating them to more central location (between zone C and D) or located within other central soft areas between the commercial units and utilising permeable surface treatments within parking areas.

**Earth mound on the south-western boundary** next to the COBA building appears outside the site boundary. However, it owned by the applicants it would be beneficial for it to be within the site, to re-model the mound to provide a more sympathetic shape with gentler gradients and planted with trees and shrubs. *Not in applicants ownership.*

6.17 The agents (16/8/17) has responded by saying that they are willing to work up and appropriate detail landscape design scheme for the proposed landscape and storm water balancing areas so screening of the site, which should include the boundary with Cobwells Close, and an attractive footpath is achieved. This is an acceptable way forward at outline stage and dealt with by the reserved matters landscape condition.

## 2. Residential Amenity

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- 6.18 Core Principle 4 of The Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and this is reflected in CS policy 11. As layout, scale and external appearance of the proposed development are reserved matters, it is difficult to provide an accurate assessment on whether or not the amenity of existing residential area/properties located adjacent to or within close proximity will be affected in terms of loss of light, privacy or over-dominant structure.
- 6.19 However, it can be seen from the Parametres plan that the proposed employment development has considered the amenity of adjoining residents on Cobwells Close. Existing landscaping along the boundary will be retained to provide a visual screen to the proposed Industrial units. An additional landscaping buffer has not been shown on the plans, however, landscaping can be dealt with by the reserved matters application. The Parameter plan proposes units in zone b will be restricted to B1 c (any other Industrial process which can be carried out in a residential area without causing detriment to amenity) and a maximum building height of 6metres, which is lower than the existing residential properties. Also the attenuation ditch is between the proposed units and the site boundary therefore providing a greater separation distance (approx. 20m). Lastly, the units back onto residential dwellings so the service yards and parking areas are to the front of the units, so they are hidden from the residential units and the proposed building screens noise and disturbance from vehicles to existing residential properties.
- 6.20 A noise report has been submitted. The Environment Health officer has no objection to the findings, provided the mitigation measures (construction of the units, noise limitation of external units, acoustic fence n-w boundary at 2.1m construction vehicles management) are implemented (see condition 13 in the report). A Lighting Strategy has also been submitted. A number of measures are recommended within the report to address luminaire intensity, light on properties upward light and luminance. By following the Institute of Lighting Professionals (ILP) Guidance Notes for the reduction of obtrusive light and a control strategy of a curfew between 11pm to 7am, this is acceptable to Environmental Health Officer subject to a condition (see Condition 14 in report). The proposal is therefore considered to be in accordance with Policy CS11 of the Harborough District Core Strategy in this respect.

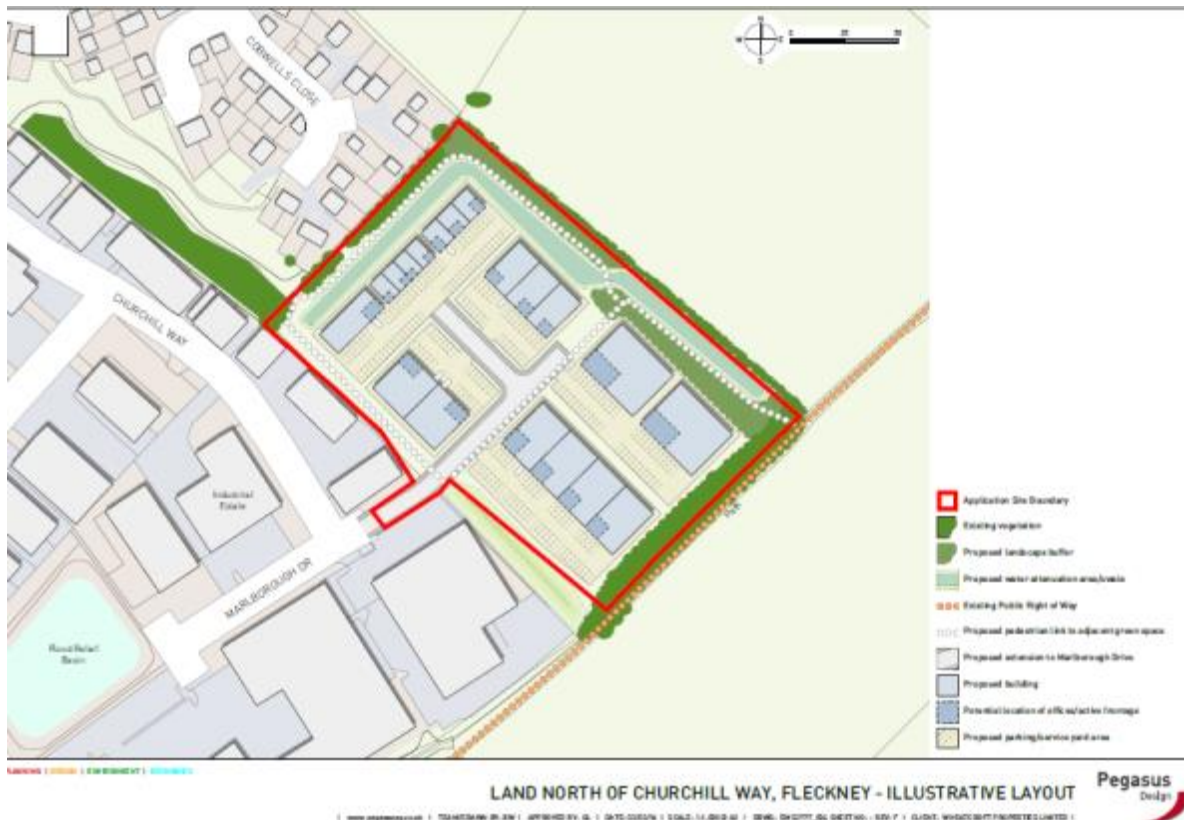
### 3. Highways

- 6.21 Access is a reserved matter therefore the layout and access will be dealt with at a later date. Access to the site is from the existing Industrial estate via Marlborough Drive where there is an existing gap between units (12metres), a large turning head and pavement either side, therefore the access point is acceptable subject to technical details.. A Transport and Travel plan have been submitted. The reports have been queried by the County Highways Officer. The highways holding objection was overcome by the imposition of a conditions regarding floor space restriction on specific use classes. Therefore the Highways Officer now has no objection to the scheme subject to conditions on construction traffic management plan, floor space restriction on specific use classes and revised travel plan (see Conditions 6, 7 and 8) and contributions to mitigate the impacts of the development on the local highway network set out in Appendix A.
- 6.22 An existing right of way Z87 runs to the east (outside the application site) of the South-eastern boundary, it is not affected by the development proposal. The indicative master plan includes the provision of a new pedestrian link through the development providing a connection from the public open space off Cobwells Close to the Public Right of Way. The County Council have received an application to formalise three alleged footpaths. Whilst the footpath links are welcome, the definitive right of way is

unaffected by the proposal and the other pedestrian links will be dealt with separately by the County Council.

#### 4. Design

6.23 Good design is a key aspect of sustainable development. Design (form/layout, mass, scale, proportions, style, materials) is not a matter which is currently for consideration. However, the illustrative master plan (see below) and the Parametres plan illustrate how the proposed development might be accommodated.



Illustrative layout plan 004 Rev F

6.24 The heights of the buildings within each zone are stated on the Parametres plan, these were revised due to concerns over the impact upon the rural area. The lowest buildings are on the rural edge, with the buildings decreasing in height from the existing COBA building of 12metres to 10metres then 8metres to the eastern corner. The middle section of the site has the lowest building height on the rural edge of 6metres. Adjacent to the residential properties the building height is also low at only 6metres. This is lower than the height of the existing dwellings and approximately the same height of the units on Churchill Way.

6.25 The size of the units is not too dissimilar to existing units on the Fleckney Industrial estate. The layout of the units in Zone E and D shows they are at right angles to the south-eastern boundary and therefore the massing of the units appears reduced when viewed from open countryside. Also the landscape break between Zone C and D break up the built form.



- 6.26 On some of the units there is the potential for a mezzanine floor to be inserted. The plans show where the offices and active frontage maybe located on the buildings, which is on the front corner of the building, this is the usual arrangement for Industrial units elsewhere in the district. The units in Zone B backing onto the residential properties are proposed to be B1(c) only, these are shown to be small units.
- 6.27 There is an additional landscaped area along the north-eastern boundary along with water attenuation feature along this boundary and the north-western boundary. Also there are proposed pedestrian links through the site, linking the existing Right of Way to the public open space at the back of Cobwells Close. This provides a good buffer to existing residents.

## 6. Ecology

- 6.28 The County Ecologist has no objection in principle to the application, and points out that although the site does have wildlife value, despite being cleared of scrub, the grassland is not species-rich and would not meet our Local Wildlife Site criteria. Ditches, boundary features and plantation to the SE have value, but will be retained. The report states that the site is poor quality as a bat foraging habitat, as such it is recommended that bat friendly lighting is implemented. Also the states that trees located around the site boundaries are recommended for retention for ecology reasons i.e. hedgehogs, bats and birds.
- 6.29 In the past we have had unconfirmed report of badger on site, but RammSanderson found no evidence of this. The ecologist does not feel there will be any impacts on the nearby Kilby and Foxton Canal SSSI, but would defer to Natural England's judgment on this; Natural England has no objection to the scheme.
- 6.30 The County Ecologist finds the ecology report (RammSanderson 2016) is acceptable, but comments that the potential value of the site for Great Crested Newts is underestimated. RammSanderson may not have been aware that Great Crested Newts have recently been recorded in Fleckney, in ponds west of the main Saddington Road, and c.300-400m away - these were discovered by the ecologists surveying land covered by 16/01355/FUL. The main road is a deterrent, but not a barrier to dispersal, therefore the Officer considers that it is possible that Newts are present in the off-site ponds listed by RammSanderson.
- 6.31 There are two ponds within 200m of the application site, which RammSanderson were not able to survey, although they assessed one as likely to be 'average' and one as possible suitable for Newts. Habitat connectivity to the application site from the pond to the east is poor, but it is reasonable to the pond to the south. If newts were present in these ponds, the Ecology officer says they would also be present on site, at least in the boundary features and other suitable habitats. If newts are present, an 'Amber: office likely' warning is returned by Natural England's risk assessment matrix, indicating that mitigation would be required.
- 6.32 The County Ecologist agrees with the proposed mitigation in the report RammSanderson report. The officer recommends that RammSanderson amend their report to include reference to the nearby newt population and the result of a risk assessment. The applicant has been made aware of the issues raised and a revised Ecology report was submitted. The County Ecologist confirmed it is acceptable and addressed her concerns relating to the GCN population, subject to a condition that the mitigation works are carried out (see condition 15).

## 7. Trees and landscaping

- 6.33 The Arboricultural survey recorded 18 individual trees, 9 groups and 1 hedgerow. 10 Category B trees and 18 category C/U trees. The 7 Ash trees and 2 groups to be removed as a result of the development are all Category C/U trees. It is considered that additional landscaping and tree planting will mitigate any loss of trees.
- 6.34 The scrub located along the site's north-western boundary, the hedgerow located along the north-eastern boundary and the plantation woodland (mature sycamore and silver birch) trees along the south-eastern boundary are shown to be retained and some areas enhanced on the illustrative and landscape plan. The Arboricultural report recommends planting native floral species, these further landscape details will be submitted with a reserved matters application. The County Arboriculturalist has no objection to the scheme, subject to condition to supplement the boundary features by incorporating some individual species (see Condition 11 in the report).

## 8. Archaeology

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- 6.35 The County Archaeologist commented that the Archaeological Desk-based Assessment underestimates the archaeological potential of the application area. We have reviewed the development proposals against the Leicestershire and Rutland Historic Environment Record (HER), which shows that there have been very few archaeological investigations undertaken within the surrounding area, with no investigation undertaken within the development area itself. The HER holds details of a number of sites and monuments in the vicinity of the development area, including crop mark evidence for an Iron Age/Roman field system to the north, and an undated rectangular enclosure to the east. Three Roman Copper alloy brooches have been recovered as isolated finds from the fields to the north and east of the site, which may be indicative of nearby Roman occupation. Given the evidence for prehistoric and Roman activity in the area, in the absence of previous archaeological investigation, the potential for as yet unidentified archaeological remains within the development area should be addressed.
- 6.36 The preservation of archaeological remains is, of course, a "material consideration" in the determination of planning applications. The proposals include operations that may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information. Since it is possible that archaeological remains may be adversely affected by this proposal, we recommend that the planning authority defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals. This will require provision by the applicant for: *A field evaluation by trial trenching, to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development. Further design, civil engineering or archaeological work may then be necessary to achieve this.*
- 6.37 Following a discussion with the Agent, the County Archaeologist re-appraised the information and has recommended a specifically worded conditions (see Condition 16 and 17 in report) to secure a comprehensive evaluation by trial trenching, this information is then used to prepare a suitable mitigation programme for any significant archaeological remains encountered.

## 9. Drainage

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- 6.38 The site being a grassy field is 100% permeable. The development will result in the impermeable area being 56% of the total site. The surface water runoff will be discharged into existing watercourses at a rate less than the existing run-off rates.



The surface water attenuation will be in the form of attenuation basins/swales along two boundaries and a hydro-brake will restrict flows from the site.

- 6.39 The site is in Flood zone 1. The site is not at risk from flooding from the various sources, therefore it is deemed appropriate. Foul water discharge would be to the foul sewer within the entrance to the site which is in the control of the applicant – this then discharges to the public sewer in Churchill Way. Severn Trent has no objection/comment to foul and surface water drainage. The Local Lead Flood Authority required further information on the surface water drainage of the scheme (20/2/17) and amended calculations in-line with the revised climate change rainfall allowance and details of the freeboard within the basin. This information was partly provided showing an alternative point of discharge located in the access road connecting via a pipe to the existing balancing pond within the Industrial estate, then via a control structure into an open channel and culverted watercourse parallel with Saddington Road. The Local Lead Flood Authority requested (6/9/17) that the rest of the information is provided as previously stated. This information was finally provided. The Local Lead Flood Authority 29/9/17 reported no objection subject to conditions relating to surface water drainage scheme, management and maintenance and infiltration.

#### **c) Sustainable Development**

- 6.40 The Framework identifies three dimensions to sustainable development – economic, social and environmental. Taking each of these in turn the following conclusions can be reached.
- Economic: create employment during construction phase, increase business rates and future continued employment on the local area;
  - Social: the site is in an accessible location.
  - Environmental: limited ecology and Arboricultural impact and landscape enhancement.

#### **d) Planning Obligations**

- 6.41 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.
- 6.42 Policy CS12 provides that new development will be required to provide the necessary infrastructure which will arise as a result of the proposal,. More detailed guidance on the level of contributions is set out in the Planning Obligations SPD (Jan 2017) and Leicestershire Developer Guidance Note (2014).
- 6.43 Therefore Appendix A identifies the developer contributions sought by consultees, assessment as to whether the requests are CIL compliant and a suggested trigger point to advise when the contributions should be made. Officers consider that all requests are CIL regulation 122 and 123 compliant.

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

- 7.1 The principle of the development is supported as it is an extension to a key employment area. The development would create sustainable employment opportunities and support the rural, district and wider economy. The impact upon the

rural area has been assessed and the scheme amended in response and is proposed to be adequately mitigated by detailed landscape scheme at reserved matters stage.

- 7.2 There are no technical objections to the scheme from Highways, Arboriculturalist, Environmental Health, Archaeology, Drainage and Ecology issues, subject to various conditions. Also there are no adverse residential amenity concerns.
- 7.3 The identified benefits of the proposal are considered to outweigh any conflict with in respect of development outside of the development boundary of Fleckney and subsequent impact upon the character of the rural area. The proposal therefore accordance with Policies CS1, CS7, CS9, CS11 and CS17 and Section 1, 4 and 7 of The Framework.

## **8. Conditions**

### Outline Commencement:

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.

### Reserved matters details

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;
  - (e) The means of access to 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.

### Permitted plans

3. The development hereby permitted shall be in accordance with the following approved plans 004 Rev F and 002 Rev G.

REASON: For the avoidance of doubt.

### Parameters plan

4. The details submitted as part of the reserved matters application shall be as set out in the Parameters plan 002 Rev G.

REASON: For the avoidance of doubt and in the interests of residential amenity and the rural area and to accord with Harborough District Core Strategy Policy CS11 and CS17.

### Materials

5. No development shall commence on site until a schedule indicating the materials to be used on all external elevations of the approved Industrial units 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.

Use classes/floor space restriction

6. The gross internal floor areas for uses on the site shall be in accordance with the submitted Parametres plan (002 Rev G.) and shall not exceed the following:  
B1(c) – 1,660sq.m.  
B1 – 1,375sq.m.  
B2/B8 – 5,500sq.m.

REASON: In the interests of highway safety and capacity on the transport network.

Construction traffic/site traffic management plan

7. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The 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 to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

Travel Plan

8. No part of the development as approved shall be first occupied until a framework 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 ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety, improve air quality or increase accessibility in accord with Section 4: 'Promoting Sustainable Transport' of the NPPF 2012.

Protecting Trees

9. No development shall commence on site until the trees on the site have been enclosed by protective fencing, in accordance with British Standard 5837 (2012): Trees in Relation to Design, demolition and Construction. Before the fence is erected its type and position shall be approved by the Local Planning Authority, and after it has been erected it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

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

Retention of existing trees and hedgerow.

10. The landscape details as part of any reserved matters application in respect of trees to be retained, those trees shall be retained and in no way disturbed/felled, except for any proper management of the hedgerow and trees as and when required.

REASON: To ensure that the existing hedgerows and trees on the site can be retained, to enhance the development and to safeguard the appearance of the area and to accord with Harborough District Core Strategy Policy CS11.

Landscaping and Levels

11. The layout and landscape details required in the reserved matters applications (condition 1) shall include:
- a) details of new planting along the north-western boundary (see Section 3 of The Landscape Partnership report April 2017),
  - b) details of native specimen trees in the existing hedgerow features and locally native hedgerow species
  - c) details of existing and proposed site levels, including finished floor levels of any buildings.
  - d) details of means of enclosure.

The development shall thereafter be implemented in accordance with the approved details.

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

Landscape Management Plan

12. No development shall commence on site until there has been submitted to and approved in writing by the Local Planning Authority a landscape management plan, which shall include the specification, long term design objectives, the timing of the completion of and arrangements for the management and maintenance of:
- a) all soft landscaping areas;
  - b) Sustainable urban drainage system, watercourses and other water bodies;
  - c) parking and servicing provision; and
  - d) green infrastructure linkages including pedestrian links.

The Landscape Management Plans shall thereafter 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

Noise survey

13. The development hereby approved shall be implemented in accordance with Section 7 Conclusions and mitigation measures as detailed in the NVC noise survey dated 29<sup>th</sup> September 2016. The development shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of resident's amenity and to accord with Policy CS11 of the Harborough District Core Strategy.

#### Lighting report

14. Prior to the installation of any lighting details of external lighting shall be submitted to and approved in writing by the District Planning Authority. The detail should be in accordance with Section 4, 5 and 6 Conclusions and mitigation measures as detailed in the Desco Lighting Strategy report dated 10<sup>th</sup> February 2016 including minimising light spillage along the northern and eastern boundaries and bat friendly lighting. The development shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of resident's amenity and to accord with Policy CS11 of the Harborough District Core Strategy.

#### Great Crested Newts

15. The development hereby approved shall be implemented in accordance with mitigation measures/recommendations as detailed in the Great Crested Newts survey (RammSanderson Oct. 2016). The development shall thereafter be implemented in accordance with the approved details.

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

#### Archaeology- WSI

16. Prior to the submission of Reserved Matters a programme of archaeological mitigation, to be informed by the submitted desk-based assessment (CGMS ref.: 21/901) and a phase of exploratory trial trenching, shall be detailed within Written Scheme(s) of Investigation (WSI), submitted to and approved by the Local Planning Authority in writing. The WSI(s) shall include a statement of significance and research objectives, and:

- The programme and methodology of site investigation, recording, a detailed environmental sampling strategy and consideration of appropriate analytical methods to be utilised;
- The programme for public outreach and dissemination (to include provision for public site visits, school visits, information signage (e.g. on site boundaries, public access routes, etc.) internet/social media dissemination, public lectures, etc.);
- The programme for post-investigation assessment and subsequent analysis;
- Provision for publication, dissemination and deposition of resulting material in an appropriate archive repository; and
- Nomination of competent person(s) or organisation(s) to undertake the agreed work.

For land and/or structures included within the WSI, no demolition, development or related ground disturbance shall take place other than in accordance with the agreed WSI.

REASON: To ensure satisfactory and proportionate archaeological investigation and recording of the significance of any heritage assets impacted upon by the development proposal prior to its loss, in accordance with local and national planning policy.

#### Archaeology-mitigation

17. The programme of archaeological mitigation, including the site investigation, subsequent analysis, publication, dissemination and deposition of resulting material in an appropriate archive repository, shall be completed within 12 months of the start of

development works, or in full accordance with the methodology and timetable detailed within the approved WSI.

REASON: To make the archaeological evidence and any archive generated publically accessible, in accordance with local and national planning policy.

#### Refuse

18. No development shall commence on site until details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity.

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

#### Outside Storage

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

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

#### Delivery Hours

20. The delivery and despatch of goods to and from the site shall be limited to the hours between 07:00 and 20:00 on Mondays to Saturdays, and 08:00 to 18:00 on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area and to accord with Harborough District Core Strategy Policy CS11

#### Surface water drainage

21. No development shall commence on site until full details of the means of surface water drainage scheme for the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity.

REASON: To ensure the satisfactory drainage of the site and to accord with Harborough District Core Strategy Policy CS10

#### Surface water management

22. No development shall commence on site until full details in relation to the management of surface water on site during construction 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 retained in perpetuity.

REASON: To prevent the 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 construction phase and to accord with Harborough District Core Strategy Policy CS10.

Surface water maintenance

23. No development shall commence on site until full details of the long term maintenance of the sustainable surface water drainage system for the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity.

REASON: To establish a suitable maintenance regime that maybe monitored overtime that will ensure the long term performance, both in term 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.

Infiltration

24. No development shall commence on site until details of the infiltration testing have 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, and submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity.

REASON: To demonstrate that the site is suitable (or otherwise for the use of infiltration techniques as part of the drainage strategy.

## Appendix A

Request by LCC	Obligation for Highways contribution		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>A contribution towards improvements to the wider highway network along the defined A6 corridor as considered appropriate by Harborough District Council in consultation with Leicestershire County Council – a S106 obligation to deliver or contribute towards the defined schemes via the Highways Act (1980) Section 278.</p> <p>Travel packs (LCC £52.85 per pack)</p> <p>6 months bus passes (one per employee and funded by the developer) LCC £360 per pass.</p>	TBC	<p>To accommodate the wider growth in the areas identified within the A6 study report. The County Council have completed more detailed costings of the required highway works along the A6 corridor legal colleagues have issued costs for the relevant developments in preparation of the relevant legal documents. These are obligated via S106 to be paid via the Highways Act (S278).</p> <p>Costs are worked out so that they are proportionate to each development's impact at the relevant junctions. Costs are calculated on the number of trips each development sends through the identified junctions. In the tested future year scenario the assessed junctions are identified to operate over capacity in the Jacobs report and therefore the above development must mitigate its own proportionate impact through the junctions.</p> <p>To inform new employees what sustainable travel choices there are in the surrounding area.</p> <p>To encourage new employees to use bus services, to establish changes in travel behaviour from first employment and promote usage of sustainable travel modes other than the car.</p>	Cumulative development Traffic Impact Study (24 <sup>th</sup> Jan 2017).



## Planning Committee Report

**Applicant:** Redrow Homes Ltd

**Application Ref:** 17/00138/REM

**Location:** Land off Berry Close, Great Bowden

**Proposal:** Erection of 62 dwellings (Reserved Matters of 15/01425/OUT including details of layout, scale, appearance and landscaping)

**Application Validated:** 06.02.2017

**Target Date:** 08.05.2017 (Extension of time agreed)

**Case Officer:** Mike Smith

### 1. Updated Report

**1.1** This application was previously considered by the Planning Committee at the meeting on the 5<sup>th</sup> September 2017, where a decision was deferred for the following reasons:

- That the application be DEFERRED to clarify highway matters and the status of the previous planning appeal.

**1.2** A copy of the report of the 5<sup>th</sup> September and the Supplementary Information are attached at Appendix 1

**1.3** Following the deferral the applicants have given further consideration to the access arrangements and as a result have submitted revised plans and information in support of their proposals.

### 2. Amended Plans and/or Additional Supporting Statements/Documents Submitted since Validation

**2.1** As a result of the deferral revised plans and supporting information have been submitted with an accompanying letter on behalf of the applicants. These revised plans reflect the access arrangements that were approved by the Planning Inspector in August 2016 as part of the consideration and approval of the Outline Planning Permission at Appeal.

**2.2** A copy of the revised planning layout and the accompanying agents letter submitted with the revised details is produced below. Full details of the plans and supporting information are available on the Council's website.



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LE16 7AG

**BY EMAIL**

26631/A3/GJ/sw

9<sup>th</sup> October 2017

Dear Mr Smith

**LAND AT BERRY CLOSE, GREAT BOWDEN (17/00138/REM)**

We write further to the deferral of the above Reserved Matters application at Planning Committee on Tuesday 5<sup>th</sup> September 2017. This covering letter addresses the reasons for the deferral of the application, as well as our other matters raised during the meeting.

**Highways**

During the Committee meeting, queries were raised regarding the safety and adoptability of the proposed access and estate road network.

The Outline planning permission approved by the Inspector on 8<sup>th</sup> August 2016 (reference: APP/F2415/W/16/3144470) included means of access from Berry Close. All other matters were reserved for subsequent determination. The Outline stage, prior to the approval of the access, was the appropriate time for Leicestershire County Highways to raise any concerns regarding the access arrangement. However, access was not one of the reasons for refusal of the Outline planning application.

Condition 4 of the Inspector's appeal decision details a series of approved drawings, including details of an approved access from Berry Close into the site (dwg. no. C85141-F-008a).

Given the above, the Reserved Matters application does not include access from Berry Close for consideration. The updated plans submitted following Planning Committee reflect the access arrangement approved by the Inspector on 8<sup>th</sup> August 2016. This is the approved position and cannot be debated any further at this stage.

The Report prepared by JNP includes an independent Road Safety Audit which confirms that there are no safety issues with the approved access.

In terms of whether the access and estate roads are adoptable, this is not a matter which should affect the grant of reserved matters approval. Notwithstanding this, the report prepared by JNP confirms that the network has been designed to adoptable standards. The Proposed Vehicle Tracking Layout (dwg. no. 0001-A-C3) submitted as part of the application confirms that refuse vehicles will be able to safely access all properties within the proposed development.

Should Leicestershire County Highways not wish to adopt the roads within the proposed development, these will be managed privately by Redrow. This is not unusual practice and the JNP Report draws on a number of examples of larger schemes in both Harborough District and elsewhere where estates are privately managed. As detailed above, this is a separate matter and does not form part of the consideration of this Reserved Matters application.

#### **Validity of Outline Planning Permission**

During Planning Committee, queries were raised in respect of the validity of the Outline planning permission given that the Inspector conditioned a Development Framework Plan (dwg. no. 4751\_003\_F) at condition 4 of the appeal decision when the application was made in Outline with all matters reserved, save for access.

It is not uncommon for a decision maker (either a Planning Officer or an Inspector) to condition additional plans such as a Development Framework Plan or an Indicative Masterplan to an Outline planning permission where access is the only matter for consideration, aside from the principle of development.

Once planning permission is granted, there is a six week period where a Council or an individual can challenge the planning permission under the Judicial Review (JR) procedure. Once this six week period has lapsed, there is no further scope for challenge. Should individuals have been concerned regarding the process undertaken by the Inspector in reaching his decision, this should have been raised during the JR period. However this was not the case and the Outline planning permission is valid.

#### **Garages**

Concerns were raised during Planning Committee regarding the size of garages within the proposed development. It has been acknowledged by the Applicant on numerous occasions during the determination period that the garages proposed within the development do not meet Leicestershire County Highways size standards for vehicle parking and therefore cannot count towards the number of car parking spaces provided on the site. However, the necessary car parking standards are met across the site *excluding* the garages. The garages are provided for additional storage, including cycle storage.

We trust that this adequately addresses the matters raised at Planning Committee on 5<sup>th</sup> September in respect of the Reserved Matters application at Berry Close, Great Bowden. However, should any further queries arise, please do not hesitate to contact me.

#### **S73 Application**

Since the September 2017 Planning Committee, it is noted that additional queries have arisen from members of the public regarding compliance with the Outline planning permission and the submission of the S73 application.

Once a development is planned in detail at reserved matters stage, it is not unusual for elements of an outline planning permission to be found to be undeliverable. Hence the Government allow such variations to an outline planning permission through the submission of a S73 application. There is no restriction on how many conditions can be varied through a S73 application.

The submitted S73 application relates to four conditions (4, 8, 14 and 18). The reasons for the variations are included in the attached table, which was submitted to Harborough District Council in August 2017 to assist in explaining the need for the application to members of the public. As is detailed within the table, the reason for the variations include requests from neighbouring occupiers (in respect of condition 8) and due to physical restrictions of existing dwellings on the ground (condition 18).

There is certainly no 'obligation' on the Council to refuse the reserved matters application due to the need for Redrow to vary some of the conditions on the outline planning permission. Redrow have sought to formalise any variations through the correct process, in consultation with Harborough District Council. Statutory consultees including Ecology, Highways and Landscape have all responded to confirm that the proposed variations are acceptable.

### **3. Consultations and Representations**

3.1 Following the receipt of the revised plans and information further consultation was undertaken with neighbours, the Parish Council and the Highway Authority.

3.2 As a result the following additional representations have been received

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

#### 3.3 LCC Highways:



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

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##### DETAILS OF APPLICATION

<b>Planning Ref No:</b>	2017/0138/03/HCON/REVOBS3
<b>CE/EN Ref:</b>	Refer to 2015/1425/03 & Location Centre.
<b>Application Address:</b>	Land off, Berry Close, Great Bowden, Leicestershire LE16 7ES
<b>Parish:</b>	Great Bowden CP
<b>Applicant:</b>	Redrow Homes Ltd.
<b>Brief Description of Development:</b>	RECONSULTATION. Erection of 62 dwellings (Reserved Matters of 15/01425/OUT including details of layout, scale, appearance and landscaping)

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##### GENERAL INFORMATION

**County Council Member:** Dr. Sarah Hill  
**Road Class:** Adopted - Class C  
**Other Information:** District Planning Officer: Sarah Luckham. 17/00138/REM.  
Berry Close = Unclass, off Class C7406. Footpath A54 across the site.

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

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

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##### ADVICE TO LOCAL PLANNING AUTHORITY

###### Background

Application 17/0138/REM seeks approval for the reserved matters of application 15/01425/OUT including details of layout, scale, appearance and landscaping. The Local Highway Authority (LHA) did not raise objection to the access proposed during the application for outline planning permission in 2015 and it is noted that the revised layout proposal is now designed in accordance with the access strategy conditioned as part of the 2015 outline permission.

Furthermore, the proposed layout is designed generally in accordance with the Leicestershire County Council 6Cs Design Guide.

However, the layout as currently proposed, may not be considered suitable for adoption as publically maintainable highway. For a development of 62 dwellings would typically require a 5.5m carriageway width and two, 2m footways [Table DG1: General geometry of residential



roads (internal) of the 6CsDG]. An overall corridor width of 7.5m, which the layout design submitted achieves, would typically be required for a *residential access way* however the 6Cs Design Guide upper dwelling limit for this would be 50 and normally no more than 25 from a single point of access.

In addition the proposed speed tables opposite plot number 6 and 19 don't meet the minimum length detailed in the design guidance and would need to be extended to achieve 8m across the table top plateau in accordance with part 3, section DG5, figure DG6e.

A 2m dedicated footway to serve plot numbers 3-5 should be incorporated for the safe passage of pedestrians please refer to part 3, section DG7, table DG9. If the street is designed as a shared space then "footway" margins incorporated into the carriageway with no vertical segregation between "footway" and carriageway. Safe corridors for pedestrians should be demarcated as such; easily distinguished for those who have visual impairments and gullies should be placed at appropriate low points.

The LHA will not look to adopt the Public Right of Way which runs parallel to the access way which serves plots 21-36. The same is true for the area of grass verge behind the edge of highway.

Trees planted within 2.5m of the highway boundary will require root ball deflectors and root protection barriers to prevent tree roots migrating between services within the public highway.

The highway corridor from plot number 38 must incorporate a dedicated 2m footway on one side of the proposed carriageway for the safe passage of pedestrians.

However, the revised submission also proposes the option for the proposed layout to be maintained under private management rather than as publically maintainable highway. Under these circumstances the Local Highway Authority would typically serve Advance Payment Codes in respect of all plots served by all of the private roads within the development in accordance with Section 219 of the Highways Act 1980 and payment of the charge must be made before building commences. The Highway Authority also has standards for private roads which would need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. Signs should also be erected within the site at the access advising people that the road is a private road with no highway rights over it.

In summary, review of the information currently submitted demonstrates a layout which the LHA would not consider to derive a severe impact when considered against paragraph 32 of the National Planning Policy Framework (NPPF) and therefore would not seek to resist application 17/00138/REM on highway grounds.

The above response details amendments which would be required as part of the highway adoption process however the adoptability of a residential layout is not a material planning consideration and whilst the LHA has sought to work with the developer and encourage them to pursue an adoptable layout however ultimately it is a process the developer must progress. The LHA advice would typically advise a development of this scale be offered for adoption as publically maintainable highway and it is expected that the applicant may continue to work towards this during detailed design and the S38 process following determination of application 17/00138/REM.

### Conditions

1 The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been provided and hard surfaced in accordance with drawing number 2726/22/02/01 Rev F. 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 Paragraphs 32 and 35 of the National Planning Policy Framework 2012.

2 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) for a distance of at least 10 metres behind the highway boundary 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 Paragraph 32 of the National Planning Policy Framework 2012

### Informatives

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 6Cs Design Guide which is available at <https://www.leicestershire.gov.uk/environment-and-planning/planning/6cs-design-guide>

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](mailto:road.adoptions@leics.gov.uk) in the first instance.

Planning Permission **does not** give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you **must** ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

If the proposal requires the permanent removal ("stopping up") or diversion of highway to enable the development to take place, then you **must** complete the **legal processes required** before commencing works. Further information is available at: <https://www.leicestershire.gov.uk/roads-and-travel/local-authority-searches/highway-extinguishments>. If you are unsure whether your proposal affects public highway, you can establish the Highway Authority's formal opinion of the adopted highway extent in relation to the proposal. Further information is available at <https://www.leicestershire.gov.uk/hre>.

A Public Right 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.

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 Local Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and Leicestershire County Council as Local Highway Authority may be obliged to require its immediate removal.

Date Received	Inspector	Signed Off
11 October 2017	HDM	25 October 2017

Note: Response provided by the Local Highway Authority under the delegated authority of the Director of Environment and Transport.

## **b) Local Community**

3.4 In addition and as a result of the re-consultation with neighbours, 10 further letters of objection have been received stating:

- My objections previously submitted in relation to 17/00138/REM are unaffected by the revised plans recently submitted.
- I see little material response to my comments, and therefore remain opposed for the reasons previously stated.
- Am opposed to the proposed layout, scale, appearance and landscaping for reasons I have previously stated
- At the Planning Committee meeting in September we were highlighted as one of three properties most acutely affected by the proposed development. Despite this and our comments made in person AT the meeting, there appears to be little effort to mitigate our concerns to any significant effect.
- We note the amendment to the levels and contours layout however merely incorporating steps down from bungalow No.62 to its garden does little to eradicate the situation we find ourselves in - namely that as owners of 42 Knights End Road we are sitting at a lower level to the proposed dwelling which will be 8 meters from our boundary. The revised sunken garden to Plot 62 is immaterial for us; the outcome remains that the property itself will be overbearing and cause fundamental loss of privacy.
- As we have said before we do acknowledge some infill development is regrettably now unavoidable however there appears to be a complete lack of consideration for existing residents. From the initial submission of the plan there have only ever been "tweaks" and minor modifications made by the applicant. We have asked on numerous occasions for there to be a complete review of proposed dwellings 62 - 59 and the density of this corner of the development. We strongly urge the Committee to ask the applicant to carry out this review.
- Recent expert opinion sought by Villagers has cast doubt on the proximity of the development to the existing hedgerow along the western boundary, which would, in his opinion, be unwise and potentially hazardous.
- Building houses in the immediate vicinity of the tall mature trees located on the Western Boundary should be ruled out on safety grounds. Whilst trees are currently healthy and no risk to anyone in the event of, say, a lightning strike, or serious damage to the root system, any house so close to the trees would have risk of damage, as would people in the immediate vicinity.
- If the builder/developer does not accept ongoing liability should such an event occur, I (or whoever buys my house in the future) would be liable for all damage caused by, say, falling



branches. This is unacceptable given that notice is now given highlighting the potential risk to life and property.

- A buffer zone of some 20ft should be created along the western edge of the site ( the same as on the Eastern side).
- The Appeal decision is clear that 'the development permitted shall be carried out in accordance with the approved plans'. HDC should exercise their legal right (obligation perhaps) to refuse on the grounds of non-compliance.
- Parishioners have not been consulted on aspects granted at Appeal: matters controlled by Conditions set at Appeal were excluded from the Outline Application being considered, which was for access with all other matters reserved.
- Discussion of highway/footpath width issues at the 5 September HDC Planning Committee meeting, indicate both original and current proposals by Developers will result in road(s) that fail to meet criteria for local authority adoption. HDC's regulations bar approving unadaptable roads. Failure to meet adopted road criteria will result in an inappropriately high density development. totally out of keeping with the existing village.
- Evidence from developments in other Counties indicates unadopted roads lead to issues of responsibility for repair and establishes the framework within which a breakdown of services to new houses is highly likely, adversely impacting on existing householders nearby.

#### 4. Assessment

4.1 As highlighted by the applicants the arrangement for the access into the site from Berry Close for a development of up to 70 dwellings was the subject of consideration by the Planning Inspector in the determination of the appeal for the Outline Planning Application.

4.2 As a result and in approving the appeal the Inspector included a condition which identifies a series of approved drawings. These include drawing C85141-F0008a showing the approved access into the site. This design for the access is shown on the most recent revised planning layout F. Given that, the applicants have highlighted that the Reserved Matters application does not include the access from Berry Close for consideration.

4.3 The Highway Authority have had the opportunity to consider the most recent revised plans and the supporting information submitted by the applicants. As a result they have commented in detail on the plans the proposals. Full details of the most recent response have set out earlier in this report.

4.4 In essence they have highlighted that the proposed layout within the site, apart from a few minor alterations is generally in accordance with the Leicestershire County Council's 6Cs Design Guide, including the provision of suitable turning heads for vehicles including refuse vehicles. A number of minor alterations would be required for the scheme to fully comply, however details of these have been forwarded to the applicants for their consideration. Officers having discussed these with the Highway Authority understand that the changes to the size of table top plateaus and the provision of additional lengths of footpath to serve a number of the dwellings as set out in their comments can be accommodated within the existing layout.

4.5 The Highway Authority in their response do however highlight that the layout as currently proposed **may not** be considered suitable for adoption as publically maintainable highway. A development of 62 dwellings would typically require a 5.5m carriageway width and two, 2m footways [Table DG1: General geometry of residential roads (internal) of the 6CsDG]. An overall corridor width of 7.5m, which the layout design submitted achieves, would typically be required for a residential access way however the 6Cs Design Guide upper dwelling limit for this would be 50 and normally no more than 25 from a single point of access.

4.6 In conclusion the Highway Authority's review of the information currently submitted demonstrates a layout which the LHA would not consider to derive a severe impact when considered against paragraph 32 of the National Planning Policy Framework (NPPF) and therefore would not seek to resist application 17/00138/REM on highway grounds.

## 5 . Conclusion

5.1 The Highway Authority did not raise any objection to the proposed access at outline planning permission stage in 2015 and have not raised any objection to the current Reserved Matters proposals. They have highlighted that a substandard highway corridor width (which has been included as part of the proposals in accordance with the access plan approved on appeal) **may** prevent the internal roads within the site from being adopted as publically maintainable highway. They have also indicated that apart from the small length of access road immediately adjoining Berry Close, the scheme in general does accord with the Highway Authority's 6C's Design Guide as required by Condition 12 of the Outline Planning Permission.

5.2 The highway adoption process is however developer led and is a commercial decision a developer must consider. The Highway Authority has highlighted that it is rare that a developer would seek to deliver a development of 62 dwellings as a private development considering such things as APC payments and future maintenance uncertainties but in this case the applicant has indicated that this is something that the applicant is content to do so.

5.3 In the light of this it is considered that whilst this set of circumstances has resulted in a unusual situation where a development of this size **may** not be able to meet the Highway Authorities standards for the roads to be adopted; these are not grounds for refusal of the Reserved Matters details currently being considered.

5.4 It is therefore considered that the recommendation for approval of the Reserved Matters proposals as set out in the original report at Appendix 1 should stand, although condition 1 should be amended to refer to the revised plans as set out below.

5.5 A further condition 12 is recommended requiring the provision of details of an on site bin storage area, should the Highway Authority ultimately decide not to adopt the highways and as a result the District Council not be willing to allow refuse vehicles to enter the site.

### Revised Condition 1 Plans

Title	Ref number
Planning Layout	01 Rev F
Affordable Housing	02 Rev F
Materials	03 Rev F
Boundary treatment	04 Rev G
Surface treatment	05 Rev F
Refuse Plan	06 Rev F
Bird boxes	07 Rev D
Groups Responsible for Different Areas	2726/22/02/09
Detailed Levels and contours layout Sheet 1	002-A-C2

Detailed Levels and contours layout Sheet 2	003-A-C3
Plot 9 and 47 (floor)	SUN05-A
Plot 9 and 47 (elev)	SUN06-A
Plots 22 and 23 (floor)	TAV01-B
Plots 22 and 23 (elev)	TAV02-B
Plots 33-35 (floor)	TAV03-A
Plots 33-35 (elev)	TAV04-A
Plots 53-56 (floor)	TAV05
Plots 53-56 (elev)	TAV06
Plots 13,15,21,24 (floor)	WEL01-A
Plots 13 and 24 (elev)	WEL02-A
Plots 15 and 21 (elev)	WEL03
Plots 61 and 62 (elev/floor)	BUN01
Plots 57 and 58 (elev/floor)	BUN02
Plots 18 and 38 (elev/floor)	CAM01
Plots 26 and 42 (elev/floor)	CAM02-A
Plots 48 and 37 (elev/floor)	CAM03
Plots 31,32,59,60 (floor)	DAR01-B
Plots 31,32,59,60 (elev)	DAR02-B
Garage plots 18,26,37,38,42,48	Garage-01-A
Plots 19,39,46,16 (floor)	HEN01-A
Plots 19,39,46,16 (elev)	HEN02-B
Plots 2,4,5 (floor)	HEN03-A
Plots 2,4,5 (elev)	HEN04-B
Plots 27-30 (floor)	MAI.01-A
Plots 27-30 (elev)	MAI.02-A
Plots 49-52 (floor)	MAL01
Plots 49-52 (elev)	MAL02
Plots 10,25,43 (elev/floor)	OXF01-C
Plots 36,44 (elev/floor)	OXF02-C
Plot 12 (elev/floor)	OXF03-B
Plot 6 (elev/floor)	OXF04-B
Plots 7 and 11 (elev/floor)	SHE01-B
Plots 1,14,41 (elev/floor)	SHE02-C
Plots 8 and 45 (elev/floor)	SHE03-C
Plot 3 (floor)	SUN01-A
Plot 3 (elev)	SUN02-A
Plots 17,20,40 (floor)	SUN03-A
Plots 17,20,40 (elev)	SUN04-A
Detailed Plan plots 1,13,62	2726/22/02/08 Rev A
Site sections plots 1,13,62	22/02/Sections-02
Landscaping 1 of 2	EDP3670/01L
Landscaping 2 of 2	EDP3670/02L
Street View	Street-01 Rev B
Fencing with hedgehog passage / screen fencing	F-SD0906 Rev A
Tree Pit Details and LAP spec	EDP3670/03j

Hard and Soft Landscaping Plan (Overview)	EDP3670/04h
Sales and Compound Layout – sales layout	2726-22-SL-01 A
Sales and compound layout – wheel washing	2726-22-CP-01 Rev A
Tree Constraints 1	JKK94843-RPS Figure 01-01
Tree Constraints 2	JKK94843-RPS Figure 01-02
Tree Protection Detail	F – SD0925
Freestanding Brick Walls	F – SD0806
Proposed Adoptable Road Layout	0001 – A-Rev C2
Proposed Vehicle Tracking Layout	Rev C2
Door details	Details-01
Garage Doors	Details-02
Porch/canopy	Details-03
Brickwork and detailing	Details-04 Rev A
Headers and cills	Details-05
Landscape Management Plan	EDP3670-01 D

## Condition 12

Notwithstanding the details contained on plan 2726/22/02/06/Rev F no development shall commence on site until details of the provision of a refuse bins storage area within the site shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity. REASON: To ensure the adequate provision of facilities and in the interests of visual/general amenity and to accord with Harborough District Core Strategy Policy CS11

## **Appendix 1**

### **Previous committee report.**

#### **Planning Committee Report**

**Applicant:** Redrow Homes Ltd

**Application Ref:** 17/00138/REM

**Location:** Land off Berry Close, Great Bowden

**Proposal:** Erection of 62 dwellings (Reserved Matters of 15/01425/OUT including details of layout, scale, appearance and landscaping)

**Application Validated:** 06.02.2017

**Target Date:** 08.05.2017 (Extension of time agreed)

**Case Officer:** Sarah Luckham

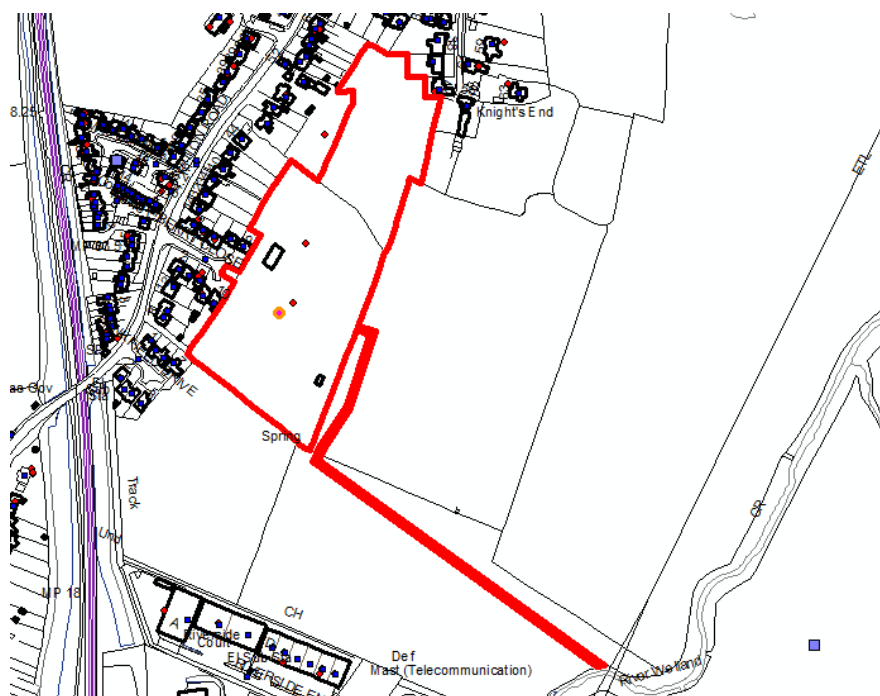
## Recommendation

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

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. The proposal therefore 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 (hereafter referred to as 'the Site') lies beyond the defined Limits to Development of the Selected Rural Village of Great Bowden. The site is located to the south-east of the village. The site is currently used as agricultural land.



**Figure 1: Site Location Plan**

- 1.2 The site consists of two paddocks as well as a sliver of land which runs between these paddocks to join the River Welland to the east. The site access is from Berry Close. The paddocks abut properties on Station Road and Berry Close to the west, properties on Horse Shoe Lane and Knights End Road to the north, and open fields to the west south. The site currently contains an open sided barn. The site boundaries are delineated by a

mixture of hedgerows and fencing and there is an existing hedgerow within the site which separates the two paddocks. The railway line is located to the west. The site is 3.08 hectares.



**Figure 2: Aerial view of the site**

- 1.3 The topography of the Site is slightly undulating. The site access falls from Berry Close into the site, meaning that the two existing dwellings at the eastern end of Berry Close are at a higher level than the site, and the new dwellings proposed adjacent to them.
- 1.4 There is a public footpath A54 through the site which runs from Station Road, between numbers 34 and 40, into the site and crosses the site heading east.
- 1.5 Great Bowden Conservation Area is located to the north of the site, but does not abut the site. There are no listed buildings within or adjacent to the site.

## **2. Site History**

- 2.1 The site has the following extant outline permission:
  - 15/01425/OUT Outline planning permission with means of site access from Berry Close to be determined (all other matters reserved for subsequent approval) for the erection of up to 70 dwellings (Class C3); earthworks, drainage, structural landscaping, formal and informal open space, car parking, site remediation and all other ancillary and enabling works. REFUSED 3/12/15 (Considered at Planning Committee 1/12/15). GRANTED ON APPEAL 8/8/16.

2.2 Previous planning history:

- 10/00120/OUT Outline application for residential development (c.56 units) (all matters reserved for subsequent approval) REFUSED 14/4/10, APPEAL DISMISSED 2/2/11
- 02/01136/OUT Erection of 40 dwellings (to include siting and means of access) WITHDRAWN 16/10/02
- 96/01073/3O Erection of three detached dwellings and demolition of adjacent barn REFUSED 14/8/96, APPEAL DISMISSED 7/2/97
- 90/00648/3O Erection of two detached dwellings and garages REFUSED 11/5/90 APPEAL DISMISSED
- 89/00848/3O Erection of three single storey dwellings and garages REFUSED 31/5/89
- 87/00346/3P Erection of 37 dwellings, garages and construction of roads and sewers on 5.6 acres of land REFUSED 31/3/87 APPEAL DISMISSED
- 85/00685/3O Erection of three dwellings REFUSED 1/7/86
- MU/05102/MUD The erection of dwellings REFUSED 19/1/65

2.3 The recent planning permission granted on appeal (a copy of the decision is attached at [Appendix A](#)) included condition 4 which stated that development hereby permitted shall be carried out in accordance with the following approved plans; the Site Boundary (004\_B), Development Framework Plan (003\_F), Advance Planting Plan (005\_A), Drainage Plan (101\_C), Site Access (008a), Access Visibility (004a) and Footways and Crossings Plan (009a). In addition, conditions 14 and 16 required that the development shall be undertaken in accordance with the recommendations contained within section 5.0 of the Ecological Appraisal Report, and the recommendations contained within the Section 7.0 of the Arboricultural Impact Assessment. These conditions and plans are referred to where relevant within the report.

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

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

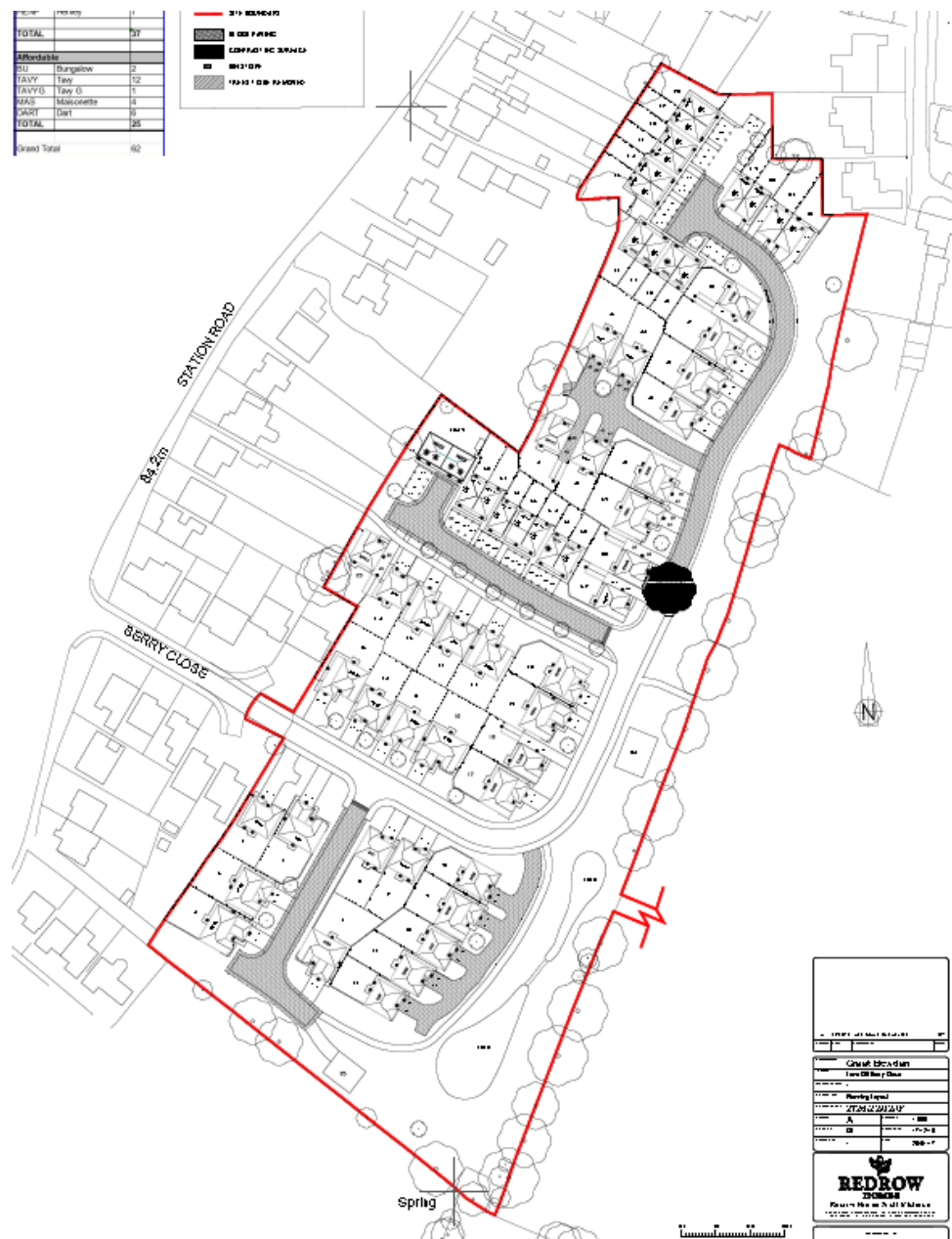
- 3.1 The application seeks reserved matters approval for 62 dwellings, following approval of outline permission 15/01425/OUT.
- 3.2 The application includes all outstanding reserved matters of appearance, landscaping, layout and scale.
- 3.3 The Development Framework Plan approved at outline stage is shown below. The plan showed a development area of 2.1ha, open space of 0.86ha, indicative primary and secondary streets, the potential play area location, attenuation pond (0.13ha), potential location for the pumping station, existing and proposed trees and existing and proposed paths (coloured purple and pink respectively).



**Figure 3: Development Framework Plan (003\_F) extract**

3.4 The application originally submitted the following layout:





3.5 Following consultation comments received from the public and consultees, the case officer met with the applicant on 24/4/17 to discuss the various issues raised. These included; non-compliance with the outline planning permission (in particular the Development Framework Plan, Ecology Report and Advance Planting Plan), location/concentration of the affordable units, dwelling mix, landscape buffer to the east and south of the site, car parking provision and garage sizes, the objections of the Highways Authority and the Lead Local Flood Authority (LLFA), root protection zones of existing trees, amenity concerns of neighbours, proposed landscaping, Landscape Management Plan, the proposals for the public footpath route, pumping station and proposed boundary treatment. Following that meeting, revised plans were submitted on 30/5/17 and consulted upon for 14 days. The revised layout is shown below.



**Figure 5: Revised reserved matters layout (01\_C)**

- 3.6 The amendments to the proposal are listed in the applicant's covering letter dated 30/5/17 and are summarised as follows:
- Housing mix technical note submitted to explain the proposed mix
  - Drainage calculation report submitted to address LLFA comments
  - Affordable housing layout revised
  - Car parking provision and surface treatment reviewed
  - Boundary treatment revised and maintenance responsibility clarified
  - Planting proposals clarified and Tree Constraints Plan submitted
  - Open space provision to include off-site contribution to allotment provision rather than on-site provision
  - Additional planting to the green corridor along the public footpath and further planting proposed to enhance biodiversity

- Landscape Management Plan updated
- Hedgehog holes added to the boundary fencing and bird boxes added to dwellings, to comply with the outline permission Ecology Report
- Revisions to boundary treatment
- Design features for corner units
- Levels plans to show existing and proposed levels
- Pumping station details added
- Refuse collection details submitted
- Revision to plot 62
- Construction Management details submitted.

3.7 Further amendments were received with the Plan Revision E below being the final layout that is now under consideration. The amendments to the proposal are listed in the applicant's covering letter dated 1<sup>st</sup> August 2017.



**Figure 6: Planning Layout under consideration (2766/22/02/01 Rev E)**

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

3.8 The application was accompanied by the following plans and documentation:

- Site Location Plan
- Covering letter
- Site Layout
- Road layout

- Levels and contours plan
- Materials layout
- Boundary treatment
- Affordable housing layout
- Surface treatment plan
- Dwelling elevations and floor plans
- Single garage plan
- Dwelling detail plans (Door, Headers and cills, porch/canopy, garage doors, brickwork and detailing)
- Street Scene
- Landscaping Details
- Tree Pit Details
- Landscaping Management Plan
- Design and Access Statement

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

- 3.9 Following validation, revised plans were received 13/2/17 in relation to the proposed 'Sherbourne' units, and on 7/3/17 further revised plans were received for various house types and a revised layout plan submitted following comments made to the applicant by Anglian Water. The revised layout was accompanied by associated revised plans for affordable housing, boundary treatment, landscaping materials and surface treatment.
- 3.10 Following the meeting between the case officer and the applicant, a full set of revised plans were submitted on 30/5/17. These plans were consulted upon for 14 days ending on 14/6/17. The revised plans were as follows:
- Layout Rev C
  - Covering letter
  - Tree Constraints Plan
  - Bird Box Plan
  - Sales and compound layout inc. wheel washing
  - Fencing with hedgehog passage
  - Working Method Statement Rev A
  - Water and pollution prevention policy
  - Pumping station details
  - Oils and chemicals policy
  - Plant use and maintenance policy

- Housing mix technical note
- Drainage calculations report
- Tree pit details and LAP spec
- Surface treatment plan Rev B
- Street View Rev B
- Refuse Plan Rev A
- Materials Plan Rev B
- Boundary treatment Rev B
- Affordable Housing Rev B
- Revised house types plans (Bungalow, Oxford, Tavy)
- Levels and contours Plans
- Landscaping Plans

- 3.11 In addition, the agent submitted a letter dated 1/6/17 which set out that Redrow recognise that there are a number of elements approved under the outline permission, which are not deliverable. As such, the reserved matters proposal does not comply with the outline. Therefore, Redrow have submitted a Variation of Condition (section 73) application to vary the outline permission as necessary to ensure compliance with the outline permission – reference 17/00996/VAC.
- 3.12 Also, following continued neighbour objections from adjacent properties, at the request of the case officer the applicant submitted site section plans showing the relationship between three existing properties and the adjacent proposed units. These plans were made available on the website, and those existing properties were notified of the plans and given 7 days to make further comment.
- 3.13 Amended plans (including Layout Plan Rev E) and supplementary information were again received on the 1<sup>st</sup> August and made available on the website on the 8<sup>th</sup> August with a consultation period of 7 days.
- 3.14 An updated levels plan was uploaded on the 11<sup>th</sup> August to regularise with the latest layout drawings, and additional Landscape drawings were updated on the 15<sup>th</sup> August following a request for greater species detailing by the County Ecology Officer..
- 3.15 For member information, Layout Plan Rev D submitted 5/6/17 was not published as further layout changes were sought to address amenity concerns and the green corridor and highways comments.

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

- 3.16 Pre-application advice was sought from the Local Planning Authority, under reference PREAPP/16/00280 in December 2016. A meeting was held with Officers and the following advice was given:

*'I refer to our meeting on the 7th December to discuss the reserved matters for Berry Close, Great Bowden, and would make the following comments, based on the revised plans submitted 14th December.*

##### *General Layout*

*I am pleased to see the layout is in general accordance with the illustrative plan submitted at outline and the design principles set out within the design and access*

statement. I am also pleased to see a clear view from Station Road through to the countryside beyond is now maintained by re-positioning/re-designing Plot 10. I am also pleased to see in most cases, a brick wall is proposed to enclosure boundaries which are visible. I would also like to see a wall rather than a fence for Plot 62 which fronts the POS. I am also pleased to see trees in the frontage of several plots and that these are outside of the highway boundary (where commuted sums would be sought). Please ensure the trees proposed are fit for purpose i.e. good enough to create a high quality, edge of countryside, development but do not require excessive maintenance from the home owner, which may result in future pressure to remove the trees. Finally I am pleased to see the plots have been stepped back from the highway boundary.

#### *Open Market Housing*

I am pleased to see the introduction of detached side garages on some of the larger properties fronting the POS and a greater variety of housing types along this frontage.

#### *Affordable Housing*

I welcome the relocation of the affordable units so they are more integrated within the site and the amendment from blocks of unit to semis. I also welcome the inclusion of 6 no. 1 bed units. As previously discussed, please ensure you have contacted one or more of the LPA's preferred RPs and Raj Patel (whom you have contact details for) prior to submitting your application to ensure they are satisfied with both the layout and mix.

#### *Pumping Station*

I note from the plans trees are proposed to act as a screen for the pumping station, please ensure you provide full landscaping details together with a management plan.

#### *Informal POS (landscaping beyond the residential curtilage of individual properties)*

As discussed at the meeting, please ensure it is clear on the submission that these areas will not be passed on to the owners of these properties and that they will be managed by a maintenance company. This is to ensure a) they are maintained to an agreed standard and b) prevents individual occupiers from taking the land into their 'garden'; thereby reducing the open character of the development. Please also clarify how the footpath adjacent to Plots 21-25 will work?

#### *Pond/ POS/ LAP*

Like the pumping station, please can you ensure you provide full landscaping details together with a management plan.

#### *Separation Distances*

The LPA will be flexible to a degree on separation distances for new residents, but we still need to be satisfied that satisfactory amenity relationships are provided in terms of daylight, sunlight and privacy. Where plots are adjacent to existing residential properties the LPA seeks a minimum distance of 21m between facing elevations containing principal window e.g. bedrooms, lounges, dining rooms, kitchens etc and a minimum distance of 14m between a blank elevation and an elevation containing a principle window to ensure privacy is protected. To ensure new dwellings do not result in a sense of enclosure/over-dominance upon existing properties the LPA have adopted a '45 degree guideline'. This involves the drawing of an imaginary 45 degree line from the centre of principal windows in properties adjacent to the site of the proposed development. It is applied both at the front and rear of the dwelling. Where a plot crosses the line, it is most likely to be considered unacceptable. I have not been able to undertake this assessment as you have not

*plotted on the neighbouring properties, so please ensure this information is submitted with the application.*

*I also re-call when conducting my site visit for the outline and appeal, that some of the properties to the north/north-east of your site (adjacent Horse Shoe Lane/Knights End Road in particular) are bungalows which appear to be sited on lower ground level than your site and have relatively open boundaries, therefore please ensure the location and size of your units satisfy the above separation distance requirements and provide appropriate boundary treatment.*

#### *House types*

*As advised in the meeting, I had no overall comments to make with regards to the open market housetypes. However, having re-visited the layout, I would note that plots which have dual frontages which are publicly visible, such as plots 2, 8, 10, 17, 20, 37, 48 need to have some detailing such as a bay window, chimney, string course etc to break up the mass of the elevation.*

*With regards to the Affordable housetypes, I am pleased to see you have addressed my comments by replacing the blocks of affordable housing with semis and by adding detailing to the semi-detached bungalow.*

#### *Hedgerow*

*Please note, County Ecology would seek a 5m buffer between the hedgerow and the boundary of residential plots, for example plots 42, 43 and 52. You will need to consider this further and I would suggest you ask your ecologist to discuss this matter further with Sue Timms (sue.timms@leices.gov.uk) at County.*

#### *Materials*

*In terms of materials, the use of 'buff brick' and light yellow bricks will be resisted. Please also avoid the use of red or orange colours for the roofing material, grey and brown are more appropriate. I advised in the meeting to avoid using render on properties which will front the countryside edge.*

#### *Submission Documents*

*I can confirm the documents listed for submission outlined within your 20th December email are agreed, however, please also provide a statement demonstrating how the layout/design accords with the outline masterplan and D&A.*

*I trust you find the above response helpful, however, you will appreciate that the response above is my professional views only and are not binding on the council in respect to any subsequent submission. Please do not hesitate to contact me if you require any further information.'*

### **e) Environmental Impact Assessment**

- 3.17 The site area of the proposal 3.08 and 62 dwellings are proposed. The development is therefore not considered to require an Environmental Impact Assessment or trigger a requirement for a Screening Opinion.

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

- 4.1 Consultations with technical consultees and the local community were carried out on the original application submission, which ended on the 10/3/17. The further 14 day consultation ended on 14/6/17.



- 4.2 A Site Notice was placed on 16/2/17. The Press Notice was published on 16/02/17.
- 4.3 A summary of the technical consultee responses which have been received are set out below.

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

4.4 **County Highways Authority**  
(19/3/17) *Refer to previous advice.*

*(14/3/17) Please find below comments in relation to the layout proposed for the above development. I would expect the applicant will wish to address these comments to pursue an adoptable layout however if they do not we can progress on that basis.*

*Layout*

*The proposed site entry traffic calming is inadequate the proposed narrowing feature will only be effective when two or more cars travelling in opposite directions meet at the access at the same time. Sole vehicle users will not be slowed to an appropriate design speed travelling to/from Station Road via Berry Close from a point close to plot no 38.*

*Additional traffic calming feature required at a point perpendicular to the boundary fence line to plots 9 and 10 and a secondary traffic calming feature required adjacent to the proposed tree by plot 19. The proposed carriageway which serves plots 21 36 is inadequately traffic calmed exceeding the maximum length of straight carriageway by approximately 30m in chainage, due to the limited available carriageway space shortening the raised section of carriageway by a minimum of 15 metres would suffice.*

*The proposed diversion to public footpath A54 will potentially require a permanent/temporary TRO prior to any works being carried out on or next to it. Further advice on TRO applications can be found in the Advice to Developers Leaflet on 6c's design guide.*

*Bend visibility to plot frontage 48 is shown within the private curtilage, this area of land must be dedicated as public highway to ensure no obstructions above 0.6m are placed within the drivers sight line please refer to 6c's design guide, part 3, paragraph 3.26.*

*Junction visibility out of the proposed access which serves plots 21-36 is within the private curtilage to plot 37 land within visibility envelopes are required to be dedicated as public highway to ensure no obstructions are placed in the drivers sight line please refer to 6c's design guide, part 3, paragraph 3.26.*

*Additional considerations*

*Proposed offsite works detailed in drawing number C85141-F-008 in regards to potential conversion of existing turning head to driveway for plots 7-10. This will involve the removal of highway rights and will require either a S247, stopping up public highway under the town and country planning act or a S248 authorised stopping up or diversion of highway under the town and country planning act 1990. Another alternative would be to stop up the highway under S116 of the highway act 1980.*

4.5 **County Ecology**



*(7/6/17) No further comments.*

*(1/3/17) No objections. Layout is excellent in that it gives the appropriate protection to the hedgerows along the eastern and southern edge, which will form the boundary to open countryside. The species selected for habitat creation are acceptable. No comments on the Landscape Management Plan.*

**4.6 Anglian Water**

*(12/6/17) We have reviewed the applicants submitted surface water drainage information and the proposed method of surface water management does not relate to Anglian Waters operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involved the discharge of water into a watercourse.*

*(28/3/17) We have reviewed the applicants submitted surface water drainage information (DESIGN & ACCESS STATEMENT) and the proposed method of surface water management does not relate to Anglian Waters operated assets. As such, we are unable to provide comments on the suitability of the surface water management.*

*(22/2/17) No comment.*

**4.7 HDC Drainage**

No comments received.

**4.8 Lead Local Flood Authority**

Following initial concerns letter dated 8<sup>th</sup> August 2017 advises that

The proposed development would be considered acceptable to Leicestershire County Council as the Lead Local Flood Authority for the purposes of agreeing the reserved matters in terms of layout, scale, appearance and landscaping.

General informatives suggested.

**4.9 HDC Community Facilities**

Community facilities contribution £45,570.

Officer comment – The S106 was secured at outline stage and so requests at this stage are not relevant.

**4.10 HDC Neighbourhood and Green Spaces Officer**

*(3/7/17) The species used for the Landscape planting are satisfactory for the location. I note the LAP details which use natural play structures.*

*The Landscape Management Plan states that any substantial amendment to the Plan will be approved in writing by the LPA. 'Substantial' is subjective and more clarity is required concerning what will need to be approved and what the Man Co considers does not need approval.*

*The LAP is itemised for a weekly recorded inspection. Flexibility will be required if the area gets high use and inspections need to be more frequent. Additionally an annual RoSPA or similar inspection is required.*

**4.11 LCC Developer Contributions**

Refer to outline S106.

#### 4.12 **LCC Archaeology**

*(8/5/17) Please take into account advice offered in respect of the archaeological matters and addressed under 15/01425/OUT. Whilst the current reserved matters application presents some changes to the original scheme, it does not alter the proposals anticipated detrimental archaeological impact. Reviewing the appeal decision I am unclear whether the archaeological comments formed part of the inspectors deliberations, however, I note our comments of the 15th Nov 2015 have been included with the Reserved Matters documents.*

#### 4.13 **HDC Affordable Housing**

*(14/3/17) This AH scheme is NOT well integrated and not in keeping with the surroundings. It is primarily positioned in two locations both in close proximity to each other. I am not advocating individual pepper potting but this is a large site which can accommodate a better integrated AH scheme. The applicant will need to represent with an alternative AH proposal.*

#### 4.14 **Leicestershire Police**

*(27/2/17) I have now managed to review these plans and am able to offer the following comments, which are based upon the Secured By Design (SBD) criteria and NPPF paragraph 58. It is pleasing to see that parking is close to dwellings, surveillance of these areas should be possible from 'active' (living) rooms within houses (I do not have sufficient detail about the use of rooms to know if this is the case). I would recommend that these homes and buildings are built to the highest levels of security and that Secured by Design should be considered.*

### **b) Local Community**

4.15 The following comments were received to the original plans:

#### 4.16 **Parish Council**

*(10/4/17) Great Bowden Parish Council formally requests that a Compare and Compliance Exercise between the current application 17/00138/REM and the appeal determination Appeal Reference APP/F2415/W/16/3144470 HDC 15/01425/OUT Berry Close be carried out prior to any other consideration being undertaken.*

*Following meetings in the village the following were the subject of concerns made by Residents:*

- *The structure and plot layout of the proposed development along the Station Road, Knights End Road and Horseshoe Lane boundaries does not protect existing residents' privacy and will result in increased noise, light pollution and overlooking. The proposal therefore does not comply with sustainability requirements.*
- *Affordable housing (40% of the total number) is proposed in two ghettoised areas - one predominantly rented and the other shared ownership. These properties should be spread over the development and suitably mixed in to enable all residents to enjoy any perceived benefits and access to public services.*
- *The density is far too great at the Horseshoe Lane/ Knights End Road end - 24% of houses in about 10% of the site. This results in -*
  - A 'barracks block' effect in this part of the new development;*
  - far too many new buildings at or very close to the boundaries of existing houses, which therefore suffer from unacceptable visual deprivation, levels of noise and light pollution and disturbance;*
  - insufficient parking with only 6 for visitors and/or 2 car homes;*

- two allocated spaces too far from their respective homes (59 and 60) which in reality deprive residents of these two houses from having any realistic parking space and
- tandem parking which is an ineffective solution especially where parking is under pressure.
- The Inspector states that the site is '..well served by public transport..' yet the proposals position the affordable homes - the ones with fewer cars as evidenced by the paucity of parking spaces nearby - furthest away from the site access and therefore to public transport. Those residents will also have furthest to walk to the village. This
  - creates inconvenience,
  - encourages shortcuts over private property and
  - deters people from using public transport.
- The associated contradictions with sustainability best practice consequent on the affordable housing proposals in general make this entire part of the application unsupportable.
- The housing mix and spread within the site is not in keeping with the existing mix both in Great Bowden generally and in the immediate vicinity of the site.
- The developers agreed in their appeal papers with HDC that the 'landscaping of the site...shall be in general accordance with the principles and parameters described and illustrated in the Design and Access statement..' However, the width of the green corridor in the detailed application is half that shown in Plan 3.3 Landscape and Ecology in that initial document. The developers have therefore failed to comply with their own agreement with the Council and in so doing have very adversely affected visibility and environmental benefits, especially those enjoyed by residents of Knights End Road. They have also reduced the development's ecological value.
- The central green area adjacent to the footpath across the site does not accord with Outline approval: it is significantly smaller and hard surfaced, negating environmental and other benefits.
- Green space is a public benefit but is unacceptably biased towards the private housing areas
- Visual screening and landscaping proposed between existing housing and the new development is insufficient to protect privacy.
- There is insufficient root protection area allowed for mature trees on village boundaries.
- We believe that the land registry map being used by the planners is out of date as our own property, constructed in 2014, is not shown as having any boundaries, which is not the case.
- Looking at the gradients on the plans, we foresee major problems with sewage disposal. When building our home in 2014 we were advised by Severn Trent/Anglian water that the sewer serving existing homes and the proposed estate is old and virtually at maximum capacity. The road is regularly dug up to make repairs as it is and we are very worried that a large additional burden on the facility is not sustainable.
- At recent meetings of Great Bowden Parish Council a representative of Anglian Water again voiced the company's concerns about the proposal to effectively pump sewerage 'uphill' to the highest point of the development site and the lack of capacity of the drainage on both Berry Close and Station Road to cope with the increased demand on service. Furthermore the suggestion that emergency overflow of rainwater from hard surfaces would be fed out into the River Welland

*must surely be of concern to HDC given the propensity of the various parts of the town to flood at times of severe weather, not least of all at the confluence of the Welland and Jordan rivers at Welland Quarter.*

- *Might I suggest that until a full and complete proposal regarding the ALL water drainage and sewerage disposal has been submitted and reviewed by Anglian Water, Severn Trent and the Environment Agency, the Redrow application either be withdrawn or put on hold pending approval.*
- *There is insufficient visual screening proposed between the existing housing and new development to ensure privacy and security and there is a break in said provision on the Eastern boundary plans where there is no provision at all.*
- *The 'green corridor' along the Eastern boundary softens the view of the new edge of the village but no such consideration has been given to existing home owners and I doubt that the traffic along Rockingham Road /A6 Bypass, would be very much affected by view of the new development being some 20 metres closer whereas this 'buffer' would make a great deal of difference to residents on Horseshoe Lane, the Top of Knights End Road and Station Road were it to be sited to the North and West edges of the site.*
- *And finally the proposed local play area is insufficient in size and content for the proposed development*

#### 4.17 **Local community**

58 Objections received from different households on the following matters:

Issue	Comments raised
Principle	Land not suitable for development Separation land Number of dwellings is too great
Outline permission	The scheme does not accord with the outline approval. Overall green infrastructure provision does not accord with outline as it is less Green area to the west is less than shown at outline and the aspect for Knights End Rd has been obliterated Central green route does not accord with outline (smaller and hard surfaced) and this reduces its environmental value Layout of plot 62 does not comply with outline condition 4, drawing 003F. Tree planting next to 56 and 62 Knights End Rd has not been provided. The width of the green corridor is half the width of that show on plan 3.3 of the outline DAS. No evidence of a green corridor or preventing coalescence.
Trees	Insufficient root protection areas for mature trees. Concern about size of trees proposed adjacent to 56 Knight end Rd and their overshadowing impact and roots.
Surface water	Non-absorbent hard surfaces will increase surface water run off.
Highways	Traffic generation Access point is dangerous in/out of Berry Close HGVs turn in Berry Close Already two entrances opposite Berry Close Alternative off road parking for existing properties on Station Rd (which do not have off road parking) is required for safety. Traffic impact of 62 new dwellings off a cul de sac and impact on existing roads.

	<p>Crossing from Bankfield Drive to the footpath on the opposite side of Station Rd is already dangerous and will become more so.</p> <p>Parking shown is inadequate and no visitor parking shown.</p> <p>Will impact on junctions of Great Bowden Rd/rail station/St Mary's Rd/Fernie Rd and create bottleneck.</p> <p>Tandem parking causes sustainability issues.</p> <p>No visitor parking and roads too narrow will result in parking on pavements.</p> <p>Crossing from eastern side of Station Rd to the pavement on the west will become more dangerous.</p> <p>No clarity about what is happening to roadway/pavement outside 8/10 Berry Close, concern about blind spot danger when pulling out of driveway.</p> <p>No plans for crossings/pathways to allow safe crossing from Berry Close to western side of Station Rd.</p>
Housing mix	<p>Does not accord with the village generally and in the immediate area</p> <p>More bungalows would provide a diversity of house types.</p>
Infrastructure	<p>Village amenities not enough</p> <p>School/Doctors cannot cope already</p> <p>No contribution of land to community use despite number of dwellings proposed.</p> <p>School and pre-school are full.</p> <p>Insufficient attention is being given to the cumulative impact on Great Bowden of the recent applications.</p>
Sewerage	<p>Pipework not adequate without increasing the chance of flooding and blockages.</p> <p>Existing sewer is old and at capacity.</p>
Ecology	<p>Loss of mature trees and hedgerows.</p>
Public footpath from Station Rd to the site	<p>This will become a rat run.</p> <p>Will this path be closed during construction?</p> <p>Wide green corridor shown at outline has been reduced and is now sandwiched between hard surfaces and lit.</p>
Layout	<p>Plot 52 too close to boundary of 50A Station Rd – will damage hedgerow and trees</p> <p>Root protection area of trees at 50A Station Rd will be impacted, and trees very close to proposed dwellings.</p> <p>Concern that without security new dwellings may use 50A Station Rd as a cut through to Station Rd.</p> <p>There is no screening to the western edge of the site against existing properties on Station Rd. Request high level natural screening.</p> <p>OS plan does not show 50A Station Rd accurately.</p> <p>Layout more like an urban estate and not compatible with rural area and village.</p> <p>Too dense.</p> <p>New dwellings are too close to existing properties with no screening</p> <p>Should be more in keeping with character of the village.</p> <p>Site is unbalanced in its design and layout.</p> <p>Amenity space should be provided to north and west to provide gap to existing dwellings and preserve character of the village.</p> <p>Properties on Horseshow Lane are bungalows at a lower level but the adjacent dwellings proposed are two storey.</p> <p>The landscape buffer to the eastern boundary is no use to the existing properties on the site boundary. 1.8m fencing is not sufficient</p>

	<p>screening.</p> <p>Green space location is biased towards the private housing areas.</p> <p>Play space in corner away from many houses.</p> <p>Southern end of the site adjacent Bankside Drive has insufficient landscaping.</p> <p>New dwellings on site and LEAP would greatly reduce tranquillity of the area.</p> <p>Need fewer houses and more parking and green spaces.</p> <p>Should be more public land around dwellings and not just concentrated to the east.</p> <p>Plot 62 encroaches onto green belt area on the eastern side.</p> <p>Properties to the north should be reduced in density, height and set further away from existing properties and screened.</p> <p>Sense of openness Redrow referred to at appeal not created by high density housing adjacent to Station Rd, Berry Close and Knights End Rd.</p> <p>Properties should not back onto green spaces.</p>
Dwelling design	<p>No attempt to blend with the existing area and ad hoc nature of design in the village.</p> <p>Bland design.</p> <p>Hugely contrasting difference in design between those proposed and existing housing on Berry Close/Station Rd.</p> <p>Inappropriate materials.</p> <p>Design more suited to an urban context.</p>
Dwelling size	<p>Affordable units are smaller than any existing properties and thus out of character with their surroundings</p>
Amenity	<p>50A Station Rd living room window will be overlooked from plots 53 and 54.</p> <p>Overbearing on existing properties especially Berry Close.</p> <p>Noise and light pollution on existing residents of Station Rd.</p> <p>Impact upon 42 Knight End Rd in terms of overbearing and loss of privacy, loss of daylight due to limited 6m depth of garden and 1m lower than site.</p> <p>Overbearing impact of 1.8m boundary fenced on boundary with 42 Knights End Rd.</p> <p>Plots 13, 24 and 25 are too close to 9 Berry Close and lead to loss of privacy.</p> <p>Northern dwellings are only 3-5.5m from existing boundaries with Knights End Rd and create loss of privacy and sunlight.</p> <p>Overbearing and loss of light on 44 Station Rd from plots 26-29.</p> <p>New dwellings will cause noise and light pollution.</p> <p>Loss of privacy to 40 Knights End Rd, from new dwellings looking into a floor to ceiling window.</p> <p>Overlooking into 56 Knight End Rd living space windows which face the site, and no proposals for boundary treatment despite there being a low wall on part of the boundary with the site. Concern that the lack of boundary treatment will enable a shortcut to the village through 56 Knights End Rd.</p> <p>Overshadow garden of 34 Station Rd.</p>
Lighting	<p>Has the lighting strategy been designed which follows best practice guidelines regarding Bats?</p>
Affordable housing plots 49-62	<p>Density is too high and out of character with the existing surrounding properties.</p> <p>24% of dwellings on 10% of site.</p>

	<p>Area of land is insufficient for family houses.  Density will lead to noise and disturbance.  Concentration of affordable units in one small area is too high and they should be dispersed around the site.  The Dart homes are family homes but are far away from site access and the recreational areas.  Inadequate area for parking  New dwellings too close to existing houses.  Parking for 59 and 60 too far from their dwellings.  These homes are likely to have less access to private car yet are furthest from site access and bus stop.</p>
Affordable units generally	Should be spread through out the site and not in two areas, split into rented and shared-ownership.

4.18 The following comments were received to the revised plans consultation in March and the May/June consultation. (i.e. post 6/3/17)

Comments raised
Initial objection still stands
The proposed scheme does not accord with Outline Approval and will have an overbearing impact.
The housing mix is not in keeping with the existing mix in Great Bowden generally and in the immediate vicinity of the site.
Privacy and overlooking are adversely affected by insufficient landscaped protection between existing housing and the new development.
The structure and plot layout of the proposed development along the Station Road boundary does not protect existing residents privacy and will result in increased noise, light pollution and overlooking
Visual screening proposed between existing housing and new development is insufficient to protect privacy
The overall green infrastructure does not accord with Outline approval: it is significantly smaller thereby reducing the developments ecological value
Green space is a public benefit but is unacceptably biased towards the private housing areas
The green corridor along the Eastern site boundary is significantly smaller than as shown in the original submission and therefore does not accord with Outline approval. Visibility/aspect for existing properties in Knights End has therefore been obliterated
The central green route does not accord with Outline approval: it is significantly smaller and hard surfaced, negating environmental benefits.
There is insufficient root protection area allowed for mature trees on village boundaries.
The Southern end of site closest to Bankside Drive has insufficient landscaping to protect the visual impact of the site
Affordable housing - which is both for rent and shared ownership and is 40% of the total number – should be spread over the development, not ghettoised in two areas, one predominantly rented and the other shared ownership.
<p>The density is far too great at the Horseshoe Lane end – 24% of houses in about 10% of the site. This results in –</p> <ul style="list-style-type: none"> <li>· A 'barracks block' effect</li> <li>· unacceptable levels of noise and disturbance for existing housing</li> <li>· existing houses having an unacceptable number of new buildings at or very close to their boundaries</li> <li>· insufficient parking – only 6 for visitors/2 car homes</li> <li>· two allocated spaces too far from their respective homes (59 and 60)</li> </ul>



Tandem parking which causes sustainability issues, especially where parking is under pressure
<p>Most of the homes likely to have fewer cars are furthest away from public transport and will have furthest to walk to the village. This -</p> <ul style="list-style-type: none"> <li>· creates inconvenience,</li> <li>· encourages shortcuts over private property and</li> <li>· adversely affects sustainability by deterring people from using public transport.</li> </ul> <p>The proposed play area is located at the far corner of site providing least access for a majority of residents.</p>
There is no contribution of land to village or community use despite the significant increase in village size as a result of the new development
In addition to the above, on what is a cul de sac at the moment, the increased traffic along the road, in and out of the new development, will seriously impact on the privacy of the residents of Berry Close
There will be increased numbers of people walking to and from the new development along Berry Close, transforming this quiet and peaceful cul de sac into a busy thoroughfare.
The new houses are extremely close to the existing properties and their boundaries at the end of Berry Close and the houses along Station Road. The people living in these houses will have significant restrictions to the amount of sunlight/daylight allowed onto their property, particularly in the summer months when residents want to sit outside in their gardens taking advantage of the sunlight on offer
Affordable housing - which is both for rent and shared ownership and is 40% of the total number – should be spread over the development, not ghettoised in two areas, one predominantly rented and the other shared ownership
The density is far too great at the Horseshoe Lane end – 24% of houses in about 10% of the site
How will we get out of Berry Close onto Station Road with the access being so inadequate
The increased volume of traffic along Berry Close and Station Road will mean that planning journeys will have to be made differently, particularly at peak times, because of the difficulty of getting out of Berry Close onto Station Road
Will there be a roundabout at the end of Berry Close to alleviate this congestion issue? It seems to give the only viable solution
Where will our relatives and friends park when they come to visit
The increased noise and disturbance from, potentially, 60 more cars accessing the new development, plus anyone else visiting the new development, will significantly increase the amount of noise and disruption experienced by the residents of Berry Close and Station Road
In addition, the increased footfall of people accessing the new development will significantly increase noise and disturbance experienced by the residents of Berry Close and Station Road
The Southern end of site closest to Bankfield Drive has insufficient landscaping to protect the visual impact of the site
The proposed play area is located at the far corner of site providing least access for a majority of residents
<p>Plot 13 will literally only be a few yards from my property. The window in our dining room adjacent to the proposed new building will</p> <p>be completely blocked and subsequently we will lose light and views.</p> <p>The proposed boundary as marked on the plan in blue will have a 1.8m closeboard fence. This will be in exactly the same place as my existing 4' fence with concrete posts and gravel boards which I have only recently erected. If a new fence is erected next to mine, it will be impossible to maintain both sides as the gap between fences will not be accessible</p>

the recently revised site boundary (which I accept is in accordance with the Land Registry) now brings the boundary fence to within about five yards of my existing property. I consider this too close. (50a Station Rd)
There is insufficient visual screening proposed between the existing housing and new development to ensure privacy and security and there is a break in said provision on the Eastern boundary plans where there is no provision at all. (Garden of 50 Station Road)
At recent meetings of Great Bowden Parish Council a representative of Anglian Water again voiced the company's concerns about the proposal to effectively pump sewerage 'uphill' to the highest point of the development site and the lack of capacity of the drainage on both Berry Close and Station Road to cope with the increased demand on service
The suggestion that emergency overflow of rainwater from hard surfaces would be fed out into the River Welland must surely be of concern to HDC given the propensity of the various parts of the town to flood at times of severe weather, not least of all at the confluence of the Welland and Jordan rivers at Welland Quarter.
<p>The Inspector states that the site is '..well served by public transport..' yet the proposals position the affordable homes - the ones with fewer cars as evidenced by the paucity of parking spaces nearby - furthest away from the site access and therefore to public transport. Those residents will also have furthest to walk to the village. This</p> <ul style="list-style-type: none"> <li>- creates inconvenience,</li> <li>- encourages shortcuts over private property and</li> <li>- deters people from using public transport.</li> </ul>
The associated contradictions with sustainability best practice consequent on the affordable housing proposals in general make this entire part of the application unsupportable.
<p>The issues raised by the owners of 42 Knights End Road affect us in very much the same ways -</p> <ol style="list-style-type: none"> <li>1. The excess density at this end of the development means that my south and west boundaries abutting the area - a length of about 30 meters - are assaulted by boundaries and/or access to TEN new houses.</li> <li>2. The mix proposed for the site means these ten houses represent 56% of the 'affordable homes'.</li> <li>3. The impact of this number of properties of any type this close to our boundaries would impact severely on our quality of life and quiet enjoyment.</li> <li>4. The relatively lower position of our house compared with the development site means the new properties would be built at a much higher level than our house, resulting in unavoidable overlooking and an invasion of our privacy. This situation is exacerbated as we have a significant amount of first floor 'floor to ceiling' window area facing towards Station Road and hence six of the new properties.</li> </ol>
The landscaping plan shows trees on the development site boundary which are within my Boundary. They are not quality trees.
The first house in the development, Sherbourne 1, will be built with a 2 metre gap between it and 10 Berry Close. As this house is 1.5 metres below the level of 10 Berry Close, this will cause difficulties with access for both properties should any painting or roof repairs need doing in the future, as the inclination of ladders would be very steep, and there is no room for scaffolding.
Sherbourne 1 is jutting out at the rear for several metres beyond 10 Berry Close, with a resulting loss of light to the conservatory ,downstairs living room and the upstairs bedroom, as this would be at a 90 degree angle
The revised boundary treatment drawing dated 30th May appears to show that they intend to remove the hedge which for over 40 years has been the accepted boundary between no. 50 Station Road (and since 2014 no. 50a) and replace the hedge with a

fence on the 50/50a side of the existing hedge.in other words moving the boundary a couple of yards towards my house. I refer to the hedge marking the boundary between their plot 52 & 43 and our properties.
Current layouts of buildings and fencing to the rear of nos 32 and 34 Station Road do not take account of pre-existing metal fencing that demarcates historic property boundary lines. Any new fencing and new buildings to the rear of 32 and 34 Station Road must be constructed along the boundary line indicated by the metal fencing. Current layout plans clearly indicate the site boundary as being the hedging - this is legally and historically incorrect. This application must therefore be rejected on the basis plans are inaccurate and do not take proper account of historic and legal boundary lines.
We note there has been a modification on the amended plan to property type for nos 57 & 58 which are now proposed bungalows. On this basis we would like to draw your attention to our previous request for consideration regarding dwelling type for Properties 59&60 (currently proposed as Dart).
We are in a unique situation regarding the depth of our garden, the lower level of our property which is a bungalow and strongly urge the developer to reconsider and be sympathetic to the density and dwelling type of properties at the northern end of the site -specifically 59-62. Whilst we acknowledge 61&62 ARE proposed bungalows we feel the over all density of dwellings is excessive and shows complete disregard for our privacy
The proposed houses to be built next to No. 9 Berry Close (plot 13) and 10 Berry Close (plot 1) are both extremely close to our properties, in fact only 2 meters. This will have an overbearing impact leading to a significant loss of privacy as well as loss of light. My property would lose light from the side window in the dining room/office and the upstairs gable window, which will both be overlooked by plot 13. The lounge window will also be affected at an angle of 45°. Suggested change in house types
If building so close to nos. 9 and 10 Berry Close, then should be a bungalow or smaller.
Comments regarding fencing and windows has not been addressed (9 Berry Close)
Questions regarding drainage and foul water. Is pumping station located properly
If excessive water, where will it go?
Should be more landscaping adjacent to existing residential properties.

4.19 The following comments were received in relation to the most recent amendments posted on the website on and post 8<sup>th</sup> August 2017.

I do not believe detailed variations should even be considered at this time. Nevertheless for clarity let me say clearly and for the removal of doubt, I object most strongly to them all
Why did they put in the green corridor if it was not possible simply because of restrictions they must have known about at the time
Redrow's initial indicative layout was simply that - it was actually entitled '4.1 Illustrative masterplan'. The inspector's decision means the builders are now stuck with it
If planting oak trees close to properties is not best practice (and 'professionals' should know what is obvious to everyone!) again why were they included?
The ecological report was available well before the discussions on the original outline application: again why were the issues not raised then?
If the property boundaries are existing properties -as I guess is the case - and the public right of way is not changing, it is understandable and should be agreed. If the property boundaries referred to are new properties, no waiver should be agreed and the boundaries must be changed.

4.20 Any further comments received will be reported to Committee.

## **5. Planning Policy Considerations**

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

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

### **a) Development Plan**

➤ *Harborough District Core Strategy*

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

- *Policy CS1 Spatial Strategy*
- *Policy CS2 Delivering New Housing*
- *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 CS13 Market Harborough*
- *Policy CS17 Countryside, rural centres and rural villages*

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

5.4 Of the limited number of policies that remain extant, Policy HS/8 (Limits to Development) and EV/3 (Separation of Settlements) should be noted.

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

5.5 Material Planning Considerations relevant to this application:

- *The National Planning Policy Framework (The Framework / NPPF)*
- *National Planning Practice Guidance (PPG)*
- *Supplementary Planning Guidance 3, 9-11, 13 & 16 (adopted 2003)*
- *Five Year Housing Land Supply Position Statement*
- *Emerging Local Plan - Options Consultation*
- *Planning Obligations SPD (Jan 17)*

- *Great Bowden Village Design Statement 2000*

*The document provides guidelines for new development, including materials, design details and boundary treatment.*

- *Great Bowden Neighbourhood Plan (emerging)*

*The plan is in the early stages of preparation and at this stage no weight can be given to it.*

### **c) Emerging Local Plan Evidence Base**

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

- *Strategic Housing Market Assessment (2014)*
- *Strategic Housing Land Availability Assessment*
- *Settlement Profile (May 2015)*
- *Market Harborough Landscape Character Assessment (2009)*
- *Local Plan Options Consultation Paper*

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

5.7 The following documents should be noted

- The Community Infrastructure Levy Regulations 2010, S.I. No.948 (as amended)
- Circular 11/95 Annex A - Use of Conditions in Planning Permission
- ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)
- Manual for Streets and Manual for Streets 2
- Building for Life 12
- Leicestershire Planning Obligations Policy
- Leicestershire County Council Local Transport Plan 3 (LTP3)
- Leicestershire County Council Highways Authority 6Cs Design Guide
- Provision for Open Space, Sport and Recreation 2015
- Planning Obligations SPD 2017

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

5.8 *Reason for Committee Decision*

This application is to be determined by Planning Committee in accordance with the Scheme of Delegation, as the application is for more than 10 dwellings.

## **6. Assessment**

### **Principle of Development**

6.1 The site has outline permission (access only) for up to 70 dwellings. The permission includes earthworks, drainage, structural landscaping, formal and informal open space, car parking, site remediation and all other ancillary and enabling works. The principle of development has therefore been accepted.

### **Heritage impact**

- 6.2 Policy CS1(o) states that the strategy is to support development which protects conserves and enhances the District's built heritage whilst ensuring that new development is safe, well designed, adapts to climate change and helps to reduce the District's carbon emissions. Policy CS11(d) states that heritage assets within the District and their setting will be protected, conserved and enhanced. NPPF paragraph 132 states:
- 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'.*
- 6.3 Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose a duty on Local Planning Authorities to pay special regard/attention to Listed Buildings/assets and Conservation Areas, including setting, when considering whether to grant planning permission for development. For Listed Buildings/assets, the Local Planning Authority shall *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"* (Section 66) and for Conservation Areas *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"* (Section 72).
- 6.4 The proposed development site is located on the southern edge of the village, outside the existing historic core. At its closest point, the Conservation Area boundary is located c.70m north of the Site. No part of the Site lies within the primary setting or curtilage of the Conservation Area or any of its designated heritage assets.
- 6.5 As noted at outline stage, the proposed development will not cause harm to heritage assets. The outline permission did not include conditions requiring a programme of archaeological mitigation, investigation or recording, and was not included within the list of Conditions agreed by the Planning Inspector. Although requested at this stage by County Archaeology, it would now be unreasonable to include such a condition.

## **Layout and Design**

- 6.6 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.7 Policy CS2(b) advises all housing development should be of the highest design standard (in conformity with Policy CS11) and have a layout that makes the most efficient use of land and is compatible with the built form and character of the area in which it is situated. Policy CS11 states that new development should be directed away from undeveloped areas of land which are important to the form and character of a settlement or locality.
- 6.8 Policy CS2 requires that sites of 0.3ha or above are required to meet the 30dph minimum net density standard. This is flexible where individual site circumstances dictate and are justified. The proposed development is 62 dwellings, and thus less than the approved 'up to 70' at outline stage.

- 6.9 Policy CS2 requires a mix of housing types on larger sites. The applicant has submitted a Housing Mix Technical Note (May 17). The note refers to the HEDNA recommendation mix for Harborough of 1 bed 0-10% (35-40% affordable), 2 bed 25-35% (30-35% affordable), 3 bed 25-45% (25%), and 4+ bed 15-25% (5-10% affordable). The applicant states that the majority need is for family 3-4 bed homes by in-migrants, and that the HEDNA should not be used to be prescriptive on individual sites, but as a negotiation tool. The site proposes a mix of 8 x 1 bed, 9 x 2 bed and 4 x 3 bed affordable dwellings.
- 6.10 The Housing Enabling and Community Infrastructure Officer had expressed initial concerns regarding the affordable dwellings not being well integrated into the development. Since then there have been some minor amendments that go a little way towards addressing these concerns. The Housing Enabling Officer is content with the mix.
- 6.11 At outline stage, the Inspector imposed conditions requiring:
- The development to be carried out in accordance with the Development Framework Plan (condition 4)
  - Layout details to include existing and proposed levels (condition 5)
- 6.12 The application includes plans of existing and proposed levels. The plans shows that most of the proposed finished floor levels are very similar to existing levels. The levels plans can be secured by condition.
- 6.13 The submitted Design and Access Statement states the following regarding the submitted layout and design:
- Conforms with the principles of the Development Framework Plan
  - Provides a simple movement network of vehicular, cycle and pedestrian routes, with a high level of natural surveillance
  - Maintains views over the open countryside from Berry Close through maintaining the existing building line
  - Scale of 1 and 2 storey dwellings accords with the local character
  - Landscaped areas to the south and east, and retention of the existing hedgerows along the southern and eastern boundaries
  - Green route along the eastern boundary and through the centre of the site (the public footpath)
  - Balancing pond to the south-east corner of the site
  - Open space to include a LAP with natural play features
  - Corner buildings address both aspects and provide active frontages
  - Boundary treatments in public areas are brick walls and in private areas are close boarded fencing
  - Front gardens to the initial access road will be defined by a hedgerow
  - All private dwellings have 2 parking spaces provided.
  - 40% affordable housing is provided in two clusters.
  - Frontage parking is broken up by landscaping.
  - Materials proposed are two types of red brick with either grey or brown roof tiles. Some brick detailing, render, tile hanging and timber boarding is proposed.



- Main access road surface to be bituminous finish, with shared surfaces/private drives to be block paved.

- 6.14 The layout is broadly in accordance with the Development Framework Plan (DFP), in that it provides the single access from Berry Close, the footpath route across the site, and landscaping to the south and eastern countryside boundaries. Where the site does not comply with the DFP is in relation to the 'green corridor' along the public footpath route. This is discussed in the following sections relating to landscape impact and ecology.
- 6.15 The layout proposed continues the route of Berry Close into the site, with the new dwellings facing the road, as per the existing dwellings on Berry Close. The new dwellings are set back from the road frontage, allowing views to open countryside. The road layout provides that dwellings front onto the landscaped areas to the southern and eastern boundaries; so the houses face the countryside. These dwellings are all detached properties of various sizes and designs and positions, providing variation in the street scene and a softer edge to the development. The central and northern portions of the site have a higher density, where several smaller affordable units are proposed. Although this density contrasts with adjacent existing dwellings, this density is lower than that approved at outline stage (only 62 dwellings are proposed but 70 were approved).
- 6.16 The proposed dwellings are of various designs, and examples are given below.



- 6.17 The materials plan show that dwellings will be of two types of multi-red brick (with contrasting red brick detailing), and roof tiles will be brown and grey. Render details will be in white roughcast render. No render is proposed to the countryside edge (northern boundary) of the site to minimise visual impact of the new development. Details plans show the treatment of brick corbel detailing, brick banding/plinths, tile hanging, headers and cills, doors, porches and timber boarding. Adherence to these plans can be secured by condition.



**Figure 7: Market Dwellings**



**Figure 8: Affordable dwellings**

- 6.18 The applicant has submitted a refuse plan which shows refuse storage points and bin collection points. All units have bin storage in rear gardens. The plan can be secured by condition.
  
- 6.19 The layout shows the location of the foul pumping station, adjacent to the southern boundary. Details have been submitted. The pumping station will be underground, with only a small green box above ground. This would be enclosed by a 1.8m green palisade fence.
  
- 6.20 The surface treatment plan (Rev E) shows the main access road, pavements and public footpath will be blacktop tarmac, and other roads will be block paved in brindle or bracken colour. Most on-plot parking spaces will be tarmac. Adherence to the plan can be secured by condition.
  
- 6.21 The boundary treatment plan (Rev E) (and the plan showing fencing with hedgehog passage) shows plot boundaries to be demarked by a mix of brock walls and fencing. Brick walls are used where plot boundaries abut roads and footpaths and are visible in the street scene. A 1.5m fence with a 300mm trellis above is proposed on the boundary of plot 62 with 42 Knights End Road and this is discussed further in the amenity impact section below. Adherence to the plan can be secured by condition.

6.22 Overall the layout and design is considered to meet the relevant policies.

### Landscaping, open spaces and tree planting

6.23 Policy CS17c) provides several criteria to ensure that rural development will be located in a way that is sensitive to its landscape setting. Policy CS11 states that development should include an appropriate landscaping scheme.

6.24 At outline stage, a Landscape and Visual Assessment was submitted. Views from public footpath and from gardens of existing properties were considered. The Assessment stated:

*'6.3.10. From the rear gardens of properties along Berry Close, Station Road and Horse Shoe Lane that back onto the site, effects for the Medium-term and Permanent duration would both be Large scale. Views would be confined to a Limited extent. This would result in effects of Medium magnitude that are assessed to be Major-moderate. As open views of fields would be lost and replace by a housing development, these effects would be Adverse.'*

*'7.1.2. The proposed development would create a high quality residential extension to the east of Great Bowden replacing two pasture fields with housing, associated infrastructure and public open space. Existing mature trees and hedgerows bordering the site will be retained with the exception of a Category C Ash tree and approximately 80m length of hedgerow to the centre of the site. New native tree planting within green corridors associated with public open space will maintain and strengthen the existing trees along the south and eastern boundaries of the site that will also assist with softening and screening the proposed development. Additional tree and replacement hedgerow planting is proposed along the green corridor that follows the route of the public footpath crossing the site. Not only will this planting within proposed public open space replace vegetation to be removed, but will greatly benefit the site and local area with new publicly accessible and varied landscape compared to the current relatively inaccessible and sterile farmland.'*

6.25 At outline stage, the Inspector considered the above Assessment and his comments are set out in his report (see Appendix A). He concluded that *'I am satisfied that the proposed landscaping measures, notably the substantial landscaped and tree buffer area on the site's eastern and south eastern edges where it adjoins the open countryside, would go some way to minimising these localised harmful effects...'* (para 16). The Inspector opined that the development could be *'considerably and sensitively landscaped'* (para 26) and imposed conditions to secure compliance with the Development Framework Plan and Advance Planting Plan and secure details of levels, boundary/surface treatment and a Landscape Management Plan.

6.26 It is acknowledged by the applicant that the 'green corridor' referred to in the Assessment along the line of the public footpath, and shown on the Development Framework Plan (secured by condition 4 of the outline permission), has not been provided in the submitted layout.

6.27 In light of this, the advice of The Landscape Partnership (TLP), who advised the Council on the original Landscape and Visual Assessment, has been sought to determine if this layout change is considered harmful or acceptable.

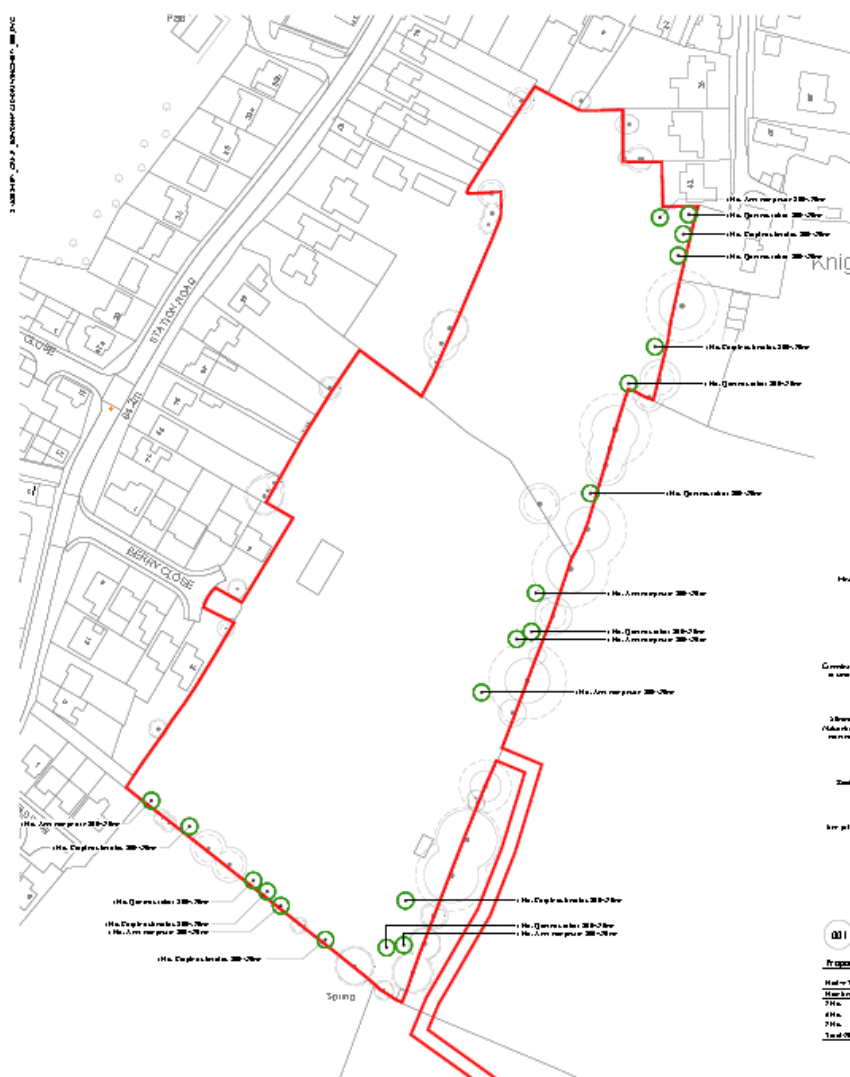
6.28 TLP have advised that there is a proposed reduction in planting, and the scheme now consists of 6 trees in a 2m wide verge with hedgerow planting to front gardens.

TLP note that the original green corridor was '*relatively narrow and would not have resulted in a notably reduced visual effect on users of the right of way. The major visual effect for users of the right of way came with the development of the site for housing...Furthermore, the location of residential development in the vicinity of the footpath was proposed in the illustrative layouts at outline stage and a slightly wider planted landscape corridor (c 2-4m) would only have had a marginally improved effect, particularly after allowing for crossing the corridor for private drives. The effect on the route also needs to be seen in the context of the confined section of the footpath route to the west up to Station Road.*' Overall, TLP advise that the impact of the reduced 'green corridor' is acceptable.

- 6.29 The 'green corridor' along the line of the public footpath is also referred to in the Ecological Appraisal Report, the recommendations of which the Inspector secured by condition 14 of his decision. Ecology is discussed in the next section of the report.
- 6.30 The public consultation has raised a desire for increased landscaping along the western boundary of the site where the rear of properties on Station Road abut the site. This was raised with the applicant who responded as follows:

*'In terms of the station road boundary, as you state below, it is not possible to pull the proposed dwellings forward. It should also be noted that required separation distances have been met. During our meeting we discussed exploring the possibility of additional planting between plots 26-27, which I assume is where you are referring to? Two additional trees have been included here. It is not possible to include any more due to existing tree canopies and hedgerow. Please advise if you are referring to somewhere different along this boundary? Redrow consider that they have exhausted all options for additional tree planting along the boundary. Whilst they could include some trees in rear gardens, there will be no mechanism to prevent residents from removing these trees once they move in.'*

- 6.31 The western boundary of the site includes existing hedgerow boundaries and existing trees. The nearest proposed dwellings are located within 2-3m of this boundary. Therefore mature landscaping already exists along this boundary and is to be retained. The applicant is to add a fence boundary within the site (adjacent to this hedgerow) which will be the boundary of these new plots. As such, new properties will have their own boundary fence, and the existing hedgerow will be retained for the existing properties to maintain as they do currently. Thus pressure to remove this existing landscaping is minimised. The case officer does not consider it is reasonable or necessary to insist upon or condition further landscaping along this boundary. Additional landscaping to the western site boundary was not raised at outline stage as necessary to mitigate the landscape and visual impact of the development, and was not referred to or conditioned by the Inspector. The separation distances to the nearest existing properties are well in excess of the recommended 21m standard (see the amenity section below).
- 6.32 The outline permission included a condition to secure the development is carried out in accordance with the Advance Planting Plan (condition 4) and that plan should be implemented in the first planting season following commencement of the development (condition 8).



- 6.33 The Inspector also imposed condition 16 which states that the development shall be undertaken in accordance with the recommendations of section 7.0 of the Arboricultural Impact Assessment. The recommendations can be summarised as:
- Remove T21
  - Crown lift trees up to 3m
  - Crown lift certain trees to 5m (T34.36.37.40.41.42)
  - All tree works to comply with BS3998:2010
  - Protective fencing during construction
  - New underground services will not be installed with the rooting area of retained trees
  - No storage or mixing of cement within 10m radius of a retained tree.
  - No materials stacked/discharged with 5m of a tree trunk
  - Pre-commencement meeting between site manager and site arboriculturalist to finalise tree protection measures.
- 6.34 The applicant has revised their layout and clarified that they do not intend to comply with the Advance Planting Plan secured by condition at outline stage. Their proposal

is to implement a revised planting scheme, with the same number of trees and same species but in slightly revised locations. Their reasons include opposition from local residents and that it is not best practice to plant oak trees so close to existing properties.

- 6.35 The Landscape Partnership, and County Forestry Officer have been consulted throughout this iterative process, and aside from some minor details regarding maintenance and root balled trees, no objections are raised. At the time of writing, and in response to the concerns raised an updated Landscape Management Plan was submitted, and is currently out to consultation. If there are any updates to report to Committee, this will be advised via the Supplementary update sheet.
- 6.36 From the information presented, and responses of consultees, the amendments to the Advance Planting Plan would seem reasonable, and do not result in reduced number of trees being planted, but rather different tree types and locations that are more appropriate to the constraints of the site. On balance therefore the landscape, open space and tree planting are acceptable.

## Ecology

- 6.37 Policy CS8 relates to protecting and enhancing green infrastructure and part (d) relates to biodiversity. The NPPF states that when determining applications, the LPA should aim to conserve and enhance biodiversity.
- 6.38 The site is not a designated ecological site. The outline permission secured that the development shall be carried out in accordance with the recommendations contained in section 5.0 of the Ecological Appraisal Report (condition 14) and that a Biodiversity Management Plan will need to be submitted and approved (condition 15).
- 6.39 Section 5.0 of the Ecological Appraisal Report is provided in full at Appendix B. The recommendations covered both habitats and species and can be summarised as follows:
- Loss of the central hedgerow should be compensated for by designing the planting along the footpath to include a dense, continuous species-rich native hedgerow at least 83m long
  - Potential for enhancement via the provision of new hedgerow along the southern and eastern boundaries of the development footprint, to separate it and the retained open space. Suggest a range of native fruiting species.
  - Retained grassland should be enhanced by measures to increase floristic diversity
  - Retain the pond in the south-east corner, add new meadow habitat and drainage pond with appropriate floristic species
  - Enhancement of public footpath with planting scheme; native fruiting and flowering shrubs and evergreens
  - All the above to be included in the Landscape and Biodiversity Management Plan.
  - Further GCN eDNA surveys are recommended, with mitigation/watching brief if necessary. (Officer note – the results of the eDNA were negative)
  - Retention of trees in the south and eastern boundary hedgerows for bat roosting potential.
  - Sensitive lighting strategy required to ensure bats not impacted negatively.

- Controlled timing of works to hedges/grass margins and assessment for reptiles. To be relocated if necessary.
- Vegetation clearance outside of nesting season.
- Nest boxes incorporated into the fabric of buildings
- Boundary fencing appropriate for hedgehogs.
- Dropped kerb crossings for wildlife where the public footpath crosses the access road.

6.40 County Ecology has no objection to the proposal. When asked about the non-compliance with the recommendations of the Ecological Appraisal Report, County Ecology commented as follows:

- Given the landscape buffer to the eastern side of the site, they do not see light spill as a particular problem for the site.
- In terms of the loss of the 'green corridor' along the public footpath, they advise that additional planting is already proposed along the eastern boundary of the site with areas of native shrub species being planted. This would provide additional new habitat on site. It may be that it is appropriate to extend this planting in more places along the eastern boundary, perhaps creating a linear feature. I'm not sure what length the existing proposals would add up to, but it may be that some additional planting in this area would provide some compensation. It's not always a good idea to plan new native hedging adjacent to plot boundaries, as it often doesn't quite do the job needed, for example it is not evergreen and grows quickly. If it is determined that additional enhancements are needed the obvious place is along the eastern boundary of the site.
- Bird boxes are recommended for units in those plots adjacent to the countryside or linear ecological features. I would therefore recommend that plots 8-12, 17-20, 37-40, 45-48 and 59-62 are considered.
- The revisions to the Advance Planting Plan are acceptable.

6.41 The layout proposes to provide close boarded fencing to the garden boundaries of new plots, where they abut the rear gardens of properties on Station Road. The County Ecologist advises that it is always advisable to have a gap between plot boundaries and hedgerows and their standard advice is 5m between plot boundaries and existing countryside hedgerows. This is for connectivity for biodiversity and also landscaping reasons and should ensure that the hedgerow is be retained. The County Forestry Team Leader advises that a gap between the fence and hedge is necessary to allow for maintenance of both the hedge and the fence. The excavation of small holes for fence posts is unlikely to cause lasting damage.

6.42 Following case officer concerns that the proposals did not comply with the recommendations in the Ecology Report, the agent submitted further revised plans. The plans include details of which units are to include nest boxes, fencing to include holes for hedgehogs. A Biodiversity Management Plan will need to be approved via condition 15 of the outline permission.

6.43 Although the proposal does not comply fully with the recommendations contained in section 5.0 of the Ecological Appraisal Report (condition 14 of the outline permission), County Ecology are content that the ecological impacts are acceptable.

## Amenity impacts

- 6.45 Core Principle 4 of the Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings and this is also reflected in Policy CS11. SPG2 provides standards for amenity; a minimum distance of 21m between facing elevations containing principal windows and a minimum distance of 14m between a blank elevation and an elevation containing a principal window, although these standards will be applied flexibly depending on the individual merits of each site.
- 6.46 The public consultation has raised concerns from nearby residents about overbearing, overlooking, loss of privacy and loss of light. Where new dwellings are proposed to adjacent to existing properties the amenity impacts are discussed in the table below.

**Amenity impact on existing residents**

<b>Existing dwelling</b>	<b>New dwelling plot number</b>	<b>Officer assessment of amenity impact</b>
10 Berry Close	Plots 1,3,4	<p>Plot 1 is side to side with the existing dwelling and plots 3 and 4 have rear gardens which back onto the side of the rear garden of the existing dwelling.</p> <p>The agent has provided a site section plan showing the relationship between the existing dwelling and plot 1.</p> <p>No ground or first floor side windows are proposed to plot 1 facing number 10. Number 10 has a FF balcony facing plot 1 but plot 1 is set back into the site. Number 10 has a rear conservatory close to the boundary with plot 1, with windows facing plot 1. With boundary treatment and existing shrubs/hedgerow overlooking from 10 to plot 1 is minimised.</p>
9 Berry Close	Plots 13,25,26	<p>Existing dwelling is side to side with Plot 13, where a single storey section of plot 13 would lie adjacent to existing dwelling.</p> <p>Levels difference as number 9 is higher. There is an existing boundary fence between 9 and the site (1.2m -1.4m approx.). Number 9 has a ground floor side window (study/dining area) which will overlook the rear patio area of plot 13.</p> <p>The agent has provided a site section plan showing the relationship between the dwelling and plot 13.</p> <p>The side window overlooks the existing boundary fence (which is 1.35m at this point) and so even if increased to 1.8m as proposed (which would reach to the bottom of the window), number 9 would be able to overlook the rear garden of plot 13, directly adjacent the house. This would create a loss of privacy for future residents of plot 13.</p> <p>A solution put forward by the applicant is to erect a 1.8 boundary fence with a 600mm trellis on top. Whilst this is not ideal, on a purely pragmatic approach there will be an element of future occupier choice in the future purchase and maintenance of the plot.</p> <p>No first floor side windows are proposed to plot 13, facing no. 9.</p> <p>Plots 26 and 25 are lower than number 9, and their rear</p>



		gardens will adjoin the rear garden of number 9. Separation distance of 22m from plot 26 and 17m from 25 (which is located at an angle not directly opposite). Distances are acceptable.
32 and 34 Station Road	Plot 26	Plot located at end of the rear garden. Separation distance of approx. 39m from closest property (number 32) well in excess of 21m standard. A first floor side window is proposed to face 32/34 but this serves a bathroom.
44 Station Road	Plots 27-30	Side of the block of units is at the end of the rear garden of 44. Separation distance of approx. 43m from closest property (number 32) well in excess of 21m standard. No side windows are proposed.
50 Station Road	Plots 27-30, 31, 32, 42, 43	Large rear garden/paddock of number 50 wraps behind other existing units on Station Road and several plots will be adjacent to this. The gardens of units 27-32 will back onto the garden and with existing and proposed boundary treatment this is acceptable. Units 42 and 43 will be side onto the garden area but existing boundary treatment (mature hedge and trees) will screen any overlooking. A first floor side window is proposed on unit 42 which faces the garden but this serves a bathroom. No first floor side windows are proposed on plot 43. Separation distance of approx. 50m from number 50 is well in excess of 21m standard.
50A Station Road	Plots 52,53	50A is single storey and has a large living room window facing east towards the side elevation of plot 52. Separation distance of approx. 26m from number 50A is in excess of 21m standard. Acceptable relationship with boundary treatment to minimise overlooking. There are no side windows plot 53, and only a landing window on the side elevation of plot 52. The side of the rear garden of plot 53 adjoins the side of the rear garden of 50A. Acceptable relationship with boundary treatment to minimise overlooking.
54-64 Station Road	Plots 53-58	The rear gardens of existing properties adjoin the rear gardens of the proposed units. Separation distances exceed 40m well in excess of the 21m standard. Number 56 has a window in the garden building at the bottom of their garden, which overlooks the site. Boundary treatment is proposed so not overlooking will occur.
6 and 8 Horse Shoe Lane	Plot 56	The rear gardens of the existing homes adjoin the side of the rear garden of plot 58. Separation distance is approx. 25m to number 8 which is closest. Plot 56 is a bungalow and so no first floor overlooking will occur.
40 Knights End Road	Plots 59-61	The rear garden of no. 40 will adjoin the rear gardens of plots 59 and 60. This would not be a direct back to back relationship but at an angle. There would be a separation distance of over 25m which is in excess of the 21m standard. Number 40 has large areas of glazing to the rear but due to

		the distance from and position of the proposed units no unacceptable overlooking will occur.
42 Knights End Road	Plots 61- 62	<p>Number 42 is a bungalow with a shallow depth rear garden (approx. 5.5m) which is the only private outdoor space for the property. The plot and rear garden are at a lower level than the site (approx. 1.0m). Existing boundary treatment to 42 is a low level fence.</p> <p>The rear of 42 faces the site and contains habitable rooms.</p> <p>Plots 61 and 62 are both bungalows and are positioned at an angle to no. 42. At the nearest point, unit 62 is approximately 14m from number 42.</p> <p>The revised plan has moved the rear garden boundary of plot 62 so it no longer extends to the side of the rear garden of 42, allowing some view of the open space, and enclosing the existing garden of 42 to a lesser degree.</p> <p>The agent has provided a site section plan showing the relationship between the dwelling and plot 62, as illustrated below within the sections drawings. This shows that it is now proposed to slope the garden related to plot 62 downwards such that the rear of the garden would be the same level as that to the rear of 42 Knights Road.</p> <p>The boundary treatment proposed between plot 62 and number 42 is now a 1.5m fence with 0.3m trellis.</p> <p>This should minimise overlooking from the garden of plot 62 into the garden and habitable rooms of 42.</p> <p>Whilst this may not be ideal, it is relevant to consider that the erection of a boundary fence is permitted development for up to 2m.</p>



**Figure 10 Section Drawing (2726/22/02/Sections 02)**

- 6.47 Concerns have been raised by the public regarding noise and light pollution. Impacts during construction will be controlled via condition 11 of the outline permission (Construction Method Statement). County Ecology does not consider a lighting scheme is necessary.
- 6.48 56 Knights End Road have raised concerns regarding overlooking of their living space windows which face the site, and no proposals for boundary treatment despite there being a low wall on part of the boundary with the site. However, number 56 will abut the proposed open space and new trees.
- 6.49 Each of the new properties is considered to have adequate outdoor amenity space.
- 6.50 As identified above, whilst there amenity issues with regards to a couple of the plots, and whilst the solutions may not be ideal, the applicant has suggested that they are the best solutions in relation to the constraints relating to those specific plots. Additionally, under current permitted development, it is permissible to erect a fence of up to 2 metres. The issues presented would not, of themselves, be so severe as to warrant a refusal of the application.

### **Affordable housing**

- 6.51 Policy CS3 requires all residential developments to contribute to meeting affordable housing needs. In Great Bowden the policy requires 40% affordable housing.
- 6.52 The outline permission secured 40% affordable housing on the site, which equates to 25 units. The revised layout shows 21 affordable units. Four of the units are bungalows, which are counted on a two-for-one basis for affordable provision. The amount, mix and location are therefore acceptable to the Housing Officer. The affordable units have been secured by the S106.

### **Highways, access and parking**

- 6.53 Policy CS5 states that proposals for assessing traffic impact, highway design and parking provision associated with new development should accord with the County Council guidance (6C's guide). Policy CS11 states that development should be well planned to incorporate safe and inclusive design and encourage travel by a variety of modes of transport. The NPPF states that *'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*. Access was considered at outline stage.
- 6.54 Outline condition 4 secured the development to be carried out in accordance with the Site Access Plan, Junction visibility plan and Footways and Crossings Plan. Condition 12 secured that the layout shall demonstrate accordance with the County Council 6C's Guide.
- 6.55 The proposal mainly includes integral garages, with some detached single garages. The integral and single garages are not in accordance with the size standards in the 6C's guide (single 6x3m and double 6x6m internally) and thus cannot be counted as parking spaces and do not comply with condition 12 of the outline permission.
- 6.56 The 6C's guide requires parking spaces of 5.5m by 2.4m minimum, and at least 5.5m from the highway boundary if in front of a garage (if roller shutter or inward opening, or 6.1m if up and over or 6.5m if hinged outward opening). Overall, the site provides 112 on-plot parking spaces for the dwellings, plus 4 visitor spaces. As it stands, the suggested standards within the 6C's guide have not been totally complied with. County Highways have been consulted on the proposals, however no response has been received such that a refusal would be warranted on these grounds.
- 6.57 County Highways have not provided formal comments on the proposal. Their latest comments (dated 18 July on Rev C) raise concerns regarding site entry traffic calming, additional traffic calming within the site and additional public highway is required at plots 21-36 and plot 48 to allow for bend/junction visibility. It is also stated that the proposed diversion to public footpath A54 will potentially require a permanent/temporary TRO prior to any works being carried out on or next to it. Also, proposed offsite works detailed in drawing number C85141-F-008 in regards to potential conversion of existing turning head to driveway for plots 7-10. This will involve the removal of highway rights and will require either a S247, stopping up public highway under the town and country planning act or a S248 authorised stopping up or diversion of highway under the town and country planning act 1990. Another alternative would be to stop up the highway under S116 of the highway act 1980.
- 6.58 The above issues have been raised with the applicant and the revised plans have been submitted in the knowledge of those concerns. There is non-compliance with condition 12 of the outline permission in relation to the layout including the parking provision, traffic calming and need for further public highway. Condition 12 however can be dealt with via the Discharge of Condition application route. Likewise, Condition 4 will need to be discharged prior to development.
- 6.59 In addition, the Highway Authority have not formally objected to the proposals, and so I would not recommend refusal on Highways Grounds. In light of this, Highways matters can be suitably dealt via a Discharge of Condition application for Condition 12 of the Outline approval, and a suggested condition relating to the 6 C's parking advice.

## **Flood risk**

- 6.60 The Framework requires that development be directed away from areas of highest flood risk. The site is within Flood Zone 1 (low risk). Policy CS10 adds that the use of SUDS will be expected and that surface water run off should be managed to minimise the net increase in the amount of surface water discharged into the local public sewer system.
- 6.61 The outline application was supported by a Flood Risk Assessment. This proposed a 25m buffer between the spring and the dwellings, raising finished floor levels to 300mm above existing ground level and 150mm above the proposed road. The road is to be designed to route flows away from dwellings and to the southern boundary. A foul pumping station is required on site, and surface water will be attenuated and discharged into the watercourse via underground pipe. A condition was imposed at outline stage regarding a surface water drainage scheme (condition 17).
- 6.62 Following an objection from the LLFA, a Drainage Calculations Report was submitted and a revised layout. The LLFA still considered that the information submitted was insufficient. The applicant has submitted evidence to demonstrate that the outfall route is within developer control. The LLFA now consider that the proposal is acceptable. Informative notes are suggested.
- 6.63 The proposal is considered to meet the relevant policy.

#### **S106 obligations and CIL**

- 6.64 Planning obligations were secured at outline stage.

#### **Other matters raised**

##### Variation of Condition application

- 6.65 As mentioned above, the applicant is aware that there are issues of non-compliance of this application with the outline permission. As such, the applicant has submitted a S73 Variation of Condition application to revise various conditions of that outline permission (17/00996/VAC). If approved, that application will grant a new outline permission for the development.
- 6.66 In light of the non-compliance of this Reserved Matters application with the existing Outline permission, and the submission of the Variation of Condition application, the case officer sought legal advice on whether the Variation of Condition application should be determined first. The legal advice was that the Variation of Condition application should be determined first and any reserved matters application should relate to the new permission (if that Variation of Condition is approved).
- 6.67 Given that a reserved matters application has been submitted for the existing outline permission, the Council has a duty to determine it. As such, this application report is presented to Members for consideration. The various issues on non-compliance with the outline permission have been discussed within the relevant sections above, and each relevant consultee has commented upon them. No consultee has objected to the non-compliance with the outline permission and as such it is not considered that refusal of the application on this basis is justified.

##### Boundary disputes

- 6.68 Several existing residents have raised concerns that the red line boundary of the site does not reflect their deeds and does not represent the land ownership boundary of

their property. The red line was fixed at outline stage and the case officer has not been presented with any evidence to demonstrate that relevant land owners have not been notified of the application (as required on the application form).

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

- 7.1 Significant weight should be attached to the outline consent as detailed above, and it is noted that the scheme does not fully conform with the Conditions set by the Planning Inspector.
- 7.2 Although the proposal does not comply fully with the recommendations contained in section 5.0 of the Ecological Appraisal Report (condition 14 of the outline permission), County Ecology are content that the ecological impacts are acceptable and a Biodiversity Management Plan will need to be approved via condition 15 of the outline permission .
- 7.3 At outline stage, the Inspector imposed conditions requiring:
- The development to be carried out in accordance with the Development Framework Plan (condition 4)
  - Layout details to include existing and proposed levels (condition 5)
- 7.4 The layout is broadly in accordance with the Development Framework Plan (DFP), in that it provides the single access from Berry Close, the footpath route across the site, and landscaping to the south and eastern countryside boundaries. Where the site does not comply with the DFP is in relation to the 'green corridor' along the public footpath route. However as discussed above in relation to the Green Corridor the revisions are deemed to be acceptable, and there have been no objections from statutory consultees.
- 7.5 The applicant has also revised their layout and clarified that they do not intend to comply with the Advance Planting Plan secured by condition at outline stage. Their proposal is to implement a revised planting scheme, with the same number of trees and same species but in slightly revised locations. Their reasons include opposition from local residents and that it is not best practice to plant oak trees so close to existing properties. This is deemed to be acceptable given that the principle in relation to planting is still established, albeit within more suitable locations and appropriate tree types for the location.
- 7.6 As discussed above, there is a planning application currently being considered that seeks to vary a number of the conditions accordingly.
- 7.7 As identified above, whilst there amenity issues with regards to a couple of the plots, and whilst the solutions may not be ideal, the applicant has suggested that they are the best solutions in relation to the constraints relating to those specific plots. The issues presented would not, of themselves, be so severe as to warrant a refusal of the application.
- 7.8 The proposed development would therefore, by virtue of its scale, design, form and massing, safeguard 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. The proposal therefore complies with Policies CS2, CS3, CS5, CS8, CS9, CS10, CS11 and CS17 of the Harborough District Core Strategy.

- 7.9 The proposal would bring forward additional residential development and contribute towards the Council's Housing Land Supply, including affordable provision. These are major factors in the consideration of the application. The National Planning Policy Framework and national Planning Practice Guidance underline the importance of housing delivery.

### **Planning Conditions**

- 8.1 If Members are minded to approve the application, a list of suggested planning conditions is attached below.
- 8.2 As this is a Reserved Matters application, the undischarged conditions relating to the outline permission still apply to that permission, and do not therefore need to be repeated as part of a permission in relation to the Reserved Matters application

### **Suggested Conditions**

#### **1. Plans**

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

Title	Ref number
Planning Layout	01 Rev E
Affordable Housing	02 Rev E
Materials	03 Rev E
Boundary treatment	04 Rev E
Surface treatment	05 Rev E
Refuse Plan	06 Rev E
Bird boxes	07 Rev C
Groups Responsible for Different Areas	2726/22/02/09
Detailed Levels and contours layout Sheet 1	002-A-C2
Detailed Levels and contours layout Sheet 2	003-A-C3
Plot 9 and 47 (floor)	SUN05-A
Plot 9 and 47 (elev)	SUN06-A
Plots 22 and 23 (floor)	TAV01-B
Plots 22 and 23 (elev)	TAV02-B
Plots 33-35 (floor)	TAV03-A
Plots 33-35 (elev)	TAV04-A
Plots 53-56 (floor)	TAV05
Plots 53-56 (elev)	TAV06
Plots 13,15,21,24 (floor)	WEL01-A
Plots 13 and 24 (elev)	WEL02-A
Plots 15 and 21 (elev)	WEL03
Plots 61 and 62 (elev/floor)	BUN01
Plots 57 and 58 (elev/floor)	BUN02
Plots 18 and 38 (elev/floor)	CAM01
Plots 26 and 42 (elev/floor)	CAM02-A
Plots 48 and 37 (elev/floor)	CAM03

Plots 31,32,59,60 (floor)	DAR01-B
Plots 31,32,59,60 (elev)	DAR02-B
Garage plots 18,26,37,38,42,48	Garage-01-A
Plots 19,39,46,16 (floor)	HEN01-A
Plots 19,39,46,16 (elev)	HEN02-B
Plots 2,4,5 (floor)	HEN03-A
Plots 2,4,5 (elev)	HEN04-B
Plots 27-30 (floor)	MAI.01-A
Plots 27-30 (elev)	MAI.02-A
Plots 49-52 (floor)	MAL01
Plots 49-52 (elev)	MAL02
Plots 10,25,43 (elev/floor)	OXF01-C
Plots 36,44 (elev/floor)	OXF02-C
Plot 12 (elev/floor)	OXF03-B
Plot 6 (elev/floor)	OXF04-B
Plots 7 and 11 (elev/floor)	SHE01-B
Plots 1,14,41 (elev/floor)	SHE02-C
Plots 8 and 45 (elev/floor)	SHE03-C
Plot 3 (floor)	SUN01-A
Plot 3 (elev)	SUN02-A
Plots 17,20,40 (floor)	SUN03-A
Plots 17,20,40 (elev)	SUN04-A
Detailed Plan plots 1,13,62	2726/22/02/08 Rev A
Site sections plots 1,13,62	22/02/Sections-02
Landscaping 1 of 2	EDP3670/01k
Landscaping 2 of 2	EDP3670/02k
Street View	Street-01 Rev B
Fencing with hedgehog passage / screen fencing	F-SD0906 Rev A
Tree Pit Details and LAP spec	EDP3670/03j
Hard and Soft Landscaping Plan (Overview)	EDP3670/04h
Sales and Compound Layout – sales layout	2726-22-SL-01 A
Sales and compound layout – wheel washing	2726-22-CP-01 Rev A
Tree Constraints 1	JKK94843-RPS Figure 01-01
Tree Constraints 2	JKK94843-RPS Figure 01-02
Tree Protection Detail	F – SD0925
Freestanding Brick Walls	F – SD0806
Proposed Adoptable Road Layout	0001 – A-Rev C2
Proposed Vehicle Tracking Layout	Rev C2
Door details	Details-01
Garage Doors	Details-02



Porch/canopy	Details-03
Brickwork and detailing	Details-04 Rev A
Headers and cills	Details-05
Landscape Management Plan	EDP3670-01 D

REASON: For the avoidance of doubt and to secure high quality design in accordance with policy CS11 of the Harbrough District Core Strategy.

2.

**1. Advice - Surface Water (Condition)**

**Condition**

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.

**Note to Applicant**

The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

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

3.

## **2. Advice – Construction Surface Water Management Plan (Condition)**

### **Condition**

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.

### **Note to Applicant**

Details 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.

4.

## **3. Advice - SuDS Maintenance Plan & Schedule (Condition)**

### **Condition**

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.

### **Note to Applicant**

Details 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.

#### **4. Advice – Infiltration Testing (Condition)**

##### **Condition**

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.

##### **Note to Applicant**

The results should conform to BRE Digest 365 where trial pits are allowed to drain three times and the calculation of soil infiltration rates is taken from the time taken for the water level to fall from 75% to 25% effective storage depth. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.

#### **5. Foul pumping station**

Prior to installation, full details of the design and external appearance of the foul pumping station shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of visual amenity and the character and appearance of the area and to accord with the Harborough District Council Core Strategy Policies CS11 and CS17.

#### **6. Landscaping**

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

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

#### **7. Tree protection**

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

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

#### **8. Tree retention**

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of the same size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

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

#### **9. Hedgerow retention**

The existing and proposed hedgerows on site shall be retained and in no way disturbed.

REASON: To ensure that the hedgerows on the site can be retained, to enhance the development and to safeguard the appearance of the area and to accord with Harborough District Core Strategy Policy CS11.

#### **10. Boundary treatment and surfacing**

Prior to commencement of development, details of the position and design (dimensions and materials) of all boundary and surface treatments (including details of paths, driveways and all public areas), shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly show the delineation between public and private space. The boundary and surface treatments shall be provided to each dwelling before that dwelling is first occupied.

REASON: To enhance the appearance of the development, in the interests of visual amenity and the character and appearance of the area and to accord with the Harborough District Council Core Strategy Policies CS1, CS8, CS11 and CS17.

#### **11. Parking and turning**

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

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to accord with Harborough District Core Strategy Policies CS5 and CS11.

### **Notes to Applicant**

#### **1. Garages**

Any garages must have minimum internal dimensions of 6 metres x 3 metres if they are to be counted as a parking space and once provided, shall thereafter permanently remain available for car parking.

## **General Information for Local Planning Authority and Applicant**

### **Land Drainage Consent**

If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under s.23 Land Drainage Act 1991. This 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>

### **Maintenance**

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.

### **Discharge of Conditions**

This Planning Approval Notice does not relate to conditions that remain to be discharged in relation to outline permission (15/01425/OUT)

## **PLANNING COMMITTEE: 5<sup>th</sup> September 2017** **SUPPLEMENTARY INFORMATION**

The "Supplementary Information" report supplements the main Planning Agenda. It is produced on the day of the Committee and is circulated at the Committee meeting. It is used as a means of reporting matters that have arisen after the Agenda has been completed/circulated, which the Committee should be aware of before considering any application reported for determination.

**Correspondence received is available for inspection.**

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Page: 1

17/00138/REM	Erection of 62 dwellings (Reserved Matters of 15/01425/OUT including details of layout, scale, appearance and landscaping): Land off Berry Close, Great Bowden
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Correction page3:

The appeal decision is not attached. It can be made available for inspection if required.

**Cllr Knowles** (commenting on seven day consultation for layout amendment E)

I simply don't agree that 7 days was adequate or the best resolution to this matter. Berry Close Development has in my opinion been highly contentious for many years and we should have afforded a fuller and wider publicised consultation period on this latest stage.

Officer comment: *The seven days consultation, along with other consultation mentioned in the report, was thought the best way to inform and be inclusive without delaying a decision.*

1. Planning Layout Chronology sheet received.
2. County Ecology have asked that the hedgerow species *Hippophae rhamnoides* (Sea Buckthorn) be replaced with our native species of Buckthorn, *Rhamnus catharticus*. The agent has confirmed that this is acceptable, and will update plans accordingly. Once received the agreed plan schedule will need to be revised with the most recent reference number.
3. Highway Comments:

*'The proposed site entry traffic calming is inadequate the proposed narrowing feature will only be effective when two or more cars travelling in opposite directions meet at the access at the same time. Sole vehicle users will not be slowed to an appropriate design speed travelling to/from Station Road via Berry Close from a point close to plot no 38.*

*Further to the above a minimum highway corridor width of 7.5m must be achieved at the site entrance for the safe passage of all users.*

*The proposed speed table opposite plot number 6 doesn't meet the minimum length and must be extended to achieve 8m across the table top plateau in accordance with part 3, section DG5, figure DG6e.*

*As above the table top plateau opposite plot number 19 and must incorporate a minimum length of 8m.*

*A 2m dedicated footway to serve plot numbers 3-5 must be incorporated for the safe passage of pedestrians please refer to part 3, section DG7, table DG9. If the street is designed as a shared space then you should incorporate "footway" margins into the carriageway with no vertical segregation between "footway" and carriageway. Safe corridors for pedestrians should be demarcated as such; easily distinguished for those who have visual impairments and gullies should be placed at appropriate low points.*

*LCC will not look to adopt the PROW which runs parallel to the access way which serves plots 21-36. The same is true for the area of grass verge behind the edge of highway.*

*Trees planted within 2.5m of the highway boundary will require root ball deflectors and root protection barriers to prevent tree roots migrating between services within the public highway.*

*The highway corridor from plot number 38 must incorporate a dedicated 2m footway on one side of the proposed carriageway for the safe passage of pedestrians'.*

Following an Officer request to clarify if these matters can be dealt with via the formal highway adoption processes, County Highways clarified further that :

*'whilst the traffic calming comments could be overcome, the substandard highway corridor width will prevent the layout and internal roads being adopted as publically maintainable highway. The highway adoption process is developer led though so this is a commercial decision they should consider prior to determination at planning committee. In my experience it is rare that a developer would seek to deliver a development of 62 dwellings as a private development considering such things as APC payments and future maintenance uncertainties.*

*Adoptability of the layout is not a material planning consideration though and it is considered the potential for overspill parking will be done so within the development rather than onto the highway network. The LPA may however wish to consider the impact on residential amenity and servicing requirements associated with a large private development which may not be accessed by refuse collection for example. This is also one of the reasons we have sought to work with the developer and encouraging them to pursue an adoptable layout however ultimately it is a process they must progress.*

*Our preference would of course be for them to take on board the comments made and revise the proposed layout in line with the comments made.*

4. Following comments by the Council's Landscape Consultant, a revised Landscape Management Plan was received on the 24<sup>th</sup> August, on which final comments have not yet been made.

5. Revision to suggested conditions 8 and 9 to read:

#### **8. Tree retention**

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars. If any retained tree is removed, uprooted or destroyed or dies, within a period of five years from the date of first occupation of the development, they shall be replaced in the next planting season with others of a similar size and species, as may be specified in writing by the Local Planning Authority.

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

#### **9. Hedgerow retention**

The existing and proposed hedgerows on site shall be retained and in no way disturbed within a period of five years from the date of first occupation of the development.

REASON: To ensure that the hedgerows on the site can be retained, to enhance the development and to safeguard the appearance of the area and to accord with Harborough District Core Strategy Policy CS11.

6. Additional Neighbour Comment:

*'My objection to parts of the proposed development stands.*

*My main objection concerns the development of plot 52 which is adjacent to my property.*

*The site plan makes clear that only the financial considerations of the builder make any justification for this plot going ahead. No one with a modicum of common sense could think otherwise-*

*The site of this plot lies within feet of some established trees on my property, the largest of which is approximately 18 metres high. It is almost inconceivable that the ground preparation work could be carried out without considerable risk of root damage, which, in turn, could damage the trees themselves with potentially severe consequences.*

*In addition, between my property and the plot lies a mature hedge, which has for at least 40 years been the accepted boundary between what is now my garden and the field beyond (now the site of the proposed development). The hedge itself was re-laid some 15-20 years ago at the expense of my father in law, from whom we purchased the land on which my property now stands.*

*We have noticed that every time a revised drawing has been prepared by the developer, their boundary line has crept to the point where it now seems they are claiming the right to do as they will with the hedgerow, which quite apart from being an accepted boundary is also a haven for wildlife.*

*Whilst I am aware that boundary disputes are not within the remit of HDC, I note from The Landscape Partnership's report compiled by Mr Billingsley for Harborough District Council, that he is also concerned about the protection of the hedgerow and has prescribed protection before any work affecting the hedgerow be undertaken.*

*In my view this should be extended to include the mature trees (and their roots) and any final approval should include a clause preventing the hedgerow or trees being damaged in any way.*

*The terms and conditions of the Government Inspector, who over-ruled five previous unsuccessful Appeals in relation to this site, were surprisingly minimal. In my view no concessions should be allowed'.*



## Planning Committee Report

**Applicant:** Manor Oak Homes

**Application Ref:** 17/00500/FUL

**Location:** Land at St Wilfrids Close, Kibworth Beauchamp, Leicestershire

**Proposal:** Erection of 45 retirement living apartments with associated access, parking and outdoor amenity space.

**Application Validated:** 29.03.2017

**Target Date:** 28.06.2017 (Extension of time agreed until 7<sup>th</sup> December 2017).

**Consultation Expiry Date:** 29.08.2017

**Site Visit Date:** 18.04.2017

**Case Officer:** Jeremy Eaton

## Recommendation

Planning Permission is **APPROVED** for the reasons set out within this report, and subject to a S106 Agreement or similar obligation (see Appendix A) and Planning Conditions and Informative Notes (see Appendix B).

### Recommended Justification Statement:

The development hereby approved is contrary to the Development Plan as it proposes housing development on a site designated as Important Open Land, designated under “saved” Policy HS/9 of the Harborough District Local Plan; however, the housing policies of the Development Plan (including “saved” Policy HS/9 – planning appeal reference APP/F2415/W/16/3162892 is materially relevant in this regard) are out-of-date, by virtue of the Council not being able to demonstrate a 5-year supply of deliverable housing sites, in which case the presumption in favour of sustainable development, as per Paragraph 14 of the NPPF, should be applied.

It is considered that the proposed development would bring forward a significant number of retirement apartments, which would serve to meet a specific housing need in the community, in a sustainable location, which would contribute towards the Council’s shortfall in its 5-year supply of deliverable housing sites.

The development would, through the loss of this greenfield agricultural land, result in limited and localised harm to the intrinsic character and appearance of the settlement. However, this harm will be reduced in the longer-term by virtue of a high-quality development and through robust landscape mitigation. Furthermore, in respect of non-designated archaeological assets, ridge and furrow earthworks, the scale of harm resulting from the proposed development is limited as the available evidence suggests any likely remains won’t be of such significance as to represent an obstacle to development. The identified harm to the settlement and non-designated archaeological assets has been weighed against the public benefits of the proposal in accordance with Paragraph 134 of the NPPF. The public

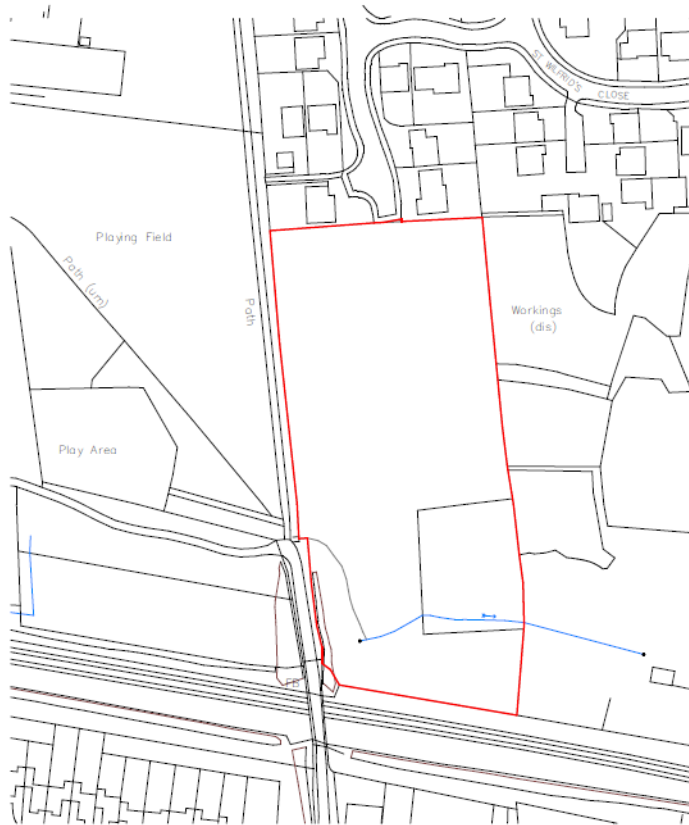
benefits include social benefits of market housing, developer contributions towards affordable housing and economic investment in the local area. In addition, all other technical considerations, for example highway safety, designated heritage assets, ecological, arboricultural flood risk/drainage, noise, loss of agricultural land and residential amenity, have been addressed. On balance, the adverse impacts of the development are not considered to significantly and demonstrably outweigh the benefits.

Despite the conflict with “saved” policy HS/9 of the Harborough District Local Plan, it is considered that the proposed development would be in accordance with the up-to-date elements of Policies CS1, CS2, CS3, CS5, CS8, CS9, CS10, CS11 and CS17 of the Harborough District Core Strategy and “saved” Policy HS/8 of the Harborough District Local Plan and the NPPF, and no material considerations indicate that the policies of the Development Plan should not prevail.

The proposal represents sustainable development which accords with Paragraph 14 of the NPPF, and the decision has been reached taking into account Paragraphs 186 and 187 of the NPPF.

## **1. Site & Surroundings**

- 1.1 The application site comprises a greenfield land parcel, approximately 0.97 Ha in extent, located to the south of the residential development to St Wilfrids Close, Kibworth Beauchamp, within the Development Limits of Kibworth (Kibworth Beauchamp and Kibworth Harcourt) as designated under “saved” Policy HS/8 of the Harborough District Local Plan.
- 1.2 The site is currently occupied for the purposes of agriculture, and is understood to be predominately managed agricultural grassland.
- 1.3 The site is defined to all boundaries by extant mature hedgerows/trees. An area of woodland lies to the far south of the application site. Residential properties border the application site to the east and north on Church Road/Station Hollow and St Wilfrids Close respectively. Public open space, inclusive of a community play area, adjoins the western boundary of the application site, whilst the Midland Main Railway Line (which operates from London to Sheffield via Leicester) adjoins the southern boundary of the application site.
- 1.4 Access to the site is achieved via a field gate which adjoins the southern end of St Wilfrid’s Close. There is a second gated access to the western boundary of the site, which adjoins the area of public open space. Public Right of Way (PRoW) No.’s B1 and B100 cross the public open space, and then converge before crossing the railway line to the south-west of the site via a railway overbridge.
- 1.5 A surface water sewer, lies to the southern end of the site.
- 1.6 The topography of the application site is such that the site slopes from north to south.
- 1.7 The application site is designated as Important Open Land under “saved” Policy HS/9 of the Harborough District Local Plan.
- 1.8 The Kibworth Beauchamp Conservation Area lies approximately 80.0m to the east of the application site, whilst the Kibworth Harcourt Conservation Area lies approximately 260.0m north-east of the application site. There are no listed buildings immediately within close proximity of the application site.



**Figure 1: Site Location Plan**

## **2. Site History**

- 2.1 The application site has previously been the subject of the following relevant planning history:
- 96/01415/3P - Erection of 5no detached dwellings and formation of access – Refused (04.12.1996).

## **3. The Application Submission**

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

- 3.1 This application seeks full planning permission for a residential development of up to 45 no. retirement living apartments, comprising of 18 no. x 1-bedroom and 27 no. 2-bedroom apartments, with associated infrastructure and open space.
- 3.2 The retirement living apartments proposed will be targeted for those persons aged 55-years and over.
- 3.3 The proposed apartment building will sit centrally within the application site. The main body of the building will consist of a two-storey element, which is consistent with the residential properties to St Wilfrid's Close; however, the southern part of the building will consist of three storey element by virtue of an additional lower ground level being proposed, which will take into account the topography of the application site. The

design of the proposed building is in a vernacular architectural style, drawing reference from the immediate context of the application site. The length of the proposed building will be broken up into several distinct sections, achieved by using different materials, projecting gables or bays. In addition, the height and roof line of the proposed building will be broken up, achieved through the use of split roof sections and projecting gables. The palette of materials identified for the proposed building include a mix of brick and render with stone lintels under a tiled roof, again reflective of local architectural character.

- 3.4 Primary means of vehicular and pedestrian access to the site is proposed via an extension of St Wilfrid's Close. An on-site car park, which will provide 44 no. car parking spaces (6 no. disabled parking spaces, and 38 no. standard parking spaces), is proposed to the north-west corner and adjoining the western boundary of the application site. A secondary means of pedestrian access to the site is proposed via the formation of an access to the western boundary of the site.
- 3.5 Communal garden areas are proposed across the application site. These include a quiet garden, butterfly garden and informal bowls green to the north of the site; a kitchen garden and orchard area to the east of the site; and a wildlife area to the south of the site comprising wildflower grassland and the adjoining extant area of woodland. Existing landscaping on site will, in the most part, be retained and will be supplemented with additional landscape planting.
- 3.6 Figure 2 through to Figure 4, below, provide further contextual detail in respect of the development proposals.



**Figure 2: Proposed Site Layout Plan**





- Drawing No. 6081/ASP 5 NDI Revision E (North Design Inset – Landscaping Plan);
- Drawing No. 6081/ASP 6 CDI Revision C (Central Design Inset – Landscaping Plan) – now superseded;
- Drawing No. 6081/ASP 6 CDI Revision E (Central Design Inset – Landscaping Plan); and
- Drawing No. 9410 TPP01 Rev B (Tree Protection Plan).

#### i. Documents

3.8 The application has been accompanied by the following documentation:

- Application Form;
- Planning Statement (Reference 05515/S0001);
- Design & Access Statement;
- Landscape & Visual Impact Assessment (Reference 6081.LVIA.002.DV);
- Transport Assessment Rev A (Reference R-TS-U8464PM-01-A);
- Framework Residential Travel Plan;
- Arboricultural Impact Assessment Report;
- Addendum to Arboricultural Impact Assessment (Reference 9410 AIA 001)
- Flood Risk Assessment (Reference R-FRA-U8464PM-01-O);
- Land Contamination Site Check Report (Reference SAS\_60239394\_1\_1);
- Ecology Appraisal Report;
- Noise Impact Assessment (Reference AC100508-1R0);
- Archaeological Trial Trench Evaluation Report (Reference 17/51);
- Archaeological Desk-Based Heritage Assessment;
- Grassland Survey Work (reference 1005091 BN01 BSR dv1);
- Review of Scheme Viability Report; and
- Elderly Housing Need in the Kibworths Planning Note.

#### c) Pre-application Engagement

- Local Planning Authority

3.9 Prior to the submission of this planning application, the proposed development was the subject of a pre-application enquiry (reference PREAPP/16/00185), received on 11<sup>th</sup> August 2016.

3.10 A pre-application meeting was held with the Agent on 5<sup>th</sup> September 2016, following which revised information was submitted by the Agent on 10<sup>th</sup> November 2016 in support of the pre-application enquiry. Written Officer advice was sent to the Agent on 5<sup>th</sup> December 2016. The Officer made a series of comments in relation to the principle of development and on the design and layout of the proposed development. Other technical matters were considered within the Officer's advice. Further written Officer advice was sent to the Agent on 13<sup>th</sup> January 2017. Again, the Officer made a series of comments in relation to the design and layout of the proposed development.

- Local Community

3.11 The Applicant engaged with the local community of Kibworth Beauchamp prior to the submission of this planning application. This engagement is explained in more detail within the Planning Statement that accompanies this application, which incorporates the Statement of Community Involvement. A summary of the engagement is outlined below.

- 3.12 A public consultation event was held on 9<sup>th</sup> December 2016 at Kibworth Grammar School Hall from 16:00 to 19:00 hours. During the event presentation boards were displayed for the local community to review, and comment upon. The event was attended by 32 no. people, with 20 no. responses received.

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

- 4.1 Consultation with technical consultees and the local community were carried out on the application.
- 4.2 Site Notices were displayed outside the application site on St Wilfrid's Close and within the public open space adjoining the application site on 18<sup>th</sup> April 2017, and a Press Notice was published in the Harborough Mail on 13<sup>th</sup> April 2017.
- 4.3 A summary of the technical consultee responses received is set out below. Comments which relate to developer contributions are set out in **Appendix A**. If you wish to view the comments in full, please go to: [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)

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

##### ***Kibworth Beauchamp Parish Council***

- 4.4 Kibworth Beauchamp Parish Council has considered objectively a presentation by representatives of Manor Oaks Homes, and by residents and parishioners. The Council now submits the following comments.

##### Scale and design capacity of the neighbouring area

St Wilfrid's Close and the Tithings were designed as a single development of 52 dwellings. The width and layout of the roads are adequate for this number of dwellings but not for an increase of this magnitude serving 45 apartments.

##### Traffic

The one estate access road opens onto Church Road which is frequently congested by traffic queuing back from the junction with the A6, and the narrow corridor from the railway bridge to the roundabout where service vehicles must park across pavements and where residents have no off-street parking. The developers have offered no proposals to mitigate these issues.

##### Public Transport sustainability and traffic congestion

Previous experience in Kibworth provides no support for the suggestion that a Travel Plan promoted by a part-time co-ordinator would lessen the number of vehicle movements. In support of our opinion we note that residents of KB/1 (where a developer contribution was intended to support the provision of a bus service) have campaigned and petitioned to stop the X3 Arriva bus route running through their estate.

Previous campaigns to encourage people to use buses have not worked. Arriva East Midlands has just cancelled (April 2017) its 49b service to Kibworth. There is now virtually no public transport service between the numerous south-Leicestershire villages for which Kibworth is designated a 'rural hub'. Although we agree that the developer is not responsible for the decisions of public transport operators, we cite



this to question the developer's view that traffic congestion in Kibworth can be mitigated by encouraging the use of public transport

Armstrong Rigg Planning's summary notes state that this development would 'meet specialist elderly housing needs'. If this is the case (although we question several assumptions made by the author of these notes as listed below) then it anticipates there will be regular, probably daily, visits from specialists including doctors, community nurses, support and care workers, pharmacies delivering prescription medicines, and by suppliers, cleaning and other maintenance contractors. None of these will use public transport.

Modern sustainable buildings have a very high requirement for property management in order that technically-sophisticated amenities such as automatic doors, environment and air conditioning systems, alarms and monitoring devices and security systems function correctly. These will necessitate regular visits by vans and other larger vehicles.

Councillors have also considered this proposal in the context of the cumulative impact of the several major housing and industrial developments already approved for Kibworth Beauchamp by this developer and others including the three areas to be built on by Manor Oaks Homes (off Wistow Road, adjacent to Warwick Road and adjacent to the Priory Business Park). The two former sites will result in at least five hundred more cars regularly using the three existing and heavily congested junctions onto the A6.

#### Pollution

Congestion at the Wistow Road junction (where Manor Oaks Homes are about to build up to 60 dwellings) is already resulting in regular nitrous oxide levels far exceeding acceptable safe levels, with some of the figures being the highest recorded anywhere in Leicestershire. Developments which will further increase this pollution cannot be described as 'sustainable', and, again, the developers have offered no proposals to mitigate these problems other than a part-time person who would try to encourage the use of buses by handing out leaflets.

The vehicle movement data provided by Manor Oaks Homes is not a true or accurate indication of the aggregated effect of their developments on the traffic issues in the village and on the A6. The scale of this development and the number of vehicles movements will, in our assessment of all available criteria, significantly affect the wellbeing of those living in the nearest dwellings.

#### Need, age, mobility and lifestyle assumptions

The design statement and subsequent summary note makes several assumptions about age, mobility and lifestyles which the Parish Council believes must be tested. Ironically, a major housing need in this area is for affordable homes for the young people of the village who are often forced to move from the area because of high house prices and lack of smaller dwellings, and to seek employment. This means that many visitors to this development would be family members travelling some distance, and by car.

The supporting evidence for the statement that 'there is a clear need for new elderly accommodation' refers to the over-75 age group whereas it is stated that the proposed development will be for the over-55 age group. These two groups require very different levels of care and facilities. Many people are still in regular employment

until the age of 70 years. Many are still driving and are active beyond that age. 'Specialist care' relates to the level of support normally provided by care homes rather than this type of apartment-based accommodation serving a relatively active and independent section of the population.

Armstrong-Rigg refers to the recent HEDNA statistics to support a 'clear need' for their development. HEDNA gives an overall housing need for the Harborough district of 447 dwellings per year.

Village	Ref No	Location	Dwellings
Kibworth Beauchamp	16/00166	Fleckney Road	195
	16/00153	Warwick Road	110
Kibworth Harcourt	16/02084	Wistow Road	56
Great Glen	16/02081	London Road	100
	16/01501	Oaks Road	170
Fleckney	16/01355	Fleckney Road	290
	16/01592	Kilby Road	150

Table - Approved and proposed Major Developments within a four-mile radius of this site. (February 2017)

All available data indicates that this development will not provide 'much-needed' housing. As a proportion of the number of dwellings already proposed or approved for Kibworth, it will make no significant difference to Harborough's housing requirement.

Proposed and approved housing developments within a four-mile radius of this site currently total 1071 dwellings. Therefore, in the context of major developments proposed for Kibworth, the required number of new dwellings expected from the area until 2031 has already been met, and indeed has been far exceeded.

#### Conflict with school runs and pedestrian movement

The expansion of Kibworth means that parents park cars in several areas of the village when taking children to and from school. This includes the entire length of St Wilfrid's Close where the footpath link to the Warwick Road recreation ground is used by many parents every day.

#### Protection of natural open green spaces in the heart of the community

The Warwick Road recreation ground was purchased in 2014 by the parish councils to protect it from future development and to provide an open green space in the centre of the settlement. KB/1 and the proposed Manor Oaks developments already approved mean that this vital open space is now surrounded by urbanisation. It is therefore important that small natural areas which are 'real' countryside are preserved rather than small strips of manicured verges on the newer estates where children cannot play and where wildlife cannot survive.

This site is on the known wildlife corridor noted in the Kibworth Neighborhood Plan which borders the northern edge of the railway cutting. It is becoming increasingly important in this respect by supporting wildlife which has been forced into this area by the new developments.

#### Conclusions

The Parish Council has listened to the views and petitions of many residents for whom this proposed development will clearly have a lasting negative impact, and has noted the cumulative damaging effect on the road infrastructure of the Kibworth villages caused by the developments already approved. The Parish Council does not believe that this development is sustainable or meets a community need.

Consequently, at its meeting on Tuesday 25 April 2017, Kibworth Beauchamp Parish Council resolved unanimously to oppose this proposed development, and to request that the Planning Authority refuses this planning application.

Latest consultation response received:

The Kibworth Joint Recreation Committee reminds the developers, the Local Planning Authority and Leicestershire County Council that the Warwick Road Recreation Ground is owned jointly by the parish councils of Kibworth Beauchamp and Kibworth Harcourt. It is therefore not within the remit of any company or local government body to propose alterations to our land.

The principal purpose of acquiring the land was to protect this last large green open space within the Kibworth settlement from further development. The Kibworth Joint Recreation Committee, which manages the land on behalf of the parish councils, has an agreed rolling five-year refurbishment and regeneration strategy which does not include further tarmac paths or accesses.

The present arrangement (including the path from Dairy Way south to the rear of the primary school) provides connectivity from Longbreach Road, Barnard's Way, Dairy Way, Hillcrest Avenue and St Wilfrid's Close to the village centre via School Road. The proposed path is unnecessary and would fulfil no purpose. We will not agree to any additional paths across, or accesses onto our land.

**Harborough District Council (Planning Policy)**

4.5 No comments received.

**Harborough District Council (Environmental Health)**

4.6 In respect to land contamination, in view of the neighbouring land to the application site being used historically for quarrying, land contamination conditions have been requested (see Conditions 17 and 18, Appendix B).

In respect to noise, it has been confirmed that the Noise Impact Assessment submitted in support of the application is acceptable in terms of addressing noise from the railway with the use of good design.

**Harborough District Council (Waste Management)**

4.7 No comments received.

**Harborough District Council (Technical Services – Drainage)**

4.8 No comments received.

**Harborough District Council (Conservation)**

4.9 The development site is not within the Conservation Area however there are a number of non designated heritage assets within the surrounding areas including the grammar school bridge to the south. Due to the siting, nature and design of the proposal it is not considered to be harmful to the setting of any designated or non

designated heritage assets and therefore is in accordance with Chapter 12 of the NPPF.

**Harborough District Council (Neighbourhood and Green Spaces Officer)**

- 4.10 The site generates a requirement for the POS typologies as in the table provided (see Appendix B). The assumed population is 1.5 persons per unit.

I note the incorporation of kitchen garden, formal areas, amenity spaces and semi natural green space which fit with the typology breakdown for this development. The overall indicative layout of the site is satisfactory at this time. The District Council will not adopt these open space area and so the commuted sum for maintenance will not apply.

Off site contributions will be required for enhancement for play area provision in Kibworth, greenways and additional burial spaces at Kibworth Cemetery.

**Harborough District Council (Parish Liaison and Engagement Officer)**

- 4.11 No comments received. Developer contributions requested, see Appendix A.

**Harborough District Council (Housing Enabling and Community Infrastructure Officer)**

- 4.12 This proposal provides for a sizeable retirement living facility. Older persons provision is one I would support generally.

There are a few matters which need to be highlighted: Evidence of need: Need for older persons provision highlighted in HEDNA 2016 is a district wide need. Has the applicant undertaken any independent needs assessment to determine Kibworth being the best location for this facility? In the norm we would seek on site provision of Harborough's 40% requirement to be accommodated within this proposed scheme.

However as it is a block scheme, there are difficulties in providing units for affordable rent and shared ownership sale alongside the market sale units and be fully integrated. Given the inherent complexities associated with this type of integration and delivery, and Harborough's HHS data showing a greater need for general needs housing in the Kibworth area, in seeking the best option for a S106 AH contribution, I am inclined to seek an off site contribution I understand that the applicant is receptive to an off site contribution.

The applicant should be advised that the payable sum will be calculated based on Harborough's formula and demonstrated as follows:

Commuted sum, formula =

Using HDC's % requirement to guide the calculation, the Commuted Sum will be based on the following approach:

We will determine the Open Market Value (OMV) for an affordable house type ( two bedroom house, small semi etc.) This data can be obtained from sold affordable type properties from the settlement or settlements in close proximity or surround area.

Our requirement will be 50% of the OMV of an affordable house type x our 40% affordable provision requirement e.g:

OMV x 50% for each unit X the number of affordable units required (AH % of site yield).

For example, if the open market value (OMV) of an affordable house type is £150,000 and a 40% affordable housing provision on a 5 dwelling site is 2 units, the commuted sum received would be 2 units x 50 % of the OMV (£75,000) = £150,00. Total payable amount.

40% of 45 equals 18 affordable units. This will be the basis of the calculation.

Further consultation response received:

As you are aware the applicant submitted a viability appraisal which our contracted consultants have now thoroughly interrogated. Our consultants conclusion is that this scheme is not financially viability other than a payment of £30,000 towards the provision of AH which the LPA should seek from the developer as an off site (commuted Sum payment). Given that this is their professional view based upon the re appraised viability submission, I am minded to accept this recommendation and amend my original request to an off site contribution payment as noted in the Consultants report.

#### **Leicestershire County Council (Highways)**

- 4.13 The application seeks full planning permission for a site at St Wilfrid's Close, Kibworth. St Wilfrid's Close is an adopted, unclassified road, subject to a 30mph speed limit accessed from The Tithings. In total, St Wilfrid's Close and The Tithings serve 48 dwellings and are accessed via a simple priority junction from Church Road, an adopted, C classified road (C5502) subject to a 30mph speed limit. There are no recorded Personal Injury Collisions (PIC's) in the vicinity of Church Road, The Tithings or St Wilfrid's Close in the last 5 years.

This application seeks to gain approval for a retirement living development with a mix of 45 one and two bedroom apartments. An site plan has been provided in support of the application, reference 40820 012B, dated 03/03/2017, and the application is supported by a Transport Statement (TS), reference R-TS-U8464PM-01-A.

#### Access

Vehicular access is proposed to the site from St Wilfrid's Close at an existing turning head. St Wilfrid's Close has a 5.5 metre wide carriageway, with 1.8 metre wide footways on each side of the carriageway. If this application is approved by the Local Planning Authority, a total of 93 dwellings would be accessed from The Tithings / St Wilfrid's Close. This is an acceptable quantum of development to be accessed from a single point in accordance with the County Council's latest design guidance (6CsDG).

The applicant has stated that the proposed development would have a 6 metre wide carriageway with 2x1.2 metre wide footways. The applicant is not seeking the adoption of the access or internal layout.

The Local Highway Authority (LHA) considers that a 6 metre wide carriageway would be over engineered for the proposed development, and furthermore would not tie in well to the existing layout on St Wilfrid's Close which has a carriageway width of 5.5 metres. It would also seem more appropriate, given the proposed use of the development, to provide a carriageway width of 5.5 metres, with one 2 metre wide

footway leading out of the site towards St Wilfrid's Close. This will allow for pedestrians to walk in pairs rather than single file, and also would allow more space for wheelchairs, mobility scooters and those using walking aids. The single, wider footway could be located on the east of the proposed access road and tie in to a footway along the western elevation of the building shown on the site plan, allowing for safe passage for pedestrians along the side of the car park.

In light of the type of the proposed development, it is considered that pedestrian access to the site will be of particular importance. The north / south running footpath B1 which is located to the west of the site is of good construction and of adequate width to cater for residents who would wish to access the village centre. The applicant should give consideration to access to this and other local PROW's. This PROW provides direct access to the services and facilities within the village centre and it is considered that it would be highly beneficial for residents to have easy access to this PROW to encourage sustainable travel. An amended plan demonstrating access to this PROW is therefore required.

In terms of contributing to the wider aims of access to and from the site, a new footpath is requested to be created from the entrance to St Wilfrid's Close, across the public open space to Footpath B100 (the blue line as indicated in the plan shown). This would need to be 1.8 / 2 metres wide, tarmacadam path constructed to the relevant design standards contained within the Council's latest design guide (6CsDG).

#### Trip Generation

The trip generation figures obtained from the TRICS database stated in section 5 of the applicant's TS are considered representative of the trips that a development of this size and type would be expected to generate. As such, this is acceptable to the LHA. A total of 7 trips are expected in the AM peak period, and 8 in the PM peak period. The LHA considers that this does not represent a significant, material increase in the trips on St Wilfrid's Close, and as such the LHA considers that the proposal does not constitute a severe residual cumulative impact in accordance with paragraph 32 of the NPPF.

#### Travel Plan

Although a Travel Plan has been submitted, given the type and size of the proposed development, a Travel Plan is not considered necessary (it is considered that most of the residents will have access to concessionary travel). The LHA notes that there are buggy / cycle stores included within the lower ground and ground floor plans, which will go some way to encouraging more sustainable modes of transport to / from the site.

Further consultation response received:

Colleagues in our Public Rights of Way department have confirmed that in more recent discussions with the Kibworth Parish Councils' Joint Recreation Committee that there is no wish for monies to be secured for the surfacing of this path and therefore the Highway Authority are no longer in a position to support the request.

I hope this clarifies the situation.

Latest consultation response received:

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

Following previous formal advice provided by the County Highway Authority on the 30th May 2017, the applicant has provided a revised access and layout strategy. The revised access details a 5.5m width carriageway with a single 2m wide footway. The CHA considers that this provision would enable pedestrians to walk in pairs rather than single file, and would also allow more space for wheelchairs, mobility scooters and those using walking aids. The single, wider footway located on the east of the proposed access road ties in to the footway proposed within the site allowing for safe passage for pedestrians along the side of the car park.

#### Pedestrian Accessibility

The CHA notes the applicant's intention to provide a pedestrian link to the existing Public Right of Way (PROW) link B1 to the west of the site as shown on the layout drawing number 40820 004K. The CHA recognises the importance of pedestrian permeability to the site and safe and suitable access to the whole site. To this end the CHA would encourage the applicant to pursue the provision of this link, subject to the agreement of the adjacent land owner, as it would be of real value to the future residents of the proposed development.

The CHA does not however consider that the provision of this link, nor the proposed financial contribution to the offsite PROW link across the adjacent playing fields are necessary to make the development acceptable in planning terms and could not therefore advise pursuance of these through the relevant obligation or contribution request.

#### Wider Highway Impact

The Cumulative Development Traffic Impact Study jointly commissioned by Leicestershire County Council and Harborough District Council assessed the cumulative impact of pending applications, at links and junctions identified within the Kibworth Beauchamp, Kibworth Harcourt, Fleckney, Saddington and Great Glen areas. The capacity assessment of the links and junctions identified within the study demonstrates that the A6 corridor within the study area is operating significantly over capacity and consideration must therefore be given to the introduction of highway improvements to mitigate the otherwise severe highway impact from this development and the cumulative impact of the other developments proposed.

The study went on to identify concept highway improvements for the A6 Leicester Road /Wistow Road roundabout and the A6 Harborough Road / New Road junction to accommodate the impact of the cumulative development tested within this study. In addition, concept highway improvements were identified for the Church Road / A6 / Marsh Drive junction which would allow traffic from Church Road and Marsh Drive to access the A6 Leicester Road more freely compared to the existing junction layout.

Notably, the referenced concept highway improvements were deemed necessary to accommodate traffic flows from the Baseline 2021 traffic flow scenario and Baseline 2021 + Cumulative Development scenarios and the study went on to conclude that

local junction interventions and bespoke highway improvements proportionate to the scale of the total development quantum proposed should be pursued. The study demonstrates that this development would have a material impact at the junctions identified and therefore improvements are required to alleviate the significant impacts of the development.

The CHA understands the highway network's role to enable economy, growth and employment. To enable and facilitate such growth, the CHA recognises the pivotal role the A6 plays in providing a vital connection to areas of employment, education and the strategic road network. With due consideration to both the local and wider road network, where a material impact of development has been established, the CHA will continue in its endeavours to pursue these wider opportunities to propagate both housing and employment. By way of these necessary, relevant and proportional improvements as identified in the study, the CHA advises that development can appositely progress and the county highway network can continue to operate efficiently as it must for County, District, local resident's and developer's interests.

Until such time as a final scheme has been identified, a scenario of 'short term pain' for 'long term gain' is considered to be acceptable. Therefore, it is recommended that this development should contribute towards improvements to the wider highway network as considered appropriate by Harborough District Council in consultation with Leicestershire County Council.

Whilst the operation of the proposed retirement living development would likely lead to a reduced vehicular impact in the peak period when compared with an equivalent sized residential development the County Highway Authority has consulted the TRICS database and would expect in the region of 10 trips to be made in the AM peak period. Given the location of the proposed development on St Wilfrids Close, and proximity to the A6 corridor, it is expected that these trips will route via at least one, if not more, of the junctions identified within the study. The County Highway Authority will therefore advise pursuance of a contribution which is fair and proportionate to the vehicular impact of the proposed development at the defined junctions.

**Leicestershire County Council (Principal Ecologist)**

4.14 No holding objection, although the following concerns are raised:

The Ecology report redacts mention of the Badger Sett; however, a plan showing the Sett is incorporated within the Appendices. Please remove the redaction and submit an amended report.

The landscape proposed within the development scheme may well impinge on the Badger Sett. Further information is required to demonstrate no impact will arise.

A further Grassland survey (to be undertaken April – October) is required in support of the application. The previous survey was outside this season in which case the results, therefore, can be considered to be inconclusive. The Council's Ecologist is happy to observe the survey.

Further consultation will be required on the above matters.

A further consultation response was received:



The supplementary grassland survey report by Aspect Ecology is satisfactory; its clear from their results that the grassland is species-poor, and I have no objections to its loss as a habitat.

I have also been sent an un-redacted survey report, with details of the on-site badger sett. This is a small main sett, in the SE corner of the site. It is outside the proposed building footprint, so there will be no direct impacts on the badgers. The issue of concern is regarding loss of foraging; about two thirds of the currently open grassland will be lost. Due to permitted development taking place to west of the site, this has become a virtually isolated population hemmed in by housing; loss of foraging is therefore of concerns, as it will be hard for the badger to move out if they are unable to sustain their population. An escape route does exist, along the active railway line which runs along the southern boundary of the site, but it is narrow due to new/planned development pressing close to the line on either side, and it is a long distance before any badgers dispersing along the line would reach open land to the west.

The badger sett is connected to additional foraging area within this area of trapped greenspace; the playing fields/public open space and school to the north and west, and the rough grassland around the SUDs area further west. If this development is allowed, it is essential that access to these areas is maintained. If this occurs, I feel the loss of some of the badgers' existing foraging areas can be accepted.

Aspect Ecology have proposed mitigation for badger impacts, which I am happy with. My one suggestion is that the proposed wildflower grassland south of the retirement home is managed as tall grassland through cut and removal of standing grass in late summer and autumn. This will provide additional protection to the sett, and also retain some of the rough grassland foraging that will be helpful for the badgers, as the rest of the open space accessible to them is predominantly amenity grassland.

I recommend a planning condition regarding mitigation for impacts on badgers, as set out in Aspect's report, with an additional requirement for a management plan for the wildflower grassland areas.

Latest consultation response received:

I have no further comments.

**Leicestershire County Council (Senior Forestry Team Leader)**

- 4.15 The applicant's arboricultural impact assessment report by Aspect Arboriculture is detailed and professional, and provides the necessary detail to inform the layout of the development. Of particular importance in most such developments is the provision of root protection area (RPA) information, and the schedule detail of each species to determine suitable proximity of new dwellings and thereby avoid excessive shade, overbearing, detritus, etc..

The proposed layout is centred within the site, itself internally devoid of trees, which are around the perimeters only or on adjacent property. The layout appears to successfully avoid such concerns, although a little more detail – photographs, visualisations, etc., would be useful where the proposed building gable appears quite close to the north end of the eastern boundary.

There is some modest incursion into the RPA of T3 in the southwest corner, which is a cat. B mature ash with a suggested RPA of some 11m radius. I estimate the

required incursion for the proposed sewer diversion to be about 7% of the whole RPA, which is unlikely to be seriously damaging, but as stated should be undertaken carefully under arboricultural supervision.

Otherwise there would appear to be no arboricultural constraints on developing the site.

**Leicestershire County Council (Principal Archaeologist)**

- 4.16 As you will have noted, despite the surrounding evidence of past settlement and activity in the area, the trenching of the current site revealed no indication of significant archaeological remains other than the presence of earthwork remains of former ridge and furrow cultivation. The latter appear to have been truncated to the south east by a 19th quarry pit. The earthwork remains comprise much of the length of a series of ridges (lands) aligned in parallel and running downslope from north to south. Their northern extension is likely to have lain beyond the edge of development, and to the south the earthworks terminate short of the southern edge of the site. The westward extent of the earthworks is evident in the grounds of the adjacent primary school.

Given the fragmentary nature of the surviving earthworks, it is not felt necessary to seek the recording of the ridge and furrow prior to their loss as a consequence of the development of the site. Neither, given the lack of buried archaeological remains, is their anticipated to be a need of additional archaeological investigation of the application area. On that basis we do not wish to comment further on the above scheme.

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

- 4.17 Previous consultation response received:

When determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment and will not put the users of the development at risk.

The Applicant is wishing to develop 45 retirement living apartments on land to the south of St Wilfrid's Close, Kibworth Beauchamp, Leicestershire. The development is located within Flood Zone 1 and is shown as low to high risk of surface water flooding on the Environment Agency's Flood Risk from Surface Water Maps. A Flood Risk Assessment and associated drainage strategy has been submitted in support of the application.

From the submitted information, the proposed development is significantly higher than the top-of-bank level of the nearby watercourse, as such; the LLFA considers the risk of flooding from this watercourse to be low. However, the Flood Risk from Surface Water maps shows a low risk surface water flow route from the north to the south. Further information on how this is to be managed should be submitted during the later stages of design.

From the information submitted within the Flood Risk Assessment, surface water runoff is to be attenuated in a below ground geocellular storage structure and discharged from site into the adjacent watercourse. The greenfield runoff rate has been calculated using an Ioh124 methodology and the discharge rate increased due to a minimum specified discharge opening of 75mm to mitigate blockage risk. However the LLFA would accept minimum discharge rate of 5l/s in order to further mitigate the risk of blockage to the network.

The LLFA also do not consider the use of geocellular tanks and oversized pipes to be SuDS devices and feel the addition of permeable paving within the car park areas could provide an additional level of treatment within the treatment train.

In light of the above, we can therefore advise the Local Planning Authority that the proposed development would be considered acceptable to Leicestershire County Council as the Lead Local Flood Authority if the following conditions are attached to any permission granted (see Conditions 12-16, Appendix B).

Latest consultation response received:

When determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment and will not put the users of the development at risk.

Updated information has been provided to the LLFA which appear to show a change in the proposed layout of the car park and the removal of the outdoor terrace area. It is deemed that this would have a minimal impact on the proposed surface water strategy for the site.

It is however still recommended that permeable paving is considered at later design stages to ensure water quality benefits are provided to trafficked areas of the site.

Previous conditions and advice provided in the previous correspondence by the LLFA are therefore unchanged.

#### **Leicestershire County Council (Developer Contributions Officer)**

4.18

- Education: No claim. An education contribution will not be requested for this site as it is for Retirement Homes.
- Libraries: No claim. The proposed development would not have any adverse impact upon current stock provision at the nearest library which is Kibworth.
- Civic Amenity (Waste): No claim. The nearest Civic Amenity Site to the proposed development is located at Kibworth and residents of the proposed development are likely to use this site. The Civic Amenity Site at Kibworth will be able to meet the demands of the proposed development within the current site thresholds without the need for further development and therefore no contribution is required on this occasion.

#### **Anglian Water**

4.19

##### Wastewater Treatment

No current capacity; however Anglian Water acknowledge that they are obliged to accept these foul flows and would, therefore, take the necessary steps to ensure that there is sufficient treatment capacity.

##### Foul Sewerage Network

The existing sewerage system has available capacity, at present, for these flows.

### Surface Water Disposal

No comment. It does not relate to Anglian Water assets.

### **Severn Trent Water**

- 4.20 No objection to the proposal subject to condition requiring the submission of drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority (see Conditions 15-16, Appendix B).

### **Network Rail**

- 4.21 No objection in principle but have outlined a few requirements that must be met:

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

### **Boundary Treatment/Security:**

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

### **Encroachment:**

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicants land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind

the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

#### Noise/Soundproofing:

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

#### Soft Landscaping:

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary (for instance it is noted that *Tilia Cordata* is proposed in the planting plan we would not wish to see species on the list below planted with 30 metres of the railway boundary). We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

#### Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees Pines (*Pinus*), Hawthorne (*Crataegus*), Mountain Ash Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja *Plicatata* Zebra

#### Not Acceptable:

*Acer* (*Acer pseudoplatanus*), Aspen Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europaea*)

A comprehensive list of permitted tree species is available upon request.

#### Access to Railway:

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. Access to the adjacent railway footbridge must remain clear and unobstructed at all times, both during and after construction work at the site.

Latest consultation response received:

Network Rail have no further comments to make on the additional information supplied other than those returned in our response to the original application on 26<sup>th</sup> April 2017 (attached) which still apply.

## The Landscape Partnership

4.22

The following sets out our comments in relation to the submitted material, primarily relating to the LVIA and Landscape Strategy, with reference to other submitted documents where appropriate.

Ref.	Topic	Comment
<b>Sufficiency of Submitted Material</b>		
Site Layout	Existing and Finished Levels	Most of the material provided by the applicant is largely sufficient to make a judgement of the suitability of the proposed development and the intentions of the applicant in the delivery of the proposed development. However, we consider the application lacks sufficient information in relation to proposed levels. Given the notable variations in levels across the site and the influence of built form on areas of adjoining land, understanding how the proposed development seeks to deal with the varying levels is an important consideration. This is due to: the extent and scale of the proposed building; the mixture of two and three

		storey components of the building; the close proximity to off the building, car park, footpaths to vegetation to be retained; the need for retaining walls. Our primary concern relates to the potential effects on site landscape features that are proposed to be retained, the effect on local views, and accessibility. A cross section is provided within the DAS on page 42, which provides a helpful outline of the proposals, but this is not a detailed section and lacks any information regarding existing and proposed levels. Consequently, the applicant should provide an appropriately scaled site layout plan, showing existing and finished levels at various points around the site, and provide AOD levels for key elements of the building, such as: ground floor, ridgeline and eaves. The site layout should also indicate location and heights of proposed retaining walls and ramps (including gradients). Where levels are to be made up, details should be provided regarding the materials that are to be used to make up levels and their suitability in terms of weight bearing.
<b>Suitability of LVIA Methodology</b>		
Appendix 1	Effects	<p>The LVIA methodology follows the broad principles of the Guidelines for Landscape &amp; Visual Impact Assessment, Third Edition (GLVIA3) and provides a largely appropriate methodology to help the reader understand what the effects would be and how the judgements have been determined. The methodology sets out a simpler approach to that defined within GLVIA3, by referring to value and susceptibility in a single set of definitions to define sensitivity (refer to Appendix 1, Tables 1 and 2), and uses simplified definitions of magnitude of change (refer to Appendix 1, Table 3), rather than combining the separate elements used in GLVIA3, namely: size/scale; geographical influence; and duration/reversibility.</p> <p>Some of the assessment elements within the methodology (refer to Appendix 1, Item 1.3) are not applied or inconsistently applied in the description of the assessment of effects within the main body of the report. This includes the following: Zone of Theoretical Visibility (ZTV); adverse or beneficial effects; short, medium or long term effects; and reversible and irreversible effects. In the absence of this information, we have assumed that the following is applicable to the proposed development (based on our professional judgement and application of worst-case scenario): all effects are adverse, long term, and irreversible. Given the relatively constrained visual influence of the proposed development, we do not think it is necessary for the applicant to provide a ZTV.</p>
Appendix 1	Seasonal Variation	It is assumed that all assessed effects within the LVIA are based on paragraph 1.7 of Appendix 1 <i>'unless otherwise stated, all effects are predicted in the winter months'</i> .
Appendix 1	Effectiveness of Mitigation	The methodology states that <i>'the extent of mitigation measures should be clearly stated, and in the case of planting proposals, the contribution to reducing adverse effects should be demonstrated at different stages (construction stage, operational stage year 0, and year 10)'</i> . However, within the main body of the report, the LVIA makes no reference to time periods with regard to the assessment of effects on landscape character, and most viewpoints. The only exception is, with regard to the assessment of effects for Viewpoints 2 and 6, where the LVIA assesses the effects in Year 1 and Year 15 (as opposed to Year 0 and Year 10). It is therefore assumed that the assessment of effects on all other Viewpoints and landscape character, applies equally to Year 1 and 15, and consequently, the proposed planting would have no material influence in reducing the effects of the proposed development after fifteen years.
<b>Accuracy of the LVIA</b>		
Section 3	Landscape and Visual Baseline	We agree with most of the baseline description. However, we disagree on a few parts, which we set out below.
Para 3.2	Western site boundary	The LVIA describes <i>'the western site boundary is defined by a mature treeline'</i> . The western site boundary is mostly a hedge with an ash tree, with a large ash tree and group of trees at the southern end, as shown in the applicant's consultant's Arboricultural Impact Assessment Tree Constraints Plan, which shows most of the boundary being formed by H2.
Para 3.14-3.21	Local Landscape Sensitivity	The LVIA has undertaken an assessment at a local scale, which we consider is appropriate, due to the site's more central location between the two Kibworth settlements and the more localised scale of influence. The National Character Area 94 and the Lutterworth Lowlands LCA within Harborough District Landscape Character Assessment are less suitable as basis for understanding the effects on landscape character, due to the relatively extensive area they cover and their more rural context. However, it is unclear what area the LVIA appraisal of local landscape character is intended to cover, with different references made to a non-specific geographical area i.e. <i>'site itself and its immediate localised setting'</i> (para 3.14); <i>'site and its setting'</i> (para 3.16); <i>'Table 1: Assessment of Landscape Value of the Site'</i> ; and <i>'site's localised and wider setting'</i> (para 3.21). It would have been helpful to have a plan illustrating the extent of the defined local landscape and consistent use of description to



		<p>understand what part of the landscape is being assessed.</p> <p>For the purpose of this review, we have assumed that the local landscape being considered is based on the site and immediate local setting (i.e. as referenced in paragraph 3.14), except where the LVIA specifically makes judgements relating to the site. We consider that the site and the more immediate local setting is the appropriate scale to assess the effects on the local landscape, which includes the following: site; Warwick Road Recreation Ground; Kibworth Primary School; railway; and adjoining residential areas of St Wilfred's Close, The Tithings, Station Street, Church Road, Elliot Close, School Walk.</p>
<b>Differences in Judgements</b>		
Table 1, Para 3.17 - 3.21	Landscape Susceptibility Landscape Value	<p>We agree with the judgement for the local landscape, that it has a Low landscape susceptibility.</p> <p>The contents of Table 1 make an assessment of landscape value based on the site. However, the concluding judgement regarding landscape value in paragraph 3.20, is based on the <i>'site and its immediate setting'</i>. Whilst the judgements made in Table 1 may be largely applicable within the site, they do not apply when the immediate local setting e.g. scenic quality, recreational value, and perceptual aspects, which would have a higher value than that of the site, i.e. medium value. We do not think that the LVIA has taken sufficient consideration of the value of the Warwick Road Recreation Ground and the designation of Important Open Land within their judgements. We therefore do not agree that the overall value of the local landscape is Low (refer to paragraph 3.21). Our judgement is that the local landscape value is Medium, and therefore when combined with Low landscape susceptibility, would result in a Medium/Low landscape sensitivity.</p>
Para 5.6	Effects on the site	<p>The LVIA advises <i>'additional planting is to be implemented as part of the proposals, with tree, shrub and hedgerow planting ensuring an enhanced defensible edge to the proposals'</i>. However, the most important defensible boundary that needs strengthening is the western boundary, but nothing is shown on the Landscape Strategy Plan to provide additional planting within the western part of the site, other than low level shrub planting immediately adjacent to the building and car park.</p> <p>The proposed car park would be located within the Root Protection Area (RPA) of the western boundary hedge, with construction works likely to result in the loss of a relatively large proportion of the existing roots. This has not been addressed within the AJA or LVIA. We anticipate that the works would notably reduce the health and condition of the existing hedge, with likely dieback and issues of instability, health problems and possible death.</p> <p>Given the importance of the western site boundary in relation to the effects on the Warwick Road Recreation Ground, the applicant needs to address these issues (refer to Section 3 below).</p>
Para 5.9 – 5.12	Effects on Localised and Wider Setting	<p>The LVIA makes inter-reference between the localised and wider setting in the judgements of effect on local landscape character. As set out in our comments above, our judgement is that a more clearly defined area that relates to the more immediate setting is the most applicable, and that the sensitivity of the local landscape is Medium/Low. We also consider that the magnitude of change to be Medium i.e. <i>'constitutes a perceptible change within a landscape'</i> (LVIA Appendix 1, Table 3), and not Low-Negligible (paragraph 5.10), and therefore the proposed development would result in a Moderate – Moderate/Minor Adverse significance of effect. The judgement of Low-Negligible magnitude would be applicable within the wider context of the whole of Kibworth Beauchamp and Kibworth Harcourt, as described in paragraph 5.9, but not in the <i>'context of the site's localised setting'</i> (paragraph 5.10).</p>
Table 3	Viewpoint 2	<p>We do not agree with the statement that the <i>'proposed development would be apparent from this location'</i>. The proposals would result in a substantial change to the view, but agree that this would be a High magnitude of change in Year 1. Given that the assessment is based on the effects in winter, we do not think that the proposed row of three trees either side of the access road would provide limited material difference to the substantial change to the view, and therefore significance effect in Year 15 would be Major/Moderate Adverse.</p>
Table 3	Viewpoint 3	<p>The ash tree on the western site boundary would be removed, creating an additional gap within the hedge. No proposals are provided regarding the additional planting to infill gaps in the hedge, and as described above, we consider the proposed development would result in a decline of the health and condition of the hedge, resulting in the proposed care home becoming more visible. Irrespectively, the proposed building would form a noticeable change to the view, resulting in a Medium magnitude of change and not Low. As set out in the LVIA <i>'the proposed development will be perceptible within the field of view'</i>, therefore as the LVIA Appendix 1, Table 3, defines a Medium magnitude <i>'constitutes a perceptible change within a ... view'</i>, the significance of effect would be Major-Moderate Adverse.</p>



Table 3	Viewpoint 4	Similar comments and judgements apply as Viewpoint 3, but the viewer is closer to the proposed development, and immediately adjacent to the location where the existing ash tree is to be removed. We disagree with the statement ' <i>the proposed development will be barely perceptible within the field of view during summer months</i> '. We consider that the proposals would form a clearly perceptible change in summer.
Table 3	Viewpoint 6	We consider the change in winter would be clearly evident. As set out in the LVIA ' <i>the proposed development will be perceptible within the field of view</i> ', and therefore based on the LVIA Appendix 1, Table 3, the effect should be a Medium magnitude i.e. ' <i>constitutes a perceptible change within a ... view</i> ', and not Low magnitude. Consequently, the significance of effect would be Major-Moderate Adverse.
Table 3	Viewpoint 8	Again, the LVIA advises that ' <i>the proposals will be perceptible</i> '; but seen in the context of existing residential development. Reference is also made to ' <i>the proposed development will be barely perceptible within the field of view</i> '. We consider that the judgement lies somewhere between ' <i>perceptible</i> ' and ' <i>barely perceptible</i> '; with the proposed building constituting a minor component of the view, and therefore Low magnitude, resulting in a Moderate Adverse significance of effect.
Para 5.19	Policy HS/9	<p>We do not agree with the LVIA's statement regarding Important Open Space that considers that '<i>the proposals comply with the aims of Policy HS/9 within the Harborough District Council Core Strategy (Adopted 14th November 2011)</i>'. We consider that harm would be caused to the aspects of the land that contribute to the form and character of the settlement and locality. Similarly, the proposals would not provide positive benefits to the character and appearance of the settlement and locality that would outweigh the impact of the development. The primary purpose of the designation is to retain the open character of the land, and in relation to the site as is to provide an open area that retains a separation between the settlements of Kibworth Beauchamp and Kibworth Harcourt. As the proposals would remove the existing open sheep grazed grassland and replace with a building of large mass, the proposed development would not retain its openness and thus is contrary to policy.</p> <p>However, it is understood that this designation is being reviewed as part of the emerging local plan and the supporting Green Spaces study, prepared in 2016, does not list the site as an open space and does not recommend that it should be designated as a Local Green Space.</p>

### 3 RECOMMENDATIONS AND CONCLUSIONS

- 3.1 The site is largely well contained, through the influence of the valley landform, the trees and scrub along the railway, the hedgerows along the site boundaries, and due to garden trees to the east. This restricts the effects of the proposed development to the immediate local context of neighbouring residential properties and residential roads of St Wilfred's Close, Station Street and School Walk. Despite the central location of the site between the two settlements of Kibworth Harcourt and Kibworth Beauchamp, the effects on residential properties and road users are relatively limited. There would be no effect on the wider rural landscape beyond the two Kibworth settlements. Consequently, the effects are restricted to changes to landscape character within the more immediate setting and as experienced in the context of Warwick Road Recreation Ground, associated Important Open Land, and the Public Rights of Way (PRoWs) the cross the Recreation Ground. There would be a notable effect on the users of the Recreation Ground, due to the height of the building and its massing. Whilst the height would be similar to the adjoining residential properties along St Wilfred's Close, and set lower on the slope, the massing would be much greater than other neighbouring buildings. As acknowledged in the LVIA, in relation to Viewpoint 3, the upper storeys and roofscapes of the proposed building would be visible. Within different parts of the LVIA, it refers to both a '*degree of articulation*' and a '*considerable degree of articulation*', as a way of reducing the

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visual massing of the building. We would agree that the proposals provide a degree of articulation, which provides some breaking up of the built mass, but this is not '*considerable*'. We consider that the LVIA has underestimated the effect on the local landscape character, primarily defined by the Warwick Road Recreation Ground, and views from this open space. Consequently, we would recommend that the applicant considers further design solutions to reduce these effects, as set out below.

- 3.2 Gaps in the hedge along the western site boundary and the removal of the ash tree would make the proposed building more visible to the west, and whilst it may be possible to infill the gaps, no proposals are set out as to how this could be effectively achieved. Given the maturity and extent of root establishment of the existing hedge, it will be difficult to successfully establish a dense boundary in the short to medium term. The hedge has not been managed for many years, and is in an average to poor condition, with extensive ivy growth smothering much of the hedge plants. Without future management, its function as a hedge would be expected to deteriorate, and any new planting is likely to become overgrown with ivy. The hedge provides an important role in reducing the extent of visual change arising from the proposed building being seen from Warwick Road Recreation Ground. However, its future presence and health would be jeopardised by the location of the proposed car park, and the extent of incursion into the Root Protection Area (RPA) of the hedge, with the likely reduction in health and condition, and potential loss of some of the hedge. It also allows very little space for any new planting along this boundary. It is also unclear whether the hedge lies in the land ownership of the applicant or forms part of Warwick Road Recreation Ground. If the latter, it is presumed that this would be in the control or management of Harborough District Council or Kibworth Harcourt Parish Council.
- 3.3 It is advised that the proposed development is amended to remove the car park from the RPA of the hedge and additional space be provided for new planting to reinforce the boundary. If this is not possible, the car park should be constructed using a no-dig construction, but the applicant needs to demonstrate that sufficient space and planting can be provided that will successfully establish to form an effective boundary treatment and screen. It is recommended that this should include the planting of additional trees along this boundary. One possible option, is that this could potentially be done through negotiation with HDC (and/or KHPC or other third party responsible for management of the Recreation Ground), through planting within the existing grass verge on the western side of the hedge within the Warwick Road Recreation Ground, ensuring that any trees are located away from the street lights and appropriate protection is provided to prevent root damage to lighting cables. We would also recommend planting trees within the area of grass to the south of the car park, and removal of individual parking bays to enable the planting of trees and low shrubs.

- 3.4 The applicant has not provided any proposed levels or earthworks plan to show how the proposed development would accommodate the variations in the existing levels within the site. Levels vary quite noticeably in different parts of the site. It is therefore not clear how much ground remodelling would be required to accommodate the building, car park and private garden to the east. The only indication is provided by the section in the Design and Access Statement on page 42. This would appear to indicate that the land would be raised to provide the new ground floor. However, it is not clear why this approach has been adopted, when either a predominant cut solution or a balanced mixture of cut and fill would be more desirable. Lowering the levels of the proposed building would also help reduce the visual effects on the Warwick Road Recreation Ground. Consequently, we would recommend that the applicant consider options for lowering the levels of the building to reduce its visual presence within the Warwick Road Recreation Ground. Similarly, we would recommend that the applicant provides detailed information on existing and proposed levels across the site, together with the location and heights of retaining walls and gradients of paths. This should also include: AOD levels for ground floor, ridgeline, and eaves; level changes around the retained vegetation, in particular T3 and H2; and details as to how the Kitchen Garden could provide an accessible space, whilst still accommodating the notable fall to the east.
- 3.5 The landscape proposals are generally well considered. The landscape strategy incorporates a variety of different areas of landscape treatment, providing variety and interest to future residents, and incorporating an area of greater ecological interest to the south. The indicative proposed species are considered to be appropriate, although the landscape proposals should incorporate the recommendations from the Ecological Appraisal, by ensuring native species are of local provenance, and suitable areas are found to incorporate habitat piles and the addition of bird and bat boxes. Additional tree planting should also be provided along the eastern boundary, where the hedge is low, to provide additional screening to views into the site from the east.
- 3.6 Broadly, we consider the proposals to be appropriate, subject to the modifications and additional information set out above. Should planning consent be granted, conditions should include the requirement for the applicant to provide hard landscape proposals, planting plan and management plan. The planting and management proposals should include additional enhancement of the southern part of the site to improve structure, habitat diversity, and wildlife value, through: improving the watercourse channel profile; management works to the existing woodland, trees and scrub; replacement native planting; and additional wetland planting. Future management of the site should include the replacement of any existing vegetation or proposed planting that is in poor condition/health or dies.

Latest consultation response received:

## 1 INTRODUCTION

- 1.1 The Landscape Partnership (TLP) have undertaken a review of revised plans and additional information submitted by the applicant on 4 August 2017 in relation to Application Reference 17/00500/FUL for the erection of 45 retirement living apartments with associated access, parking and outdoor amenity space. The revisions were partly prepared in response to comments prepared by TLP in our Landscape Review, prepared in June 2017, which forms a reference to this second review.

## 2 RESPONSE

- 2.1 The applicant has responded in respect to TLP's comments, based on the following key elements:

- **The need for levels information to be provided:** the applicant has provided appropriate plans that provide sufficient proposed levels at key locations, set against existing levels, to effectively understand how the proposed development would relate to the existing landform and site features. Amendments have also been made to the layout to provide an appropriate accommodation of the proposed development. We have reviewed the relation of existing and proposed levels and consider them to be largely acceptable in the context of landscape matters. The only exception is in relation to the effect of the construction of the proposed retaining walls on existing vegetation. In relation to the retaining wall within the eastern part of the site, we recommend the work is carried out with on site supervision by an appropriately qualified arboriculturalist, to limit loss/harm to the adjoining group of ash (G6) and hedge (H3). However, construction of the retaining wall to the west of the site would be expected to result in the removal of a further small section of hedge (H2). This is acceptable, subject to the loss or harm to the retained section of hedge being minimised through arboricultural site supervision and appropriate replacement planting being provided in this location. This can be covered under an appropriate condition relating to the provision of detailed planting proposals.
- It should also be noted that the Arboricultural Note prepared by Aspect Arboriculture in June 2017, is based on Dwg No 40820/004F and not the current submitted Propose Site Plan (Dwg No 40820/004K). The Arboricultural Note should be updated to address the changes included within Dwg No 40820/004K, including the preparation of a revised Tree



Protection Plan. The Arboricultural Note should include the addition of supervised excavation during the clearance works to construct the foundations for the retaining walls.

- **The need for additional landscaping along the site's western boundary:** the proposal to construct the car park using a no-dig construction is appropriate, subject to provision of detailed design and construction methods, covered under a relevant condition regarding provision of details for external works. Additional tree planting has been incorporated as part of the proposed site layout, as requested. This is appropriate, subject to detailed planting proposals to be covered under condition.
- As covered within our first review, *'should planning consent be granted, conditions should include the requirement for the applicant to provide hard landscape proposals, planting plan and management plan'*. In addition to the points raised above, this should cover inclusion of the recommendations regarding ecological enhancements within the Ecological Appraisal prepared by Aspect Ecology, and proposals to provide effective management and infilling of the existing western boundary hedge (H2).

2.2 In conclusion, the revised proposals are appropriate and require no further changes from the applicant, other than the preparation of a revised Arboricultural Note to relate to the current Proposed Site Plan. Subject to Harborough District Council being minded to give planning consent, appropriately worded conditions should be included relating to the provision of detail design of hard and soft landscape works, and the preparation of a management plan that includes the scheduling of works and responsibilities for undertaking future maintenance and management.

#### **AspinallVerdi (Property Regeneration Consultants)**

4.23 Recommendations:

Based on an assessment of the market values and having regard to current and emerging Plan Policy we recommend that the Council seeks the payment of £30,000 as commuted sum in lieu of on-site affordable provision.

#### **East Leicestershire and Rutland CCG**

4.24 No comments received.

#### **Ward Councillor**

4.25 No comments received.

### **b) Local Community**

4.26 This application has generated a significant level of objection from the local community. To date, 37 no. letters of objection have been 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, in no particular order, is provided below:

- The principle of the proposed development;
- Loss of a green space/Important Open Land (as designated under "saved" Policy HS/9 of the Harborough District Local Plan) within the Development Limits of Kibworth;
- Development in the open countryside;
- Visual impact on the landscape;

- The proposal will be out of keeping with the character and appearance of the local area, especially in context of St Wilfrid's Close and The Tithing;
- Loss of wildlife generally, impact on protected species (notably badgers);
- Loss of ridge and furrow earthworks, and other archaeological features not yet identified;
- Impact on trees and hedgerows;
- Impact on neighbouring properties residential amenity (overbearing effect, loss of light, loss of privacy, noise, and general disturbance during the construction period);
- Proposed access off St Wilfrid's Close (a cul-de-sac) and the associated traffic implications and highway safety concerns this will have on the surrounding roads and the village itself;
- Impact on air quality along the A6 corridor;
- Insufficient on-site car parking provision, including that for visitors.
- Increased concerns regarding flood risk and drainage;
- Inadequate public transport services serve Kibworth;
- Impact on local services (notably GP surgery);
- Insufficient contribution towards off-site affordable housing provision;
- The application site is not a suitable location for retirement living homes;
- Potential for land contamination resulting in the former use of the site/neighbouring land as a quarry; and
- Pre-empting the outcome of the Neighbourhood Plan;

## **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**

- 5.2 The current Local Development Plan consists of the Local Development Framework Harborough District Core Strategy 2006-2028 (adopted November 2011) and “saved policies” of the Harborough District Local Plan (adopted 2001).

#### *Harborough District Core Strategy*

- 5.3 The following policies are considered to be relevant to this application:

- Policy CS1 (Spatial Strategy);
- Policy CS2 (Delivering New Housing);
- 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); and
- Policy CS17 (Countryside, Rural Centres and Rural Villages).

*Harborough District Local Plan ("saved policies")*

5.4 Of the limited policies which remain extant, the following policies are considered to be relevant to this application:

- Policy HS/8 (Limits to Development); and
- Policy HS/9 (Important Open Land).

**b) Material Planning Considerations**

5.5 Material Planning Considerations relevant to this application are:

- The National Planning Policy Framework (The Framework/NPPF);
- National Planning Practice Guidance (PPG);
- Supplementary Planning Guidance Notes 1, 2, 4, 9-11, 13, 14, 16 and 19;
- Supplementary Planning Document – Planning Obligations (January 2017);
- Five-Year Housing Land Supply Statement;
- Strategic Housing Market Assessment (SHMA) (2014);
- HEDNA (2017).

- Strategic Housing Land Availability Assessment:

The site is identified in the SHLAA as being suitable; available and achievable for residential development (Ref: A/KB/HSG/21).

- The Kibworths Settlement Profile;
- Emerging Kibworth Harcourt and Kibworth Beauchamp (The Kibworths) Neighbourhood Plan;

Kibworth Beauchamp Parish Council applied for the designation of a Neighbourhood Area on 7<sup>th</sup> November 2014 under the Neighbourhood Planning (General) Regulations 2012. The application was advertised for a 6-week period commencing on 21<sup>st</sup> November 2014 and ending on 1<sup>st</sup> January 2015. The application was later approved by the Portfolio Holder for Planning Services on 16<sup>th</sup> January 2015.

The Kibworths Neighbourhood Plan has now been the subject of formal Examination. The examiner's report and recommended modifications are due to be reported to the Council's Executive Committee on 6<sup>th</sup> November 2017.

- Emerging Local Plan;

Consultation on the Harborough Local Plan 2011 to 2031 Proposed Submission is on-going for a period of 6-weeks, from 22<sup>nd</sup> September 2017 to 3<sup>rd</sup> November 2017.

**c) Other Relevant Documents**

5.6 The following documents should be noted:

- The Community Infrastructure Levy Regulations 2010, S.I. No. 948 (as amended);
- Circular 11/95 Annex A – Use of Conditions in Planning Permission;



- ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System);
- Building for Life 12 (BFL12) (2012);
- Leicestershire County Council Planning Obligations Policy (December 2014);
- Leicestershire County Council Local Transport Plan 3 (LTP3);
- Leicestershire County Council Highways Authority 6Cs (Highways) Design Guide;
- Harborough District Council's Provision for Open Space, Sport and Recreation (2009); and
- Harborough District Council's Planning Obligations Supplementary Planning Document (January 2017).

#### d) Other Relevant Information

##### *Reason for Committee Decision*

- 5.7 This application is to be determined by Planning Committee because the proposal is for 45 no. retirement living apartments, which falls within the definition of a "Major Application" Development Type.

### 6. Assessment

#### a) Principle of Development

- 6.1 The application site is located within the Development Limits of Kibworth (Kibworth Beauchamp and Kibworth Harcourt), as established under "saved" Policy HS/8 of the Harborough District Local Plan. Kibworth is designated as a sustainable Rural Centre within the Settlement Hierarchy of the Harborough District Core Strategy.

- 6.2 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, ...*

*...*

*l) Provide for the varied housing needs of the community in terms of tenure, affordability, care and other support needs ..."*

- 6.3 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."*

6.4 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, additional employment, retail and community uses to serve the settlement and its rural catchment area. ... In all cases development will be on a scale which reflects the size and character of the village concerned, the level of service provision and takes into account recent development and existing commitments. ...”*

6.5 “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: -*

*...  
2. The development does not conflict with Policy HS/9;  
...”*

6.6 Notwithstanding the above, Harborough District Council is unable to demonstrate a 5-year supply of deliverable housing sites. This is outlined within the Council’s ‘5 Year Housing Land Supply Position Interim Update 2016/17’, which indicates a supply of 4.45 years.

6.7 Paragraph 49 of the NPPF advises *“that housing applications should be considered in the context of sustainable development”*, and that the *“relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”* In this case, *“relevant policies”* would include Policies CS2 and CS17 of the Harborough District Core Strategy, as well as “saved” Policy HS/8 and HS/9 of the Harborough District Local Plan (the latter policy will be discussed within section b) of this report, below).

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

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

6.9 Such restrictive policies may have the effect of constraining the supply of housing land, in which event if a Local Planning Authority is unable to demonstrate the requisite five-year supply of deliverable housing sites then relevant policies are liable to be regarded as not up-to-date for the purposes of Paragraph 49 of the NPPF, and

so out-of-date for the purposes of Paragraph 14 of the NPPF (the presumption in favour of sustainable development).

- 6.10 Furthermore, the Supreme Court gave judgement on 10<sup>th</sup> May 2017 in connection with an appeal against the decision reached by The Court of Appeal dated 17<sup>th</sup> March 2016 in respect of the Suffolk Coastal District Council v. Hopkins Homes Limited and Secretary of State for Communities and Local Government appeal, further addressing the meaning and effect of Paragraph 49 of the NPPF. Among other things, it held that:

*“The important question is not to define individual policies, but whether the result is a five-year supply in accordance with the objectives set by paragraph 47. If there is a failure in that respect, it matters not whether the failure is because of the inadequacies of the policies specifically concerning with housing provision, or because of the over-restrictive nature of other non-housing policies. The shortfall is enough to trigger the operation of the second part of paragraph 14”*

- 6.11 Notwithstanding the above, that is not an end to the matter, because if a policy is caught by Paragraph 49 of the NPPF, that doesn't render it meaningless; it still forms part of the Development Plan as the Judgment (17<sup>th</sup> March 2016) makes clear at Paragraph 42:

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

- 6.12 Importantly, the Court said the weight to be given to 'out-of-date' development plan policy will vary according to the circumstances, *“including, for example, the extent to which relevant policies fall short of providing for the five-year supply of housing land, the action being taken by the local planning authority to address it, or the particular purpose of a restrictive policy”*. The Court emphasised that 'weight' is always a matter of planning judgment for the decision-maker.

- 6.13 Limits to Development were adopted some 16-years ago, in the context of different national planning policy and based on now out-of-date housing need evidence. “Saved” Policy HS/8 of the Harborough District Local Plan, as well as aspects of Development Plan policies which reference this policy (e.g. Policy HS/9 of the Harborough District Local Plan, and Policy CS2 and elements of CS17 of the Harborough District Core Strategy), represent restrictive blanket policies on new housing development outside Limits and on land designated as Important Open Land; taken literally, such policies limit new housing development to within the 2001 defined Limits to Development of Kibworth (Kibworth Beauchamp and Kibworth Harcourt) and on land not subject to such designation. “Saved” Policy HS/8 is inconsistent with relevant policies on sustainable housing development contained in the NPPF. Moreover, the Council resolved (December 2012) that the Core Strategy was not compliant with the NPPF on several grounds and that it should prepare a new Local Plan to replace it.

- 6.14 Having full regard to the recent Judgements, Officers consider that limited weight should be given to “saved” Policy HS/8 of the Harborough District Local Plan, and Policy CS2 and elements of Policy CS17 of the Harborough District Core Strategy.
- 6.15 In circumstances where relevant policies are out-of-date, Paragraph 14 of the NPPF is engaged. Paragraph 14 advises that the presumption in favour of sustainable development means that 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; or specific policies in this Framework indicate development should be restricted.”* Nonetheless, in making any such assessment of adverse impacts and benefits, appropriate weight should be attached to all aspects of Development Plan policies which are not out-of-date and which remain in accordance with the NPPF.
- 6.15 At this moment in time, therefore, the principle of residential development in this location would be in accordance with the provisions of Policies CS2 and CS17 of the Harborough District Core Strategy and Policy HS/8 of the Harborough District Local Plan, subject to the proposed development complying with the relevant planning policies and guidance. As per Paragraph 14 of the NPPF and in light of recent appeal decisions, the proposal is considered to be acceptable in principle. Notwithstanding this, the proposed development is to be considered in line with the presumption in favour of sustainable development, as per Paragraph 14 of the NPPF.
- 6.16 Paragraph 8 of the NPPF states that the three dimensions of sustainable development (economic, social and environmental) *“should not be undertaken in isolation, because they are mutually dependent.”*
- 6.17 The conformity of the proposed development to the criteria for sustainability is considered throughout the remainder of this report.

#### **b) Important Open Space & Landscape and Visual Impact**

- 6.18 The application site is currently subject to designation as ‘Important Open Land’, as established under “saved” Policy HS/9 of the Harborough District Local Plan. The site was designated owing to its *“contribution to the form and character of the settlement or locality”*. The pre-text to “saved” Policy HS/9 states:
- “The quality, extent and use of the areas of important open land varies from settlement to settlement and within an individual town or village. The prime purpose in identifying the areas is to retain their open character and resist inappropriate development that would detract from their contribution to the form and character of the settlement or locality. In some circumstances harmless, beneficial or essential development may be acceptable without compromising the open character of the land.”*
- 6.19 “Saved” Policy HS/9 of the Harborough District Local Plan states:
- “The District Council will refuse planning permission for development proposals on the areas of Important Open Land indicated on the Proposals Map Insets unless the proposed development would:*
- 1. Cause no harm to those aspects of the land which contribute to the form and character of the settlement or locality; or*

2. *Result in positive benefits to the character and appearance of the settlement or locality which outweigh the impact of the development; or*
3. *Be essential for the operational requirements of the land use occupying the site and no alternative site is available."*

In this case, criterion 1 would be applicable in respect of the proposed development.

- 6.20 It is considered that limited weight should be attributed to "saved" Policy HS/9 due to its dated nature and its out-of-date evidence base. Indeed, in the recent appeal decision for "Land East of Longbreach Road, Kibworth Beauchamp" (planning appeal reference APP/F2415/W/16/3162892) the Planning Inspector stated:

*"I note that the adopted Harborough Local Plan 2001 (LP) was not intended to deal with development requirements beyond 2006. As a result, the LP is considered to be time-expired and its relevant policies for the supply of housing, including Policy HS/9, cannot be considered up to date. As such, it has limited weight in my determination of this appeal."* (p.1, para.2).

- 6.21 Furthermore, whilst the policy position above is extant, the emerging The Kibworth's Neighbourhood Plan and the emerging Harborough District Local Plan indicate that this 'Important Open Land' designation will no longer be applicable to the application site, or indeed be taken forward as a designation, once these Plans are adopted. In addition, the application site is not being pursued within these emerging documents as an area of Local Green Space. Note, a potential Local Green Space designation would provide a high-level of protection against proposed development.

- 6.22 Accordingly, while reduced weight is applied to the actual wording and origins of "saved" Policy HS/9, particularly with regard to it being interpreted as a blanket restrictive policy against development, its impetus in terms of protecting the form and character of the locality is preserved in the up-to-date design and visual amenity policies of the 2011 Harborough District Core Strategy, emerging Local and Neighbourhood Plans and the NPPF.

- 6.23 Notwithstanding the above, Section 7 of the NPPF provides detailed policy regarding good design. Of particular note are Paragraphs 58, 60, 61 and 64. Section 11 of the NPPF also addresses 'conserving and enhancing the natural environment', and states at Paragraph 109 that:

*"The planning system should contribute to and enhance the natural and local environment by:*

- *Protecting and enhancing valued landscapes ..."*

- 6.24 Policy CS11 of the Harborough District Core Strategy states that:

*"...*

*b) All development should respect the context in which it is taking place and respond to the unique characteristics of the individual site and the wider local environment beyond the site's boundaries to ensure that it is integrated as far as possible into the existing built form of the District. New development should be directed away from undeveloped areas of land which are important to the form and character of a settlement or locality."*

6.25 Policy CS17 (c) of the Harborough District Core Strategy states that:

*“Rural development will be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape character area in which it is situated.... All development in these (including Lutterworth Lowlands) will contribute to:*

- i) Protecting and, where possible, enhancing the character and quality of the landscape in which it would be situated;*
- ii) Conserving and, where possible, enhancing local landscape and settlement distinctiveness;*
- iii) Protecting and, where possible, enhancing local character through appropriate design and management which is sensitive to the landscape setting;*
- iv) Avoiding the loss of features and habitats of landscape, historic, wildlife or geological importance, whether of national or local significance;*
- v) Safeguarding important views and landmarks;*
- vi) Protecting the landscape setting of individual settlements;*
- vii) Restoring, or providing mitigation proportionate in scale for, damaged features/landscapes in poor condition; and*
- viii) Improving the green infrastructure network including increased opportunities for public access to the countryside and open space assets.”*

6.26 In order to determine the effect of the proposed development, it is important to fully understand the character of the application site. Once the landscape character has been established, its sensitivity can be determined which will inform the significance of any change that may occur.

6.27 There are no national (e.g. Green Belt, National Park, Area of Outstanding Natural Beauty (AONB), etc.) designated landscapes within or adjacent to the application site.

6.28 In respect of the national landscape character, Natural England's National Character Areas (NCAs) identify broad, strategic character areas for the whole of England. The application site lies within the National Character Area 94: Leicestershire Vales.

6.29 In respect of the regional landscape character, The Kibworths falls entirely within Landscape Character Type 5C: Undulating Mixed Farmlands.

6.30 In respect of the county and district landscape character, the Harborough District Landscape Character Assessment and Landscape Capacity Study (July 2014) identifies broad, strategic character areas, their sensitivity to change and landscape capacity. The application site lies within the Lutterworth Lowlands Landscape Character Area.

6.31 The summary and key characteristics of the Lutterworth Lowlands Landscape Character Area include, but are not limited to, the following:

- Open and relatively flat, to gently rolling area;
- Farming is predominantly grazing; and
- Scattering of small villages with larger settlements of Kibworth and Fleckney to the north and Lutterworth to the south.

- 6.32 The study outlines that the sensitivity of the Lutterworth Lowlands Landscape Character Area has been assessed as being of medium to high sensitivity, with a medium to high capacity range for further development. The capacity is described as follows:

*“The Lutterworth Lowlands character area represents a changing landscape with many recent developments around the fringes of existing settlements.... 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... The Lutterworth Lowlands character area has the capacity to accommodate further residential development. Lutterworth, Fleckney and Kibworth in particular have the capacity and infrastructure in place to allow for further development, within and adjacent to their current urban envelopes...”*

- 6.33 Notwithstanding the above, within the Harborough Rural Centres Landscape Character Assessment and Landscape Capacity Study (July 2014), the application site lies within the Kibworth Lutterworth Lowlands Landscape Character Area. The summary and key characteristics of the Kibworth Lutterworth Lowlands Landscape Character Area include the following:

- Gently rolling and sloping valley landform, typically between 105m and 135m Above Ordnance Datum (AOD);
- Pastoral farmland of small to medium scaled fields;
- Mature hedgerows define field boundaries, with tall hedgerow trees close to the settlement;
- Intimate and tranquil character with a close visual association with the historic parts of Kibworth Harcourt and Smeeton Westerby;
- Expanding settlement pattern of Kibworth has strong localised influence, but is often well contained due to the contextual relationship with the local landform;
- Physical and visual division created by the East Midlands Trains railway and to a lesser extent by the A6;
- Built character of Kibworth Harcourt and Kibworth Beauchamp is varied with limited uniformity;
- Historic cores retain identity to the two merged settlements; and
- Important agricultural land separating Kibworth Beauchamp from Smeeton Westerby.

- 6.34 The study also assesses the condition and strength of character of Kibworth Lutterworth Lowlands. Within the assessment, the character area is identified having good condition, with a moderate strength of character, resulting in a recommendation to conserve and strengthen.

- 6.35 In view of the Landscape Character Assessment and Landscape Capacity Study and Rural Centres Landscape Character Assessment and Landscape Capacity Study, it is considered that there is potential capacity for residential development within the settlement of Kibworth subject to it being well designed, where protection is afforded to existing vegetation cover against any detrimental impacts, and is supported by supplementary planting where opportunities arise, and where care is taken to minimise the impact on the immediate landscape setting.

- 6.36 A Landscape and Visual Impact Assessment report (reference 6081.LVIA.002.DV), prepared by Aspect Landscape Planning Ltd, dated March 2017, and accompanying illustrative documentation, has been submitted in support of the application. This

report assesses the effects of the proposed development on the landscape character and landscape resources of the application site and its environs; and the visual amenity experienced by people in and surrounding the proposed development.

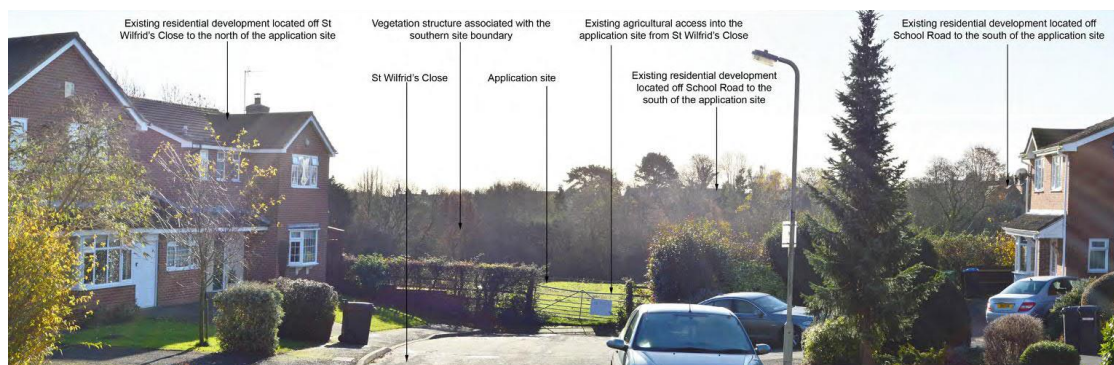
- 6.37 The report argues that whilst the National Character Area and Harborough District Landscape Character Assessments *“provide a good assessment and overview of the quality and character of the landscape within the wider context of Kibworth, it is considered that they represent a broad-brush approach and do not necessarily reflect the particular qualities and urban characteristics of the application site itself and the immediate localised setting.”* Accordingly, the report has undertaken a more localised landscape character assessment of the application site and the immediate surrounding landscape.
- 6.38 The report argues that in terms of the susceptibility of the landscape to accommodate change of the type proposed, by virtue of the proposed development, the presence of the existing urban edge to the north, south-east and south of the application site would reduce the susceptibility of the site to change. Furthermore, it is argued that the established vegetation structure along the site boundaries and localised landscape create a robust external edge to the application site which forms a defensible boundary between the site and the public open space to the north-east and west of the application site. Accordingly, it is suggested that the landscape character of the site has capacity to successfully accommodate sensitively designed residential development, and that the susceptibility of the landscape resource to change of the type proposed is low.
- 6.39 The report, within Table 5.1, assesses the landscape value of the site against the range of factors outlined within ‘The Guidelines for Landscape & Visual Impact (GLVIA 3)’. It is argued that the landscape quality is of medium to low value, scenic quality is of low value, rarity is of low value, representativeness is of low value, conservation interests is of medium value, recreation value is low, perceptual aspects is of low value, and there are no known literary or historic associations with the site. In summary, it is suggested that the landscape value of the site and its immediate setting is of low value.
- 6.40 With regards to landscape sensitivity, it is argued that in consideration of landscape value and susceptibility, the application site would typically be of low landscape sensitivity, and that the landscape sensitivity of the site’s localised and wider setting would also be of low landscape sensitivity.
- 6.41 The visual assessment, within the report, identified 10 no. viewpoints where potential views of the application site (and the proposed development) would be had from the public highway and Public Rights of Ways (PRoWs). See Figure 5, below.





**Figure 5: Viewpoint Location Plan**

- 6.42 Viewpoint No.'s 1 and 2 (Figures 6 and 7) are taken from St Wilfrid's Close, some 35.0m and 1.0m north of the application site respectively, upon the approach to the application site. There are views into the application site from these locations. The site is currently open pastoral grassland defined by and seen through the tracery of existing mature hedgerows and trees, which provide a degree of containment to the application site. The wider village of Kibworth Beauchamp is located to the south of the application site, set behind the extant landscaping to the southern boundary and to the south of the application site. The sensitivity of the users of the highway to St Wilfrid's Close has been assessed as 'Medium'. The report outlines that the magnitude of change would be 'Medium' in respect to Viewpoint 1, and 'High' initially (Year 1) although in the longer term (by Year 15) this would be 'Medium', in respect to Viewpoint 2. The significance of effect is assessed as being 'Moderate' in respect to Viewpoint 1, and 'Major/Moderate' initially (Year 1) although in the longer term (by Year 15) this would be 'Moderate', in respect to Viewpoint 2.



**Figure 6: Viewpoint No. 1 (St Wilfrid's Close)**



**Figure 7: Viewpoint No. 2**

- 6.43 Viewpoint No. 3 (Figure 8) is taken from the PRow No. 100 within the Warwick Road Recreation Ground to the west of the application site. This viewpoint illustrates the extent of vegetation associated with the western site boundary, and the level of containment that it affords to the application site. As such, limited views of the application site are had. The sensitivity of the users of this footpath has been assessed as 'High'. The report outlines that the magnitude of change would be 'Low'. The significance of effect is assessed as being 'Moderate'.



**Figure 8: Viewpoint No. 3**

- 6.44 Viewpoint No. 4 (Figure 9) is also taken from the PRow No. 100 within the Warwick Road Recreation Ground, some 80.0m to the south-east of the application site. This viewpoint illustrates the extent of vegetation associated with the western site boundary, and the level of containment that it affords to the application site. As such, limited glimpse views of the application site are had. The sensitivity of the users of this footpath has been assessed as 'High'. The report outlines that the magnitude of change would be 'Low'. The significance of effect is assessed as being 'Moderate'.





**Figure 9: Viewpoint No. 4**

- 6.45 Viewpoint No. 5 (Figure 10) is taken from the PRow No. 1 within the Warwick Road Recreation Ground, immediately to the south-west of the application site, adjacent to the western boundary of the application site. A clear view into the application site, looking in a north-easterly direction across the site, is afforded through the break in the boundary vegetation to the western boundary, which allows for an agricultural access to the site. The sensitivity of the users of this footpath has been assessed as 'High'. The report outlines that the magnitude of change would be 'Medium/Low'. The significance of effect is assessed as being 'Major/Moderate' to 'Moderate'.



**Figure 10: Viewpoint No. 5**

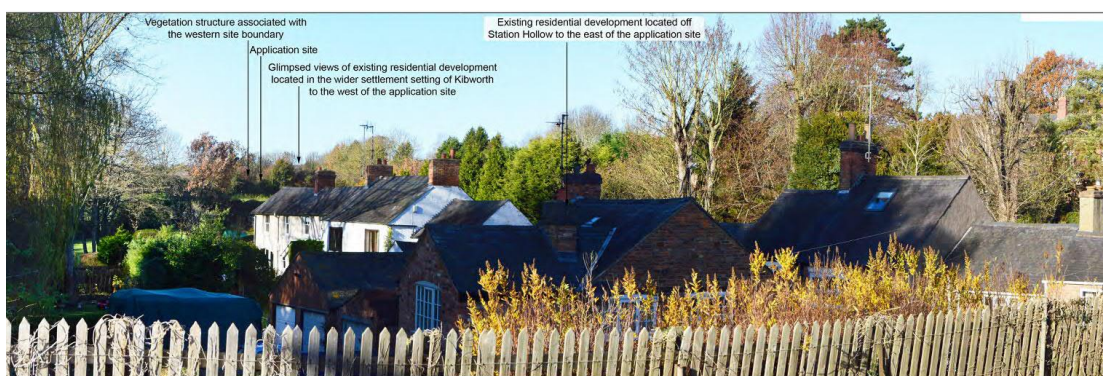
- 6.46 Viewpoint No. 6 (Figure 11) is taken from the PRow No. 1, on the railway overbridge that lies to the south-west of the application site. This viewpoint illustrates the extent of vegetation associated with the western and southern site boundaries and the area of woodland to the south of the application site, and the level of containment that it affords to the application site. Notwithstanding this, a clear, elevated view into the application site, looking in a north-easterly direction across the site, is afforded. The site is set within the foreground of existing residential development to the north and north-east of the application site. The sensitivity of the users of this footpath has been assessed as 'High'. The report outlines that the magnitude of change would be 'Low' initially (Year 1) although in the longer term (by Year 15) this would be 'Negligible'. The significance of effect is assessed as being 'Moderate' initially (Year 1) although in the longer term (by Year 15) this would be 'Moderate/Minor'.





**Figure 11: Viewpoint No. 6**

- 6.47 Viewpoint No. 7 (Figure 12) is taken from the public highway of Church Road, approximately 140.0m east of the application site. This viewpoint illustrates the existing residential development and private amenity spaces to the east of the application site sits within the foreground of the application site. The sensitivity of the users of this highway has been assessed as 'High'. The report outlines that the magnitude of change would be 'Negligible'. The significance of effect is assessed as being 'Moderate/Minor'.



**Figure 12: Viewpoint No. 7**

- 6.48 Viewpoint No. 8 (Figure 13) is taken from the PRoW No. 100 within the Warwick Road Recreation Ground, approximately 180.0m to the north-west of the application site. This viewpoint illustrates the extent of vegetation associated with the western site boundary, the sites localised setting, and the level of containment that it affords to the application site. The sensitivity of the users of this footpath has been assessed as 'High'. The report outlines that the magnitude of change would be 'Low/Negligible'. The significance of effect is assessed as being 'Moderate/Minor'.





### Figure 13: Viewpoint No. 8

- 6.49 Viewpoint No. 9 (Figure 14) is taken from the PRoW on the railway overbridge that lies approximately 180.0m to the west of the application site. This viewpoint illustrates the extent of vegetation associated with the western site boundary, the sites localised setting, and the level of containment that it affords to the application site. The sensitivity of the users of this footpath has been assessed as 'High'. The report outlines that the magnitude of change would be 'Low/Negligible'. The significance of effect is assessed as being 'Moderate/Minor'.



**Figure 14: Viewpoint No. 9**

- 6.50 Viewpoint No. 10 (Figure 15) is taken from the PRoW on School Road to the south of the application site. This viewpoint looks north towards the application site and illustrates that the extent of intervening vegetation with the application site's immediate and localised setting assists in providing a visual screen to the application site. The sensitivity of the users of this footpath has been assessed as 'High'. The report outlines that the magnitude of change would be 'None'. The significance of effect is assessed as being 'None'.



**Figure 15: Viewpoint No. 10**

- 6.51 In view of the above, it is considered that within the context of public views, the application site is relatively well-contained by virtue of existing boundary landscaping and by virtue of the surrounding landscaping within the immediate and localised setting, and set within the backdrop of the existing residential development to the north, north-east and east of the application site.
- 6.52 Whilst it is envisaged that some degree of harm to the immediate landscape character of the application site will arise as a result of the proposed development, it

is suggested that this harm will be restricted to the application site only, and the harm reduces within the immediate setting and further more in the localised setting of the application site.

- 6.53 Notwithstanding the above, the mitigation measures outlined within the Report to minimise the impact of the proposed development on the landscape and its visual amenity appear to be in line with the Landscape Character Assessment and Landscape Capacity Study. Such measures include:

#### Built Form

- The building height of the proposed building will be limited to two-stories in height to the northern part of the application site, in keeping with neighbouring properties to St Wilfrid's Close, and limited to three-stories in height to the southern part of the site, taking into account the topography of the application site.

#### Landscape

- Retention of existing mature trees and hedgerows along the application site boundaries, where possible, which will be enhanced with additional landscape planting.
- 6.54 It is considered that, subject to the proposed mitigation measures and appropriate planning conditions (see Conditions 5-6 Appendix B), the proposed development would become well-integrated with the existing settlement, and the visual impact of the proposal in context of the character and appearance of Kibworth would not be significant in respect of views towards the application site. In addition, it is considered that the proposal would assimilate well into the existing landscape setting.
- 6.55 The Landscape Partnership were consulted on this planning application and have assessed the Landscape and Visual Impact Assessment report and supporting plans/information which accompany the application. Subject to Conditions 5-6, Appendix B, no objection was raised in respect of the proposed development.
- 6.56 In view of the above, whilst the proposed development would result in some degree of harm to the “*contribution to the form and character of the settlement or locality*” of this Important Open Land, it is considered that the proposed development would on-balance be acceptable in terms of the impact on landscape character.

### **c) Design**

- 6.57 With regard to matters of design, the Government attaches great importance to the design of the built environment. Paragraph 56 of the NPPF states 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.*”
- 6.58 Paragraph 58 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 identify of local surroundings and materials and are visually attractive as a result of good architecture and appropriate landscaping. Paragraph 60 continues to state that planning decisions should “*seek to promote or reinforce local distinctiveness*”. Paragraph 61 of the NPPF states “*visual appearance and the architecture of individual buildings are very important factors.*”

- 6.59 With regard to determining applications, paragraph 63 of the NPPF *states “great weight should be given to outstanding or innovative designs which raise the standard of design more generally in the area”*. Paragraph 64 continues to state *“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.”*
- 6.60 Policy CS2 of the Harborough District Core Strategy states:
- 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. A mix of housing types will be required on sites of 10 or more dwellings, taking into account the type of provision that is likely to be required, informed by the most up to date Strategic Housing Market Assessment or other local evidence.*
- Proposals for sites of 0.3ha or above will be required to meet the following minimum net density standards:*
- 40 dwellings per ha - sites within and adjacent to the Principal Shopping and Business Area of Market Harborough and Lutterworth (ref. Policy CS6Improving Town Centres);*
- 30 dwellings per ha - sites elsewhere in the District.*
- Higher densities are particularly encouraged in locations that offer, or have the potential to offer, a choice of transport options and are accessible to other services and facilities. Additional design and density guidance for large site allocations and the strategic development area will be provided in the Allocations DPD. In circumstances where individual site characteristics dictate and are justified, a lower density may be appropriate.”*
- 6.61 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.”*
- 6.62 “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.
- 6.63 The proposal is for a residential development comprising 45 retirement living apartments on the application site.
- 6.64 The layout of the development has been driven by the characteristics/constraints of both the application site and the surrounding residential development.
- 6.65 The proposed building is to be located within a central position within the application site. The main body of the building will consist of a two-storey element, which is consistent with the residential properties to St Wilfrid’s Close; however, the southern

part of the building will consist of three storey element by virtue of an additional lower ground level being proposed, which will take into account the topography of the application site. The design of the proposed building is in a vernacular architectural style, drawing reference from the immediate context of the application site. The length of the proposed building will be broken up into several distinct sections, achieved by using different materials, projecting gables or bays. In addition, the height and roof line of the proposed building will be broken up, achieved through the use of split roof sections and projecting gables. The palette of materials identified for the proposed building include a mix of brick and render with stone lintels under a tiled roof, again reflective of local architectural character. In this case, it is considered that the scale, massing and architectural design and detailing of the proposed building would be appropriate for the application site.

- 6.66 To the north and north-west of the proposed building will be the internal access road, with access taken directly off of St Wilfrid's Close, and proposed parking court, which will serve the proposed development. The remaining areas of the site will provide on-site communal open space, as per the areas identified in paragraph 3.5 of this Report, in line with the consultation response received by Harborough District Council's Neighbourhood and Green Spaces Officer's consultation response. Existing landscaping on site will, in the most part, be retained and will be supplemented with additional landscape planting.
  
- 6.67 The density of the proposed development would achieve approximately 46 no. dwellings per hectare (dph), which exceeds the 30 no. dph target set out in Policy CS2 of the Harborough District Core Strategy. Whilst a higher density is proposed, the nature of the proposed residential properties is very specialist and does not comprise individual dwellings, and it is considered that the location of the application site is sustainable, by virtue of being located within the Development Limits of the Rural Centre of Kibworth, in which case such a density could be accommodated. In addition, the proposal seeks to make efficient and effective use of the land, and offers a design which has been carefully driven by the characteristics of both the application site and the surrounding context (Kibworth Beauchamp village). Furthermore, it is considered that this density would be compatible with the existing, adjoining residential development to the north, north-east and east of the application site. In view of this, it is considered that the proposed higher density would be appropriate for the application site.
  
- 6.68 It is considered that within the context of public views, the application site is relatively well-contained by virtue of existing boundary landscaping and by virtue of the surrounding landscaping within the immediate and localised setting. Furthermore, the application site is set within the backdrop of the existing residential development to the north, north-east and east of the application site. Furthermore, given that it is the Applicant's intention that the existing landscaping on site will, in the most part, be retained and will be supplemented with additional landscape planting, it is considered that the proposed development would become well-integrated into the surrounding built environment, and that existing views of the application site would not be significantly affected.
  
- 6.69 Accordingly, and subject to conditions, it is considered that the proposed development would be in accordance with the relevant provisions of Policies CS2 and CS11 of the Harborough District Core Strategy, "saved" Policy HS/8 of the Harborough District Local Plan and the NPPF.



#### d) Heritage

- 6.70 Paragraph 132 of the NPPF continues to state *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”*
- 6.71 Paragraph 133 of the NPPF states *“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- *the nature of the heritage asset prevents all reasonable uses of the site; and*
  - *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
  - *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
  - *the harm or loss is outweighed by the benefit of bringing the site back into use.”*

6.72 Paragraph 134 of the NPPF continues to state *“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 securing its optimum viable use.”*

6.73 Paragraph 137 of the NPPF states *“Local planning authorities should look for opportunities for new development within Conservation Areas ... and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.”*

6.74 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.”*

6.75 With regard to heritage assets, this policy states *“heritage assets within the District, and their setting, will be protected, conserved and enhanced, ensuring that residents and visitors can appreciate and enjoy them through:*

...

*iii) ensuring development in existing Conservation Areas is consistent with the special character as describe in the Statement or Appraisal for that Area, ...”*

6.76 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.

- 6.77 Decision-takers, in this case the Local Planning Authority, as also required by the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to have special regard to the desirability of preserving the listed building or its setting or any special features of architectural or historic interest which it possesses (Section 66(1)) and to pay special attention to the desirability of preserving or enhancing the character or appearance of that area in relation to Conservation Areas (Section 72(1)).
- 6.78 National and local planning policy does not prohibit new development within the setting of a Conservation Area or within the setting of heritage assets. In this case, the protection, conservation and enhancement of these designated heritage assets are essential, as is the desirability of a proposed development making a positive contribution to local character and distinctiveness.
- 6.79 An Archaeological Desk-Based Heritage Assessment (reference 16/150), prepared by MOLA (Museum of London Archaeology) Northampton, dated August 2016, was submitted in support of this planning application. Furthermore, an Archaeological trial trench evaluation report (reference 17/51), prepared by MOLA (Museum of London Archaeology) Northampton, was submitted in support of this planning application.
- 6.80 The application site is located outwith the Kibworth Beauchamp Conservation Area, which lies approximately 80.0m to the east of the application site, and the Kibworth Harcourt Conservation Area, which lies approximately 260.0m north-east of the application site, and there are no listed buildings immediately within close proximity of the application site. In this case, it is considered that the proposed development would not adversely affect these designated heritage assets. This position is supported by the consultation response received from Harborough District Council's Conservation Officer, which raised no objection to the proposed development.
- 6.81 The Archaeological Desk-Based Heritage Assessment report confirm that there are no other designated heritage assets (e.g., Scheduled Monuments, Registered Battlefields or Parks and Gardens) located within or adjacent to the application site. Notwithstanding the above, the reports outline that 2 no. Scheduled Monuments, Kibworth Harcourt post mill (SM1005061) and a medieval motte (SM1012568), lie to the north-east of the application site on Kibworth Road and to the north of the application site in Kibworth Harcourt respectively. In this case, it is considered that the proposed development would not adversely affect these designated heritage assets.
- 6.82 With respect to non-designated heritage assets, the Archaeological Desk-Based Heritage Assessment report outlined that the northern part of the application site may contain ridge and furrow earthworks. A ridge and furrow map (dated 1940s) provided by the Leicestershire HER, outlines that ridge and furrow earthworks were present in the northern part of the application site as three broad and slightly irregular furlongs that extended to the north of the site into what is now St Wilfrid's Close. The development of St Wilfrid's Close denuded a significant proportion of this ridge and furrow leaving only a small area of earthworks on-site. Site investigations indicate that two of the furlongs on the site may have been lost through modern agricultural techniques; however, the westernmost furlong is still visible on the ground. MOLA argue that this small amount of remaining ridge and furrow earthworks is of no greater than local significance, and that there are numerous other better examples of ridge and furrow earthworks in the local area.
- 6.83 Furthermore, the Archaeological Desk-Based Heritage Assessment report outlines that there is low to high potential for as yet to be discovered archaeology remains. It is

suggested that the potential for remains dating to the Neolithic period is low due to the lack of evidence for the period found in the vicinity. The potential for remains dating to the Bronze Age is also suggested to be low. The potential for remains dating to the Iron Age is suggested to be moderate, owing to the number of Iron Age sites known from both Kibworth Harcourt and Kibworth Beauchamp. The potential for remains dating to the Roman period is also suggested to be moderate. The potential for remains dating to the Saxon period is suggested to be low to moderate. The potential for medieval remains on the site is suggested to be high. Although the site lies between the historic medieval cores of the villages of Kibworth Harcourt and Kibworth Beauchamp and therefore outside of the known areas of settlement, three broad furlongs of ridge and furrow may survive on-site. The potential for post-medieval remains is also suggested to be high.

- 6.84 It is considered that the proposed development would likely destroy the evidence of the ridge and furrow earthworks and any yet to be discovered archaeology remains.
- 6.85 Leicestershire County Council's Archaeology department were consulted on this application. No objection has been raised. Furthermore, the commentary provided within the consultation response received outlines that there is no requirement for any further archaeological investigation of the application site.
- 6.86 In view of the above, it is considered that the proposed development would be in accordance with the relevant provisions of Policy CS11 of the Harborough District Core Strategy, "saved" Policy HS/8 of the Harborough District Local Plan and the NPPF.

#### **e) Residential Amenity**

- 6.87 Paragraph 17 of the National Planning Policy Framework "*seeks to secure a high quality design and good standard of amenity for all existing and future occupants of land and buildings*".
- 6.88 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*."
- 6.89 "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.
- 6.90 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.
- 6.91 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).
- 6.92 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 SPG Note 2. This SPG requires a level of separation of

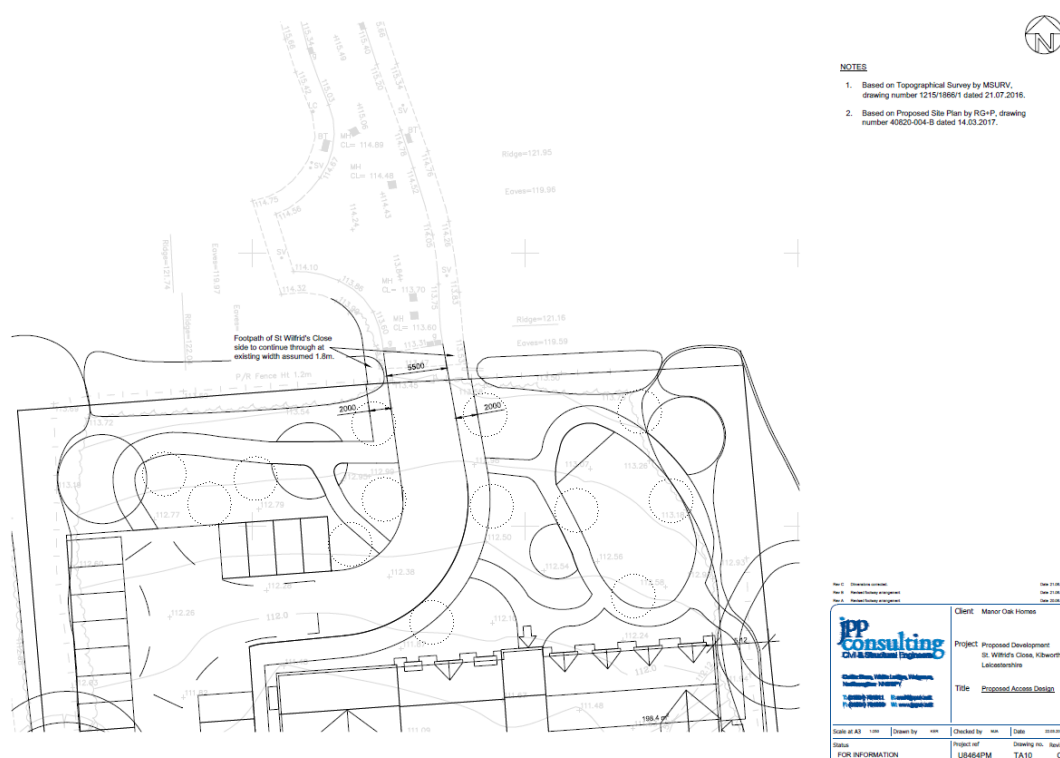
21.0m between facing elevations containing principal windows and 14.0m between a blank elevation and a principal window.

- 6.93 With regard to the neighbouring properties to the north of the application site on St Wilfrid's Close, No.'s 28 and 34 St Wilfrid's Close, the proposed development would not be demonstrably harmful in respect to outlook, light and loss of privacy. The proposed apartment building will be located in excess of 21.0m away from the neighbouring dwelling houses, which will provide an acceptable level of separation, in which case would not adversely impact upon the residential amenity of current or future occupants of these neighbouring properties.
- 6.94 With regard to the neighbouring dwelling houses to the east of the application site, No. 9 St Wilfrid's Close, No. 12 The Villas and Dene Hollow, it is considered that the proposed development would not be demonstrably harmful in respect to outlook, light and loss of privacy. The proposed apartment building will be located in excess of 21.0m away from the neighbouring dwelling houses, which will provide an acceptable level of separation.
- 6.95 With regard to the neighbouring properties' private amenity spaces, it is considered that in light of the level of separation proposed between the apartment building proposed and the eastern boundary (approximately 5.0m for the northern two-storey element, in excess of 21.0m for the two/three-storey central element, and approximately 20.0m for the three-storey southern element), combined with the extent of existing landscaping to the eastern boundary, which will be retained and further enhanced with additional proposed landscaping, which would provide screening to the proposed development, the proposal would not unduly impact upon the residential amenity to the neighbouring properties in respect to outlook, light and loss of privacy.
- 6.96 Notwithstanding the above, with regard to the windows proposed at first-floor level to the eastern elevation of the northern two-storey element of the proposed building (to serve Plots 39 and 40), given their proximity to the boundary, approximately 5.0m, and to assist in terms of addressing any potential adverse impact in respect of loss of privacy, it is considered appropriate that these windows are to be made non-opening and obscurely glazed, maintained in perpetuity. This can be controlled by condition should the Local Planning Authority grant planning permission (see Condition 22, Appendix B).
- 6.97 In view of the above, the Case Officer is satisfied that the proposal would protect the residential amenity of the current and future occupiers of neighbouring residential properties, notably No.'s 9, 28 and 34 St Wilfrid's Close, No. 12 The Villas and Dene Hollow.
- 6.98 It is considered that during construction there could potentially be some adverse impacts on residential amenity. However, as advised by the Council's Environmental Health Department, and the Local Highways Authority, a planning condition requiring a Construction Environmental Management Plan to be approved and implemented could be imposed upon any grant of planning permission in order to limit the disturbance and inconvenience that may arise when building works are undertaken (see Condition 8, Appendix B). In addition to planning controls, the Environmental Protection Act provides a variety of safeguards in respect of noise, air and light pollution.

- 6.99 Accordingly, subject to planning 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 and Policy HS/8 of the Harborough District Local Plan, and Paragraph 11 of the NPPF.

## f) Highway Matters

- 6.100 Primary means of vehicular and pedestrian access to the application site is proposed via an extension of St Wilfrid's Close, as indicated within Figure 16 (below). It is proposed that the extended route to serve the new development would have a carriageway width of 5.5 metres with footways on either side of the carriageway having a width of 2m.



**Figure 16: Proposed Site Access**

- 6.101 A potential secondary means of pedestrian access to the application site is proposed via the creation of an access to the western boundary of the application site, which adjoins the Warwick Road Recreation Ground. Whilst an access is indicated, the connection of this access to PRoW No. 1, within the recreation ground, is not indicated. This provision would require the consent of a third party, Kibworth Beauchamp Parish Council. In this case, this footpath link provision is not considered to be essential to the sustainability of this proposal, albeit would be a nice addition to the proposed development were this to be secured through negotiation with the Parish Council.
- 6.102 A car park which will provide 44 no. off-street vehicular parking spaces, including 38 no. standard parking spaces and 6 no. disabled parking spaces, is proposed to the north-west corner of the application site. Additional cycle parking and storage for mobility scooters is proposed within the development scheme.

6.103 Paragraph 32 of the NPPF states:

*“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure*
- safe and suitable access to the site can be achieved for all people; and*
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

6.104 Policy CS5 of the Harborough District Core Strategy 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.*

*In this regard:*

- 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.*
- b) All significant development proposals should provide for coordinated delivery of transport improvements as outlined in the place-based policies (Policies CS13-CS17) of this Strategy as further informed by detailed application of the Leicester and Leicestershire Integrated Transport Model.*
- c) The type of transport enabling and mitigation works provided by each development should be geared to transport improvements which are also strategically beneficial to the wider area and which can complement works likely to be delivered by other developments. Proposals for assessing traffic impact, highway design and parking provision associated with new development should accord with the guidance contained in “Highways Transportation and Development” published by Leicestershire County Council.*
- d) Settlements in the District should have safe pedestrian and cycling facilities, including facilities for people who need mobility assistance and access to public transport information and waiting facilities, where served. ...”*

6.105 Policy CS11 of the Harborough District Core Strategy states:

*“ ...*

*c) Development should be well planned to:*

*i) Incorporate safe and inclusive design, suitable for all to access;*

*...*

*viii) Where appropriate, encourage travel by a variety of modes of transport;*

*...”*

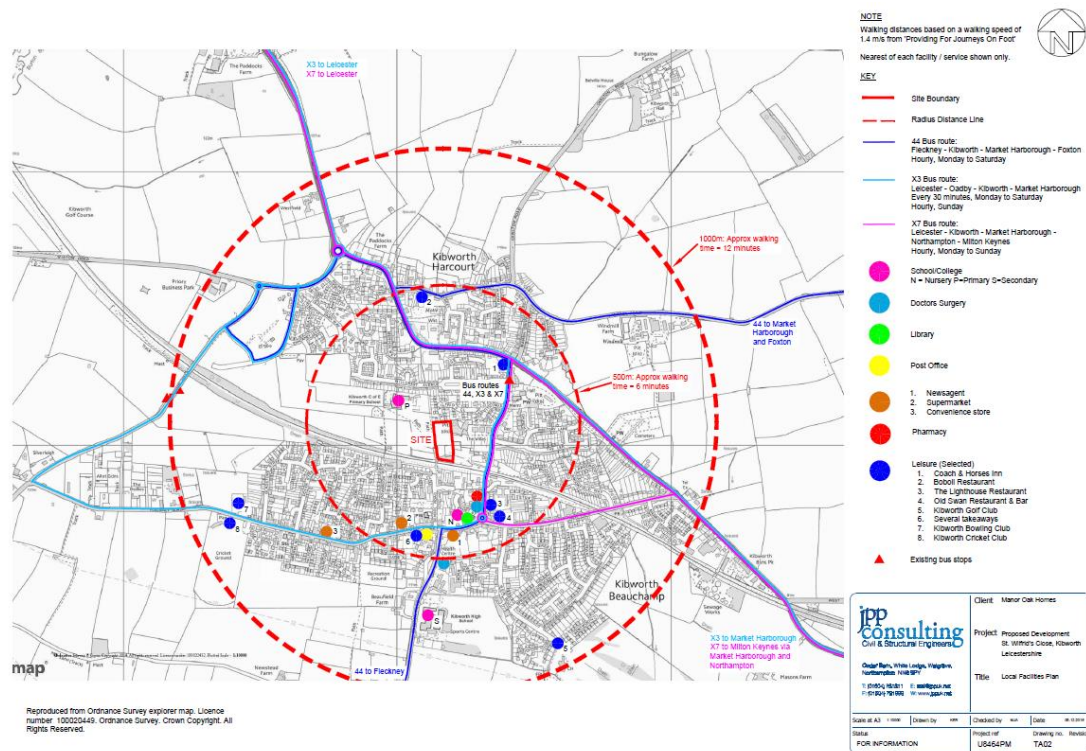
- 6.106 A Transport Statement (reference R-TS-U8464PM-01-A, revision A), prepared by JPP Consulting Limited, dated March 2017, has been submitted in support of this planning application.

*Locational Sustainability*

- 6.107 In terms of locational sustainability, the application site is located within the settlement of Kibworth (Kibworth Harcourt and Kibworth Beauchamp). Kibworth is identified within the Harborough District Core Strategy as a Rural Centre, which means it is identified as a sustainable location for future residential development.
- 6.108 Rural Centres are identified on the basis of having at least 4 no. relevant services, which include food shop, GP surgery, Library, post office, primary school and public house. In the case of Kibworth it offers all 6 no. key services. Other services/community facilities are available within the village; including but not limited to: a pharmacy, ATMs, Village Hall, Churches, Allotments, Nurseries, a range of shops, etc.
- 6.109 In view of the above, it is considered that the application site is well situated to enable new residents to access local amenities and facilities within the village(s). In addition, it is considered that the additional population associated within the proposal would be likely to increase custom for the shop and patronage of the services on offer within Kibworth, thus enhancing the prospects of the future retention of these services.

*Pedestrian & Cycle Accessibility*

- 6.110 The Chartered Institution of Highways and Transportation provides guidance on acceptable walking distances and suggests that a preferred maximum walking distance of 2.0km is applicable for commuting or school trips. The Department for Transport (DfT) in their 'Transport Statistics on Cycling in Great Britain' state that the average length of a cycle journey is 2.4 miles (3.84km).
- 6.111 Manual for Streets provides additional guidance on acceptable walking distances and suggests that walkable neighbourhoods typically have a range of amenities and facilities within 10-minutes (a distance of 0.8km) walking distance of residential areas which residents may access comfortably on foot.
- 6.112 The local amenities and facilities available within Kibworth, as illustrated in Figure 17 below, are within reasonable walking and/or cycling distances and would be sufficient to meet the day-to-day needs of a village community, and it is considered that future residents of the proposed development will not be reliant upon travelling to other settlements to access basic amenities.



**Figure 17: Local Facilities Plan**

### Public Transport

- 6.113 Leicestershire County Council Highways' '6Cs Design Guide' states that *"in rural areas the walking distance (to bus stops) should not be more than 800m."* The application site is located within such walking distances, both during the peak and off-peak times of day.
- 6.114 The closest bus stops to the proposed development are located on Church Road, approximately 320m from the application site access in the case of the northbound bus stop and approximately 480m from the application site access in the case of the southbound bus stop, within approximately 5-minute walk from the site access. The northbound bus stop takes the form of a flagpole stop with timetable and a bus shelter with seating, whilst the southbound bus stop takes the form of a flagpole stop with a timetable.
- 6.115 These bus stops are served by bus services X3, X7 and 44, operated and funded by Arriva Midlands, Stagecoach Northamptonshire and Centrebus Midlands respectively. A summary of bus services is provided in Figure 18, below.



Summary of Bus Services					
Services	Route	Frequency	Direction	Times	
X3 Arriva Midlands - Sapphire	Southbound: Leicester – Oadby – Kibworth – Market Harborough	Mon-Fri	Northbound	Hourly: 0629-1754 & 1820	
			Southbound	Hourly: 0710-1855	
		Saturday	Northbound	0651, 0802 & Hourly: 0942-1710	
			Southbound	0713, 0813 & Every 30 mins: 0850-1850	
		Sunday	Northbound	0958-1658	
		Hourly	Southbound	1120-1820	
	Southbound: Kibworth–Market Harborough	Mon-Fri	Northbound	1848, 1918 & 1940	
		As listed	Southbound	0540, 0613 & 0643	
Saturday		Northbound	1838, 1908 & 1938		
		Southbound	0608		
X7 Stagecoach Northamp- -tonshire	Southbound: Leicester – Kibworth – Market Harborough – Brixworth – Northampton – Milton Keynes	Mon-Fri	Northbound	1016, 1216-1416, 1616-1938	
		Hourly	Southbound	0703, 0823-0918, 1121-1737	
		Saturday	Northbound	1016-1937	
		Hourly	Southbound	0823-1737	
		Sunday	Northbound	1313-1713	
		Every 2hrs	Southbound	1235 & 1435	
	Southbound: Leicester – Kibworth – Market Harborough – Brixworth – Northampton – Roade	Sunday	Northbound	1113	
		As listed			
	Southbound: Leicester – Kibworth – Market Harborough – Brixworth – Northampton	Mon-Fri	Northbound	0600, 0625, 0725, 0746, 0907, 1116 & 1516	
		Hourly	Southbound	0732, 1021, 1847-2047	
		Saturday	Northbound	0625, 0746 & 0907	
		Saturday	Southbound (hourly)	0732, 1847-2047	
		Hourly			
		Sunday	Northbound	Every 2 hours: 1013-1826	
			Southbound	Hourly: 1135, 1335, 1535-1935	
	44 Centrebus Midlands	Southbound: Fleckney – Kibworth – Great Bowden - Market Harborough – Foxton	Mon-Sat	Northbound	0731-0945, 1145-1345 & 1601-1902
Hourly			Southbound	0702-1012, 1212, 1412 & 1627-1727	
Southbound: Fleckney – Kibworth – Great Bowden - Market Harborough		Mon-Fri	Southbound	1312 & 1827	
		As listed			
Source: Traveline website – 21 <sup>st</sup> March 2017					

Source: Traveline website – 21<sup>st</sup> March 2017

Table 3.1

## Figure 18: Summary of Bus Services

### Locational Sustainability Conclusion

- 6.116 In view of the above, it is considered that Kibworth benefits from a range of services and amenities and good bus services, which would be readily accessible from the application site. Indeed, the application site is well situated to enable new residents to access local amenities and facilities within the village, by walking or cycling. Accordingly, the application site is considered to be sustainable in terms of its location.

### Existing Highway Network

- 6.117 St Wilfrid's Close is a residential estate road that connects to Church Road via a simple priority T junction approximately 0.2 miles to the east of the proposed vehicular/pedestrian site access connection. St Wilfrid's Close is a single carriageway route, approximately 5.5m in width, with footways, approximately 2.0m

in width, on either side of the carriageway and associated street lighting and dropped kerbs, where appropriate, are present.

- 6.118 St Wilfrid's Close is subject to a 30mph speed limit. There are no parking restrictions present and the route has frontage access to the majority of dwellings or private driveways, with off-street car parking provided for most dwellings through garages or private driveways. There are 48 no. dwellings served off St Wilfrid's Close.
- 6.119 To the east of St Wilfrid's Close, Church Road continues as a single carriageway road connecting to Kibworth Harcourt and the A6 Leicester Road to the north, and Kibworth Beauchamp and the A6 Leicester Road to the south.

#### *Traffic Survey*

- 6.120 It is understood that no traffic surveys have been carried out in connection with the proposed development.

#### *Proposed Trip Generation*

- 6.121 The Transport Statement outlines that vehicle trip generation rates for a 45 retirement living apartment development have been obtained from the TRICS database version 7.3.3. This results in the following trip rates as shown in Table 1, below.

Proposed Vehicle Trip Generation Rate – Mean						
Use	AM Peak (0800-0900)			PM Peak (1700-1800)		
	Arrivals	Departures	Total	Arrivals	Departures	Total
Residential retirement flats - per dwelling	0.101	0.062	0.163	0.071	0.107	0.178
Source – TRICS database version 7.3.3 – 2 <sup>nd</sup> December 2016						

Table 5.1

**Table 1: Trip Rates – Residential Retirement Flat (Per Dwelling)**

- 6.122 Using these trip rates, the estimated trip generation for a 45 retirement living apartment development is shown in Table 2, below.

Proposed Vehicle Trips						
Use	AM Peak (0800-0900)			PM Peak (1700-1800)		
	Arrivals	Departures	Total	Arrivals	Departures	Total
Residential	5	3	7	3	5	8

Table 5.2

**Table 2: Peak Hour Trip Generation (45 no. Dwellings)**

- 6.123 The predicted vehicular trip generation associated with the proposed development would be 8 no. (not 7 no. as identified in Table 2) trips (two-way) during a typical weekday morning peak hour (08:00 – 09:00 hours) and 8 no. trips (two-way) during a typical weekday evening peak hour (17:00 – 18:00 hours). This equates to one new

vehicle trip every 7m30s in the morning and evening peak periods respectively. JPP Consulting Limited argue that the vehicular trip generation associated with the proposed development would unlikely be noticeable above daily fluctuations in background traffic in the local area.

#### *Trip Distribution*

- 6.124 No details are provided within the Transport Statement.

#### *Accident Analysis*

- 6.125 No details are provided within the Transport Statement.

#### *Highway Impact Assessment*

- 6.126 On the basis of the above, JPP Consulting Limited suggests that the small number of new vehicle trips generated by the proposed development will result in a significant adverse impact on the surrounding highway infrastructure.

#### *Parking Provision*

- 6.127 The Council's residential parking standards are contained in the Leicestershire County Council Highways' 'The 6C's Design Guide'. The 6C's Design Guide, in paragraph 3.174, requires developments of over 5 dwellings to apply the Department of Community and Local Government's (DCLG) paper method for calculating car parking demand that is contained in the DCLG Residential Car Parking Research report (May 2007). The DCLG guidance includes simple requirements on parking levels required for developments where all parking spaces are unallocated. These requirements are based on the number of rooms in each property (excluding bathrooms, halls, landings or storage) and the location of the development. For rural locations, the requirement is for 0.9 spaces for each 2 or 3 room property and 1.1 spaces for each 4 room property (N.B. the requirement is the same for suburban locations, with the exception of 4 room dwellings which have a lower requirement of 1 space). In this case, JPP Consulting Limited have utilised the more stringent category in their assessment to ensure adequate vehicular parking provision.
- 6.128 In this case, the parking provision required to serve the proposed development would be as per Table 3, below.

No. Rooms	No. Dwellings	Parking Requirement Per Dwelling for Rural Dwellings	Total Parking Requirement
2	13	0.9	11.7
3	26	0.9	23.4
4	6	1.1	6.6
<b>Total</b>	<b>45</b>	<b>Total</b>	<b>41.7</b>

**Table 3: Vehicular Parking Requirements**

- 6.129 The on-site parking provision to serve the proposed development is to include 44 no. vehicular parking spaces; 38 no. standard parking spaces and 6 no. disabled parking spaces. This provision is slightly in excess of that required in this case, by 2 no. parking spaces.

- 6.130 Accordingly, it is considered that the proposed vehicular parking provision would be in accordance with Leicestershire County Council Highways' 'The 6C's Design Guide'.
- 6.131 Notwithstanding the above, whilst emerging Policy H8 of the Kibworth Harcourt and Kibworth Beauchamp (The Kibworths) Neighbourhood Plan states that *"at least two off-street car parking spaces are to be provided within the curtilage for each new dwelling developed within the Kibworths. Four such spaces should be provided for four-bedroom dwellings or larger"*, the Examiner's Report suggests the emerging policy be modified, indeed in his/her Report the Examiner states, in Paragraph 4.115:
- "It is not clear how this part of the policy is to be assessed or applied in determining planning applications. It would be clearer to state that development proposals should incorporate sufficient parking provision to meet the needs of future residents as set out in the remainder of the policy and that it should be laid out and designed in accordance with the County Council's parking design standards."*
- 6.132 In Paragraph 4.118 of his/her Report the Examiner continues on to state:
- "The Leicestershire 6Cs Parking Guidance applies to developments of 1 – 5 dwellings and expects developers of larger sites to use the DCLG paper method to determine the parking provision required. It is recommended that Policy H8 should be consistent with this."*
- The Examiner has gone on to suggest a modified Policy within his/her Report.
- 6.133 In view of the above, it is suggested that reduced weight should be applied to emerging Policy H8 of the Neighbourhood Plan.
- 6.134 With regard to cycle parking, Leicestershire County Council Highways' 'The 6C's Design Guide' outlines the requirement for 1 no. space per 5 dwellings for developments with common facilities, such as apartments. In this case, the requirement for cycle parking would be for 9 no. spaces. No details for cycle parking have been submitted in support of this planning application; however, this could be controlled by way of planning condition should the Local Planning Authority be minded to grant planning permission (see Condition 10, Appendix B).
- 6.135 It is understood that, due to the nature of the proposed development, mobility scooter storage will also be provided within the proposed development. Again, no details for mobility scooter storage have been submitted in support of this planning application; however, this could be controlled by way of planning condition should the Local Planning Authority be minded to grant planning permission (see Condition 10, Appendix B).

#### *Travel Plan*

- 6.136 A Framework Travel Plan (reference R-RTP-U8464PM-01-0), prepared by JPP Consulting Limited, dated March 2017, has been submitted in support of the proposed development. This Travel Plan, which will be secured by way of planning condition should the Local Planning Authority be minded to grant planning permission, will promote sustainable transport options to the occupiers of the proposed development.
- 6.137 The Travel Plan measures are set out within Table 4, below.

<b>Residential Travel Plan Measures</b>
<b>Site Design</b>
<ul style="list-style-type: none"> <li>• Permeability of site for pedestrians and cyclists.</li> </ul>
<b>Promotion</b>
<ul style="list-style-type: none"> <li>• Travel Welcome Packs, including information on walking and cycling routes, public transport services, car sharing and low emission travel and vehicle choices. Also information on local facilities and the health and environmental benefits of travelling via more sustainable forms of transport.</li> <li>• Travel plan information included within the marketing material associated with the development.</li> <li>• Noticeboard to be located within a communal area.</li> </ul>
<b>Encouraging Public Transport</b>
<ul style="list-style-type: none"> <li>• Promotion of bus travel through the Travel Welcome Packs.</li> </ul>
<b>Encouraging Walking and Cycling</b>
<ul style="list-style-type: none"> <li>• Provide cycle parking for residents.</li> <li>• Adequate footpaths provided throughout the development.</li> <li>• Promotion of the 'Buddi System' through mytravelshare.org</li> </ul>
<b>Car Use</b>
<ul style="list-style-type: none"> <li>• Promotion of the nationwide car sharing scheme through liftshare.com</li> </ul>

**Table 4: Travel Plan Strategy**

#### Summary

- 6.138 Leicestershire County Council Highways were consulted on this application. Their advice states *“the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the Conditions and Contributions outlined in this report.”* Accordingly, subject to planning conditions (see Conditions 7, 8 and 9, Appendix B), and the contribution outlined in Appendix A, towards improvements for the A6 Leicester Road /Wistow Road roundabout and the A6 Harborough Road / New Road junction as outlined within Leicestershire County Council Highways’ consultation response, the Local Highways Authority has raised no objection to the proposed development.
- 6.139 In view of the above, it is not considered that the proposal would give rise to any material harm in respect to matters of highway safety. Accordingly, subject to planning conditions and mitigation, it is considered that the proposed development would be in accordance with the relevant provisions of Policies CS5 and CS11 of the Harborough District Core Strategy, and Leicestershire County Council Highways’ ‘The 6Cs Design Guide’.

#### **g) Arboriculture**

- 6.140 Paragraph 118 of the NPPF states:

*“... planning permission should be refused for development resulting in the loss or deterioration or irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss...”*

6.141 Paragraph CS11 of the Harborough District Core Strategy states:

“ ...

*C) Development should be well planned to:*

*...*

*ii) Make the most of local built and natural assets;*

*iii) Be of a scale, density and design that would not cause damage to the qualities, character and amenity of the areas in which they are situated;*

*iv) Ensure that the amenities of existing and future neighbouring occupiers are safeguarded;*

*v) Reflect the landscape or streetscape in which it is situated and include an appropriate landscaping scheme where needed;*

*... ”*

6.142 An Arboricultural Impact Assessment report (reference 940\_AIA.001, prepared by Aspect Arboriculture Ltd, dated March 2017, has been submitted in support of this application. In addition, an Arboricultural Note, prepared by Aspect Arboriculture Ltd, dated June 2017, has been submitted in support of this application to act as an addendum to the Arboricultural Impact Assessment report.

6.143 Tree surveys, in line with British Standard (BS) 5837:2012 ‘Trees in relation to design, demolition and construction. Recommendations’, were undertaken on-site to assess the quality and value of the principal trees within or adjacent to the application site.

6.144 A total of 5 no. individual trees, 6 no. groups of trees and 3 no. hedgerows were surveyed as part of the arboricultural assessment. The species of individual trees identified were; Ash, Elder and Crack Willow. The species of trees in groups identified were; Ash, Hawthorn, Elder, Willow, Field Maple, Crack Willow, Silver Birch, Alder, Cherry, Hazel, Lime, Sweet Chestnut, English Oak, Leyland Cypress and Apple. Hedgerow species identified were Ash, Hawthorn, Elder, Field Maple and Holly.

6.145 Of the individual trees surveyed 60% were in Category C (Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm); 20% were in Category B (Trees of moderate quality with an estimated remaining life expectancy of at least 20 years); 20% were Category U (Trees in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years).

6.146 Of the group of trees surveyed 83% were in Category C (Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm); while 17% were in Category B (Trees of moderate quality with an estimated remaining life expectancy of at least 20 years).

6.147 Of the hedgerows surveyed 100% were in Category C (Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm).

6.148 It is expected that no significant tree/hedgerow loss will be required to facilitate the proposed development. However, in this case, in order to accommodate the proposed development the following is proposed: removal of individual trees (T1 – Elder and T2 – Ash, both category C trees), partial removal of hedgerows (H1 – circa 6.0m length of hedgerow, H2 - circa 5.0m length of hedgerow, H3 - circa 7.0m length

of hedgerow) and the partial removal of groups of trees (G6 – removal of Category C trees), which are all with Category C.

- 6.149 Notwithstanding the above, it is considered that the trees proposed for removal will be mitigated by virtue of the comprehensive landscape strategy plan submitted in support of this planning application. This can be controlled by way of planning condition in the event of approval of planning permission (see Condition 5, Appendix B).
- 6.150 Furthermore, appropriate conditions should be applied in the event of approval of planning permission, to protect the roots of existing trees and hedgerows during the construction process (see Condition 5, Appendix B).
- 6.151 Leicestershire County Council Senior Forestry Team Leader has been consulted on this application. No objection has been raised to the proposal.
- 6.152 In view of the above, it is not considered that the proposal would give rise to any significant harm in respect to arboriculture. Accordingly, it is considered that the proposed development would, subject to planning conditions, be in accordance with the relevant provisions of Policy CS11 of the Harborough District Core Strategy and Paragraph 118 of the NPPF.

#### **h) Ecology**

- 6.153 Paragraph 118 of the NPPF states:

- *“if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *...*
- *development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged;*
- *...”*

- 6.154 An Ecological Appraisal report (reference 5091 EcoAp vf LB CL), prepared by Aspect Ecology Ltd, dated 20<sup>th</sup> March 2017, was submitted in support of this planning application. In addition, a Grassland Survey Work report (reference 1005091 BN01 BSR dv1), prepared by Aspect Ecology Ltd, dated May 2017, was submitted in support of this planning application.
- 6.155 The Report concluded that there are no International, European or National statutory designated sites for nature conservation within 1km of the application site. Furthermore, no non-statutory designated sites, e.g. a Local Wildlife Site, are located within 1km of the application site.
- 6.156 Following a Phase 1 Habitat Survey, the report outlines that the application site is dominated by managed agricultural grassland, which is considered to be of low ecological value. Notwithstanding this, the site also supports existing mature landscaping (trees and hedgerows), to the site boundaries and the southern part of the application, where there is an area of woodland.

- 6.157 The habitats on-site would support protected species Badger, whilst the existing trees would have potential to support roosting bats. In this case, there is a small main Badger sett located in the south-east corner of the application site, which will be outwith the influence of the proposed development.
- 6.158 The proposed development has been carefully designed so as to minimise the impact on protected species (Badgers), including unnecessary loss of habitat. Where such loss has not been practicable, to mitigate such loss of habitat, new habitat creation has been proposed in conjunction with the landscaping scheme proposed.
- 6.159 Additional measures are outlined within the Report to encourage the enhancement of ecology. These include:
- Creation of areas of (native species) wildflower grassland to the southern part of the application site, which in combination with the retained area of woodland, create enhanced habitat opportunities;
  - Enhancement of the ecological value of the existing watercourse to the southern part of the application site;
  - The retention of existing tree/hedgerow features, to be supplemented with additional landscape planting;
  - The provision of artificial bat boxes, to be attached to retained trees, to provide new roosting opportunities;
  - The provision of artificial bird boxes, to be attached to retained trees; and
  - The creation of habitat piles within the ecological enhancement areas to the southern part of the application site, to enhance habitat opportunities for invertebrate species.
- 6.160 Leicestershire County Council's Principal Ecologist has been consulted on this application. No objection has been raised to the proposal subject to suitable conditions being imposed upon any grant of planning permission (see Conditions 6 and 19, Appendix B).
- 6.161 In view of the above, it is not considered that the proposal would give rise to any significant harm in respect to ecology. Accordingly, it is considered that the proposed development would, subject to planning conditions, be in accordance with the relevant provisions of Paragraph 118 of the NPPF.

#### **i) Flood Risk/Drainage**

- 6.162 Paragraph 100 of the NPPF states:

*"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. ..."*

- 6.163 Paragraph 103 of the NPPF states:

*"When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment"*



*following the Sequential Test, and if required the Exception Test, it can be demonstrated that:*

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.”*

6.164 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.*

*c) Land within Flood Zone 3b will be safeguarded, to ensure that the functional floodplain is protected from development. The Council will also support proposals which reinstate the functional floodplain, where possible.*

*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.*

*h) The Environment Agency will be closely consulted in the management of flood risk at a local level. This will ensure that development is directed away from areas which are at risk of flooding from either fluvial overflow or surface water run-off. Local management of flood risk will also take into account any future updates relating to climate change modelling information.”*

6.165 A Flood Risk Assessment report (reference R-FRA-U8464PM-01-0), prepared by JPP Consulting Limited, dated March 2017, has been submitted in support of this planning application.

- 6.166 The Environment Agency Flood Map for Planning (Rivers and Sea) indicates that the application site is located outwith Flood Zones 2 and 3, within Flood Zone 1. In view of this, residential development within Flood Zone 1 is considered to be acceptable in principle in line with Policy CS10 of the Harborough District Core Strategy.
- 6.167 Notwithstanding the above, the Environment Agency Map 'Risk of Flooding from Surface Water' indicates that the application site is located within an area that is predominantly of very low (less than 1 in 1000) and low (1 in 100 to 1 in 1000) risk of flooding. Isolated pockets of medium risk of flooding are identified on the site, although these are associated with low spots in which case are not considered a risk to the proposed development. An area of high risk flooding, associated with the watercourse is identified to the southern part of the application, outwith the influence of the proposed development. The report outlines that the risk of surface water flooding for the application site to be low.
- 6.168 Information available on the Environment Agency's website outlines that the application site is underlain by a Secondary (Undifferentiated) aquifer in the superficial deposits and in the bedrock layer. There appears to be no history of any flooding on the application site caused by groundwater. The report outlines that the probability of flooding on the application site from groundwater as low.
- 6.169 A surface water sewer crosses the application site, to the southern part of the application site, which will be re-routed as part of the proposed development. There appears to be no history of sewer flooding within the vicinity of the proposed development. The report outlines that the risk of flooding from sewers would not constitute a significant risk to the proposed development.
- Proposed Surface Water Drainage
- 6.170 The proposed surface water drainage strategy will comprise a piped network with attenuation provided in geocellular storage tanks to accommodate a 1 in 100 year flood event plus an allowance of 40% for climate change. Surface water will discharge into the watercourse which crosses the southern part of the site and will be attenuated to a Qbar greenfield runoff rate of 2.5 l/s. .
- 6.171 The Leicestershire County Council Lead Local Flood Authority (LLFA) has been consulted on this application. In view of the Environment Agency's advice within their document 'Rainfall Runoff Managements for Developments' (reference SC030219), the LLFA would expect greenfield runoff rate to be at a minimum of 5.0 l/s to mitigate the risk of blockage to the system. Furthermore, the LLFA also do not consider the use of geocellular tanks and oversized pipes to be SuDS devices and consider that the addition of permeable paving within the car park areas could provide an additional level of treatment within the treatment train.
- 6.172 Notwithstanding the above, the LLFA have advised that the proposed development would be considered to be acceptable subject to conditions being imposed in the event of outline planning permission being granted (see Conditions 13-16, Appendix B).
- 6.173 Severn Trent Water have also been consulted on this application. No objection has been raised to the proposal; however, they have suggested that appropriate conditions should be applied in the event of outline planning permission being granted (see Conditions 13-16, Appendix B) in order to ensure an appropriate method of surface water drainage can be achieved.

6.174 Harborough District Council's Technical Services – Drainage were consulted on this application; however, no representation has been received in connection with this planning application.

- Proposed Foul Water Drainage

6.175 Foul water drainage is proposed to discharge into Anglian Water's existing sewer network, which is understood to have available capacity.

6.176 Anglian Water and Severn Trent Water have been consulted on this application. No objection has been raised to the proposal; however, they have suggested that appropriate conditions should be applied in the event of outline planning permission being granted (see Condition 12, Appendix B) in order to ensure an appropriate method of foul water drainage can be achieved.

6.177 In view of the above, and subject to planning conditions, it is considered that the proposed development would be in accordance with the relevant provisions of Policy CS10 of the Harborough District Core Strategy in respect of flood risk and drainage considerations.

## j) Noise

6.178 Paragraph 120 of the NPPF states:

*"To prevent unacceptable risks from pollution ... , planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, ... , and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. ..."*

6.179 Paragraph 123 of the NPPF states:

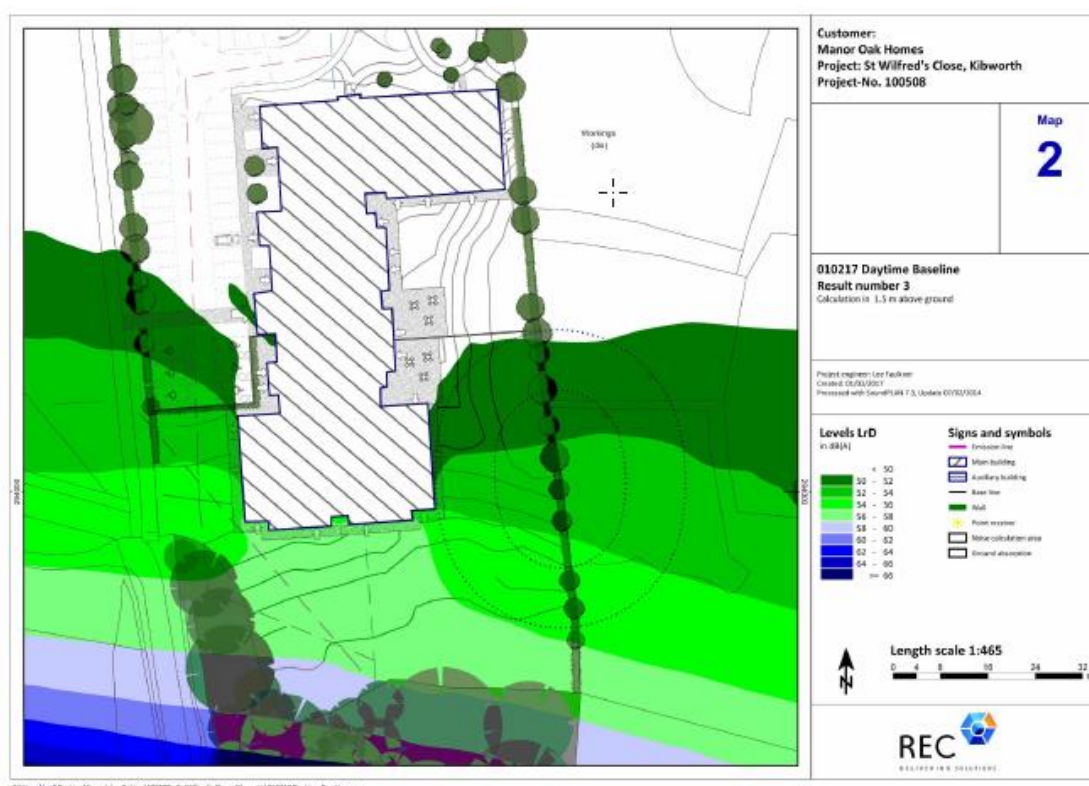
*"Planning policies and decisions should aim to:*

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *...*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason."*

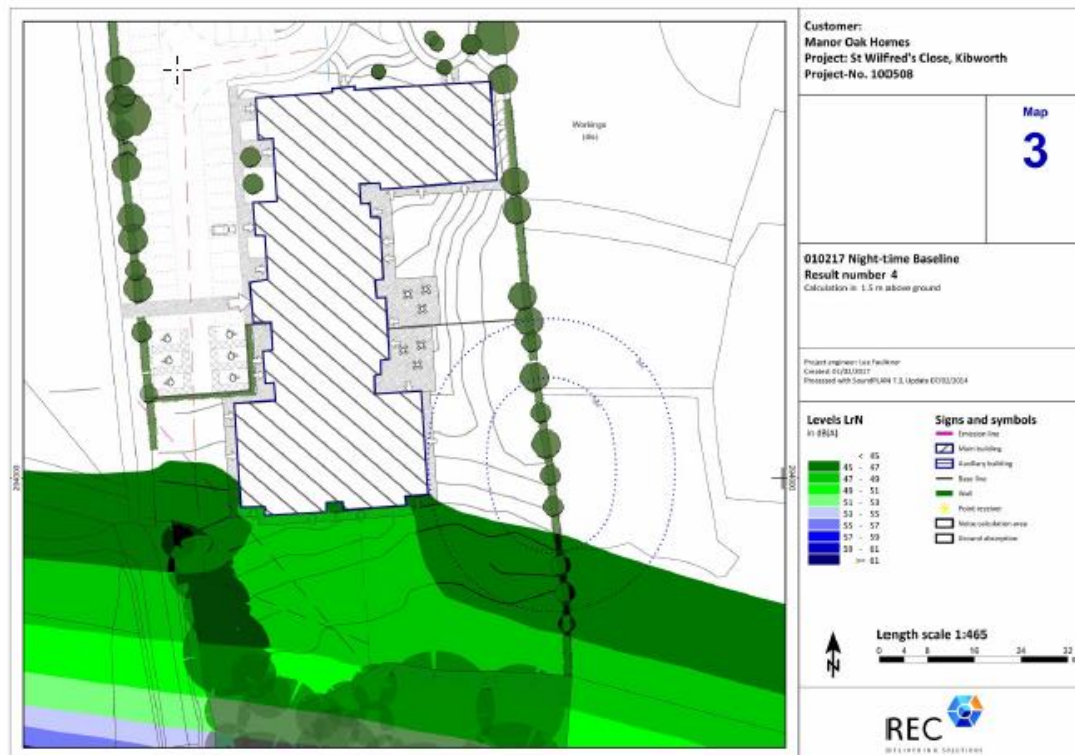
6.180 Alongside the NPPF, guidance exists in the form of the National Planning Practice Guidance for Noise (PPG-N). Furthermore, guidance exists in the form of British Standard (BS) 8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings', World Health Organisation (WHO) 'Guidelines for Community Noise' 1999 and BS 4142: 2014 'Methods for rating and assessing industrial and commercial sound'.

6.181 A Noise Impact Assessment report (reference AC100508-1R0), prepared by Resource and Environmental Consultants (REC) Limited, dated 2<sup>nd</sup> February 2017, has been submitted in support of this planning application.

- 6.182 In this case, a key noise source which would have potential to impact upon the proposed development, and its future occupiers, would be the Midland Main Railway Line, which adjoins the southern boundary of the application site. Notwithstanding this, the skate park, located to the north-west of the application site, within the adjoining Warwick Road Recreation Ground may also have potential to impact upon the proposed development by reason of noise.
- 6.183 Noise surveys in connection with the railway were carried out at the application site, by REC Ltd, on 28<sup>th</sup> July 2016 between 11:40 and 12:50 hours. The noise monitoring/measurement position (NMP1) was taken close to the southern boundary, approximately 20.0m distance set within the application site. The measured noise levels for the application site range between 68.8dB LAeq,T and 78.2dB LAeq,T.
- 6.184 Notwithstanding the above, background noise surveys were carried out at the application site, by REC Ltd, between 11:00 hours 28<sup>th</sup> July 2016 and 14:00 hours on 1<sup>st</sup> August 2016. The noise monitoring/measurement position (NMP2) was on the northern boundary within the application site. The measured range of noise levels for the application site range between 19dB LA90, 1 hour and 37.6 LA90, 1 hour during the night-time period (23:00 to 07:00 hours) and 25.6 LA90, 1 hour and 44.5dB LA90, 1 hour during the day-time period.
- 6.185 REC Ltd have utilised noise modelling software, SoundPLAN 7.3, to determine the potential impact of noise on the proposed development, based on the noise surveys undertaken. Figures 19 and 20, below, indicate the output of this exercise for the day time and night time periods respectively, in the form of Noise Contour Plans.



**Figure 19: Noise Contour Plan (Day-time)**



**Figure 20: Noise Contour Plan (Night-time)**

6.186 With regard to the external areas of the applications site, the northern part of the site will likely experience noise levels associated with railway noise of less than 50dB, whilst the southern part of the site, closest to the railway line, will likely experience noise levels associated with railway noise of up to 58dB without any mitigation.

6.187 In this case, the majority of the communal garden land is located to the north and east of the proposed building, and are likely to experience noise levels of less than 50dB, and up to 52dB. Notwithstanding this, the communal garden land located to the south of the site are likely to experience noise levels of up to 58dB.

6.188 BS8233:2014 states:

*“It is desirable that the external noise level does not exceed 50dB LAeq,T, with an upper guideline value of 55dB LAeq,T which would be acceptable in noisier environments”.*

6.189 In view of the above, the noise levels likely to be experienced within the communal garden land located to the north and east of the proposed building are considered acceptable, in which case no mitigation is required. With regard to the noise levels likely to be experienced within the communal garden land to the south of the proposed building, whilst this would be in excess of 55dB, within a noisier environment such as this, given that the +3dB change is only just perceptible to the human ear, the 58dB noise level would be perceived to be similar to 55dB noise level, in which case would be considered to be acceptable, in which case again no mitigation is required.

6.190 REC Ltd argue that the external amenity areas of the application site would be subject to “No Observed Adverse Effect Level (NOAEL)”, with the following advice *“Noise can be heard but does not cause any change in behaviour or attitude. Can*

*slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life”, as outlined within PPG-N.*

- 6.191 With regard to the internal areas of the proposed building, the report indicates the noise levels likely to be experienced day time and night time periods respectively with the mitigation outlined within BS 8233:2014 (in this case a glazing unit with configuration 6mm glass/12mm air space/6mm glass).
- 6.192 REC Ltd outline that whilst the mitigation outlined within BS 8233:2014 (a glazing unit with configuration 6mm glass/12mm air space/6mm glass) would be acceptable for all windows across the entire application site, an alternative means of ventilation to opening a window will be required for all habitable room windows, except those orientated in a north direction, in order to achieve acceptable internal noise levels (35dB for living rooms and 30dB for bedrooms – BS 8233:2014). Furthermore, REC Ltd outline that any plant required should be located away from sensitive receptors.
- 6.193 REC Ltd argue that with the mitigation measures in place, acceptable internal noise levels will be achieved, and that there will be no adverse impact upon the future occupants of the proposed development by reason of noise.
- 6.194 The Council's Environmental Health department have been consulted on this application. No objection has been raised.
- 6.195 In view of the above, it is considered that the proposed development would not be adversely impacted by reason of noise. Accordingly, it is considered that subject to planning conditions, the proposed development would comply with Paragraphs 120 and 123 of the NPPF and other associated guidance documents referred to above.

#### **k) Land Contamination**

- 6.196 Paragraph 120 of the NPPF states:

*“To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”*

- 6.197 Paragraph 121 of the NPPF states:

*“Planning ... decisions should also ensure that:*

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;*
- 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 presented.”*

- 6.198 A Land Contamination report (reference SAS\_60239394\_1\_1), prepared by Argyll Environmental, dated 15<sup>th</sup> September 2014, has been submitted in support of this planning application. This report outlines that the application site would not be designated as contaminated land under Part IIA of the Environmental Protection Act 1990.
- 6.199 The Council's Environmental Health department have been consulted on this application. No objection has been raised. However, in view of the neighbouring land to the application site being used historically for quarrying, land contamination conditions have been requested (see Conditions 17-18, Appendix B).
- 6.200 In view of the above, it is considered that the proposed development would not be adversely impacted by reason of land contamination. Accordingly, it is considered that subject to planning conditions, the proposed development would comply with Paragraphs 120 and 121 of the NPPF.

#### **l) Agricultural Land**

- 6.201 Paragraph 112 of the NPPF states:

*“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”*

- 6.202 The ALC of England and Wales 1988, prepared by the former Ministry of Agriculture, Fisheries and Food, grades and sub-grades are defined as below:

- Grade 1 – Excellent quality agricultural land;
- Grade 2 – Very good quality agricultural land;
- Grade 3 – Good to moderate quality agricultural land;
- Sub-grade 3a – Good quality agricultural land;
- Sub-grade 3b – Moderate quality agricultural land;
- Grade 4 – Poor quality agricultural land; and
- Grade 5 – Very poor quality agricultural land.

- 6.203 Natural England's 'Agricultural Land Classification Map East Midlands Region (ALC005)' outlines that on a regional basis the application site is Grade 3 'Good to moderate quality agricultural land', thereby not best and most versatile.

- 6.204 In view of the above, it is considered that the proposed development would not result in the loss of best and most versatile agricultural land, and as such the proposed development would be in compliance with Paragraph 112 of the NPPF.

#### **m) Planning Obligations**

- 6.205 Paragraph 203 of the NPPF states:

*“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.”*

6.206 Paragraph 204 of the NPPF states:

*“Planning obligations should only be sought where they meet all of the following tests:*

- 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.”*

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

6.208 Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as S106 Agreements, are a mechanism for securing benefits to militate against the impacts of proposed development.

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

6.210 Appendix A identifies the developer contributions sought by consultees, an assessment as to whether the requests are CIL compliant and a suggested trigger point to advise when the contribution should be made. Officers consider that all requests are CIL Regulation 122 and 123 compliant.

6.211 Notwithstanding the above, it is important to highlight that the Applicant has submitted a ‘Review of Scheme Viability’ report, prepared by Bridgehouse Valuation Services, dated 11<sup>th</sup> July 2017, in support of this planning application.

6.212 This report outlines that the developer contributions originally sought by consultees in respect of the off-site affordable housing element only would make the proposed development unviable. Bridgehouse Valuation Services, within this report, calculated that the requested off-site contribution towards affordable housing would have come to £1,350,000.00, based on the following formula provided by Harborough District Council’s Housing Enabling and Community Infrastructure Officer:

OMV x 50% for each unit X the number of affordable units required (AH % of site yield).

The report outlines the Applicant’s position as to why this contribution would be unviable, and sought to request the removal of the affordable housing contribution element altogether from the S106 Agreement.

6.213 Paragraph 173 of the NPPF states:

*“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to*



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

- 6.214 Harborough District Council commissioned AspinallVerdi (Property Regeneration Consultants) to review and thoroughly interrogate this report. Their assessment concludes that the proposed development would only be financially viable with an off-site affordable housing contribution of £30,000. This level of contribution has been accepted by Harborough District Council’s Housing Enabling and Community Infrastructure Officer, and the Officer has subsequently amended his original request to include an off-site affordable housing contribution of £30,000 (which is reflected in Appendix A). Furthermore, this level of contribution has been accepted by the Applicant.
- 6.215 It is important to highlight that all other developer contributions sought by consultees are not disputed by the Applicant, and are included within Appendix A.

#### **n) Sustainable Development**

- 6.216 The NPPF requires Local Planning Authorities to grant planning permission for sustainable development.
- 6.217 Paragraph 7 of the NPPF states: *“there are three dimensions 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, including the local bus service, which would help maintain their viability.
  - Social  
The development would increase the supply and choice of housing in line with an Objectively Assessed Need in an area where there is no NPPF compliant supply of deliverable housing land. Specifically, the development would provide retirement living housing, which will meet the needs of different groups in the community, especially in terms of catering for the needs of older people, in line with Paragraph 50 of the NPPF and Planning Practice Guidance (PPG). The proposal could also help to free-up existing housing stock that are perhaps currently under-occupied (paragraph 2a-021-20160401 of the ‘Housing and economic development needs assessments’ PPG);  
The development would not result in any adverse impact upon the residential amenity of existing/future occupants of neighbouring residential properties; and  
The development would contribute to evidence-based social and environmental infrastructure needs in the locality.
  - Environmental  
In terms of environmental considerations, the application site is located within a sustainable ‘Rural Centre’ settlement, within walking/cycling distance to a range of amenities and services located within the village centre(s);

The development, on greenfield land, would result in the substantial loss of 'Important Open Land', which contributes to the form and character of the settlement or locality;

The development will not result in the loss of best and most versatile agricultural land;

The development will result in no adverse harm in respect of designated heritage assets, and less than substantial harm to a non-designated heritage asset, ridge and furrow earthworks;

A high-quality design would be achieved which would be in keeping with the character and appearance of the application site and the wider village of Kibworth Beauchamp/Kibworth Harcourt; and

Statutory consultees are satisfied that subject to conditions and planning obligations, where appropriate, the development would not result in increased flood risk, adversely affect highway safety, ecological, arboricultural or archaeological interests; or be affected by noise or land contamination.

- 6.218 In view of the above, and upon balancing the benefits and dis-benefits of the proposed development, it is considered that the proposal would, on-balance, represent sustainable development in accordance with the NPPF.

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

- 7.1 With appropriate mitigation where required, it is considered that the proposed development would be in accordance with the up-to-date elements of Policies CS1, CS2, CS3, CS5, CS8, CS9, CS10, CS11 and CS17 of the Harborough District Core Strategy and "saved" Policy HS/8 of the Harborough District Local Plan and no material considerations indicate that the policies of the Development Plan should not prevail.
- 7.2 When assessed against the NPPF, Paragraph 14 (presumption in favour of sustainable development), as well as the NPPF taken as a whole, no significant and demonstrable harm is identified and thus the proposal should be approved without delay.
- 7.3 The recommendation has been made taking into account Paragraphs 186 and 187 of the NPPF, as well as National Planning Practice Guidance.
- 7.4 In view of the above, it is considered that the proposal would meet the relevant national and local policies. Therefore, this application is recommended for approval subject to the S106 Agreement or similar obligation to secure the items set out within the Report (see Appendix A) and conditions (see Appendix B).

## **8. Planning Conditions & Informatives**

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

Appendix A: S106 Contributions/Obligations

<b>Request by HDC</b>	<b>Obligation for Affordable Housing</b>		
<b>Amount /Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
£30,000.00 off-site contribution towards affordable housing.	To be agreed.	Consultation response from Harborough District Council (Housing Enabling and Community Infrastructure Officer).	<p>Harborough District Core Strategy Policy CS3.</p> <p>This policy aims to increase provision of affordable housing, particularly in rural areas, in order to meet the high need across the district as demonstrated in the Strategic Housing Market Assessment (SHMA).</p> <p>Planning Obligations SPD (Jan 2017).</p>
<b>Request by HDC</b>	<b>Obligation for Community Facilities</b>		
<b>Amount /Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
£33,075.00 (45 no. dwellings x £735.00 contribution per dwelling).	<p>50% prior to commencement.</p> <p>50% prior to the first occupation of any dwelling.</p>	<p>Email correspondence (consultation response) dated 25<sup>th</sup> April 2017.</p> <p>Details of appropriate projects in the local area are outlined within the email correspondence.</p>	<p>Harborough District Core Strategy Policy CS12.</p> <p>Planning Obligations SPD (Jan 2017).</p>
<b>Request by LCC</b>	<b>Obligation for Education</b>		
<b>Amount /Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
Education - £0	N/A	An education contribution will not be requested for this site as it is for Retirement Homes.	N/A
<b>Request by LCC</b>	<b>Obligation for Civic Amenity</b>		
<b>Amount/Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
Civic Amenity - £0	N/A	The nearest Civic Amenity Site to the proposed development is located at Kibworth and residents of the proposed development are likely to use this site. The Civic Amenity Site at Kibworth will be able to meet the demands of the proposed development within the current site thresholds without the need for further development and therefore no contribution is required on this	N/A

		occasion.	
<b>Request by LCC</b>	<b>Obligation for Libraries</b>		
<b>Amount/Detail</b>	<b>Delivery</b>	<b>CIL justification</b>	<b>Policy basis</b>
Libraries - £0	N/A	The proposed development would not have any adverse impact upon current stock provision at the nearest library which is Kibworth.	N/A
<b>Request by NHS</b>	<b>Obligation for NHS</b>		
<b>Amount/Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
No request received.			
<b>Request by HDC</b>	<b>Obligation for Public Open Space</b>		
<b>Amount/Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
<p>Outdoor Sports Facilities – Over supply of typology.</p> <p>Greenways – On-site provision (0.08775 ha)</p> <p>Cemeteries and burial grounds – Off site contribution £6,007.50.</p> <p>Children and Young People’s provision – Not required on-site due to nature of development proposal. Off-site contribution of £2,497.50).</p> <p>Parks and gardens – On-site provision (0.03375ha).</p> <p>Allotments – on-site provision (0.023625 ha).</p> <p>Natural and Semi-Natural Greenspace – On-site provision (0.10125ha),</p>	To be agreed.	The site generates the requirement for open space as indicated.	<p><i>Provision for Open Space Sport and Recreation (HDC, 2015)</i></p> <p>Harborough District Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule)</p> <p>The NPPF (Para 73)</p> <p>Planning Obligations SPD (Jan 2017).</p>

See detailed response below for further details.			
<b>Request by LCC</b>	<b>LCC Highways</b>		
<b>Amount/Detail</b>	<b>Delivery</b>	<b>CIL justification</b>	<b>Policy Basis</b>
£TBC	S.278 Agreement with LCC Highways	<p>The Cumulative Development Traffic Impact Study jointly commissioned by Leicestershire County Council and Harborough District Council assessed the cumulative impact of pending applications, at links and junctions identified within the Kibworth Beauchamp, Kibworth Harcourt, Fleckney, Saddington and Great Glen areas. The capacity assessment of the links and junctions identified within the study demonstrates that the A6 corridor within the study area is operating significantly over capacity and consideration must therefore be given to the introduction of highway improvements to mitigate the otherwise severe highway impact from this development and the cumulative impact of the other developments proposed.</p> <p>The study went on to identify concept highway improvements for the A6 Leicester Road /Wistow Road roundabout and the A6 Harborough Road / New Road junction to accommodate the impact of the cumulative development tested within this study. In addition, concept highway improvements were identified for the Church Road / A6 / Marsh Drive junction which would allow traffic from Church Road and Marsh Drive to access the A6 Leicester Road more freely compared to the existing junction layout.</p> <p>Notably, the referenced concept highway improvements were deemed necessary to accommodate traffic flows from the Baseline 2021 traffic flow scenario and Baseline 2021 + Cumulative Development scenarios and the study went on to conclude that local junction interventions and bespoke highway improvements proportionate to the</p>	<p>Harborough District Core Strategy: Policy CS5.</p> <p>Leicestershire Planning Obligations Policy (3<sup>rd</sup> December 2014).</p>

		<p>scale of the total development quantum proposed should be pursued. The study demonstrates that this development would have a material impact at the junctions identified and therefore improvements are required to alleviate the significant impacts of the development.</p> <p>The CHA understands the highway network's role to enable economy, growth and employment. To enable and facilitate such growth, the CHA recognises the pivotal role the A6 plays in providing a vital connection to areas of employment, education and the strategic road network. With due consideration to both the local and wider road network, where a material impact of development has been established, the CHA will continue in its endeavours to pursue these wider opportunities to propagate both housing and employment. By way of these necessary, relevant and proportional improvements as identified in the study, the CHA advises that development can appositely progress and the county highway network can continue to operate efficiently as it must for County, District, local resident's and developer's interests.</p> <p>Until such time as a final scheme has been identified, a scenario of 'short term pain' for 'long term gain' is considered to be acceptable. Therefore, it is recommended that this development should contribute towards improvements to the wider highway network as considered appropriate by Harborough District Council in consultation with Leicestershire County Council.</p> <p>Whilst the operation of the proposed retirement living development would likely lead to a reduced vehicular impact in the peak period when compared with an equivalent sized residential development the County Highway Authority has consulted the TRICS database and would expect in the region of 10 trips to be made in</p>	
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		the AM peak period. Given the location of the proposed development on St Wilfrids Close, and proximity to the A6 corridor, it is expected that these trips will route via at least one, if not more, of the junctions identified within the study. The County Highway Authority will therefore advise pursuance of a contribution which is fair and proportionate to the vehicular impact of the proposed development at the defined junctions.	
<b>Request by LCC</b>	<b>Obligation for legal/ monitoring costs</b>		
<b>Amount/detail</b>	<b>Delivery</b>	<b>CIL justification</b>	
2% or £300.00 of the total value of each contribution in favour of the County Council (whichever is the greater)		It is appropriate for the County Council to recover costs associated with the negotiating, production and subsequent monitoring of developer contributions. This covers any costs associated with obtaining independent or specialist advice to validate aspects of the contributions and the costs of monitoring the payment and implementation of schemes and funding.	Harborough District Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule).  Leicestershire Planning Obligations Policy Adopted 3rd December 2014.
<b>Request by HDC</b>	<b>Obligation for Monitoring Fee</b>		
<b>Amount /Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
TBC	TBC	To cover the costs of monitoring payments and implementation of the developer contributions and scheme.	Planning Obligations SPD (Jan 2017).
<b>Request by HDC</b>	<b>Obligation for legal costs</b>		
<b>Amount/Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
Legal fees £975.00		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.	Planning Obligations SPD (Jan 2017).

Site: St Wilfrids Close Ref: 17/00500/FUL Dwelling Number: 45 Assumed Population: 68 <i>All figures are from Provision for Open Space Sport and Recreation 2015</i>			notes; The site is considered to be in an urban location for semi natural and natural greenspace. Assumed population is 1.5 persons per unit.		
POS type		Minimum Area (ha)	Commuted sum for maintenance per ha	Total commuted maintenance for minimum area of POS (payable only if the POS is adopted by DC or PC)	Off site contribution if required
Parks and Gardens 0.5ha per 1000 pop	On site	0.03375	£574,757.00	£19,398.05	
Outdoor Sports Facilities 1.6ha per 1000 pop	oversupply of typology		£141,111.00	£0.00	
Amenity Greenspace 0.9ha per 1000 pop	On site	0.06075	£224,692.00	£13,650.04	
Natural and Semi Natural Greenspace*	rural areas 8.5ha per 1000 pop		£260,117.00	£0.00	
	urban areas 1.5ha per 1000 pop	0.10125	£260,117.00	£26,336.85	
Children and Young People Provision 0.3ha per 1000 pop	not required on site because of site use.		£3,051,803.00	£0.00	£2,497.50
Allotments 0.35ha per 1000 pop	On site	0.023625	£60,223.00	£1,422.77	
Greenways 1.3ha per 1000 population	off site	0.08775	provision of additional signage and other enhancements of the sustainable travel infrastructure		£8,032.50
Cemeteries and Burial Grounds 0.375ha per 1000 pop	Off site contribution				£6,007.50
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.					



## Appendix B: Conditions and notes

Planning Conditions:

1) **Time Limits**

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) **Approved Plans**

The development hereby permitted shall be in accordance with the following approved plan(s):

- Drawing No. 1215/1866/1 (Topographical Survey);
- Drawing No. 40820 004K (Proposed Site Plan (CAD));
- Drawing No. 40820 007A (Site Location Plan);
- Drawing No. 40820 009 (Proposed Plans)
- Drawing No. 40820 010G (Elevations 01 and 02);
- Drawing No. 40820 011G (Elevations 03 and 04);
- Drawing No. 40820 014 (Proposed Lower Ground Floor Plan);
- Drawing No. 40820 015 (Proposed Ground Floor Plan);
- Drawing No. 40820 016 (Proposed First Floor Plan);
- Drawing No. 40820 017A (Site Visual 01);
- Drawing No. 40820 018A (Site Visual 02);
- Drawing No. 40820 019B (Levels – Ridge and Eaves);
- Drawing No. SK05 Revision D (Indicative Levels);
- Drawing No. TA10 Revision C (Proposed Access Design);
- Drawing No. 6081/ASP 4 LSP Revision K (Landscape Strategy Plan);
- Drawing No. 6081/ASP 5 NDI Revision E (North Design Inset – Landscaping Plan);
- Drawing No. 6081/ASP 6 CDI Revision E (Central Design Inset – Landscaping Plan); and
- Drawing No. 9410 TPP01 Rev B (Tree Protection Plan).

Reason: For the avoidance of doubt.

3) **Materials Details**

Notwithstanding the detail shown on the submitted plans and supporting information, no development shall commence on site until a schedule indicating the materials to be used on all external elevations of the approved buildings hereby permitted 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 interest of visual amenity, to ensure that the materials are appropriate to the character and appearance of the development and the surrounding area and to accord with Policies CS1, CS2, CS11 and CS17 of the Harborough District Core Strategy.

4) **Boundary Treatments**

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. The boundary treatments shall be provided in accordance with the approved details and shall be retained as such in perpetuity.

Reason: To enhance the appearance of the development, in the interest of visual amenities and to accord with Policies CS1, CS2, CS11 and CS17 of the Harborough District Core Strategy.

5) **Landscaping**

Notwithstanding the detail shown on the submitted plans and supporting information, no development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

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

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with Policy CS8 and CS11 of the Harborough District Core Strategy.

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

7) **Site Access**

Prior to first occupation of the development hereby permitted, the vehicular access to the site shall be provided in general accordance with Drawing No. 40820 004K and Drawing No. TA10 Revision C, constructed in accordance with the latest Leicestershire County Council design standards. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the Applicant, who shall first obtain the separate consent of the Highway Authority.

Reason: To provide access to the site for all modes of travel, including construction traffic and in the interests of highway safety, and to accord with Policies CS5 and CS11 of the Harborough District Core Strategy.

8) **Construction Management Plan**

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of oils, fuels, chemicals, plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities and road cleaning arrangements;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
- h) measures for the protection of the natural environment;
- i) hours of work on site, including deliveries and removal of materials;
- j) full details of any piling technique to be employed, if relevant;
- k) location of temporary buildings and associated generators, compounds, structures and enclosures;
- l) details of the routing of construction traffic; and

m) measures to control and minimise noise from plant and machinery.

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

9) **Car Parking/Turning Provision**

Prior to first occupation of the development hereby permitted, the on-site car parking and turning provision, as indicated on the approved plan, Drawing No. 40820 004K, shall be provided, hard surfaced and made available for use. The parking provision so provided shall thereafter be permanently so maintained.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

10) **Mobility Scooter and Cycle Storage**

No development shall commence on site until details of mobility scooter and cycle storage 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 that adequate parking provision is made for mobility scooters and cycles, and to accord with Policies CS5 and CS11 of the Harborough District Core Strategy.

11) **Storage Facilities for Refuse and Recycling Materials**

No development shall commence on site until details of storage facilities for refuse and recycling materials have been submitted to and approved in writing by the Local Planning Authority. The storage facilities shall be provided prior to the first occupation of the development hereby permitted in accordance with the approved details and, thereafter, shall be retained as such in perpetuity.

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

12) **Foul Water Drainage Details**

No development shall commence on site until full details, including the design, implementation and maintenance/management, of the means of foul water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity.

Reason: To ensure the satisfactory drainage of the site and to accord Policy CS10 of the Harborough District Core Strategy.

13) **Surface Water Drainage Details**

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity.

Reason: To ensure the satisfactory drainage of the site and to accord with Policy CS10 of the Harborough District Core Strategy.

14) **Infiltration Testing**

No development shall commence on site until such time as infiltration testing has been carried out to confirm or discount 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 whether or not the site is suitable for use of infiltration as part of the drainage strategy, and to accord with Policy CS10 of the Harborough District Core Strategy.

15) **Construction Surface Water Management Plan**

No development shall commence on site until details in relation to the management of surface water on site during construction of the development hereby approved 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 system through the entire construction phase; and to accord with Policy CS10 of the Harborough District Core Strategy.

16) **SuDS Maintenance Plan & Schedule**

No development shall commence on site until details in relation to the long-term maintenance of the sustainable surface water drainage system within the development hereby approved 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 development hereby permitted; and to accord with Policy CS10 of the Harborough District Core Strategy.

17) **Risk Based Land Contamination Assessment**

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

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

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

The Remedial Scheme shall be prepared in accordance with the requirements of:

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings

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

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

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

Reason: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 120 of the NPPF and to accord Policy CS11 of the Harborough District Core Strategy.

**18) Completion/Verification Investigation Report**

Prior to occupation of the completed development, or part thereof, Either

1) If no remediation was required by Condition 17 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. The Verification Investigation Report shall:

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

Reason: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 120 of the NPPF and to accord Policy CS11 of the Harborough District Core Strategy.

19) **Ecological Appraisal**

The development hereby approved shall be carried out in accordance with the Ecological Appraisal report (reference 5091 EcoAp vf LB CL), prepared by Aspect Ecology Ltd dated 20<sup>th</sup> March 2017, and the Grassland Survey Work report (reference 1005091 BN01 BSR dv1), prepared by Aspect Ecology Ltd dated May 2017.

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

20) **Noise**

The development hereby approved shall be carried out in accordance with the Noise Impact Assessment report (reference AC100508-1R0), prepared by Resource and Environmental Consultants (REC) Limited, dated 2<sup>nd</sup> February 2017.

Reason: To ensure the residential amenity of future residents is safeguarded following completion of the development.

21) **Noise - Plant & Machinery**

No development shall take place until an assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the background level has been submitted to and been approved in writing by the Local Planning Authority.

The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.

Reason: These details need careful consideration and formal approval and to safeguard the amenity of future occupants of the development and current/future occupants of adjoining properties and to protect the general environment.

22) **Non-Opening & Obscure Glazing to Windows**

Before the development hereby permitted is first occupied the first-floor window(s) in the eastern elevation(s), to serve Plots 39 and 40, shall be non-opening and glazed with obscure glass (at least Level 3) only and the windows shall be permanently maintained as non-opening 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.

23) **Travel Plan**

The Approved Travel Plan (reference R-RTP-U8464PM-01-0), prepared by JPP Consulting Limited, dated March 2017, shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling.

24) **Occupancy Restriction**

Each of the apartments (excluding the guest bedroom) hereby permitted shall be occupied only by:

Persons aged 55 or over.

A spouse/or partner (who themselves is over 50 years old) living as part of a single household or persons: or

Persons who were living in one of the apartments as part of a single household or persons aged 55 or over who have since died: or

Any other individual expressly agreed in writing by the Local Planning Authority.

Reason: The proposal was granted on its particular nature and in the interests of general amenity, including highway safety, restricted occupation is necessary, in accordance with Policy CS11 of the Harborough District Core Strategy.



Informative Notes:

- 1) **Building Regulations**  
You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council. As such please be aware that according with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.
- 2) **Permission not authorising work on land outside the applicant's control and Party Wall Act**  
The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.
- 3) **Public Sewer Records**  
Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the application site, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and the Applicant is advised to contact Severn Trent Water to discuss the development hereby approved. Severn Trent will seek to assist the Applicant to obtain a solution which protects both the public sewer and the proposed development.
- 4) **Highways Act 1980**  
This Planning Permission **does not** give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you **must** ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001.
- 5) **Highways Act 1980**  
It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
- 6) **Highways Act 1980**  
A Public Right 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.
- 7) **Highways Act 1980**  
The proposed road layout does not conform to an acceptable standard for adoption and therefore it will **not** be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) private roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge **must** be made before

building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk). Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.

8) **Land Drainage Consent**

You are advised that this proposal may require separate consent under Section 23 of the Land Drainage Act 1991 in the event that the proposed development will impact upon water flows in a watercourse or ditch.

9) **Leicestershire County Council (Lead Local Flood Authority)**

The Applicant is advised of the information contained within Leicestershire County Council Lead Local Flood Authority's consultation response to this planning application.

10) **Network Rail**

The Applicant is advised of the information contained within Network Rail's consultation response to this planning application.

## Planning Committee Report

**Applicant:** Castlerow Property Investments Ltd.

**Application Ref:** 17/00532/OUT

**Location:** Land at Summit of Kettering Road, Market Harborough

**Proposal:** Erection of 65 dwellings with all matters reserved except for access.

**Application Validated:** 03/04/17

**Target Date:** 03/07/17 (extn. of time agreed)

**Consultation Expiry Date:** 18/05/17

**Site Visit Date:** 26/04/17

**Case Officer:** Naomi Rose

## Recommendation

Planning Permission is Approved subject to conditions and S106 agreement or similar obligation to secure items set out in the report and appendix..

Overall it has been demonstrated by the access point and off site highway mitigation measures, and the careful siting, limited heights of dwellings and landscape features that the principle of 65 dwellings would be acceptable and would not adversely affect the landscape and highway safety. The application site is in open countryside though adjacent to the limits of development. The Council is unable to demonstrate an up-to-date five year supply of deliverable housing, and therefore finds support from Policy CS2(a). This is a very important material consideration that weighs strongly in favour of the proposal.

In the absence of a five year housing land supply, paragraph 14 of The Framework is engaged, and therefore permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits. Residential amenity, Drainage, Archaeology and Ecology have also raised no objections to the proposal. The proposal therefore complies with Policy CS1, CS2, CS3, CS5, CS11, CS12 and CS17 of the Harborough District Core Strategy.

## 1. Site & Surroundings

- 1.1 The site is to the south-eastern edge of Market Harborough. The application site is located at the top of Kettering Road on the north side on the upper slopes of Clack Hill. The site is a triangular shape and the site area is 4.74hectares.
- 1.2 The site is an agricultural field down to grass, it is significantly undulating with ridge and furrow across most of the site. To the south-western edge of the site is a large bowl with a pond (former quarry) adjacent to the Kettering Road. There is a trig point 131m AOD within the site, approximately in the middle of the site. The highest area of the field goes east west across the site approximately in the middle part of the site. The site slopes downward closer to the Kettering Road. It also slopes downwards towards the A6 to the north-east and right of way to the north-west.

- 1.3 The site is accessed via a five bar timber gate in the south western corner off Kettering Road where there is a vehicular pull in point and pedestrian access point to David Hobbs Rise.
- 1.4 The site is defined by mature hedgerow to the Kettering Road and A6 ring road. The A6 is approx.2metres lower than the application site. The Kettering Road is lightly lower than the application site. To the north western boundary there is a post and rail timber fence with open space and public right of way A71. Beyond at a significantly lower level are the bungalows on Stamp Close and houses on David Hobbs Rise.
- 1.5 The site is outside the defined limits of development for Market Harborough as such is defined as Open countryside.



Location plan.

- 1.6 Public Rights of Way:  
A71 Bridleway is outside the application site along the western boundary.

## **2. Site History**

- 2.1 The Site has no relevant planning history.

Adjacent site: (David Hobbs Rise and Stamp Close)

10/00179/OUT Residential development of up to 50 dwellings (access to be considered) (resubmission 09/00812/OUT) Refused 13/7/10 Allowed at Appeal 23/03/11.

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

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

- 3.1 Is an outline application for 65 dwellings with access only to be determined at this stage. The access is proposed off the Kettering Road, slightly further east up the Kettering Road from the existing vehicular pull in point.

Amended description: Reduction in the number of units proposed from 70 to 65 dwellings.

Additional plans: Site access design and swept path analysis, indicative masterplan in context, levels overlay plan, drainage/ecology plan.

Drainage Addendum report July 2017

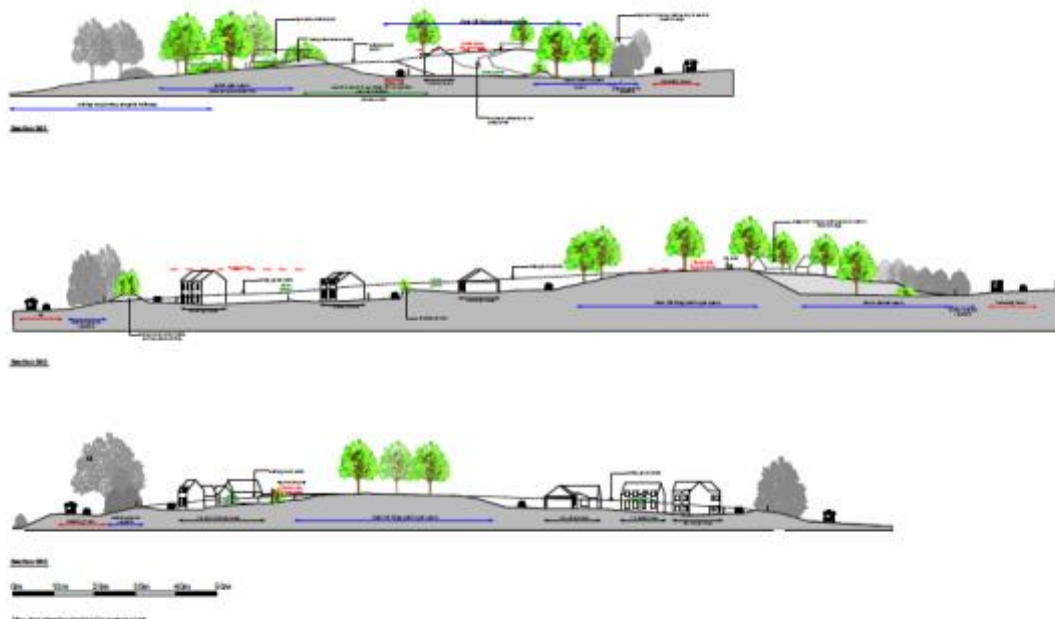
Amendment A: two ponds, existing pond retained for ecological value and separate attenuation pond adjacent to the existing pond as part of the SuDS system and plan ref: WIE/SA/92/002/A01).

- 3.2 The indicative masterplan shows 65 dwellings show a mixture of detached, semi-detached and terrace properties. Due to the nature of the site and landscape concerns a detailed masterplan has been produced to address these concerns. The details are set out below.
- 3.3 Gross development area = 4.74ha with 65 dwellings = 14 dwellings per ha. The Net development area = Parcel A (46 dwellings to the north of the site) 0.88ha + Parcel B (11 properties to south) 0.34ha + Parcel C (8 properties closest to site entrance) 0.2ha = 1.42ha with 65 dwellings = 45 dwellings per ha.
- 3.4 The ridge heights for the dwellings across the site have been detailed on the plan for landscape purposes.
- Two storey 8.4m to ridgeline
  - 1.5 storey properties 7.3metres to ridgeline.
  - Single storey properties 5.7m to ridgeline.
- 3.5 Public open space is shown along the north western boundary and east west across the middle of the site, including the trig point which is to be retained. The former quarry is proposed to be a private nature reserve of attenuation pond/wildlife habitat. The existing mature hedgerow and trees to the A6 and Kettering Road is to be retained and additional planting and raised landscape bunds are created to the eastern and northern boundaries of the site. Additional trees are proposed on the public open space areas.
- 3.6 The internal road forms a loop road with a cul-de-sac off. New pedestrian links are proposed around the public open space and linking up with the existing public rights of way.

- 3.7 There is a significant cut and fill across the site, see the indicative sections plan. The first section of road into the site will require a significant amount of cut into the site (4m depth), the adjacent mound will be filled by 1.3metres. The loop road to the northern half of the site will require a significant amount of material to be removed for the road and houses to be laid out (total drop in levels approx. 7m).
- 3.8 A 1.8m high acoustic fence is proposed along the north-eastern boundary with the A6 on top of the raised bund. A short section of acoustic fencing 2.25m high is proposed at the site entrance. Beyond this and along the Kettering Road behind the hedgerow along the rear boundary of the 8 houses at the entrance to the site is a 3m high acoustic fence. A 1.8m acoustic fence is also proposed between the gaps between dwellings along those that are closest to Kettering Road and the A6.



**Indicative masterplan:**



## Indicative Sections

### b) Documents submitted

#### i. Supporting Statements

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

- Design and access statement (Influence 28<sup>th</sup> March 2017)
- Planning Statement (Freeths March 2017)
- Transport Statement (Waterman Oct 2016)
- Travel Plan (Waterman Oct 2016)
- Noise Impact Assessment (NVC 2<sup>nd</sup> March 2017)
- Landscape and visual appraisal (Influence rev A dated 28<sup>th</sup> March 2017)
- Arboricultural survey (Influence 24<sup>th</sup> March 2017)
- Archaeology Report (Sept. 2016)
- Phase II site appraisal (GRM July 2016)
- Flood Risk Assessment (Waterman March 2017)
- Phase I site appraisal (GRM July 2016)
- Geophysical Survey (30<sup>th</sup> August 2016)
- Ecology Appraisal (Aspect July 2017)
- Drainage Addendum report (Waterman July 2017)

### c) Pre-application Engagement

3.10 Pre-application discussions took place with the Council, and the Council raised concerns regarding the landscape and visual impact of the scheme.

### d) Environmental Impact Assessment

3.10 The site area is 4.74ha and up to the erection of 65 dwellings does not trigger EIA screening opinion under Schedule 2 of EIA regulations as amended 2015.

## 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 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](http://www.harborough.gov.uk/planning)

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

4.3 *Highways:*

No objection subject to conditions relating to site access, visibility splays and off-site highway works, and construction traffic management plan, see the main body of the report for an explanation.

Comment 8/9/17 Objection –failed to demonstrate and insufficient information regarding the provision of a safe access from the proposed development.

Comment 27/7/17 Holding objection to carry out an independent speed survey, incorrect use of guidance in the application of the visibility splay, how the gradient of Kettering Road reflected in the deceleration rates applied in the visibility splay calculations and sufficient forward visibility overt the crest of the hill to vehicles waiting in the RTL. .

Comment 8/9/17 Objection The survey was not actioned by the applicant, and no further information has been submitted. The County Highways commissioned and undertook its own independent speed survey, this showed recorded speeds undertaken in accordance with DMRB TA22/81 along Kettering Road were shown to be higher than recorded by the applicant and which is considered to validate concerns raised previously with the access strategy proposed. Therefore Highways have due to the lack of information submitted advised the following reason for refusal on the basis that the applicant has failed to demonstrate a safe access point for the proposed development.

4.4 *Ecology:*

No objection subject to conditions relating to mitigation measure in the ecology report

Holding objection 2/5/17 badger, GCN survey and Phase 1 habitat survey required. Condition retain Ash tree on southern boundary.

Comment 25/7/17 the additional surveys are fine, and the mitigation proposal are acceptable, however, I would like to see a new Great Crested newt pond created close to the existing pond, as a fish-free pond would benefit the GCN population. It is referred to as a possibility but there needs to be a firmer commitment.

29/8/17 No objection subject to reference in a condition the implementation of the mitigation proposals in Ecology survey and biodiversity mitigation strategy (Aspect Ecology July 2017) and a supplementary pond creation plan as part of the drainage scheme (plan: Waterman WIE/SA/92/001/A01).

4.5 *HDC Contaminated Land Officer:*

No comment

4.6 *HDC Environmental Health Officer:*



No objection, subject to condition, relating to construction method statement and implementation of noise reports recommendations.

4.7 *LCC Local Lead Flood Authority:*

No objection subject to conditions relating to surface water drainage scheme, Construction surface water management plan, Sustainable surface water drainage system details and LT maintenance.

Comments 25/04/17 Holding objection, require further information on drainage strategy and how SuDS will be utilised.

4.8 *LCC Archaeology:*

No objection subject to conditions relating to programme of archaeological work

4.9 *LCC Arboriculturalist: no objection*

4.10 *LCC Footpaths:*

No objection subject to informatives relating to protection of the existing right of way

4.11 *Anglian Water:*

No objection subject to a condition relating to surface water drainage strategy.

Section 106

4.12 *LCC Education (as amended):*

Primary school requirement £157,287.13

Secondary school £0-146,772.76

Special schools £0

4.13 *LCC Waste (as amended):*

Market Harborough Civic amenity site £80.04 per dwelling = £5,203.00

4.14 *LCC Library (as amended):*

£30.18 x 65 per dwelling = £1,960.00

4.15 *HDC Neighbourhood and Green Spaces Officer (as amended):*

I note the sustainable links and bridleway adjacent to the site. We will be seeking off site contributions for greenways to upgrade the surfaces and giving appropriate gated access. In addition signage will be installed to indicate the sustainable links in proximity to the site.

The central area could be used for semi-natural greenspace. In addition, I would suggest mown access paths to an item of children's play equipment that would make the best use of this point such as a spiders web rope net pyramid. The attenuation pond and other natural spaces can count towards the provision of natural and semi-natural greenspace.

A landscape management plan should be provided to give assurance that the POS will be maintained in perpetuity (see condition 9).

The off-site contribution for outdoor sports facilities is required for up-grading existing facilities in Market Harborough (Audit information from Playing Pitch Strategy).

- Parks and gardens - on site = 0.07475ha
- Outdoor sports facilities = £106,145.00

- Amenity greenspace = oversupply
- Natural and semi-natural greenspace – on site = 0.22445ha
- Children and young people provision – on site = 0.04485ha
- Allotments - not sustainable on-site – off-site contribution = £3,139.50
- Greenways – off-site = £17,790.50
- Cemeteries and burial grounds – off-site contribution = £11,885.50

The on-site open space provision is 0.362ha, the total open space requirement on site is 0.34385ha.

4.16 *NHS East Leicestershire and Rutland Clinical Commissioning Group (as revised):*  
168 (additional patients) x 0.0869 (standard area per sq.m./person) x 2,994 cost of extn. = £40,205.00.

4.17 *HDC Strategic Housing Officer:*  
13/4/17 Our Affordable Housing requirement will be to seek **30%** Affordable Housing of the total site yield In accordance with Policy CS3 on a site proposal of 70 units, this will equal 21 AH units. Our tenure split requirements are for the affordable requirement to be provided as 60% rented and 40% to be provided as intermediate or shared ownership.  
21/6/17 requirement for 65 units is 20 units.

4.18 *Parish Liaison Officer (as amended):*  
Community facility request for new build/extension and upgrade projects 65 x £735 = £47,775.

4.19 *LCC Highways:*  
1. A contribution towards improvements to the Market Harborough Town centre Transport Strategy as considered appropriate by Harborough District Council in consultation with Leicestershire County Council.

2. Bus travel packs, one per dwelling (LCC maybe able to supply these at an average cost of £52.85 per pack)  
Justification: to inform new residents from first occupation what sustainable travel choices are in the surrounding area.

3. 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer at an average cost of £360 per pass);  
Justification: to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car.

4.20 *LCC Footpaths:*  
16/6/17 provide footpath A71 with a fully constructed stone to dust surface, and vegetation clearance. Construction of a surface for the bridleway of £73,125 plus £2,000 for vegetation clearance which comes to £75,125. With a 20% contingency sum this comes to a total of £90,150.

1/9/17 Revised figure for a 2.5m path with 20% contingency sum = £75,520.

This contribution is being contested by the applicant see below discussion below.

The agent's points 1-4 are set out below. Piers Lindley (LCC Senior Access Officer) response are in *italic* and itemised below:-

1. The request for contributions towards the bridleway is also noted. This sets out that new surfacing is required. It does not, however, seem to take into account that there is an existing surfaced access from Kettering Road and that extensive new public open space, including publically accessible footpaths, will be provided within the site.

*The public bridleway and the existing surfaced access from Kettering Road serve two distinctively different purposes. Bridleway A71 provides access through the landscape to the A6 Market Harborough Bypass and for the careful walker or rider there is then an opportunity to access the wider rights of way network in the countryside for recreational purposes. The aforementioned footway only serves residents of David Hobbs Rise and eventually the larger housing development to the north.*

*With regard to the pathways proposed to be provided within the open space of the development these also will not provide opportunities for residents to gain access to the wider rights of way network and countryside. Only Public Bridleway A71 provides this choice.*

2. Hard surfacing has been provided within the neighbouring site which would accommodate for the urban character for pedestrians whilst also retaining natural linkages to the footpaths within the site. Based on this it is not considered that the development would be unsustainable if the bridleway were not to be resurfaced.

*With development on the south-east side of the bridleway adding to the existing development on its north-west side the bridleway will, as a direct effect of the proposed development, become a "green corridor" route and its character will change accordingly. The existing and additional residents should be offered the opportunity to use this bridleway as a recreational resource. The benefits of walking and access to the countryside on mental and physical well-being are not disputed. However the bridleway has no surface and the bank next to the site is too steep for general use by the public. It is currently not in a suitable condition to cope with such increased use that would result from the development. The proposed development would have a direct negative impact on the bridleway in terms of landscape character and its use and enjoyment by the public. Therefore it is my view that if development were to proceed it would have an unsustainable effect on the public bridleway and mitigation measures are therefore necessary.*

3. Furthermore, the occupants of any new dwellings on the site would not be sole users of the bridleway, particularly if development of Overstone Park gains permission. The need for this contribution is disputed but should this be proven then consideration should be given to pooling contributions with other developments that would also have a direct impact on the use of the bridleway.

*It is true that new residents of the proposed development would not be sole users of the bridleway but they would add significantly to its use.*

*Unfortunately when discussions were held with the owner of all the land at Clack Hill, including both the developed area and the proposed area of development, indications were given that the land to the south-east was not proposed to be developed. It was therefore expected that the bridleway would remain at least in part semi-rural and therefore no Section 106 contribution was thought necessary from the developers/landowner to the north-west at that time. Had the County Council been aware of the imminent development of housing on both sides of the bridleway a*

*contribution in part would have been sought from the original development, then to be matched by this second phase, but the opportunity for this has passed. I am not aware of the location and extent of the Overstone Park proposals but as that proposal is not part of this planning application I do not think it is a matter I can comment on at this time.*

4. In order to comply with the CIL Regs. (2010), para 122 any requested contribution should be necessary to make the development acceptable and directly related to a need created by the development. If a specific need cannot be identified that is directly related to the development then contribution should not be sought.

*In summary it is my view that a contribution towards significant improvements to the bridleway necessary and would be justified if this proposed development were to be granted planning permission, in order to a) make it fit for use by local people in its new environment and b) mitigate against the loss of recreational opportunity resultant from the loss of open countryside to the south-east.*

5. Supplementary observations for the County Senior Access Officer

#### Historical Context Within the Landscape

Public Bridleway A71 has an important historical context within the local landscape. It was described in the 1951 Market Harborough Urban District Council Survey of Public Rights of Way (1949 National Parks & Access to the Countryside Act) thus:-

*“The Little Bowden [Enclosure\*] Award [1780\*] states “one Bridleway or road of the breadth of twenty-five feet” from Clack Hill (A.6) between Shrewsbury Avenue and the Mile Post in a north easterly direction towards Dingley”.*

In the Enclosure Award of 1780 it more completely states:-

*“And we the said Commissioners do hereby set out One public Bridle Way or Road of the Breadth of twenty five Feet, branching out the said Kettering Turnpike Road near the east end of a certain Furlong called Upper Dale Acre into, through and over the Allotments of the said David Hewson in a north east Direction, into, through, and over the Allotment to the said Robert Johnson, into, through and over the Allotment to the said Dean and Chapter in lieu of Tithes of open Fields to an ancient Road Gate leading into the Lordship of Dingley. And we the said Commissioners do hereby award, that all Gates to be set across the said Bridle Road shall be and continue six Feet wide at the least between the Gate Posts.*

#### Proposed width of New Surface

Having given the matter further careful consideration it is my view that in order to maintain a greater semblance of semi-rural character it would be reasonable to provide the bridleway with a “hoggin” style surface of stone blinded off to powder to a width of only 2.5 metres. While it historically had a width of 25ft this is not formally recorded as such in the Definitive Statement for Leicestershire and would not be necessary. A slightly narrower width than the 3 metres originally suggested would also make the construction of the “switch-back” section less difficult to construct. This would mean that the contribution requested would be of a reduced sum. The revised figure for a 2.5 metre path with 20% contingency sum would be £75,520.

Agents response dated 6/9/17 Whilst the amendment to materials and width is appreciated, the necessity for the improvement is still questioned.

It is accepted that there are different uses for the bridleway and the tarmacked footpath leading to David Hobbs Rise. However, as the footpath beyond the A6 is unmade the need to surface the bridleway between Kettering Road to the A6 seems unnecessary as it would be providing an accessible link to an inaccessible point, especially as there are other accessible routes available. Those users who are unable to use the bridleway in its current form are also unlikely to use the unmade footpath beyond the A6 and it therefore seems pointless to provide a surfaced path up to an unmade bridleway.

As part of the application proposals, the footpaths within the site are shown to link to the bridleway. Occupants of this site will therefore be more likely to use the footpaths provided within the site and link onto the bridleway for only a small portion of their journey. Surfacing of the bridleway would therefore duplicate the footpaths which occupants would be more likely to use that are within the site.

The application site will add to the provision of footpaths by allowing extended public access and providing open space in an area that is currently inaccessible grazing land. The details for surfacing of the footpaths within the site could be secured by condition to ensure that they are accessible to all users and would ensure that there is a net gain of publically accessible footpaths. This seems to be a more reasonable and usable alternative to resurfacing part of the bridleway and would result in a greater gain to the wider public.

Overstone Park is a substantial new proposal for the erection of up to 600 residential dwellings, a primary school, a local centre comprising A1, A2, A3, B1 and D1, provision of public open space, new roundabout access off Kettering Road, new vehicular link from Overstone House, construction of footways and cycleways and construction of structures to accommodate sustainable urban drainage systems (access to be determined) (15/02006/OUT). The site is located directly south of the application site, on the opposite side of Kettering Road. Given the size of this development, occupants of Overstone Park are likely to place a greater pressure on Bridleway A71 for recreational purposes than the application site. Should justification be agreed for the above points, then it would be reasonable to expect that the cost of resurfacing is pooled with contributions also provided by the Overstone Park development.

The access Officer has no further comment to add.

*Officer comment: that the proposed contribution passes the tests as set out in para 6.52 of the report.*

4.21 *Fire Officer:*  
No response

4.22 *Police officer:*  
No objection

## **b) Local Community**

4.23 3 letters (including emails) of objects were received in response to the initial consultation process. A summary of the representations received is outlined below:

- Loss of privacy
- Loss of light;
- Overbearing impact;
- Increase in traffic on Kettering Road especially at the railway bridge;
- Stamp Close currently has water drainage problem, this will be made drastically worse by the development;
- Imposing effect of street lighting at night from such an elevated position
- Very exposed position at Stamp Close and can be extremely noisy on a windy day, likely to be more intense at the proposed height.

#### 4.24 Civic Society:

- (1) not a sustainable site for development
- (2) occupies a prominent hillside; visible from many parts of Market Harborough; represent urban sprawl seriously detrimental to the character of the market town;
- (3) Jan 2011 Planning Inspector justified permission on the adjoining site as he did not consider that the site forms the main viewpoint in these limited long distances views, as the higher land and slope of the top of Clack Hill ridge would be a more dominant feature that would still be visible'
- (4) the site is isolated from all other communities in the town and reliant on the use of the private car;
- (5) reference is made to Land adjacent to Overstone house, it is wrong to assume this development will be allowed;
- (6) There is now a Highways strategy for market Harborough in which it recognises the inadequacy of the towns road system. Approval of a development dependant on the car will aggravate the problems, cause danger and disturbance to other road users. The problems are the Kettering Road bridge and Springfield Street and St. Mary's Road system; and
- (7) will not contribute to 5 year housing supply as no information about availability.

## 5. Planning Policy Considerations

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

### a) Development Plan and material planning considerations

- 5.2 Please find the relevant policies in the front of the Agenda.

- *The Framework Sections:*  
 Section 7: Requiring good design  
 Section 8: Promoting Healthy communities  
 Section 11: Conserving and enhancing the natural environment
- *Harborough District Core Strategy*  
 CS1 - Spatial strategy  
 CS2 - Delivering new housing  
 CS3 – Deliver Housing choice and affordability  
 CS5 – Providing sustainable transport  
 CS7 - Enabling employment and business opportunity  
 CS11 – Promoting design and built heritage  
 CS17 – Countryside, rural centres and rural villages  
 CS12 – Delivering Development and supporting infrastructure.

- *Supplementary Planning Guidance*
  - SPG Note 2/3 – Residential developments
  - SPG Note 9 – Landscape and new development
  - SPG Note 10 - Tree and Development
  - SPG Note 12 - Lighting in town and country
- Harborough District Council Landscape Character Assessment 2007
- Strategic Housing land Availability Assessment 2015 (SHLAA)
- Housing and Economic Development Needs Assessment (HEDNA 2017)

## **b) Other Relevant Information**

- 5.3 This application is to be determined by Planning Committee because of the size and nature of the proposed development and number of objections. The application was deferred from October committee to fully consider the additional information.
- 5.4 A public consultation exercise was undertaken prior to the submission of the application. Letters were sent to Ward Members and neighbouring properties on Shelland Close, Stamp close David Hobbs Rise and Roundhill Close in 17<sup>th</sup> March 2017 notifying them of the forthcoming application. The letter included a plan and invited comments, these included issues such as provision of suitable drainage and on-going embankment issues. The Agent states that these have been taken into account by retaining a buffer of planted open space to the west of the site i.e. where the Public Right of Way crosses the land and incorporating a sustainable drainage system.

## **6. Assessment**

### **a. Principle of Development**

- 6.1 The site is agricultural land outside the limits of development of Market Harborough, as defined by policy HS/8. Developing the site for housing would therefore be contrary to saved Policy HS/8. However, the adopted Harborough Local Plan 2001 (LP) was not intended to deal with development requirements beyond 2006. As a result the LP is considered to be time expired and its relevant policies for the supply of housing including HS/8 can not be considered up-to-date, as such they have limited weight in the determination of the application.
- 6.2 Policy CS2 (a) states that new housing outside Limits to Development will not be permitted unless there is less than a five year supply of housing land, and the proposal is in keeping with the character of the settlement. The plan therefore does make provision for proposal outside of settlement boundaries and the other key issue is the scale and character of the proposal.
- 6.3 The Spatial Strategy for development in the district is for development to be focused on Market Harborough, the Leicester urban area and rural centres. Policy CS2 (b) states that all housing development should be of highest design standard and have a layout that makes the most efficient use of land and is compatible with the built form and character of the area. This is discussed later in the report. As the site is outside the defined limits of development the policy considers that the site to be in countryside '*where new development will be strictly controlled*'.

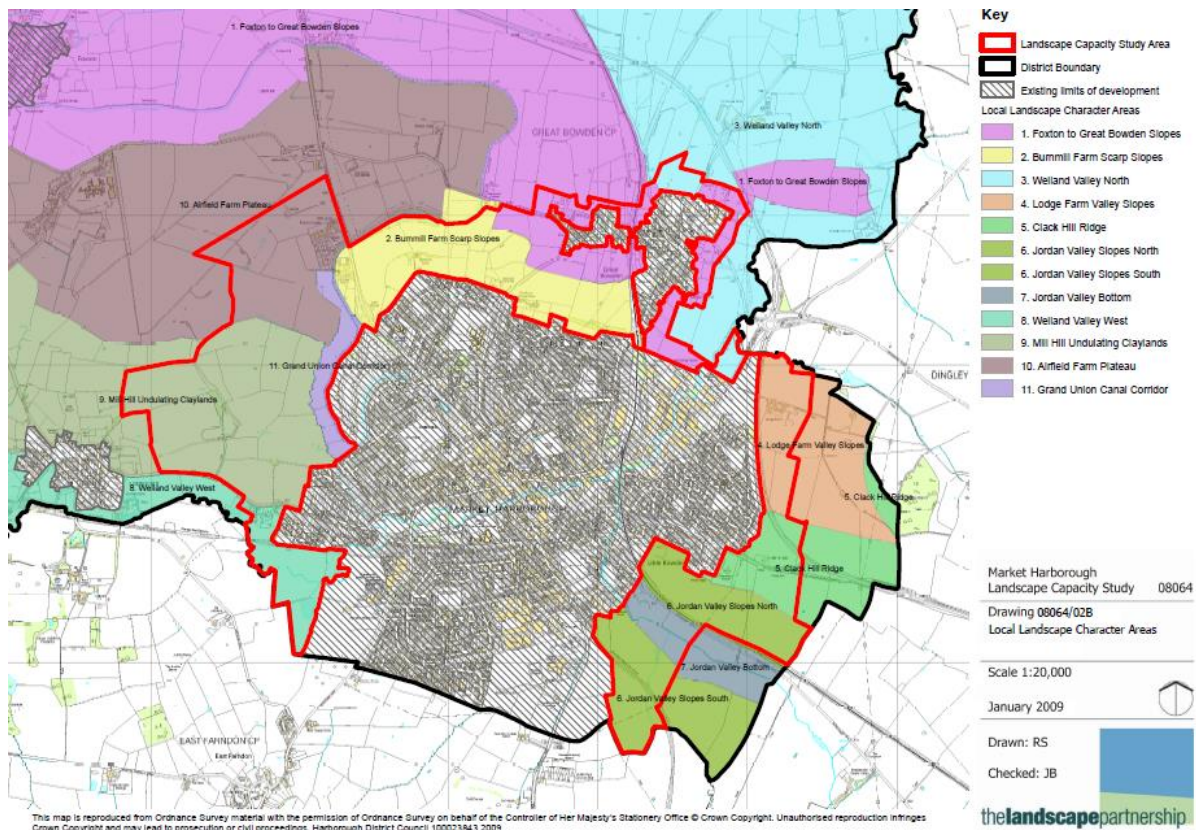
- 6.4 In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, the conflict with development plan policy requires the application to be refused unless material considerations indicate otherwise.
- 6.5 National policy in the NPPF is a material consideration. Para 49 states:  
*'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning authority cannot demonstrate a five year supply of housing'*
- 6.6 Currently the Council are not able to demonstrate a five year housing land supply (figure=4.45yrs) and so the restrictive policies of HS/8 and CS2 (a), are to be considered out of date. In light of out of date policies, para 14 of the NPPF states that the presumption in favour of sustainable development means:  
*"approving development proposals that accord with the development plan without delay; and where the Development Plan is absent, silent or relevant policies are considered out of date, granting planning permission unless:*  
*-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework*  
*- Specific policies in this framework indicate development should be restricted.*
- 6.7 The Core Strategy states that Market Harborough is the focus for development within the district, subject to traffic and environmental constraints. It is considered that the additional of market and affordable housing 65 dwellings will make medium contribution to the housing supply. The emerging local plan has been published as 'Harborough District Local Plan 2011-2031 Proposed Submission Sept 2017'. It is considered that the new Local Plan would be given no weight.
- 6.8 In this context, and the Council's present lack of a five year supply of housing land, the principle of additional residential development is to be considered acceptable, subject to other material planning considerations, such as the three dimensions of sustainable development (Economic, social and environmental). For this site landscape and visual impacts are particularly relevant.
- 6.9 The site is identified in the Strategic Housing Land Availability Assessment 2015 (SHLAA) A/MH/HSG/50 where it was considered potentially suitable/achievable for development due to highways and contamination issues, but not currently available. The Agent has confirmed that the applicant has a track record of delivering housing, as evidenced by the adjoining land, and are themselves a developer.
- 6.10 Natural England maps show the area as being Grade 3 (good to moderate) agricultural land. Magic Map does not provide any more detail as to 3a or 3b. The Agent has stated that as it is a relatively small field, isolated by the surrounding roads and dwellings making it impractical for extensive farming.

## **b. Landscape and Visual Impact**

- 6.11 Policy CS17 (c) provides several criteria to ensure that rural development will be located in a way that is sensitive to its landscape setting. The site is not covered by any statutory landscape designation. The application site is located within the Welland Valley Landscape Character Area (Harborough District Council's Landscape Character Assessment Sept.2007). The site is identified in the Market Harborough Landscape Character Assessment and Landscape Capacity Study (April 2009). The site is known as the Clack Hill Ridge. The key characteristics of the area include; elevated ridgeline and views towards Market Harborough and high Leicestershire, small and medium



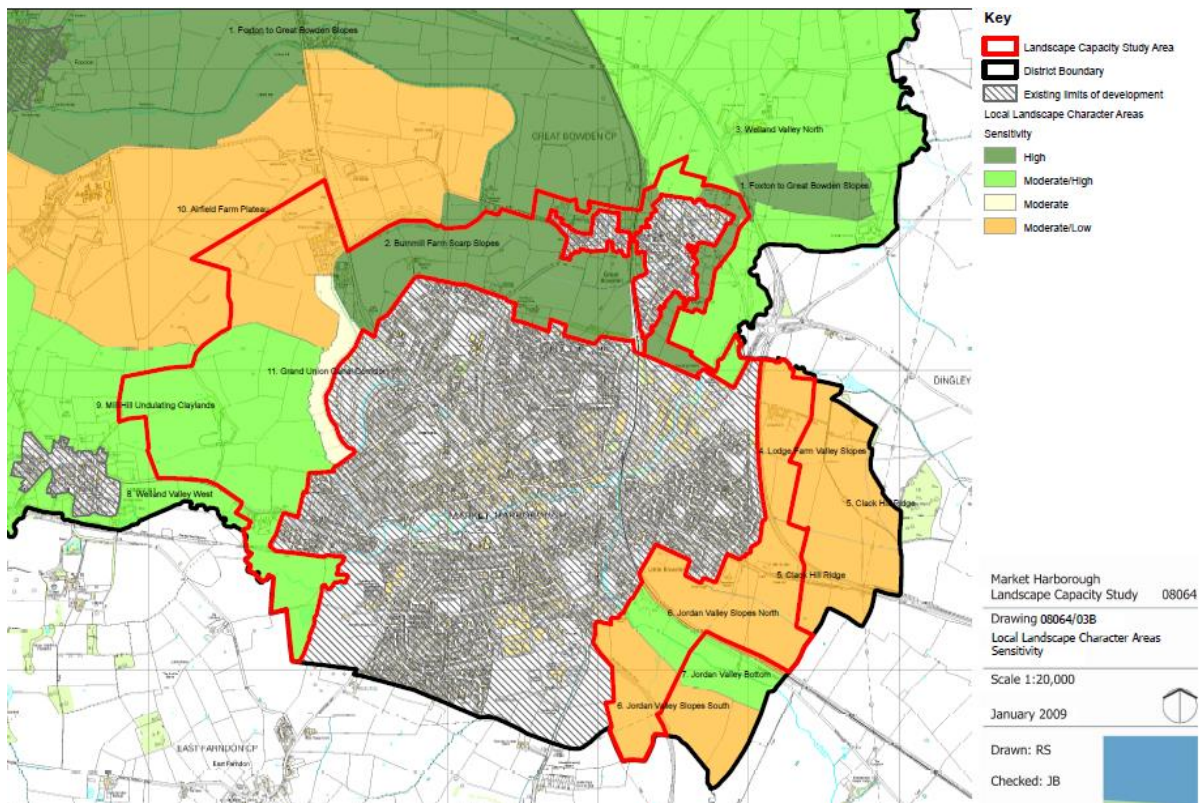
pastoral fields with evidence of ridge and furrow; number of ponds; large woodland block features.



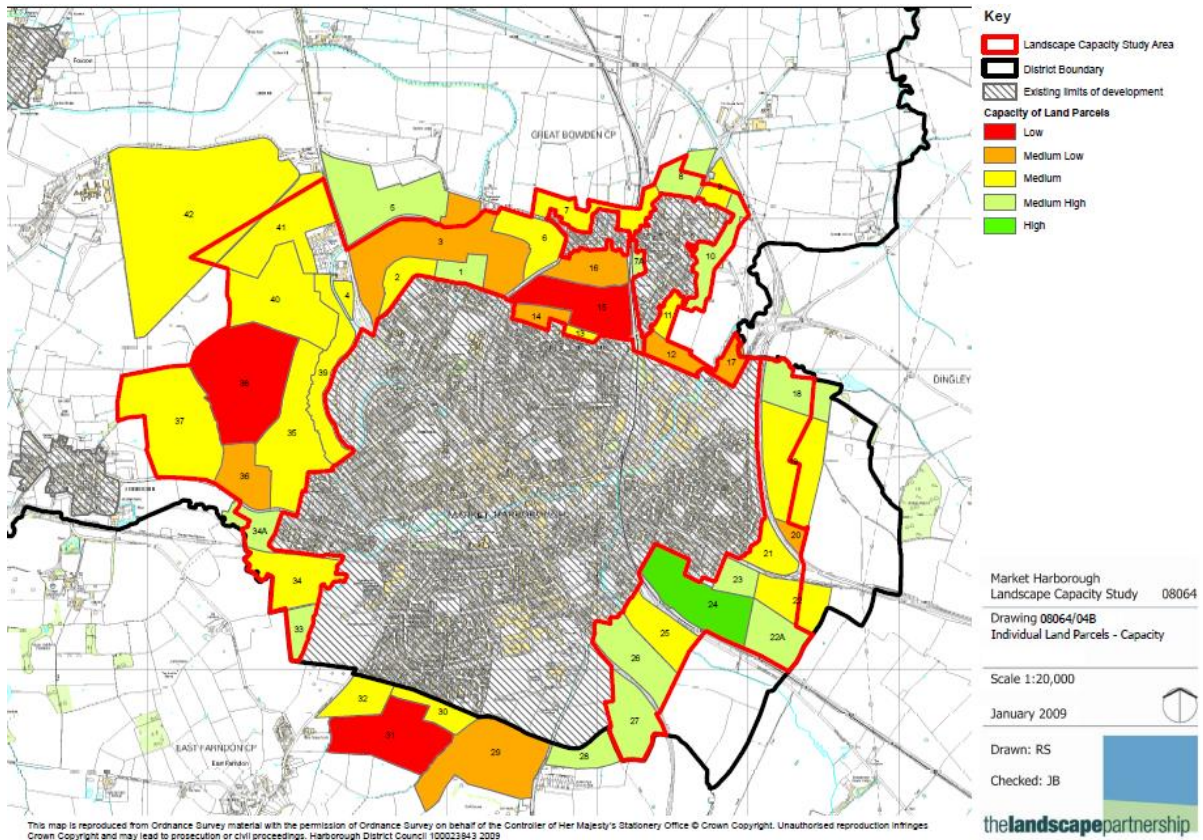
## Local Landscape character areas

6.12 The sensitivity to development on this parcel of land is indicated to be moderate to low, and the land parcel is considered to have a medium capacity for development. Residential development is considered most appropriate for the location given adjacent residential use, subject to the retention of landscape features and vegetation; important views to be retained; retention of existing routes through the site; ground modelling; additional planting; maximum building heights; development layout the top of the site should not be developed to allow views from and to the parcel.





## Local landscape character areas Sensitivity.



## Individual Land parcel - Capacity

- 6.13 Since then the Clack Hill development was approved at Appeal, which encompassed part of the land parcel. The landscape and visual impact was critical in the assessment of the scheme. It limited the development of the site, resulting in bungalows and a high bund adjacent to the proposed site, so the dwellings sit below the ridge, this was an important factor in the appeal being approved. At the time the Council did not have a 5 year housing land supply. There is a triangulation point 131 Above Ordnance Datum (AOM) within the site, which gives an idea of the height and prominence of the site within the wider landscape area. The Appeal Inspector stated (para 9) that *in long distant views the higher land and slope of the top of the Clack Hill ridge would be a dominant feature and visible*, therefore it is considered that the development would have a major impact upon the character and appearance of the area.
- 6.14 The retention of mature landscaping to the bypass and Kettering Road provides a screen to development however, this is exposed in the winter months and does not screen the entire site from views within the Town and beyond to the north and west.

#### Applicants assessment

- 6.15 The application included a Landscape and Visual Impact Assessment by Influence dated 28rd March 2017. This states that when experienced on the ground the site makes a limited contribution to the quality and landscape character of the surrounding area. This is due to the topography and the heavily vegetated perimeters to the three sides of the site which obscure views into the site from the surrounding area, including the A6 and the Kettering Road. The strong containment by roadways and vegetation makes the area feel closer to the urban edge of Market Harborough than the countryside of the surrounding landscape. The topography of the area means that the site is also not visible to a large degree from the existing houses to the west. The heavily vegetated boundary means that views of the field within the application site are obscured from distance views. The site reads as an outcrop of vegetation on the ridgeline when viewed from long distance. In the winter months there should still be a reasonable level of screening due to the width. The most expansive views are to the north-east from the site, where views to the west are of the town centre.
- 6.16 20 Viewpoints where assessed. The potential adverse landscape and visual impacts before mitigation that would arise due to the construction and operation of the proposed development are in landscape terms an adverse impact upon the character of the Clack Hill ridge landscape character area. This is due to physical impact on the landscape elements and features within the application site, including changes in landform, minor removal of vegetation at the access point, introduction of new built form in a prominent ridgeline location and adverse impact upon the wider landscape with the study area due to changes in views towards Clack Hill Ridge. In visual terms an adverse impact on short distance views from residents of David Hobbs Rise, long distance views experienced by from residents and visitors to Market Harborough urban area, by residents of rural settlements, short and long distance views experienced by road users, long distance views experienced by users of Brampton Valley Way and Midshires Way, short and long distance views by users of Public Rights of Way, including A71.
- 6.17 The mitigation and enhancement measures proposed to reduce the impacts are:
- protect the existing vegetation,
  - create a network of public open spaces within the development that would break up the proposed built form,

- linking the proposed open space with the existing open space to minimise adverse visual impacts on users of the right of way;
- siting and height of dwellings to avoid impacts upon the tops of ridgelines;
- re-modelling of the ground plane to ensure building plots are set into the side of the sloping topography to minimise heights of rooflines;
- Creation of planting berms at strategic locations to aid screening of new development both visually and acoustically;
- Creation of active frontages along proposed streets to reduce visual impact;
- Provision of generous landscape framework along site boundaries and within the development;
- Ensure a net gain in tree and hedgerow planting.

#### Councils assessment

6.18 The Councils landscape consultant The Landscape Partnership (TLP) undertook an independent assessment of the Applicants assessment. TLP concluded that:

- The LVIA produced provides a clear structured and appropriate level of assessment of landscape and visual effects for a project of third scale and nature.
- There are differences in professional judgement in terms of level of sensitivity and magnitude of change however the differences of approach when applied to the LVIA are relatively modest in the context of the judgements made by the assessors.
- Overall the TLP agree with the LVIA that there would be no visual effects greater than moderate at Year 15;
- The development is located on an elevation position; however, the presence of roadside vegetation contains views from the north clockwise to the south-west. Views are more open to the north-west over the town but with few reciprocal views back on the site;
- The masterplan has responded to the situation by a combination of varying building heights, the proposed earthworks and planting which together help to assimilate the development into the setting;
- The main adverse visual effect would be breaching the skyline as seen from the north near Great Bowden (V14) and in Market Harborough. However they consider these effects are no greater than moderate adverse being experiences in relatively few places and seen in the context of an extensive area of built form on lower slopes and valley;
- The Masterplan has taken a positive approach to a challenging location, the highest part of the site is retained as open space to allow for views over Market Harborough from the trig point and the proposed housing is single storey, 1.5 and two storey to minimise the presence of building form, the interface with existing housing is open space to reduce overlooking.
- In conclusion, the only major or major moderate effects relate to impacts from the closet right of way and these are limited in the short term. Significant effects are localised to the site and immediate area. The significant local effects and those that are moderate from more distant views could be mitigated by a suitable layout and landscape scheme. On the basis of the submitted information it is considered acceptable in principle.

#### Conclusion

6.19 Both the applicant and TLP nearly agree on all the main aspects of the assessment, with at year 15 the residual impacts being no more than moderate. The masterplan addresses many of the issues raised, therefore on balance the landscape and visual impacts are considered acceptable in principle.

### **c. Accessibility**

- 6.20 Policy CS5 supports new development that is located in areas well served by local services which reduces the need to travel for occupants. It also encourages new development to incorporate safe pedestrian and cycling facilities into the design. The indicative masterplan shows the site linked to the existing footpath on Kettering Road and to the existing footpath A71 and the footpath on David Hobbs Close.
- 6.21 The site is relatively remote from key services and community facilities, and is not within the recognised walking distance of 800m (10-15mins) of any key services, which is considered a reasonable distance given its location at the top of a hill. The Transport Assessment has addressed accessibility in the report and states that the closest School is Meadowdale Primary School at 1 km. Welland Park Academy is approx. 1.9km. Robert Smyth Academy is served by Centrebus No. 33 with bus stops on Kettering Road and Ashley Way a journey time of 13 minutes with the first bus at 08:02. There are a wide range of health facilities in the town centre approx. 1.2km away, and some to the south of Market Harborough. Centrebus No.33 connects to the town centre with a journey time of 4 minutes from Kettering Road (bus stop approx. 500metres away), once an hour. Employment opportunities are mostly in the town centre being a comfortable cycling distance of 1.2km. there is also The Point business park 1.2km to the north. The train is the most viable option for employment further afield i.e. Kettering, Leicester, Derby, Nottingham and London. Retail and leisure opportunities can be found in the town centre and the leisure centre is 2km away.
- 6.22 The adjacent site was at Appeal considered reasonable sustainable for an urban extension site by the Appeal Inspector, given the hourly bus service. The site at Overstone House was considered sustainable in 2012 when permission was first approved. Overstone Park a proposed allocated site and the current application 15/02006/OUT) is proposing a local centre. Therefore given the above the site is considered reasonably locationally sustainable site.

### **d. Affordable Housing**

- 6.23 Policy CS3 requires that all residential developments 11 or above dwellings or over 1000sq.m floor area to contribute to meet affordable housing needs. In Market Harborough the policy requires 30% affordable housing. The Councils S106 officer states that the on-site requirement is 20 affordable units. The application proposes to meet this requirement. The affordable units can be secured by S106.

### **e. Design and layout**

- 6.24 The government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people.
- 6.25 Policy CS2(b) advises all housing development should be of the highest design standard (in conformity with Policy CS11) and have a layout that makes the most efficient use of land and is compatible with the built form and character of the area in which it is situated. Policy CS11 states the new development should be directed away from undeveloped areas of land which are important to the form and character of a settlement or locality. Policy CS2 requires that sites of 0.3ha or above are required to meet the 40dwelling per ha adjacent to Market Harborough shopping and business area or 30dph elsewhere minimum net density standard. This is flexible where

individual site circumstances dictate and are justified. For the application site the gross development area (= 4.74ha with 65 dwellings =) 14 dwellings per ha, this is a low figure due to the amount of open space proposed of 1.96ha. The net density proposed is (=1.42ha with 65 dwellings =) 45 dwellings per ha. This is just higher than 40dph.

The Indicative masterplan and DAS provides the following details of the proposal:

- 65 dwellings in three areas
- Access road to the south-west point with a loop road in the site with secondary streets leading off it;
- Existing boundary hedges and trees retained
- SuDs creation of a attenuation pond to the southern boundary adjacent to the existing pond
- Two public open spaces, one centrally in the site and the other adjacent to the existing open space with a circular recreational path within the site;
- The triangulation point is retained within the proposed open space;
- Footpath links to the existing Right of way along the north-west boundary;
- Varying heights to the proposed dwellings in response to the landscape and visual impacts;
- Attenuation features (acoustic fence and mounds) to the A6 and Kettering Road;
- Cut and fill across the site;
- Retention of the old quarry feature as a private attenuation pond and nature reserve.

6.26 The indicative plan shows the potential for providing 65 dwellings with associated access, road layout and public open space. However, the proposed description was for up to 70 dwellings. Given the nature of the site it is critical that the masterplan reflects the description. The Agent has amended the description to reflect the indicative plan.

6.27 The proposed public open space is located centrally within the development and close to the existing public open space and residential development. This is considered a good relationship with future and existing residents. The triangulation point is retained within the central public open space and links to it are provided from the existing right of way. Therefore the trig point which is currently on private land would be publically accessible in the future.

6.28 The layout retains existing boundary treatment with no development within root protection zones. The existing planting is supplemented which along with the public open space provision which is in excess of the requirement creates a spacious and attractive environment. The existing pond is retained within the former quarry and can be managed in the future to benefit local habitats.

6.29 There is a mixture of housing types including 2 storey, 1.5 storey and single storey dwellings. These dwellings are laid out to take into account the ground levels to ensure the ridgelines are not higher than the ridgeline when viewed from the west. On the corners semi-detached properties are shown as turning the corner to present active



frontages to two street scenes. The site also has a mix of detached, semi-detached and terrace properties.

- 6.30 The site is physically bounded by housing to the west and roads to the south, east and north therefore physically separating it from the adjacent countryside.

#### **f. Residential amenity**

- 6.31 Core Principle 4 of The Framework seeks to ensure a good standard of amenity for all existing and future occupants of the land and buildings and this is also reflected in Policy CS11.
- 6.32 As layout, scale and external appearance of the proposed development are reserved matters, it is not possible to provide a detailed assessment on amenity. The nearest residential properties to the site are dwellings to the west on Stamp Close and David Hobbs Rise. The rear wall of the bungalows is approx. 43metres from the application site boundary. The long separation distance, existing properties being at a substantially lower level and the raised ground levels to the western boundary of the application site means the lower dwellings beyond are substantially hidden from view.
- 6.33 Compliance with SPG amenity standards will need to be secured at reserved matters stage. However, the indicative masterplan does demonstrate a broad compliance with the SPG standards in terms of separate distances and rear garden amenity space. Also spot levels between plots are not substantially different at approx. 1metre, therefore this does not result in adverse levels issues between plots.
- 6.34 The applicant has submitted a Noise Impact Assessment (2<sup>nd</sup> March 2017) in order to comply with para 123 of The Framework. The noise report considers the impact of existing noise levels from the local road network (A6 and Kettering Road) on the proposed residential development. Mitigation measures are required to reduce indoor and outdoor noise levels on the site by providing an acoustic fence 1.8m and bund similar to the sites further north along the A6. Where space is limited, a 1.8m high fence would be used and the existing tree planting retained along the A6 which will screen the fence from wider views. Along the southern boundary there is a mix of additional planting and a 3m high acoustic fence. Also the position of the houses is such that the road and the front of the dwellings front the A6 and Kettering Road, thus protecting the rear amenity gardens from adverse noise conditions. The Environmental Health Officer has no objection and recommends conditions regarding the recommendations in the acoustic report (see Condition 13). The proposal is therefore considered to be in accordance with Policy CS11 of the Harborough District Core Strategy in this respect.

#### **g. Highways:**

- 6.35 Policy CS5 states that proposal for assessing traffic impact, highway design and parking provision associated with new development should accord with County Councils (6C's guide). Policy CS11 states that development should be well planned to incorporate safe and inclusive design and encourage travel by a variety of modes of transport. The NPPF states that *'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'* Access is the only matter to be dealt with at outline stage.
- 6.36 The proposed site access design shows a new ghost island right turning lane; 5.5m wide access, 2m wide footway; 2.4m 88/93m visibility splay. The new access is located to the east of the existing access point to the field and pedestrian walkway. The indicative masterplan also shows three new connection points are proposed from

the site to the existing public right of way (A71) outside the application site boundary along the north-western boundary.

- 6.37 The applicant has submitted a Transport Assessment and Travel plan. The Kettering Road is subject to the 40mph speed limit. The report concludes that vehicular trip generation of 68 trips during the morning peak and 49 trips during the evening peak would have a negligible impact upon the local highway network. The predicated increase is not considered severe, and that the proposed development does not require any junction alterations to mitigate the additional traffic.
- 6.38 The Indicative masterplan shows how parking can be accommodated on site, by indicating driveways and garages for each plot. The final car parking and cycle provision for the site will form part of a reserved matters application.
- 6.39 The Highways Officer initially had a number of concerns with the proposal and requested 27/7/17:
- An independence speed survey is undertaken;
  - What is the max. achievable visibility from the access and can the visibility splays be achieved in accordance with the 6C's guide and DMRB design standards;
  - Information on how the gradient of Kettering Road reflected in the deceleration rates applied in the visibility splay calculations; and
  - Sufficient forward visibility over the crest of the hill to vehicles waiting in the RTL.
- Speed surveys undertaken on Kettering Road for 15/02006/OUT application demonstrate higher speeds than those recorded by the applicant, it is unlikely that sufficient visibility could be achieved at the proposed access without additional measures to reduce vehicle speed along Kettering Road.
- 6.40 The independent speed survey was not actioned by the applicant, and at the time no further information was submitted. The County Highways commissioned and undertook its own independent speed survey, this showed higher speeds than recorded by the applicant and validated previous Highways concerns. Due to the lack of information submitted, on the October 2017 committee papers recorded a recommendation for refusal as the applicant has failed to demonstrate a safe access point for the proposed development. The applicant's highways consultant has subsequently submitted further information as set out below.
- 6.41 The Highways consultant has with regard to the 2 speed surveys argued the following:

*Table 1: Kettering Road, Market Harborough – Westbound Speed Survey Results*

Date	85th Percentile	85th Percentile Wet
10/08/2016 (TSL360 Survey)	42.0mph	39.5mph
22/08/2017 (LCC Survey)	43.5mph	41.0mph

As stated in TA 22/81, recorded speeds can vary from hour to hour, from day to day and from month to month and may produce a difference of more than 5kph (3mph) between the highest and lowest levels of speed recorded. If a further speed survey was commissioned and undertook tomorrow the results would be different again. A difference of 1.5mph (41mph to 39.5mph) is considered negligible and within a degree of tolerance as stated earlier (5kph). It should be noted also that the speed survey was undertaken in the vicinity of the site access and recorded vehicular speeds travelling in both westbound and eastbound directions. The approach and methodology used accords with the relevant guidance and the results are considered acceptable. The latest speed survey results only further support and demonstrate that the data submitted within the Transport Assessment is fit for purpose.

To maintain and reduce vehicular speeds on Kettering Road, a comprehensive speed reduction scheme is proposed in the vicinity of the site access which is to extend towards the A6 junction with the aim of reducing westbound vehicular speeds. This scheme is to include:



- A new village gateway;
- Relocated speed limit;
- New signage / lining – to include dragons teeth / repeaters;
- Street lighting (to be determined at detailed design stage)
- Carriageway narrowing;
- Coloured surfacing;
- Carriageway markings (including dragons teeth markings);
- VAS signs; and
- Central refuge islands.

With observed speeds identified from the east as 39.5mph and with the package of measures proposed it is considered that the visibility splays should be provided in accordance with the 6C's Design Guide and Manual for Streets standards (as identified in Appendix L of the 6C's Design Guide).

The following visibility splays can be achieved to the left of the site, as shown on Drawing 11704-06-003-A05:

- 2.4m x 67.6m (from 1:05m to 0.26m);
- 2.4m x 81.0m (from 1:05m to 0.6m); and
- **2.4m x 96.5m (from 1:05m to 1.05m);**

The required visibility splay to the east and also from the right turn lane are as follows, in accordance with the relevant speeds (calculated speeds using the attached spreadsheet):

- 36mph = 65.5m
- 37mph = 68.4m
- 38mph = 92.1m\*
- 39mph = 96.0m
- **39.5mph = 97.9m**

Note: \* The sudden increase corresponds to the change in driver perception times and declaration rates associated with speeds above and below 37mph.

6.42 The County Highways Officer response 28/9/17 after considering the revised proposals is as follows.

### **Background**

The Local Highway Authority (LHA) provided an initial formal response on July 27<sup>th</sup> 2017 which detailed an initial appraisal of the application proposed. This advice concluded further assessment work was required to demonstrate if safe and suitable access could be achieved to the site.

Following this initial response, no further information or assessment work had been received by September 8<sup>th</sup> 2017 at which time Harborough District Council, as determining Local Planning Authority requested the LHA to issue its final formal advice ahead of the scheduled planning committee. In the absence of any further submission, the LHA commissioned and undertook its own independent speed survey. Recorded speeds, undertaken in accordance with DMRB TA22/81, approaching the proposed site from the East along Kettering Road were shown to be 44mph. This finding validated the concerns previously raised with the access strategy proposed. The LHA therefore had no alternative than to advise refusal on highway grounds.

However, the LHA were then reconsulted on September 13th 2017 on a package of off-site mitigation measures which the applicant had submitted to seek to reduce vehicular approach speeds along Kettering Road.

Drawing reference **Traffic Calming Proposals 11704-06-005-1**, dated 11<sup>th</sup> September 2017 details the mitigation proposed and includes:-

- A new village gateway feature;
- Relocated speed limit;
- New signage / lining to include dragons teeth / repeaters;
- Street lighting (to be determined at detailed design stage)
- Carriageway narrowing;
- Coloured surfacing;
- Carriageway markings (including dragons teeth markings);
- VAS signs; and,
- Central refuge islands.

Following technical review of the mitigation proposed, the LHA considers that a sufficient reduction in vehicle approach speeds can be derived to bring required visibility splays in line with what can be achieved on site. The mitigation measures now proposed would also impact on driver perception aiding in alerting drivers of the potential for turning movements and bring about driver behaviour more synonymous with entering the built up residential extent of Market Harborough. This therefore overcomes one of the paramount concerns with the previous proposal which was the increased likelihood and severity of the potential conflict of introducing turning movements just over the brow of a hill on a 60mph stretch of Kettering Road.

Whilst certain aspects of the mitigation proposed would not be supported by the LHA, such as coloured surfacing, the general principles of the mitigation are acceptable and can therefore be dealt with under the Section 278 technical approval process associated with scheme delivery of an appropriately worded planning condition.

#### **Site Access**

Access is proposed from Kettering Road via a new priority 'T' junction and shown in drawing reference **Proposed Site Access 11704-06-003-A05**. The proposed access has been designed with the following characteristics and following review by the LHA, is considered acceptable for the scale of residential development proposed:-

- 5.5m carriageway;
- 2x2m footways;
- 6m radii;
- 3.3m wide ghost island right turn lane; and,
- 2.4m x 88m / 93m visibility splays.

The Highways Officer concluded no objection subject to conditions relating to the site access, visibility splays and off-site highway works and construction traffic management plan.

#### **h. Ecology and Trees:**

6.43 Policy CS8 relates to protecting and enhancing green infrastructure and part (d) relates to biodiversity. The Framework states that when determining applications, LPA's should aim to conserve and enhance biodiversity.

6.44 The site is not a designated ecological site. The applicant originally did not submit an Ecological Impact Assessment. The County Ecologist stated that the site is on grassland marked with ridge-and-furrow; an indicator that it may be species-rich. A

pond is present on site, which is known to have great crested newts when last surveyed in 2009 in association with the adjoining development. There are records of badgers. The GCN pond is shown for conversion to a nature reserve/attenuation pond, which could harm GCN habitat, if they are still present. It must be informed by a full survey. Therefore the Ecologist recommends refusal of the application pending submission of a great crested newt survey, badger survey and extended Phase 1 habitat survey. Also one Ash tree (T5, along the southern boundary) would meet out local wildlife site criteria as a veteran tree. It is shown on the masterplan for retention; this would need to be a condition of the development.

- 6.45 An Ecology report has been submitted and states that the grassland habitat is not species rich, and no evidence of badgers resident on the site were found, all previous setts appear to be disused, although there are signs of badger activity on the site. There is a small population of Great Crested newts on site. The County Ecologist considered the additional surveys are fine, and the mitigation proposals are acceptable, however, I would like to see a new Great Crested newt pond created close to the existing pond, as a fish-free pond would benefit the GCN population. It is referred to as a possibility but there needs to be a firmer commitment. The applicant has proposed a dual use drainage and ecology basin within the site. The County Ecologist's final comments are no objection subject to conditions relating to mitigation proposals in the ecology report and drainage plan (see condition 12).
- 6.46 There is no vegetation within the site, only around the boundaries of the site. The submitted Tree report states that the trees on site are mostly self set Ash G4-G7 category B/C, with the only significant tree is a mature Ash T5 on the southern boundary Category B. The hedgerows are primarily unmanaged hawthorn. All trees are proposed to be retained; the root protection area is shown on the Tree Constraints plan. The LCC Arboricultural officer has advised that the Arboricultural report provides all the necessary details to inform an appropriate layout which would retain the best trees and hedgerow. These are all at the perimeter of a field, therefore it should be straightforward to design a proposed layout which avoids root protection areas and shade.

#### **i. Archaeology:**

- 6.47 Policy CS11 seeks to protect, conserve and enhance heritage assets, in particular part d) iv) seeks to safeguard non-scheduled nationally important archaeological remains and other areas of archaeological potential.
- 6.48 The Leicestershire and Rutland Historic Environment Record (HER), in tandem with the desk based assessment and geophysical survey submitted indicates that the application area possesses a high potential to contain significant archaeological remains. Recent investigations of the Overstone House development site to the south, revealed evidence of a number of discrete, but quite extensive clusters of archaeological remains, including a Roman farmstead and later pre-historic archaeological remains. Within and adjacent to the site scatters of thither material and individual finds suggest the presence of early prehistoric and Anglo Saxon archaeological remains. The Geophysical survey demonstrated the presence of a number of anomalies of probable archaeological origin. Their interpretations of a later pre-historic or Roman settlement/agricultural site is likely to be accurate, and it is therefore considered that the heritage interest can be managed satisfactorily by a staged programme of post-determination archaeological mitigation, commencing with an initial phase of trial trenching. In the light of para.141 of The Framework, the County Archaeologists has no objection, subject to a condition relating to a programme of archaeological work (see Condition 18).

## **j. Drainage**

- 6.49 The Flood Risk assessment submitted with the application identifies the site as located within Flood zone 1 which is defined as having a low probability of flood. The Applicant has submitted a Flood Risk Assessment (March 2017)
- 6.50 Foul water drainage can be achieved by connecting to the main sewers in the vicinity of the site. A gravity driven foul system will be achievable to the existing public foul sewers in the Kettering Road.
- 6.51 Surface water drainage should be dealt with in a sustainable manner to ensure that surface water flows are the same or less than from an un-developed site. Due to local ground conditions an infiltration based sustainable drainage system will be unsuitable and there are no suitable watercourses or ditches around the site. Discharge to the local sewer is the only option with detention basins to achieve appropriate run-off rates.
- 6.52 The LLFA originally objected to the scheme, requiring further investigation. The applicant has provided the additional information, the LLFA have revised their observation to no objection subject to conditions relating to surface water drainage scheme, Construction surface water management plan, Sustainable surface water drainage system details and LT maintenance (see conditions 14-17). Anglian Water recommends conditions relating to surface water drainage strategy.

## **k. Sustainable Development**

- 6.53 The Framework identifies three dimensions to sustainable development – economic, social and environmental. Taking each of these in turn the following conclusions can be reached.
- Economic: new construction jobs through construction of roads and houses; payment of the Housing bonus; no loss of high quality agricultural land. Additional expenditure will benefit local facilities and services.
  - Social: the site is in an accessible location, health and well-being of the expanding local community. Provision of significant level of market and affordable housing, which contributes to local housing need.
  - Environmental: The site is not subject to a national or local landscape, ecological or heritage designation and is not in an area at risk from flooding. The proposal due to its design and mitigating factors is not considered to demonstrably harm the character and appearance of the countryside.

## **l. Planning Obligations**

- 6.54 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.
- 6.55 Policy CS12 provides that new development will be required to provide the necessary infrastructure which will arise as a result if the proposal,. More detailed guidance on the level of contributions is set out in the Planning Obligations SPD (Jan 2017) and Leicestershire Developer Guidance Note (2014).

- 6.56 Therefore Appendix A identifies the developer contributions sought by consultees, assessment as to whether the requests are CIL compliant and a suggested trigger point to advise when the contributions should be made. Officers consider that all requests are CIL regulation 122 and 123 compliant.

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

- 7.1 The Council does not currently have a 5 year housing land supply, therefore para.14 of The Framework is engaged. The provision of 65 dwellings will make a reasonable contribution to the Council Housing and supply. The proposal has demonstrated that the visual and landscape impact to the rural area can be mitigated as demonstrated by the amended Illustrative Masterplan, therefore the harm to the rural area is not considered to be significant.
- 7.2 Furthermore existing residential amenity issues are not adversely affected by the proposal. Also the technical issues relevant to the site concerning Archaeology, Drainage and Ecology have been overcome and are now considered acceptable.
- 7.3 Access is to be determined at this stage. The safe access from the site onto the Kettering Road is considered a significant material consideration given the recorded speeds and geometry of the road. Highways safety concerns have been addressed by the applicant in terms of providing a suitable access point (carriageway width, radii and footways), a wide ghost island right turn lane, visibility splays and traffic calming measures. This has resulted in Highways withdrawing their reasons for refusal. The proposal therefore conforms to Policy CS11 of the Harborough District Core Strategy and Sections 4 of the Framework.

## **8. Conditions**

### **Outline planning permission commencement**

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

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

### **Approval of reserved matters**

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.

### **Reserved matters to be submitted**

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.

**Revised plans:**

4. This consent relates to the application as amended by revised plan no. N0377(08)010 REVA (indicative masterplan) plus plan ref: N0377(08) 001 (site location plan); N0377 (08) 011 (indicative sections); (03) 006 (Levels overlay plan); WIE/SA/92/002/A01 (ecology and drainage plan); 003/A05 (proposed site access plan); and 005-1 (traffic calming proposals) attached to and forming part of this consent.

REASON For the avoidance of doubt.

**Indicative masterplan:**

5. The details submitted as part of the reserved matters application shall be as set out in the Indicative masterplan ref: N0377(08)010 REVA.

REASON: For the avoidance of doubt and in the interests of residential amenity and the rural area and to accord with Harborough District Core Strategy Policy CS11 and CS17.

**Materials:**

6. No development shall commence on site until a schedule indicating the materials to be used on all external elevations of the approved dwellings and garages 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.

**Site Access:**

7. Prior to first occupation of the development hereby permitted, the site access, visibility splays and off-site highway works shown generally on drawing reference proposed site access plan 11704-06-003-A05 and traffic calming proposals 11704-06-005-01 have been constructed and open for use.

REASON: In the interests of highway safety and in accordance with Paragraph 32 of The National Planning Policy Framework 2012.

**Construction Traffic Management plan**

8. No development shall commence on the site until such time as a construction traffic management plan, including details of the routing of construction traffic, wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The 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 to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

**Landscape Management Plan**

9. The layout and landscape details required in the reserved matters applications (condition 1) shall include:

- a) details of new planting and mound features as set out in the Indicative masterplan Rev A; LVIA by Influence ref: INF\_N0377 R02 Rev A dated 28/03/17 and The Landscape Partnership report dated 8th June 2017 ;
- b) details of hard landscaping/surfacing materials;
- c) details of existing and proposed site levels, including mound features and finished floor levels of any buildings; and
- d) details of means of enclosure; and
- e) details of the Sustainable drainage systems

The development shall thereafter be implemented in accordance with the approved details.

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

### **Landscape Management plan**

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

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

### **Tree protection:**

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

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

### **Ecology:**

12. The development hereby approved shall be implemented in accordance with mitigation measures/recommendations as detailed in the Ecology survey and biodiversity mitigation strategy (Aspect Ecology July 2017) and a supplementary pond creation plan as part of the drainage scheme (plan: Waterman WIE/SA/92/001/A01). The development shall thereafter be implemented in accordance with the approved details.

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

### **Noise:**

13. The development hereby approved shall be implemented in accordance with Conclusions and mitigation measures as detailed in the NVC noise survey dated 2nd March 2017. The development shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of resident's amenity and to accord with Policy CS11 of the Harborough District Core Strategy.

**Surface water drainage:**

14. No development shall commence on site until full details of the means of surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity.

REASON: To ensure the satisfactory drainage of the site and to accord with Harborough District Core Strategy Policy CS10.

**Management of Surface water:**

15. No development shall commence on site until full details in relation to the management of surface water on site during construction 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 retained in perpetuity.

REASON: To prevent the 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 construction phase and to accord with Harborough District Core Strategy Policy CS10.

**Maintenance of surface water:**

16. No development shall commence on site until full details of the long term maintenance of the sustainable surface water drainage system for the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity.

REASON: To establish a suitable maintenance regime that maybe monitored overtime that will ensure the long term performance, both in term 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.

**Infiltration details:**

17. No development shall commence on site until details of the infiltration testing have 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, and submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity.

REASON: To demonstrate that the site is suitable (or otherwise for the use of infiltration techniques as part of the drainage strategy.

**Archaeology:**

18. a) No demolition/development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:



- o The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
  - o The programme for post-investigation assessment
  - o Provision to be made for analysis of the site investigation and recording
  - o Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - o Provision to be made for archive deposition of the analysis and records of the site investigation
  - o Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- b) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under Section (a).
- c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under section (a) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure satisfactory archaeological investigation and recording

Request by HDC	Obligation for Community Facilities contribution		
Amount /Detail	Delivery	CIL Justification	Policy Basis
65 dwellings x £735 (charge per dwelling for new build/extension/ and upgrade projects in existing premises = £47,775	50% prior to commencement  50% on completion of 50% of the total number of dwellings	<p>New Scout Hut (1<sup>st</sup> Bowdens')- Construction of a new purpose built facility suitable for future development of Scouting in Little Bowden. The current building is of a very poor standard with minimal insulations and constant maintenance issues. New building will be more sympathetic to its surrounding and will be modern eco performing.</p> <p>New cricket / squash club house - needed as the current one is a wooden building was built in 1967. New club house will be social place for both clubs (which are on the same site) and will also be available to the community for exercise classes, social gatherings, meetings and available for hire. Children's clubs, pre-school, business networking meetings, kitchen hire for learning disability groups and any other social groups throughout the year.</p> <p>St. Dionysius Community Hall extension to increase capacity – The Hall is at full capacity options are to extend hall into the car par (losing 1 car space gain 30sqm. extra, losing 2 spaces will provide 50sqm. Alternatively, there is the option to build into the roof but further consideration is needed for this option. Current regular hall users are Little Acorns Pre School/Sea Cadets/ 2 x Pilates Group/Dance Activate/ The Mothers Union/Tea @3/ The Brownies and regular children's parties.</p> <p>Demolition and rebuild of MH Tennis Clubhouse- Current clubhouse is a timber shed which is 54 years old with poor security and lacks effective heating or insulation. The retention of existing membership, growth from new members, wider health needs of the district and population growth planned for Market Harborough, make the delivery of a new</p>	<p>Core Strategy CS12.</p> <p>Assessment of Local Community Provision and Developer Contribution (Roger Tym Report, October 2010)</p> <p>Planning Obligations SPG (Jan 2017)</p>

		clubhouse and extended floodlighting of paramount importance in order to accommodate the widening needs of the expected membership base.	
<b>Request by HDC</b>	<b>Obligation for Affordable Housing</b>		
<b>Amount /Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
Seek 30% affordable housing. 65 dwellings equals 20 AH units. Our tenure split requirements are for the affordable requirement to be provided as 60% rented and 40% to be provided as intermediate or shared ownership	50% to be built out and transferred to a Registered Provider (RP) prior to 50% build out of the market dwellings. The remaining 50% to be built out and transferred to RP prior to 75% of build out of the market dwellings.	<p>A fundamental objective of the CS is to meet the need for affordable housing (CS Objective 1 and CS Policy CS2). CS Policy CS3 seeks a proportion of new dwellings within developments to be affordable.</p> <p>Providing housing on site will result in an inclusive, sustainable development. The size and tenure of affordable housing is based on the current needs of those on the Councils waiting list.</p>	<p>Core Strategy Policy CS3</p> <p>This policy aims to increase provision of affordable housing, particularly in rural areas, in order to meet the high need across the district as demonstrated in the SHMA and HEDNA.</p> <p>Affordable housing SPD 2006.</p> <p>Planning Obligations SPG (Jan 2017)</p>
<b>Request by HDC</b>	<b>Obligation for Greenspaces</b>		
<p>Parks and gardens - on site = 0.07475ha</p> <ul style="list-style-type: none"> <li>• Outdoor sports facilities = £106,145.00</li> <li>• Amenity greenspace = oversupply</li> <li>• Natural and semi-natural greenspace – on site = 0.22445ha</li> <li>• Children and young people provision – on site = 0.04485ha</li> <li>• Allotments - not sustainable on-site – off-site contribution = £3,139.50</li> <li>• Greenways – off-site = £17,790.50</li> <li>• Cemeteries and burial grounds – off-site contribution = £11,885.50</li> </ul>	TBC	<p>I note the sustainable links and bridleway adjacent to the site. We will be seeking off site contributions for 'greenways' to upgrade the surfaces and giving appropriate gated access. In addition signage will be installed to indicate the sustainable links in proximity of the site.</p> <p>The central area that runs east of the trig point could be used for semi natural greenspace. In addition I would suggest mown access paths to an item of children's play equipment that can make best use of the height at this point such as a spider web rope net pyramid e.g. <a href="https://www.hucknet.com/playground/category/1853/">https://www.hucknet.com/playground/category/1853/</a></p> <p>The attenuation pond and other natural spaces can count towards the provision of natural and semi natural greenspace.</p> <p>The commuted sums for maintenance are</p>	<p>Planning Obligations SPG (Jan 2017)</p>

		<p>given, but there is no payment of commuted sums unless the Local Authority agree to adopt the POS. it is unlikely that the LA will adopt and the developer may choose to place the open space in the hands of a management company.</p> <p>A landscape management plan should be provided to give assurance that the POS will be maintained in perpetuity.</p> <p>The off site contribution for outdoor sports facilities may be required for upgrading existing facilities in Market Harborough. Suitable projects will be identified at existing sports facilities with clubs schools or community groups. Current projects in Market Harborough that require funding are Market Harborough Tennis Club (floodlights and club house), Market Harborough Cricket Club (club house).</p>	
<b>Request by NHS</b>	<b>Obligation for 2 Doctors Surgeries in Market Harborough</b>		
168 x 0.0869 x £2,994 = £40,205	TBC	<p>The development is proposing 65 dwellings which is based on an average occupancy of a dwelling of 2.4 which would result in an increased patient population of approximately 168 patients.</p> <p>Changes in medical practise, with increasing transfer of work from secondary care, means that not only does the practises have more patients now, but they attend the surgery more frequently. To accommodate these pressures, the practice staff will need to expand and additional consulting rooms will be required and more car parking spaces.</p> <p>Both practices will need to extend current premises to mitigate the impact of the proposed population. Additional medical equipment will also be required to accommodate the increased growth in patient list sizes.</p>	<p>Planning Obligations SPG (Jan 2017).</p> <p>Department of health calculation in HBN11-01: Facilities for Primary and Community Care Services</p>

<b>Request by HDC</b>	<b>Obligation for Monitoring Fee</b>		
<b>Amount /Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
District contribution – 15% of application fee or £250 per contribution.	TBC	It is appropriate for the Council to recover the costs associated with the negotiation, production and subsequent monitoring of developer payments. This covers the legal costs of creating agreements, any costs associated with obtaining independent or specialist advice to validate aspects of the contributions and costs of monitoring.	Planning Obligations SPG (Jan 2017)
<b>Request by LCC</b>	<b>Obligation for Libraries</b>		
<b>Amount /Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
65 x 2+ bedroom house/apartment @ £30.18 per house/apartment = £1,960.00	TBC	The nearest library is Market Harborough Library on Adam and Eve Street. The contribution is sought for audio visual materials for loan and reference use to account for the additional use from the proposed development. It will be placed under project no. HAR005, there are currently four other obligations under HAR005. The library has an active borrower base of 7,955 people, currently borrow on average 20 items a year. 48% adults have used a public library service in the past year, consequently the proposed development is likely to generate an additional 94 plus users and require an additional 226 items of lending stock.	Planning Obligations SPG (Jan 2017)  Leicestershire Planning Obligations Policy Adopted 3 <sup>rd</sup> December 2014
<b>Request by LLC</b>	<b>Obligation for Education</b>		
<b>Amount /Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
Primary 13 (deficit places) x 12,099.01 (DFE cost multiplier) = £157,287.13  Secondary £0-146,772.76  Special school £0	TBC	The site falls within the catchment area of Meadowdale School. The school has a net capacity of 420 and 400 pupils are projected on this roll should this development proceed; a surplus of 20 pupil places. There are currently no pupil places being funded by S106 agreement from other developments in the area to be deducted. The overall deficit including all schools within a 2 mile walking distance of the development is 13 pupil places. A claim for an education contribution of 13 pupil places in the primary sector is justified.	Planning Obligations SPG (Jan 2017)  Leicestershire Planning Obligations Policy Adopted 3 <sup>rd</sup> December 2014

		<p>Secondary schools - There is an overall surplus in this sector after including all secondary schools within a 3 mile walking distance of the development of 17 pupil places. An education contribution. However, if the another application 15/02006/OUT Land ad. To Overstone House, Kettering Road which if determined prior to or at the same time as this one, would create a cumulative impact on Secondary school places. Both sites would create a need for 112 places, there is currently a surplus of 28 places, the effect of two developments would be deficit of 84 pupils places. Should the two developments be approved the forecast surplus places be apportioned to the development on a pro-rata basis with S106 contributions calculated on a per-dwelling basis.</p>	
<b>Request by LLC</b>	<b>Obligation for Civic Amenities</b>		
<b>Amount /Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
65 units x £80.04 per dwelling/unit = £5,203.00	TBC	<p>The nearest civic amenity site is located in market Harbbrough and residents of the proposed devleopemnt are likely to use this site. This would be used to mitiate th eimpacts arising from the increased use fo the civic amenity site. For example by the acquistion of addiitonal containers otr the management of traffic into and out of the site. Each household in Leicestershire 2012/13 delivered approximately 0.276 tonnes of municipal waste to a civic amenity site. On that basius 65 dwellings would deliver 17tonnes of additional watste, this places additional demand on the site and the request for a contribution would meet this demand. Governement legislation is focused on maximising the diversion of waste from landfill and LCC must have apprparite containers/storage areas to deal with the difference typs of waste. Due to the complex nature of the waste received at the site it will become increasingly difficult overtime to maintain performance and a good level of service., particualalr with an increase in demand placed on it due to this devleopemnt.</p>	<p>Planning Obligations SPG (Jan 2017)</p> <p>Leicestershire Planning Obligations Policy Adopted 3<sup>rd</sup> December 2014</p>

		<p>The contribution would be used on project reference MKH006 in the market Harbbrough Civic amneity site by up-grade the current 40 cubic yard containers to 50 cubic yards containers..</p> <p>There are no other known o rpotential obligations from other approved devleoepmnts since April 2010, that affect Market Harbororough civic amenity site which may also be used to fund project MKH006.</p>	
<b>Request by LLC</b>	<b>Obligation for Highways</b>		
<p>A contribution towards improvements to the Market Harborough Town centre Transport Strategy as considered appropriate by Harborough District Council in consultation with Leicestershire County Council.</p>	TBC	<p><u>Market Harborough Town Centre Transport Strategy</u></p> <p>The Market Harborough Town Centre Transport Strategy defines the key transport strategies and supporting evidence for the Harborough District Council Local Plan up to 2031. The Town Centre Study and its defined transport improvements will enable the transport network to satisfactorily facilitate growth, such as this development site, up to 2031 and beyond.</p> <p>One of the core objectives of the Town Centre Study is to ensure and advance the economic prosperity of this vibrant market town. As part of the forecast future growth development testing and as part of previous planning permissions, such as the Harborough Strategic Development Area (SDA), contributions and funding has enabled the delivery of many network improvements following testing through the LLITM WebTAG compliant model. Further study development and scheme refinement work continues on the transport improvements utilising advanced micro-simulation.</p> <p>As Market Harborough continues to grow to meet future local housing and employment needs, pressures on the local road network increase. The current Local Plan makes it clear that transport measures need to be considered to deal with the impact of development in the town.</p> <p>In 2015 Leicestershire County Council and Harborough District Council approved work to explore in more detail current and future transport issues, identify possible transport solutions and develop a transport strategy for the town. The study was completed in July 2016 and looked at vehicle movements to help understand how the transport network is being used. It also looked at where the greatest levels of congestion occurred on the network; and where these will occur in the future taking into account known future growth.</p> <p>The work to date has outlined some initial ideas and proposals, which aim to help address current and potential future transport issues in the town and help the town continue to thrive as it expands in the future. Market Harborough is an attractive and prosperous town with a host of facilities, services and amenities to offer and thus a key attractor for both private car and sustainable travel movements.</p> <p>It is intended that the transport strategy will not only assist with the implementation of Harborough District Council's new Local Plan, but it will also ensure that the County Council continues to deliver an efficient transport network and develop well planned infrastructure to support economic and population growth ambitions in the town.</p>	<p>Market Harborough Town centre Transport Strategy</p>

<p>Bus travel packs, one per dwelling (LCC maybe able to supply these at an average cost of £52.85 per pack)</p> <p>6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer at an average cost of £360 per pass);</p>		<p>Justification: to inform new residents from first occupation what sustainable travel choices are in the surrounding area.</p> <p>Justification: to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car.</p>	
<b>Request by LLC</b>	<b>Obligation for Footpath</b>		
£75,520 with 20% contingency	TBC	<p>Bridleway A71 runs to the north of the proposed development. This route is described as an ancient bridleway in the Inclosure Award for Little Bowden. Recent developments to the north and the closing off of an informal alternative route immediately to the south within the current application site) which the public had been accustomed to use for many decades, have left the bridleway in condition where the public now have to climb a steep bank making it difficult to use by pedestrians and more particularly horse riders. If the development of new housing to the south of the path proceeds it is likely to significantly increase the footfall of users of the path. In addition to horse riders and pedestrians, cyclists are entitled to use public bridleways. The proposed development is also likely to encourage more cyclists to use the bridleway. Currently the path retains some degree of rural character and use but if development occurs to the south of it, the path will, as a direct consequence, change in character from rural to sub-urban and more importantly the public will reasonably expect a better quality of surface in the suburban environment.</p> <p>As a consequence of the development</p>	<p>Planning Obligations SPG (Jan 2017)</p> <p>Leicestershire Planning Obligations Policy Adopted 3<sup>rd</sup> December 2014</p>



		<p>the path will require significant upgrading.</p> <p>To comply with Government guidance in the NPPF, the CIL Regulations 2011, and the County Council's Local Transport Plan3, the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use:</p> <ul style="list-style-type: none"> <li>• A contribution for the costs of providing Public Bridleway A71 with a fully constructed stone to dust surface throughout its length and including a switch-back graded ramp, as indicated (approximately) on the plan.</li> <li>• A contribution for vegetation clearance.</li> </ul> <p>The path is approximately 280 metres long and would need a minimum surface width of 2.5 metres. The construction of a switch-back ramp would increase the length by approximately 45 metres to 325 metres. Square meterage of surface to be provided is therefore <math>325 \times 2.5 = 812.5 \text{ m}^2</math>. The LCC (Leicestershire Highways Operations) cost model identifies the cost of constructing a stone to dust path of this type at £75/m<sup>2</sup>. <math>812.5 \times 75 = £60,937.5</math></p> <p>I would therefore request a contribution for construction of a surface for the bridleway of £60,937.5 plus £2,000 for vegetation clearance which comes to £62,937.5. With a 20% contingency sum this comes to a total of <b><u>£75,520.</u></b></p>	
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### Planning Committee Report

**Applicant:** S & S Contracting Ltd.

**Application Ref:** 17/00654/FUL

**Location:** Ashby House Farm, Church Lane, Hungarton

**Proposal:** Erection of two dwellings and associated and installation of new access (revised scheme of 15/01129/FUL)

**Application Validated:** 21/04/17

**Target Date:** 16/06/17 (extn. of time agreed)

**Consultation Expiry Date:** 10.10.17

**Site Visit Date:** 05/06/15

**Case Officer:** Naomi Rose

### Recommendation

Planning Permission is **Approved** subject to conditions as set out in section 8.

The development hereby approved would not adversely affect the listed building and its setting, nor the form, character and appearance of the settlement and conservation area, resident's amenity, nor result in additional traffic which would give rise to a road safety hazard. The proposal is therefore considered to accord with Harborough District Core Strategy Policies CS11 and CS17 and no other material considerations indicate that the policies of the development plan should not prevail, furthermore the decision has been reached taking into account 186-187 of the National Planning Policy Framework.

### 1. Site & Surroundings

- 1.1 The site is on the southern edge of Hungarton village, on the south side of Church Lane, a narrow lane off Main Street. The Lane continued to slope downward to a dead end and footpath. The site consists of wide stone and brick with slate roof listed farmhouse (Grade 2) that abuts the Lane. A detached garage is to the west side of the house and to the east side attached brick, stone and metal outbuildings (listed). The rear garden slopes steeply downwards to the south and the brook. The application site is the cleared site of what was a large metal corrugated agricultural shed.
- 1.2 The site has residential dwellings to the west (Brook Cottage) and east (Cootheridge). Opposite and to the north on higher ground is the Church, the church yard and stone wall. To the rear is a Brook and fields that slope upwards to Quenby Hall across the fields are two footpaths.



View from Church Lane



View of the site from the proposed access point to Church Lane





View from the south of the site (PRoW D40), next to the Brook



View from Public right of way D40 next to the Brook (showing the previous large agricultural building)

- 1.3 Public Rights of Way:  
D40 runs south-east of the site  
D41 runs south of the site

## 2. Site History

- 2.1 15/01129/FUL Demolition of a cattle shed and timber sheds and the erection of two dwellings and a detached garage Approved 7.01.16.

### 3. The Application Submission

#### a) Summary of Proposals

- 3.1 Is the erection 2 dwellings (1 x 3 bed and 1 x 4 bed). Plot 1 has a single car port and Plot 2 has a double garage. Plus an extra 2 parking spaces each for each dwelling. Two existing brick/stone stores at the front of the site are to be retained and converted to stores for each dwelling. The existing access point will be improved a stone wall erected and it will serve both properties.

#### Amendment A:

##### Plot 1:

- Reduction in the length of the dwelling (3m);
- Slightly moved away from the listed farmhouse (80cm);
- Four bed to three bed (as per original approval);
- Step in wall of west side wall; and
- Reduction in the height of the dwelling.

##### Plot 2:

- Re-siting of dwelling further to the west;
- Reduction in the height (80cm);
- Gabion baskets removed;
- Alteration to link between the house and garage to flat roof (bedroom 2 and en-suite);
- Omission of rooflights to front elevation of outbuilding.

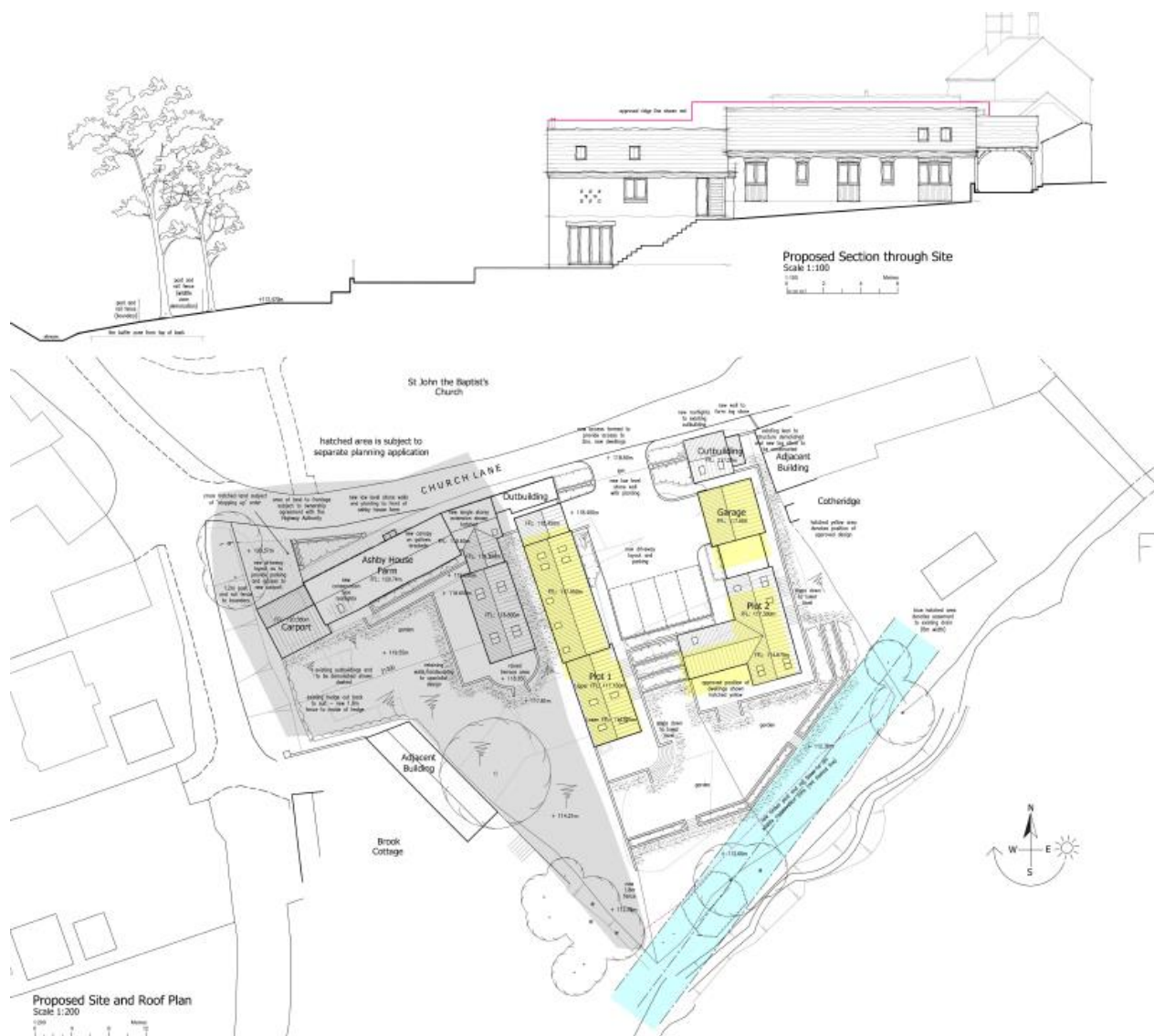
#### Differences between this application (as revised) and the previous approval 15/01129/FUL:

##### Plot 1:

- Reduction in the height of the dwelling.
- Elevational design changes;
- Omission of double garage; and
- Addition of a car port.

##### Plot 2:

- Reduction in the height;
- Front listed outbuilding changed from a store to office/annex.;
- Three to four bedroom
- Omission of double garage (quadruple to double garage);
- Partly setting back the elevation facing the Brook;
- Elevational design changes; and
- Infill gap between house and garage with flat roof build.



**Proposed amended site plan**



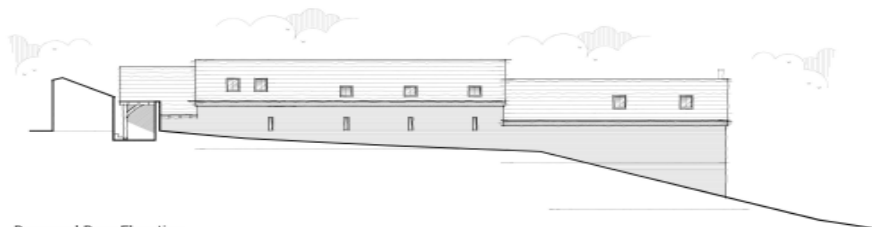
Proposed Front Elevation  
Scale 1:100



Proposed Side Elevation  
Scale 1:100



Proposed Side Elevation  
Scale 1:100



Proposed Rear Elevation  
Scale 1:100

## DETAILED PLANNING PROPOSALS ~ PLOT 1

PROPOSED RESIDENTIAL DEVELOPMENT - ASHBY HOUSE FARM - HUNGARTON - LEICESTERSHIRE

### Proposed amended Plot 1



Proposed Front Elevation  
Scale 1:100



Proposed Side Elevation  
Scale 1:100



Proposed Rear Elevation  
Scale 1:100



Proposed Side Elevation  
Scale 1:100



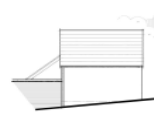
Proposed Front Elevation - Outbuilding  
Scale 1:100



Proposed Side Elevation - Outbuilding  
Scale 1:100



Proposed Front Elevation - Outbuilding  
Scale 1:100



Proposed Side Elevation - Outbuilding  
Scale 1:100

## DETAILED PLANNING PROPOSALS ~ PLOT 2

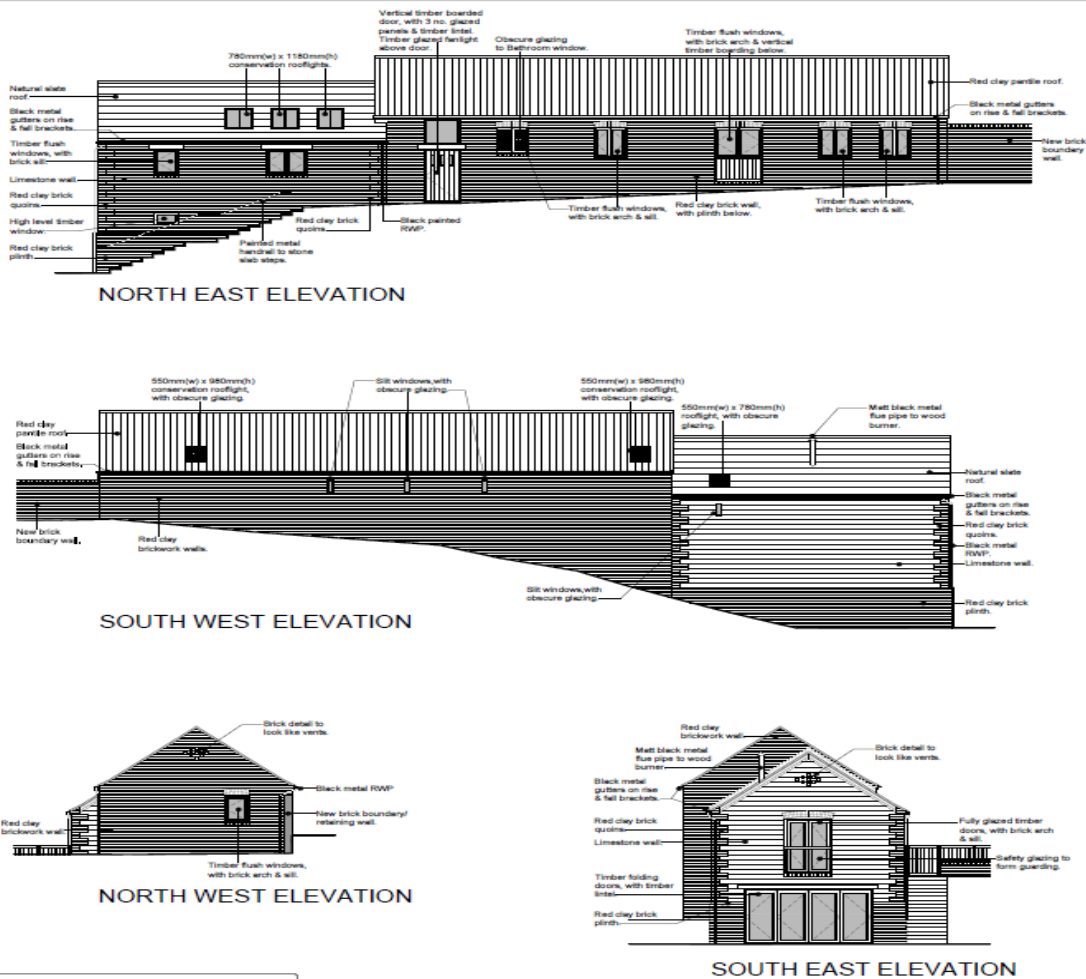
PROPOSED RESIDENTIAL DEVELOPMENT - ASHBY HOUSE FARM - HUNGARTON - LEICESTERSHIRE

### Proposed amended Plot 2

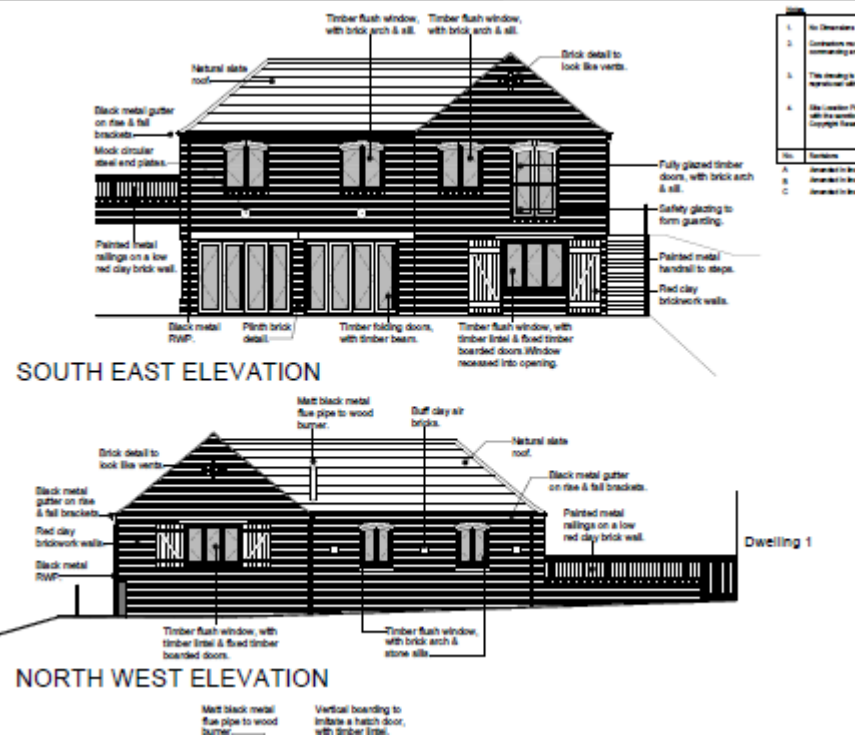








### Previous approval: Plot 1 Elevations



### Previous approval: Plot 2 Front and rear elevations

- 3.3 The site is within the conservation area and village boundary of Hungarton. Ashby House Farm is a Grade 2 listed building. Brook Cottage and the Church are all listed buildings.

#### **b) Documents submitted**

i. Supporting Statements

- 3.5 The application has been accompanied by the following supporting statements:

- Design and access statement

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

- 4.1 Consultations with technical consultees and the local community were carried out on the application: firstly at the initial consultation stage and then following the receipt of additional information / amended plans.

- 4.2 A summary of the technical consultee responses received are set out below.

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

4.3 *Lead Local Flood Authority:*

No comment, see standing advice

4.4 *Highway:*

No objection: subject to conditions relating to parking, access width and visibility

4.5 *HDC Contaminated Land Officer:*

No objection, subject to conditions relating to risk based land contamination report and verification report

4.6 *LCC Archaeology:*

No further action

4.7 *Ecology:*

No objection, subject to the provision of a 6m semi-natural vegetation buffer along the brook corridor, bats survey and nesting birds.

4.8 *Conservation Officer:*

No objection

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

- 4.8 Parish: 17/5/17 Objects (response to the original plans): (1) increase in bedrooms from two 3 bedroom properties to two four bedroom properties conflict with Neighbourhood plan policy H% on housing mix (2) increased scale/size; (3) use of gabions industrial in nature not suitable in rural conservation area (4) impact upon neighbouring properties in terms of light and privacy two of which are listed (5) large amount of glazing incongruous in rural setting directly in line of vision of medieval church from the south; (6) houses should not jut out into the open countryside; (7) there should be a wildlife buffer zone; (8) scale of development is inappropriate given the sloping contours of the site (9) houses either side are built with the slope of the land here it fights against it and as such is un-sympathetic; (10) increase in traffic and parking.

- 4.9 Parish 26/8/17 (prior to re-consultation on revised plans) Supports (1) points applicant to guidance on fenestration in particular windows see the Parish Councils website.

Parish 10/10/17 comment one of the properties is still 4 bedroom property despite the NDP specifying a need for 2-3 bedroom properties, Policy H2.

**POLICY H5: HOUSING MIX – The mix of housing within the allocated sites has been specified in Policy H2. All proposals for the Reserve Sites, should they be required, will be expected to demonstrate how the proposal will meet the current and future housing needs of the parish as evidenced in the Parish Housing Needs Survey Report 2016 (Appendix 5) and the Leicester and Leicestershire Housing and Employment Development Needs Analysis 2017 or any more recent document updating either of these reports. Applications for small family homes (2 or 3 bedrooms) or for older people (ground floor accommodation) will be supported where in accordance with other policies. There will be a presumption against larger homes (4 or more bedrooms).**

- 4.10 7 letters (including emails) of objections were received in response to the initial consultation process. A summary of the representations received is outlined below:

- Original plans were smaller and less intrusive;
- Proposal is closer to Cotheridge cause overlooking and loss of daylight;
- Design (oversized modern windows) out of character with the rest of dwellings in the area and village;
- Too large, unsuitable for the site and inappropriate for area;
- Difficult accessibility road can not safely accommodate large amounts of vehicular traffic, particularly during building phase and due to increase in the size of dwellings
- lack of parking on-site lead to parking on narrow Church Lane;
- 4 bedroom properties contrary to NP;
- the previous approved revised plans were achieved after a significant contribution from both Harborough Planning Officers and member of the Hungarton community the new proposal totally disregards the compromises made;
- Small garden size not compatible with the garden in the village;
- Massing and scale detrimental to the street scene, open farmland and public footpath.
- contrary to Neighbourhood plan housing policy regarding housing mix.

Response to Revised plans: none

## **5. Planning Policy Considerations**

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

### **a) Development Plan and material planning considerations**

- 5.2 Please find the relevant policies in the front of the Agenda.

- *The Framework Sections:*

- Section 7: Requiring good design

- Section 11: Conserving and enhancing the natural environment

- Section 12: Conserving and enhancing the historic environment

- *Harborough District Core Strategy:*

CS1 - Spatial strategy  
CS5 – Providing sustainable transport  
CS11 – Promoting design and built heritage  
CS17 – Countryside, rural centres and rural villages

- *Supplementary Planning Guidance*

Note 2 – Residential development

Note 3 Small groups of dwellings and residential development within conservation areas

Planning (Listed Buildings & Conservation Areas) Act 1990, Section 72(1) and 66(1)

## **b) Other Relevant Information**

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

## **6. Assessment**

### **a) Principle of Development**

- 6.1 The principle of the erection of two dwellings has already been established. The previous un-slightly agricultural buildings have been removed.
- 6.2 The neighbourhood plan has been through its referendum 20<sup>th</sup> July 2017, therefore its policies are a material consideration and should be given full weight. The revised proposal has partly addressed third party concerns and reduced one plot to three bedroom property as per the Neighbourhood plan policy, however the other plot is 4 bedroom. Policy H5: Housing mix relates to reserved sites. The application site is neither a reserved site nor allocated site, therefore it is considered that the housing mix policy does not apply. However, given the amendment and that the site already has approval, this is considered acceptable and a refusal based on housing mix unsustainable at appeal.

### **c) Technical Considerations**

1. Impact upon the conservation area
- 6.3 The original scheme resulted in conservation area and residential amenity concerns which were similar to the concerns raised regarding the original scheme on the site in 2015. The Agent addressed this by siting the dwellings further away from the Brook and Cotheridge, reducing the height of the dwellings, retaining a gap between the garage and house on Plot 2.
- 6.4 The site as previously approved forms a small scale courtyard development, with Plot 1 at 90 degree to the road and Plot 2 to the rear of the courtyard in the middle of the application site. As previously stated courtyard developments are not usual in rural villages, or dwellings with outbuilding behind across a rear courtyard. There are similar arrangements in the village at The Barns, Church Lane and Hope House and Hope Farm barns. Therefore the formation of a small courtyard does not adversely affect the character of the conservation village.
- 6.5 The dwellings are slightly lower than previously approved therefore they remain lower than the roof ridge of the farmhouse. Therefore when viewed from the south the dwellings as

previously concluded do not dominate the listed building or other buildings, the listed Church is on higher ground therefore will not be interrupted from views from the south.

- 6.6 As previously, whilst Plot 1 is long it utilises the levels on site, so within the courtyard appears as a single storey dwelling. However when viewed from the south it is a two storey dwelling. The revised proposed dwelling does not adversely affect the area when viewed from the south as it is not too tall at 7.5metres and narrow at 5.4metres, this detail reflects the narrow depth of the listed farmhouse (5m). Therefore from the footpaths to the south a narrow building is still visible, which can considerably reduce the mass of a building in the landscape. The revised proposed dwelling remains long, however this is the same as the previous approval and it is similar to the adjacent properties (Cotheridge and the listed farmhouse). Plot 1 still has a gable end roof, which reflects the adjacent listed building.
- 6.7 The detailing on the elevations of the Plots are sympathetic, the revised design reflects barn style dwelling with the omission of brick quoins and limestone panels. There are many traditional elevational details retained, with natural slate roof material, red brick walls, black metal gutters on rise and fall brackets, timber flush windows with brick cill, brick arch above the windows, metal handrail and stone slab steps and conservation style rooflights. The introduction of a large glazed elevation is not considered to adversely affect the listed building or views of the conservation village.
- 6.8 Plot 2's dwelling and garage has been re-sited away from Cotheridge, the original position was very close to the boundary with the adjacent property, this was not acceptable. However, the revised scheme results in the same angled gap along the eastern boundary with Cotheridge as previously approved, therefore retaining some space around the dwellings. These revisions mean the proposal is not considered to adversely affect the character and appearance of the conservation area.
- 6.9 The Conservation Officer concluded that *'the proposed layout design is very similar to the previously approved scheme on this site; this design is in the form of a courtyard and therefore is a style of development that you would expect to find in a rural village setting. The development in this form is considered to preserve the appearance of the street scene. Overall the redevelopment of this site will be an improvement on the current situation and therefore will result in enhancement to the character of the Conservation Area. The development in my opinion will not harm the setting of the surrounding Listed Buildings, Ashby House Farm and the Church. Overall the application will comply with Policy CS11 of the Harborough District Core Strategy and Chapter 12 of the NPPF.'*
- 6.10 In conclusion, the legislation states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The revised design of the two dwellings are considered to enhance the character and appearance of the conservation.

## 2. Impact upon the listed building and setting.

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- 6.11 The stone/brick and slate roof single storey outbuilding further to the east (attached to the single storey section of the farmhouse) and the brick and slate single storey building the other side of the access will be retained. They are to be used as stores for Dwelling 1 and office/annex to Plot 2. Plot 1 stores are retained and unaltered with modern doors and windows inserted into existing openings. Plot 2 is retained and two rooflights added and the lean to demolished and timber log store erected.
- 6.12 The agricultural sheds has been demolished as previously approved. The benefits of its removal were previously stated, as it was closer and larger than Plot 1 to the listed farmhouse. The proposal therefore provides significantly more space around the listed building. Therefore the proposal preserves the listed building and its setting.

### 3. Residential Amenity

- 6.13 The windows on the west elevation of Plot 1 that view the rear garden of Ashby Farmhouse are still slit windows or high level rooflights to all to be obscure glazed. Therefore there is no loss of privacy to existing residents. The proposal is not considered overbearing to existing residents as the proposed dwelling on Plot 1 is a single storey dwelling at the closest point to the amenity space at the rear of the farmhouse (listed building). The revised proposal does not extend in length any further than previously approved and the height is lower than the previous approval, therefore the impact upon Brook Cottage is slightly better than before.
- 6.14 The revised siting of Plot 2 away from the side boundary with Cotheridge is approximately the same line as previously approved. Also the reduction in the size of the garage block has helped to reduce the overbearing impact of the proposal on the residents of Cotheridge. The garage block has reduced in width from the previously approved scheme. The previous gap between the garage block and Plot 2 no longer exists, however the impact of this was overcome on the revised scheme which proposed a flat roof addition to the dwelling, with a height of 2.5metres. As previously explained whilst the side of Plot 2 facing the rear garden of Cotheridge is wide and high and the 45 degrees line is broken. It is set back from the side boundary by some distance, Cotheridge has a wide open aspect rear garden. The 45 degree line is broken some distance away at a lower level than the patio.
- 6.15 In addition, the agricultural sheds removal was significant benefit to residents amenity. The ground and first floor side windows are slit obscure glazed windows with high level conservation style rooflights, therefore there are no loss of privacy issues to residents at Cotheridge (condition 13).
- 6.16 The revised size of the gardens to the proposed dwellings taking into account the landscape buffer is still commensurate with the size of the dwellings. The proposal therefore does not adversely affect the residential amenities of neighbouring residents. As such the proposal is considered to be in accordance with Policy CS11 of the Harborough District Core Strategy in this respect.

### 4. Ecology

- 6.17 The County Ecologist comments that the proposed development is adjacent to a stream. This stream has previously been designated as a Local Wildlife Site due to its physical characteristics. Streams and Rivers also provide good wildlife corridors and it is important that the land adjacent to the watercourse is protected as well as the main channel. Local Wildlife Sites should have a buffer of 6 meters from the top of the bank comprising semi-natural vegetation. The revised plans shows a red dash-line to indicate a timber post and rail fence demarcating the 6m wide buffer, separating the garden from the buffer and stream. A condition retaining the '6 meter buffer from the stream banks must be retained as semi-natural habitat' (see Condition 12). This should comprise the existing trees, bank vegetation and long grassland. This will prevent the buffer from being managed as a formal garden.
- 6.18 The ecology survey submitted in support of the application (Andrew Chick, July 2015) found no evidence of protected species on site. All buildings were assessed for their potential to support roosting bats and no evidence of bats was recorded. The site was considered suitable for nesting birds, therefore works take place outside bird nesting season. A condition requiring a further survey prior to conversion/major structural works (see condition 15).

### 5. Archaeology:

- 6.19 The County archaeologist commented as follows. The Leicestershire and Rutland Historic Environment Record (HER) notes that the site is located within the medieval and post-medieval historic settlement core of Hungarton (MLE10402), close to the medieval parish

church of St. John the Baptist (MLE13592) and within the designated Conservation Area (DLE501). Well-preserved, designated village earthworks and ridge and furrow remains are recorded to the south-west of the application area (DLE6880). The farmstead proposed for redevelopment is associated with Ashby House Farmhouse, which is Grade II listed building thought to date to the 18<sup>th</sup> century (MLE13532). A second Grade II listed building, Brook Cottage is located immediately to the west of the application area (MLE13531).

- 6.20 A Historic Building Photographic Survey was undertaken of the affected structures and the farmstead, in its present state, to provide a visual record of the site prior to alteration.
- 6.21 In addition to the built heritage component, there is also the potential for below-ground archaeological remains to be taken in to consideration. Given the location of the site within the medieval village core, and within close proximity to known heritage assets and medieval earthworks relating to the shrunken medieval village, there is good potential for the presence of medieval archaeological remains within the application area. Consequently, there is a likelihood that buried archaeological remains will be affected by groundworks associated with the proposed development, including topsoil stripping, ground reduction and excavation of service trenches.
- 6.22 The applicant in response to previous comments on the above site, commissioned The University of Leicester Archaeological Services (ULAS) to undertake a historic building photographic survey and trial trenching investigation (ULAS Rep ref.: 2017-014). In respect of the up-standing structures, barns, sheds, etc., the investigation recorded a number of brick-built later 19<sup>th</sup> century traditional farm buildings. These have all been adequately recorded to address their significance in the context of the proposed development.
- 6.23 In addition to the historic building recording the site was also trenched to determine the survival and significance of any buried archaeological remains. The fieldwork indicated the site had experienced previous disturbance, possibly terracing of the site to facilitate its previous agricultural use, no buried archaeological remains were located.
- 6.24 Taking into account the available evidence, we now anticipate the proposal will result in minimal direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 12, para. 128-129).

## 6. Highways

- 6.25 The Highway Authority commented that the vehicular access will remain the same as per the permitted development with a 6metre width. The Highways Authority previously commented that the proposed access is substandard in terms of visibility to the east, however due to the low speed nature of Church Lane and lightly trafficked cul-de-sac and the site at one time would have had larger agricultural vehicles entering and exiting it, it is considered acceptable given the small nature of the proposed development. Each dwelling is provided with sufficient parking spaces. Whilst the garage is marginally short of advised standards, all on-site parking provision will be provided with ample manoeuvring space to enter and exist the development in a forward gear. Therefore the Highways Officer has no objection subject to conditions relating to the access width, surfacing gradient and drainage (see Condition 4-8).
- 6.26 The stone walls upon either side of the site entrance which are recommended to be identical in material and height to the Church yard stone wall which is opposite the entrance. These walls are positioned back from the footpath so as not to obstruct the clear visibility sight lines.

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

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

- Economic: employment through the construction of the dwellings;
- Social: the site is in an accessible location.
- Environmental: the site will be significantly improved with the removal of the shed.

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

7.1 The revised proposal is considered to preserve and enhance the listed building and its setting and the character and appearance of the conservation area. Also it does not adversely affect rural area, residential amenity, highway, archaeology and ecology issues. The proposal is therefore in accordance with policy CS11 and CS17 of the Harborough District Core Strategy.

#### **8. Conditions**

##### Commencement:

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.

##### Permitted plans

2. This consent relates to the application as amended by revised plan no. 16.3325.12B site plan; 13C Plot 1 elevations; 14B Plot 1 floorplans; 15D Plot 2 elevations; 16B Plot 2 floorplans attached to and forming part of this consent. REASON: For the avoidance of doubt.

##### Materials

3. No development shall commence on site until a schedule indicating the materials to be used on all external elevations of the approved dwellings and garage 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.

##### Highways Drainage

4. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained. Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

##### Surfacing and car parking

5. The car parking and any turning facilities shown within the curtilage of the site shall be provided hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained. REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to accord with Harborough District Core Strategy Policy CS11.

##### Surfacing-Access drive and turning

6. Before first use of the development hereby permitted the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose



aggregate) for a distance of at least 5 metres behind the Highway boundary and thereafter be permanently so maintained. REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) and to Harborough District Core Strategy Policy CS11.

#### No gates

7. No gates shall be erected to the vehicular access. REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway and to accord with Harborough District Core Strategy Policy CS11.

#### Access width

8. Before first use of the development hereby permitted, the vehicular access to the site shall be widened to an effective minimum width of 6 metres over a distance of at least 5 metres behind the Highway boundary. The access drive once widened shall be so maintained at all times. REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway and to accord with Harborough District Core Strategy Policy CS11

#### Landscaping:

9. 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) Existing and proposed site levels and contours;
  - (e) means of enclosure (the proposed estate fencing is not approved);
  - (f) hard surfacing materials;
  - (g) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
  - (h) retained historic landscape features and proposed restoration, where relevant.
  - (i) programme of implementation
- Thereafter the development shall be implemented fully in accordance with the approved details and retained in perpetuity. REASON: To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with Harborough District Core Strategy Policy CS11.

#### Implementation of landscaping

10. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years from the date of first occupation of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and to accord with Harborough District Core Strategy Policy CS11

#### Rooflights

11. No works shall commence on site until details of the proposed rooflights (including size, manufacturer and model number) have been submitted to and approved in writing by the Local Planning Authority. The said rooflights shall be of a design which, when installed, do not project forward of the general roof surface. 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.

Buffer

12. The 6 metre buffer zone identified on plan 16.3325.12B starts from the top of the existing northern side of the Brook, shall not be used as a residential garden and shall be defined by a timber post and rail fence which shall be erected and retained in-perpetuity. REASON: In the interests of wildlife and nature conservation and to accord with Policy CS11 of the Harborough District Core Strategy.

Obscure glazed

13. The windows in the side (west) elevation of Plot 1 and the side (east) elevations of Plot 2 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.

No structures in courtyard

14. 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), no buildings or structures, or gate, wall, fence or other means of enclosure, shall be erected anywhere within the courtyard as shown on the approved plans. REASON: To safeguard the character and appearance of the area and to accord with Harborough District Core Strategy Policy CS11.

Bat survey

15. No development (including conversion and major structural works) shall commence on site until a further bat survey has been carried out and the results and mitigation measures have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity. REASON: In the interests of wildlife and nature conservation and to accord with Harborough District Core Strategy Policy CS11.

## Planning Committee Report

**Applicant:** Mr Gavin Broughton-Hall

**Application Ref:** 17/00741/OUT

**Location:** Land Adjacent Broughton Hall Fencing, Mill Lane, Gilmorton

**Proposal:** Outline application for the erection of up to 8 dwellings (access to be considered)

**Application Validated:** 09/05/2017

**Target Date:** 08/08/2017 Extension of time agreed.

**Consultation Expiry Date:** 15/06/2017

**Site Visit Date:** 18/09/2017

**Case Officer:** Joanne Roebuck

## Recommendation

Planning Permission is **APPROVED** subject to the conditions set out in Appendix A for the following reasons:

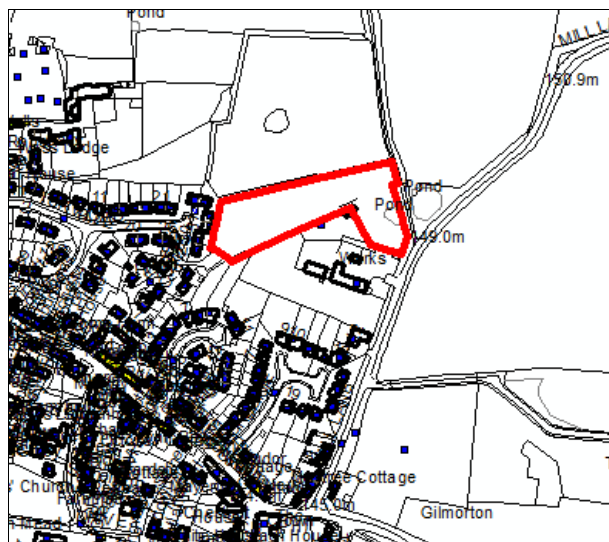
The proposed development is acceptable on the basis that the Council cannot demonstrate a five year housing land supply, and the site occupies a sustainable location on the edge of a Selected Rural Village where the details of the scheme demonstrate that it is capable of being assimilated into its surroundings without adversely affecting the character and appearance of the area, the amenities of occupiers of adjoining properties, highway safety, biodiversity, flooding, or any other interest of acknowledged importance. On balance therefore it is considered that the proposed development satisfactorily complies with the Framework and relevant policies in the development plan and there are no material planning considerations sufficient to challenge the presumption in favour of development.

### 1. Site & Surroundings

- 1.1 The application site is an irregularly shaped piece of agricultural land to the north of Gilmorton. The site is bound by agricultural land to the north-west, a public footpath to the north-east, existing residential development to the west, agricultural land with the benefit of recently granted planning permission for residential development to the south, and Mill Lane to the south-east. The workshop and associated infrastructure for Broughton Hall Fencing also lies to the south of the site, surrounded by the land with outline planning permission for up to eight new dwellings.
- 1.2 The site lies outside the limits to development of the village, but immediately adjacent to land which has the benefit of extant outline planning permission for residential development contiguous with existing dwellings on Porlock Close and Burdett Close, which are within the limits of development.
- 1.3 The site is predominantly flat.

- 1.4 Public Footpath Y93 runs to the west of the site.
- 1.5 The current use of the land is pasture. There is an existing pond towards the eastern boundary of the site, with a larger pond further to the east on the opposite side of the public footpath. There is also a pond to the north of the site.
- 1.6 Gilmorton is a Selected Rural Village (SRV) as specified in the adopted Core Strategy.

**Figure 1: Site Location**



**Figure 2: View from Mill Lane looking in a south-westward direction towards the site**



**Figure 3: View of the site from the public footpath to the north.**



**Figure 4: View across the site frontage looking southwards towards Gilmorton**



## **2. Site History**

- 2.1 **16/00145/OUT:** Outline application for the erection of up to 8 dwellings (access to be considered). **Approved 06.04.2016**



- 2.2 **PREAPP/17/00065:** Proposed Residential Development Land West of Mill Lane Gilmorton. Based on the information submitted, and in the Council's current position in respect of a lack of 5 year housing land supply, the principle of an additional strip of land for residential development alongside the existing outline planning consent you have (16/00145/OUT) is considered acceptable.



- 2.3 **16/00115/OUT:** Outline planning application for up to 27 No dwellings (including affordable housing), plus accesses to the public highway (means of access to be considered only). **Approved 31.03.2017**



### 3. The Application Submission

#### a) Summary of Proposals

- 3.1 The proposal seeks planning approval for the erection of up to 8 dwellings. The application is submitted in outline with all matters except for the access reserved for further consideration. The proposal would make use of the access approved as part of the previous outline permission on the adjoining site.

**Figure 5: Illustrative Layout**



- 3.2 The illustrative layout shows the layout of the previous approval on the adjoining site remaining the same with the exception that the access road would be altered to continue past the turning into the already approved development to provide access to the additionally proposed eight dwellings. The new dwellings would be predominantly detached, with one semi-detached property proposed at the western edge of the site. An area of public open space, incorporating the existing pond, is proposed at the front of the site to the west of the public footpath.

- 3.3 The Design and Access Statement submitted with the application specifies the following key points in support of the application:
- each dwelling will have car parking at a rate of two spaces for each two / three bedroom dwelling and three spaces for houses of four or more bedrooms;
  - a mix of housing is anticipated on the site including five open market dwellings and two affordable units;
  - the proposed density of development is low, at 12 dwellings per hectare, and considered appropriate for this edge of village location, providing a transition between the open countryside and more densely developed adjacent housing to the south and west;
  - in order to maintain the prevailing scale of domestic buildings within the village setting, the development anticipates two storey dwellings being constructed along with single storey garaging;
  - the outline proposal does not include detailed landscaping proposals but anticipates the retention and protection of existing hedgerows and trees, with further native species tree and hedgerow planting around the site to enhance the residential amenity of the site and improve the appearance from vantage points beyond the application site;
  - whilst the detailed design of buildings is a reserved matter, the proposal anticipates buildings which respond to the historic context of Gilmorton Village;
  - the location of the vehicular access has been determined following traffic speed surveys and designs to maximise visibility. The highway design anticipates relocating the 30mph limit in a northerly direction to a point beyond the site access;
  - to enhance pedestrian safety the development proposes the construction of a footway alongside Mill Lane from the site to connect to the existing footway outside No. 11 Mill Lane.

#### **b) Documents submitted**

##### **i. Plans**

- 3.4 The application has been accompanied by the following plans:

Site Plan  
Illustrative layout as shown in Figure 5

##### **ii. Supporting Statements**

- 3.5 The following documents have been submitted in support of the application:

- Design and Access Statement
- Drainage Plan and Strategy
- Flood Risk Assessment
- Ecology Report
- Amphibian Assessment

- Great Crested Newt Mitigation Plan
- Tree Survey
- Tree Constraints Plan
- Topographical Survey
- Landscape and Visual Assessment
- Landscape and Visual Impact Appraisal
- Archaeology Report

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

- 3.6 Pre-application engagement was carried out prior to submission. The essence of this advice was that, in the absence of a 5 year housing land supply, and the defined status of Gilmorton as a selected rural village, the principle of residential development in this location is considered acceptable in line with the presumption in favour of sustainable development as set out in the National Planning Policy Framework. Notwithstanding this, in order to qualify as sustainable development the scheme must be designed to a high quality and not cause demonstrable harm to interests of acknowledged importance.

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

- 3.7 The site area of the proposal is 0.79ha. Eight dwellings are proposed. The development is therefore not considered to require an Environmental Impact Assessment or trigger a requirement for a Screening Opinion.

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

- 4.1 Consultations with technical consultees and the local community were carried out for the application. This occurred on 16<sup>th</sup> May 2017. A site notice was put up on the 24<sup>th</sup> May 2017 and the application was advertised in the Harborough Mail on 25<sup>th</sup> May 2017. This initial consultation period expired on 15<sup>th</sup> June 2016.
- 4.2 Firstly, a summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to:  
[www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning).

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

##### **4.3 Leicestershire County Council (Highways)**

The initial response raised concern about the lack of a footway across the front of the site. An amended plan has since been submitted but the Highway Authority has not yet confirmed its acceptability or provided final recommendations with regard to conditions.

##### **4.4 Leicestershire County Council (Ecology)**

Initially objected on the grounds of inadequate information regarding the impact on a protected species, and potential adverse impacts on an existing population of Great Crested Newts caused by severance of habitat connections between elements of the population.

Following the submission of a Great Crested Newt Mitigation Plan, conditions have been recommended to address outstanding concerns, including the need for the site



layout at reserved matters stage to incorporate a 4m wide corridor outside private gardens, to allow for newt migration, and fencing/trapping of newts which may already be on the site.

Apart from the newt issue, there are no other concerns as the habitat survey is satisfactory. No evidence of other protected species was found. The grassland is improved and therefore there is no objection to its loss. The hedgerow to the north and the newts' ponds to the east are retained with adequate buffer zones around.

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

Initially referred to Standing Advice, but following re-consultation for reasons unrelated to flooding requested further information. A revised FRA was submitted but the LLFA still considered it insufficient for them to provide detailed comments. (As of 29.09.17). The applicant has been asked to address this issue 13.09.17.

#### **4.6 HDC Environmental Services**

Recommends condition in respect of Construction Method Statement and that consideration be given to the potential noise arising from the existing adjoining business.

Also recommends standard contaminated land conditions given proximity to the nearby commercial use.

#### **4.7 Leicestershire County Council (Forestry)**

The illustrative layout satisfactorily avoids building development close to trees and it is not considered that the trees on site are a significant constraint on the development. However, the root protection areas should be checked so that the road does not adversely conflict with safe retention of frontage trees.

#### **4.8 Severn Trent Water**

No response received.

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

- The Numbers of dwellings are exceeding any previously suggested/proposed Local Plan numbers for Gilmorton.
- Concerns for Highway safety. The junction with Mill Lane and Main St/ Lutterworth Rd is not able to cope with any significant increase in traffic. Also the traffic on Mill Lane and Lutterworth Road is often noted as 'speeding'. . The distance from the Village will result in an increase in traffic from the development.
- Size of houses. The Neighbourhood Development Plan village consultation survey noted strong views regarding the need for smaller properties rather the large properties that are proposed.
- There will be a significant impact on the existing village and the amenities.
- There is no public transport.
- The community would expect to qualify for 'section 106' funds since in effect this is a development linked to another and is noted on the plans as phase 1 and 2.

## **b) Local Community**

4.10 Eight objections have been received from seven households for the following reasons:

### Principle of Development

- The village does not need any more houses. Up until two years ago the village had 400 houses, 65 new houses have been built, and a further 143 are in the pipeline, equating to an increase in over 50%
- The site is within the countryside and outside the limits to development
- The proposal conflicts with Policy CS17 which states that development should be of a scale which reflects the character of the village and the level of service provision. The village does not have the infrastructure to cope with the amount of new development in Gilmorton. The nearest doctor's, pharmacy and supermarket are in either Lutterworth or Broughton Astley and the school is overflowing.
- This proposal, whilst not large in itself, should be considered alongside developments already in progress, approved and under consideration.
- The cumulative effect of recent approvals is unsustainable.
- Gilmorton is experiencing an uncontrolled planning frenzy.
- The Neighbourhood Plan that is being prepared should be taken into consideration is assessing the application.
- None of the houses will be starter homes.
- There is no bus route through the village.

### Impact on Character of Village

- The scale of new development will impact negatively on the character of the village
- The rural footpath that surrounds the village will soon be a walk around new housing estates.

### Impact on Highway Safety

- Will increase parking and congestion issues.
- 35 houses have already been approved on Mill Lane. Traffic travels at speed from Bruntingthorpe around a series of bends, and visibility near the proposed access is poor.
- More traffic using the junction with Kimcote Road will increase the likelihood of accidents. There have already been accidents on Mill Lane.
- People treat the 30m.p.h speed restriction as a target, not a limit.
- The site was previously deemed unsuitable because of access problems.

### Impact on Residential Amenity

- Loss of privacy to rear garden

### Impact on Ecology

- There are ponds within the development or immediate vicinity of the development that contain important ecological species including great crested newts. The amphibian survey states that "largely the main habitat areas for newts would be the boundary features such as hedgerows and ditches." One of the

recommendations made in the survey is "that habitat corridors are maintained and enhanced in the design of the development along with other features which would enable newts to live within and alongside the development area." There are great crested newts within a garden pond on Burdett Close. At the end of the garden containing these newts there runs a ditch which lay outside of the phase 1 development but now sits within that outlined in this current application. According to the illustrative outline, this ditch would be crossed by a footpath and then form part of residential gardens. What is to stop the occupants of these dwellings from filling the ditch in or ripping the hedge out? The newt population of this pond would need to cross the roads proposed in this application to access any of the other pond sites, including the pond outlined as the main breeding site.

- The development will sever the connection between ponds for the great crested newts.
- Negative impact on wildlife generally.

## **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 – Delivering new housing
  - CS3 – Delivering Housing Choice and Affordability
  - CS5 – Providing sustainable transport
  - CS8 – Protecting and enhancing green infrastructure
  - CS9 – Addressing climate change
  - CS10 – Addressing flood risk
  - CS11 – Promoting design and built heritage
  - CS12 – Delivering development and supporting infrastructure
  - CS17 – Countryside, rural centres and rural villages
- *Saved Local Plan Policies*
- 5.5 Policy HS8 should be noted although as this is a restrictive policy it is considered out of date. Development plan policies which are out of date are afforded reduced weight in the determination of applications.

## **b) Material Planning Considerations**

5.6 The following material planning considerations are relevant to this application:

- The National Planning Policy Framework (The Framework/NPPF), particularly Para.14 (presumption in favour of development), and Section 6 (Delivering a wide choice of high quality homes), Section 7 (Good Design), Section 10 (Meeting the challenge of climate change, flooding and coastal change) and Section 11 (Conserving and enhancing the natural environment).
- National Planning Practice Guidance
- Supplementary Planning Guidance
- Five Year Housing Land Supply Statement
- Gilmorton Neighbourhood Plan (in course of preparation)

## **c) Other Relevant Documents**

5.7 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)
- Planning Obligations Developer Guidance Note
- Leicestershire Planning Obligations Policy
- Leicestershire County Council Local Transport Plan 3 (LTP3)
- Leicestershire County Council Highways Authority 6Cs Design Guide

## **d) Other Relevant Information**

### *Reason for Committee Decision*

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

## **6. Assessment**

### **a) Principle of Development**

- 6.1 The site lies outside the settlement boundary for Gilmorton where Saved Policy HS8 of the Local Plan and Core Strategy Policy CS17 would normally restrict new residential development, and therefore prohibit the proposed scheme.
- 6.2 However, where local planning authorities cannot demonstrate a five year supply of deliverable housing, Paragraph 49 of The Framework advises that such policies relating to the supply of housing should not be considered up to-date. Harborough District Council cannot currently demonstrate a five year housing land supply.
- 6.3 In circumstances where relevant policies are out of date, Paragraph 14 of the Framework invokes a presumption in favour of sustainable development, stating that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 6.4 The site is immediately adjacent to the settlement boundary of a selected rural village where a number of services are available within walking distance of the site including a primary school, two pubs and village shop. Whilst there is no bus service through the village, the site is still considered to occupy a sustainable location because of the services available in the village and the proximity of other key centres including Lutterworth and Broughton Astley. The principle of development in terms of location is therefore considered acceptable in the context of the Council's current policy position.
- 6.5 The overall sustainability of the development falls to be assessed against the following material planning considerations:
- Design and Visual Amenity
  - Highways
  - Residential Amenity
  - Flooding and Drainage
  - Ecology

## **b) Technical Considerations**

### **1. Design and Visual Amenity**

- 6.6 The site occupies a location on the edge of an existing village where outline planning permission has already been granted for eight dwellings on an adjoining site which lies closer to Mill Lane. The proposed development has been designed to complement the approved outline scheme and would also be partly screened from Mill Lane by dwellings on the already approved site.
- 6.7 The Landscape and Visual Appraisal submitted with the application identifies the site as lying within the Lutterworth Lowlands landscape classification. In this context, mature hedgerows and trees define the boundaries of the site forming a strong visual and physical edge, with occasional gaps allowing views from Mill Lane and the nearby public footpath. In the wider landscape similarly mature hedgerows link with isolated small woodland blocks and along watercourses, providing a strong green network of vegetation. The size, scale and layout of these pockets of woodland along with the dominant boundary hedgerows and trees break up views over and across the gently undulating landscape. Within this setting, the appraisal makes the following conclusions:
- the significance of the impact of the development on the landscape is slight based on recognised landscape assessment criteria;
  - the landscape to the fringes of the village is tolerant to small-scale change and capable of assimilating new development within the retained existing landscape structure, as demonstrated by the approval of the first phase of the development (Application REF 18/00/145/OUT);
  - the character of the residential development will be small in scale, with built form following the topography of the site. The loss of the field is minor in landscape and agricultural terms along this edge of Gilmorton;
  - whilst the development of the site will be in contrast to the agricultural fields in the surrounding landscape, the retention of mature trees and hedgerows combined with no change to the topography will limit the nature of the change.

- 6.8 The Design and Access Statement states that as well as retaining the majority of trees and hedges surrounding the site, further native tree and hedgerow planting will be incorporated into the scheme. Together with the low density of housing proposed, and the inclusion of an area of open space at the front of the site adjacent to Mill Lane, this will assist in the assimilation of the development into its rural context.
- 6.9 The design and detail of individual dwellings will be determined at reserved matters stage, but it will be expected that they will take reference from the character of existing aesthetically pleasing dwellings within Gilmorton and be of the highest quality in accordance with Core Strategy Policy CS11 and the Framework.
- 6.10 Consideration has been given to the possibility that this site could be developed independently from the previously approved scheme on the adjoining site as, whilst they are described as Phase 1 and 2, they are in separate ownership and each incorporate a means of access off Mill Lane. The implications of this scenario in visual terms are considered minimal as the current proposal would still have a link with the existing dwellings on Home Farm Close, and therefore be a contiguous addition to the edge of the village. In addition, being set back behind the existing fencing business and proposed open space, the open rural approach into the village would be maintained.
- 6.11 On the basis of the above assessment it is considered that, subject to the subsequent approval of reserved matters and compliance with recommended conditions, the proposal satisfactorily meets the requirements of the Framework and Harborough District Core Strategy Policy CS11.

## 2. Highways

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- 6.12 The proposed access onto Mill Lane has already been approved in principle in relation to the recent planning approval for residential development on the adjoining site.
- 6.13 The Highway Authority has yet to provide its final response to the current application, but given that the access onto Mill Lane has already been endorsed in respect of the recent grant of consent on the adjoining site, and no fundamental objections to the additional dwellings using this access were raised in the initial consultation response, it is anticipated that the scheme will be acceptable subject to conditions. The Highway Authority's final response will be reported in the supplementary list.
- 6.14 On the basis of the above it is considered that the proposal satisfactorily accords with the provisions of the Framework.

## 3. Residential Amenity

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- 6.15 Core Principle 4 of Paragraph 17 of the NPPF seeks to ensure a good standard of amenity for all existing and future occupiers of land and buildings. This principle is further reflected in Policy CS11. In order to objectively assess the impact of the proposed development upon existing residential amenity, the Council has adopted Supplementary Planning Guidance Note 5. This guidance states that there are three main ways in which development can affect existing residential amenity:
- Loss of light (overshadowing)
  - Loss of privacy (overlooking)
  - Sense of over-dominance or an overbearing structure

- 6.16 As the application is in outline only, these matters will be more accurately assessed at reserved matters stage. Based on the illustrative layout, the greatest impact on existing dwellings will arise from the relationship between proposed new dwellings and the dwellings on Home Farm Close. At this stage in the process, however, there is no reason to assume an acceptable arrangement cannot be achieved. The illustrative layout also demonstrates an acceptable arrangement with the proposed dwellings on the adjoining site.
- 6.17 The Environmental Health Officer raised comments about potential noise from the existing fencing business. However, this was addressed in relation to the outline consent on the adjoining site which has a physical boundary with the fencing business. The operation of the business is restricted by conditions on two previous approvals (00/01046/FUL and 97/00535) being: hours (07:30 – 18:30 Mon-Fri, 07:30 – 1300 Sats, not Sundays, Bank or Public Holidays); no outside processes or operation of machinery; doors closed when machinery is operated/processes undertaken inside the buildings. It is not therefore a significant concern in relation to the current proposal in which the dwellings will be further away.
- 6.18 On the basis of the above it is considered that the development of this site is capable of being accommodated without adversely affecting the amenities of occupiers of existing dwellings and future occupiers of the proposed dwellings in accordance with Core Strategy Policy CS11 and the Framework.

#### 4. Flooding and Drainage

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- 6.19 The site falls with Flood Zone 1 and therefore there is no risk of flooding from fluvial sources.
- 6.20 The Lead Local Flood Authority (LLFA), in its most recent consultation response, requested further information to assist in making detailed comments. This information has been provided but a final response from the LLFA is currently awaited. Any comments received will be included in the supplementary list. Even without final comments, however, based on the grant of planning permission for the adjoining site it is reasonable to assume that adequate drainage of the site is achievable. The foul drainage is proposed to connect with the mains sewer, and surface water is intended to be addressed by means of a sustainable urban drainage scheme. A condition requiring full details of foul and surface water drainage would adequately address this aspect of the development.
- 6.21 On the basis of the above the proposal is considered acceptable and satisfactorily complies with Section 10 of the Framework.

#### 5. Ecology

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- 6.22 The key ecological concern on this site has been the presence of Great Crested Newts which have recorded habitats in a number of nearby ponds. Connectivity between these ponds, including a garden pond at 9 Burdett Close, is essential to the survival of the population. The issue with the submitted scheme is that it potentially blocks movement between some of the ponds as newts would have to negotiate a number of domestic gardens and the access road to make their way from east to west across the currently open land. Following considerable negotiation between respective ecologists, the County Ecologist is now comfortable that a condition requiring a buffer along the western boundary of the site connecting with the hedgerow to the north will provide an acceptable, albeit longer route for newts to follow.

- 6.23 No evidence of other protected species was recorded on site.
- 6.24 On the basis of the above the proposal is considered acceptable subject to conditions, and is in compliance with Core Strategy Policy CS8, Section 11 of the Framework and other relevant biodiversity legislation.

## 6. Archaeology

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- 6.25 The archaeological assessment was a follow up to that carried out in respect of the adjoining site in 2016. As before, it revealed limited evidence of medieval cultivation in the form of ridge and furrow and no evidence of archaeological remains. On this basis the application is considered to be acceptable as it raises no concerns relating to archaeology.

## 8. Other

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- 6.26 The objections from the neighbours are noted but the matters raised have predominantly been covered in the above assessment. The concern about impact on capacity of the local school is noted, but the development size does not generate the need for an education contribution as part of a S106 Agreement. Whilst it is acknowledged that the current site, and the adjoining site which already benefits from outline consent, cumulatively exceed the threshold for planning obligations, it is not possible to insist on contributions because the sites are in different ownership. In any case, the County Council has recently advised that the primary school has a surplus of places and therefore the combined sites with a total of 16 new dwellings would not generate a request for a financial contribution.
- 6.27 The applicant has put forward two of the proposed houses as affordable units, which is welcomed, but there is no requirement for this and therefore seeking to secure these units via a legal agreement would not meet the relevant tests.
- 6.28 Whilst the Gilmorton Neighbourhood Plan is in course of preparation, it is at an early stage in the process and therefore not a material consideration for the determination of this application.
- 6.29 No other material planning considerations are considered relevant to the determination of this application.

## 7. The Planning Balance / Conclusion

### 7.1 Sustainable Development

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

- **Economic**

Provides economic development in the building of up to 8 residential units, which would contribute towards the Council's 5yr supply shortfall.

- **Social**



Provides up to 8 new dwellings, which contribute to housing need and would support local services.

- **Environmental**

The proposal is considered in keeping with the character and appearance of the surrounding area and subject to compliance with conditions should not have any adverse impact on biodiversity interests. It is therefore considered that it will have a positive impact on the environment and thus is considered to be sustainable development

7.2 The proposed development is acceptable on the basis that the Council cannot demonstrate a five year housing land supply, and the site occupies a sustainable location on the edge of selected rural village where the details of the scheme demonstrate that it is capable of being assimilated into its surroundings without adversely affecting the character and appearance of the area, the amenities of occupiers of adjoining properties, highway safety, biodiversity, flooding, or any other interest of acknowledged importance. On balance therefore it is considered that the proposed development satisfactorily complies with the Framework and Harborough District Core Strategy Policies CS5, CS8, CS9, CS11 and CS17, and there are no material planning considerations sufficient to challenge the presumption in favour of development.

7.3 It is therefore recommended that the application be approved subject to the conditions in Appendix A.

## **APPENDIX A – Planning Conditions**

<b>8. Planning Conditions</b>
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8.1

1) **Outline Planning Permission Commencement**

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) **Reserved Matters to be Submitted**

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.

3) **Approval of Reserved Matters**

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

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

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

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

4) **Approved Plans**

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

Location Plan and Illustrative Site Layout (Drawing No. PH2-PL01A)

REASON: For the avoidance of doubt.

5) **Schedule of Materials**

No development shall commence on site until details of all external materials to be used, including samples, 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 the character and appearance of the area in accordance with Harborough District Core Strategy Policy CS11 and the National Planning Policy Framework.

6) **Existing and Proposed Levels**

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.

REASON: To safeguard the character and appearance of the locality and the amenities of occupiers of neighbouring dwellings in accordance with Harborough District Core Strategy Policy CS11

7) **Details of Boundary Treatment**

No development shall commence until details of boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be implemented in accordance with

the approved details prior to the first occupation of the dwelling or part of the development to which it relates.

REASON: In the interests of the character and appearance of the area in accordance with Harborough District Core Strategy Policy CS11 and the provisions of the National Planning Policy Framework.

**8) Foul and Surface Water Drainage**

No development shall commence on site until full details of the means of foul and surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity.

REASON: To ensure the satisfactory drainage of the site in accordance with Harborough District Core Strategy Policy CS10.

**9) Construction Method Statement**

No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- (a) The parking of vehicles of site operatives and visitors;
- (b) Loading and unloading of plant and materials;
- (c) Storage of plant and materials used in constructing the development;
- (d) Wheel washing facilities;
- (e) Measures to control the hours of use and piling technique to be employed if any;
- (f) Measures to control the emission of dust and dirt during construction; and
- (g) A timetable for the provision of (a) - (f);

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

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution, to reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area during the construction phase and to accord with the Harborough District Council Core Strategy Policy CS11.

**10) Details of Access, Parking and Turning Facilities etc**

No development shall commence until details of parking and turning facilities, access widths, gradients, surfacing, signing and lining and visibility splays have been submitted to, and approved in writing by, the Local Planning Authority. All such details shall comply with the design standards of Leicestershire County Council as contained in its current design standards document. The development shall only be carried out in accordance with the

approved details, with the access to the site being completed in accordance with the approved details prior to the first occupation of any of the dwellings unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and in accordance with Harborough District Core Strategy Policy CS11.

**11) Tree and hedgerow protection during development**

No development shall commence on site until the trees and hedgerows 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 fencing is erected its type and position shall be approved by the Local Planning Authority, and after it has been erected it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

REASON: To ensure protection of trees and hedgerows on the site in the interests of visual amenity and biodiversity in accordance with Harborough District Core Strategy Policies CS8 and CS11 and the National Planning policy framework (particularly Section 11).

**12) Protection of GCN During Construction**

No development shall commence until a detailed scheme for the protection of Great Crested Newts during the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of newt fencing, translocation of any newts found to a suitable habitat, and any necessary enhancement of habitat as appropriate. The approved scheme shall be implemented prior to any construction, demolition or site clearance works and shall be retained throughout the construction of the development.

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

**13) Contaminated Land**

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

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

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

- o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- o BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

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

- o Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- o BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- o CIRIA C735, "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases" CIRIA, 2014

REASON: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 120 of the National Planning Policy Framework.

**14) Contaminated Land/Verification**

Prior to first occupation of the completed development, or part thereof, either

- 1) If no remediation was required by Condition <insert Number> 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.

The Verification Investigation Report shall:

- o Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- o Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- o 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;

- o Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- o Demonstrate the effectiveness of the approved Remedial Scheme;
- and
- o Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

**REASON:** To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 120 of the National Planning Policy Framework.

#### 15) **Surfacing of Access, Parking and Turning Spaces**

Prior to the first occupation of each dwelling the approved access drive, parking and turning facilities serving that dwelling shall be surfaced in a bound material (not loose aggregate) and thereafter shall be made available at all times for their designated purposes. The bound surfaces shall not be subsequently replaced with loose aggregate, but shall be retained in a bound material in perpetuity.

**REASON:** To reduce the possibility of deleterious material being deposited in the highway in the interests of highway safety.

#### 16) **Car Parking Provision**

Car parking shall be provided within the curtilage of each dwelling at an amount of two spaces for a dwelling with up to three bedrooms and three spaces for a dwelling with four or more bedrooms.

**REASON:** As recommended by the Highway Authority to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems and associated risks to highway safety.

#### 17) **Landscape Specification**

The landscaping scheme submitted as a reserved matter shall retain existing boundary hedges (with the exception of the vehicular access point), and all new planting along the site boundaries shall comprise native species.

**REASON:** To enhance the environment for protected species and their habitats in accordance with Harborough District Core Strategy Policy CS8 and the National Planning Policy Framework.

#### 18) **Implementation of Landscaping**

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of any of the dwellings 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:** In the interests of the character and appearance of the area in accordance with Harborough District Core Strategy Policy CS11.

19) **GCN Mitigation**

Notwithstanding the submitted drawings and associated information regarding Great Crested Newt mitigation, the layout submitted as a reserved matter shall incorporate a 4m wide belt of natural vegetation outside of the proposed private gardens along the western boundary of the site from the rear of 9 Burdett Close, along the rear gardens of dwellings on Home Farm Close. This corridor shall be provided in accordance with a timescale to be agreed in writing with the Local Planning Authority and thereafter, along with the hedgerow boundary to the north of the site, shall be retained in perpetuity.

**REASON:** To ensure connectivity between the Great Crested Newt population in the pond in the rear garden of 9 Burdett Close and the main population in ponds to the north and east of the site in order to safeguard this protected species and its habitat in accordance with Harborough District Core Strategy Policy CS8 and the National Planning Policy Framework.

20) **Conditions as recommended by the Highway Authority.**

Notes to applicant:

- 1) You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 821090). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.
- 2) You are advised that if there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under s.23 Land Drainage Act 1991. This legislation is separate from the planning process

Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/Flood-risk-management>.

- 3) All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001).
- 4) You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway

Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.

- 5) Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.
- 6) If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.
- 7) 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.
- 8) It is recommended that no burning of waste on site is undertaken unless an exemption is obtained from the Environment Agency. The production of Dark Smoke on site is an offence under the Clean Air Act 1993. Notwithstanding the above, the emission of any smoke from site could constitute a Statutory Nuisance under section 79 of the Environmental Protection Act 1990.



## Planning Committee Report

**Applicant:** Langton Developments Limited

**Application Ref:** 17/00977/FUL

**Location:** Land South of The Mead, Hallaton Road, Tugby

**Proposal:** Erection of 10 dwellings, associated infrastructure and open space

**Application Validated:** 16/06/17

**Target Date:** 15/09/17 (Extension of Time agreed)

**Consultation Expiry Date:** 09/10/17

**Site Visit Date:** 04/07/17

**Case Officer:** Janet Buckett

## Recommendation

Planning Permission is **APPROVED** subject to appended conditions and obligation, for the reason below,

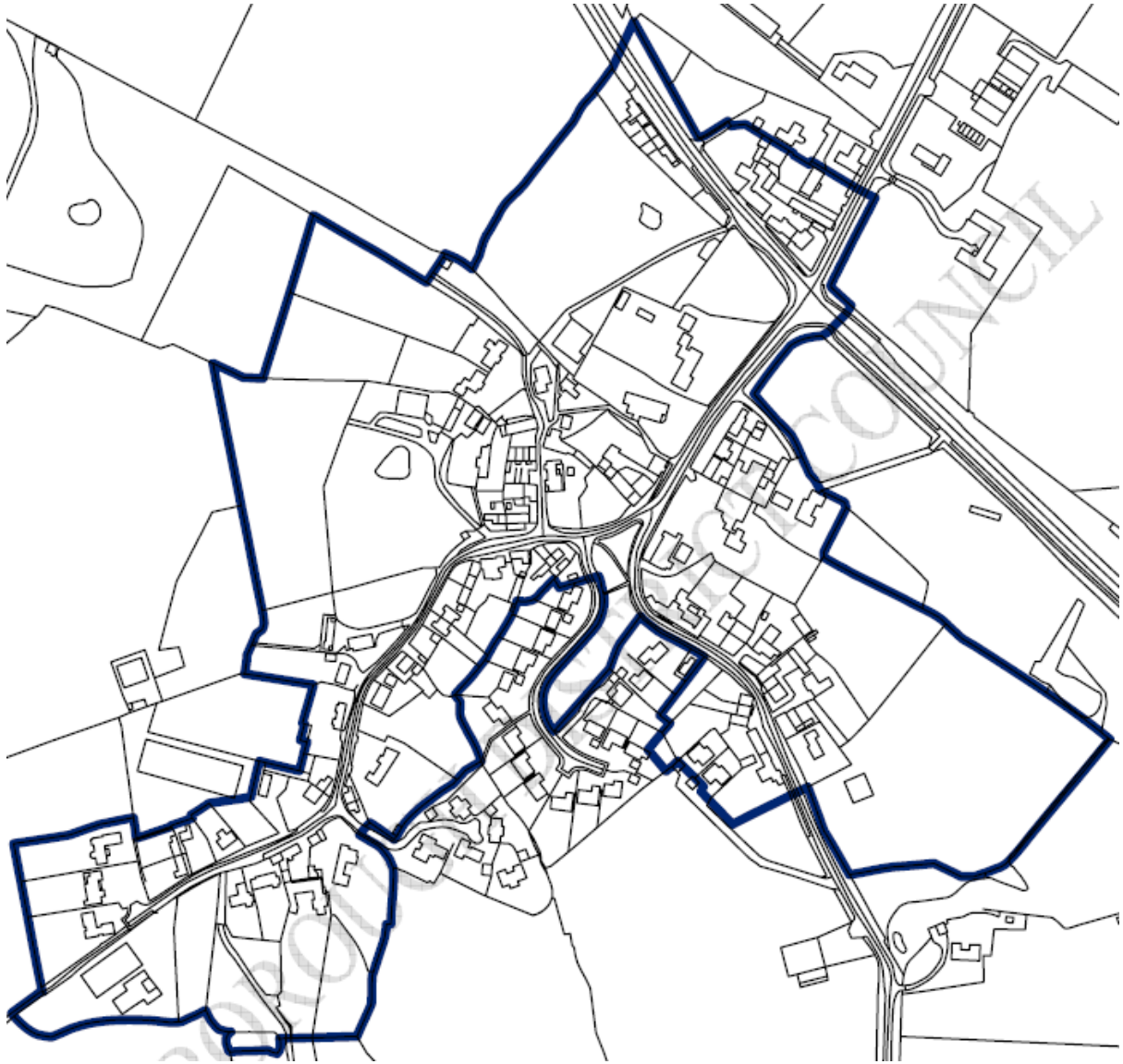
The development hereby approved would be in keeping with the form, character and appearance of the surrounding settlement and Conservation Area, would not have an adverse affect on the amenity of adjoining residents and would not result in additional traffic which would give rise to a road safety hazard. The proposal is therefore considered to accord with Harborough District Local Plan Policy HS/8 and Core Strategy Policies CS2, CS5, CS11 and CS17 and no other material considerations indicate that the policies of the development plan should not prevail, furthermore the decision has been reached taking into account 186-187 of the National Planning Policy Framework.

## 1. Site & Surroundings

- 1.1 Tugby is a Selected Rural Village which has Limits to Development and a Conservation Area. The application site is outside of the Limits to Development but inside the Conservation Area. The site is situated at the south east corner of the village and is accessed from Hallaton Road.



**Figure 1: Site Location Plan**



**Figure 2: Tugby Conservation Area**







**Figure 4: The existing site (The Mead is to the north)**



**Figure 5: View of the site from the south**

## **2. Site History**

2.1 Prior to this application, the site has not been subject to any planning applications.

## **3. The Application Submission**

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

3.1 The application site is 0.62ha. The proposal is for 10 dwelling houses with garaging, parking and landscaping. The existing barn is to be removed. A new electrical sub

station is proposed to relocate the existing overhead cables. A new vehicular and pedestrian access is to be created. A footpath is proposed along Hallaton Road in front of The Mead and along the front of the application site and into the site. The front hedgerow is to be retained with a pedestrian opening to access Plots 1 to 4 that face Hallaton Road. To the east of the site will be an area of public open space with a lagoon attenuation pond. Four of the proposed dwellings are to be affordable homes in accordance with the 40% requirement.



**Figure 6: Proposed Site Layout**

## **b) Documents submitted**

### **i. Plans**

3.2 The application has been accompanied by the following plans: –

- P01 A Location Plan
- P02 A Site Survey
- P03 D Site Layout
- P05 Site Boundary Treatment
- P10 A Housetype A1 – Plans & Elevations
- P11 Housetype B – Plans & Elevations
- P12 A Housetype C – Plans & Elevations
- P13 B Housetype D – Plans & Elevations
- P14 A Housetype E – Plans & Elevations
- P15 Housetype F – Plans & Elevations
- P16 Garage Block Plot 10 – Plans & Elevations
- P17 Housetype A2 – Plans & Elevations
- ADC1548/001 B Proposed Access Junction Layout

P03 C Site Layout and P04 Hallaton Road Street Elevation were superseded by the above. The access and front boundary was amended to address highway concerns.

## ii. Supporting Statements

### 3.3 The application has been accompanied by the following supporting information:

Design & Access Statement  
Planning Statement prepared by Marrons Planning  
Arboricultural Survey prepared by RJ Tree Services Ltd. April 2017  
Arboricultural Survey & Constraints Plan 01  
Archaeological Evaluation ULAS Report No 2017-046  
Foul Drainage Strategy, prepared by Glanville CV8161301/CL/DW/010 5 July 2017  
Flood Risk Assessment & Drainage Strategy, prepared by Glanville CV8161301/LMcG/DW/009 5 July 2017  
Heritage Statement, prepared by Lanpro Services September 2017  
ADC Infrastructure Highways Report  
ADC Infrastructure Technical Note  
Soiltechnics Preliminary Investigation Report  
Soiltechnics Photographic Record of the Site  
Soiltechnics Index Map  
Soiltechnics Historical Map – Slice A  
Soiltechnics Historical Map – Segment A13  
Soiltechnics Flood Map – Slice A  
Geodesys Drainage and Water Enquiry plan 12/09/16  
Preliminary Ecological Appraisal prepared by RammSanderson June 2017  
  
Flood Risk Assessment & Drainage Strategy, prepared by Glanville CV8161301/LMcG/DW/006 5 June 2017 and Foul Drainage Strategy, prepared by Glanville CV8170265/CL/DW/007 5 June 2017 have been superseded by the above.

## c) Pre-application Engagement

### 3.4 Prior to submitting the planning application a pre-application enquiry was submitted.

## 4. Consultations and Representations

4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 20<sup>th</sup> June 2016 and again on the 22<sup>nd</sup> August 2017 and 25<sup>th</sup> September 2017, including a site notice posted on the 4<sup>th</sup> July 2017. Amended plans regarding the access were re-consulted on 22<sup>nd</sup> August 2017 and the Heritage Statement and proposed boundary treatment details were re-consulted on 25<sup>th</sup> September 2017. The consultation period expired on 9<sup>th</sup> October 2017.

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

## a) Statutory & Non-Statutory Consultees

### ***Tugby and Keythorpe Parish Council***

4.3 The Parish Council wishes to object to the planning application applied for next to The Mead, Hallaton Road, due to the many objections made by various residents of Tugby & Keythorpe Parish.

4.4 The Parish Council has queried with Marrions, the agent acting on behalf of Langton Homes, as to who will maintain the open spaces and, if planning is granted, who will



own the rest of the proposed site, and what are their intentions for its future. To date, the Parish Council has not received a reply from the agent.

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

- 4.5 The Local Highway Authority informs the Local Planning Authority that additional information outlined in this response is required, and the Local Highway Authority is unable to provide a detailed response in accordance with article 20(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 until after the information requested has been received and considered.
- 4.6 For a residential development of 10 dwellings accessed via a proposed new access onto Hallaton Road, the principle of providing a safe and suitable access is of paramount importance. The County Highway Authority would therefore advise that the required visibility splays are determined based on recorded 85th percentile speeds of traffic on Hallaton Road. This measurement would also inform the extent of impact on the roadside hedge which could be significant in planning terms.
- 4.7 The County Highway Authority would also request that the proposed new footway linking into the existing provision on Hallaton Road be located within highway land adjacent to the carriageway and into the proposed access. A footway should also be provided on the south east side of the development access to tie in with the access radii.
- 4.8 The location of the access proposed is on the edge of the village and the proposed layout with limited direct frontage may not overly assist in providing the perception of being within the built up environment of the village and where driver perception for turning vehicles might typically not be as high. Vehicle speeds on a rural road out of the village and within the transition of the national speed limit section of Hallaton Road may likely be higher than the designated 30mph speed limit. Whilst it is noted the intention of the applicant to relocate the speed limit and greater visibility than 2.4m x 43m can potentially be provided the County Highway Authority would advise that this additional assessment work is essential prior to determining the submitted application and is considered reasonable for the scale of development proposed.
- 4.9 Leicestershire County Council has its own independent data collection service which can be contacted via [NDI@leics.gov.uk](mailto:NDI@leics.gov.uk) to undertake these surveys if required.

#### ***Further to amended plans***

- 4.10 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.
- 4.11 Further to the Local Highway Authority's (LHA) previous formal response the applicant has submitted a revised layout drawing and transport technical note which assesses the proposed residential development, access and footway provision proposed along Hallaton Road.
- 4.12 Upon review of the revised information provided in support of application 17/00977/FUL the LHA would consider that it has now been demonstrated that safe and suitable access can be provided to the site. The residual cumulative impacts of development would not be considered severe in accordance with Paragraph 32 of the National Planning Policy Framework and therefore the LHA would not seek to advise refusal on highway grounds.



### ***LCC Ecology***

- 4.13 Badger survey results have been redacted from the ecology report. I can't comment fully on the application until I have seen this part of the report; please could you send it to me? I have a holding objection to the scheme until I have been able to assess impacts on badgers.
- 4.14 The layout is acceptable, and is in accordance with pre-application discussions; a natural buffer zone between woodland and garden is shown. Apart from the missing badger text, the ecology report (RammSanderson 2017) is acceptable; I agree that great crested newts are unlikely to be impacted by the scheme, and that there is no need for further surveys for great crested newts.
- 4.15 As a planning condition, I recommend that the 7.5m woodland buffer zone is delineated on the ground with a fence or native species hedge, and must be retained as natural vegetation and not managed as amenity open space or garden.
- 4.16 Further to seeing the badger survey made the following comments, No evidence of badger was found in the woodland, and therefore I can withdraw my holding objection.
- 4.17 Further to amended plans – no further comments.

### ***HDC Environmental Health***

- 4.18 Owing to the size of the development recommends a pre-commencement condition for a Construction Method Statement.

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

- 4.19 In the flood risk assessment and drainage strategy there is a discrepancy between the red line boundary on the site location plan and the drainage plans. Clarification is required.

### ***Anglian Water***

- 4.20 No assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.
- 4.21 Foul drainage is in the catchment of Tugby Water Recycling Centre that will have available capacity for these flows.
- 4.22 The sewage system has available capacity for these flows.
- 4.23 The proposed method of surface water management does not relate to Anglian Water operated assets.

### ***Historic England***

- 4.24 The proposal is for the erection of 10 dwellings, associated infrastructure and open space on land south the Mead, Hallerton Road, Tugby,. The site lies in south-east corner of the village, and falls within the Tugby and Keythorpe Conservation Area, and within the wider setting of the Church of St Thomas which is listed Grade II\*.
- 4.25 Historic England has been consulted on this planning application as the application site falls within a conservation area and has an area that is greater than 1000 square metres.
- 4.26 We note that the application documentation includes a brief section at 4.0 entitled

conservation and heritage considerations. However this does not include any detailed analysis of the site in terms of its significance and the contribution that it makes to the conservation area - (presumably it was included within the conservation area designation for a reason?) and therefore any assessment of the effect that the suburbanisation of the undeveloped, rural field, would have upon the character and appearance of the conservation area cannot be demonstrated or understood in terms of harm to the significance of designated heritage assets, as required by the National Planning Policy Framework (NPPF), paragraphs. We do not therefore consider that the application fully meets the requirements of the NPPF paragraph 128.

4.27 *Policy context* The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, **great weight** should be given to its conservation, and the more important the asset, the greater the weight should be (paragraph 132). It also states that any harm or loss should require clear and convincing justification. Where harm to significance is judged to be less than substantial, the harm should be weighed against the public benefit of the proposal (paragraph 134).

4.28 Recommendation Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 128, 132, 134 of the NPPF.

#### ***LCC Archaeology***

4.29 Assessment of the Leicestershire and Rutland Historic Environment Record (HER), supported by the results of the archaeological evaluation of the development area, undertaken by (The University of Leicester Archaeological Services (ULAS)) on behalf of the applicant (ULAS Rep.: 2017-046), shows that the site lies in an area of significant archaeological potential.

4.30 An initial Desk-based Assessment concurred with an assessment of the HER that the proposed development area was located in an area of significant archaeological potential. The latter related most especially to the anticipated presence of buried and earthwork remains attributable to settlement and occupation of the medieval and post-medieval village. The potential for otherwise unknown archaeological remains was also raised.

4.31 In response the developer made provision for a programme of archaeological trial trenching, the work was undertaken on their behalf by ULAS, and the results presented in the report accompanying this application.

4.32 The fieldwork demonstrated evidence for localised archaeological activity in the northern corner of the proposed development area in the form of ditches, a possible pit and a post-hole, the majority of which were dated by pottery to the late 3rd or 4th century. There is no evidence of similar or related archaeological remains in any of the remaining trenches, consequently the ditches appear to represent the south western edge/corner (?) of a focused area of activity centred to the northeast of the present site.

4.33 Significant archaeological remains included a diagnostic pottery assemblage, metalwork (a 3<sup>rd</sup> century military baldric terminal plate), animal bone and paleoenvironmental remains were recovered. These are derived from features indicating intensive and repeated usage, indicating a high potential for well preserved and significant archaeological remains within the development area broadly dated to the later Roman period.

- 4.34 In response the developer will need to make provision for an archaeological excavation of all significant archaeological remains within the development area prior to their disturbance as a result of the proposed scheme. It is recommended this takes the form of an area excavation encompassing Plots 6 and 7 (including garden areas), the associated hardstanding and parking to their east, and the hardstanding east of Plots 1-4.
- 4.35 In line with the National Planning Policy Framework (NPPF), para. 129, the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. This understanding should be used to avoid or minimise conflict between conservation of the historic environment and the archaeological impact of the proposals.
- 4.36 Paragraph 141 states that where loss of the whole or a material part of the heritage assets significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the affected resource prior to its loss. The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.
- 4.37 As a consequence, it is recommended that prior to the impact of development upon the identified heritage asset(s) the applicant must make arrangements for and implement an appropriate programme of archaeological investigation.
- 4.38 The Historic & Natural Environment Team (HNET) will provide a formal Brief for the work at the applicants request.
- 4.39 If planning permission is granted, the applicant should obtain a suitable written scheme of investigation (WSI) for the necessary archaeological programme. The WSI must be obtained from an archaeological organisation acceptable to the planning authority, and be submitted for approval to both the LPA and HNET as archaeological advisers to your authority, before the implementation of the archaeological programme and in advance of the start of development.
- 4.40 The WSI should comply with the above mentioned Brief, with this Departments Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland and with relevant Institute for Archaeologists Standards and Code of Practice. It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.
- 4.41 We therefore recommend that any planning permission be granted subject to planning conditions.

***LCC Forestry Team Leader***

- 4.42 I don't have a concern about the house on plot 6 and its distance from the private willow in the adjacent garden. Given the tree measurements, I estimated the guide RPA radius as 9.5m; the distance of the proposed house is about 9m when measured on the plan. This minor incursion (which I estimate at <2% of total RPA) would in my opinion have no effect whatsoever on a vigorous species such as willow. Presumably the Building Control Officer will stipulate an appropriate foundation for the species and proximity of the tree, in accordance with the NHBC guidance.

- 4.43 On the road frontage, I have no concerns regarding the proximity of the proposed new 2m wide footpath to the maple and birch trees in the private garden. From the plans, the 'inner' edge of the new path would seem to be about 4m from these trees, which should have no effect on these relatively small and immature trees.

***HDC Conservation Officer***

- 4.44 The application site is on the edge of but within the Conservation Area of Tugby. The proposed development will continue the existing linear form to the frontage with more dwellings behind. Due to the location and the form of the development it will not affect the setting of any Listed Buildings neither will it, in my opinion, affect views across the landscape into the Conservation Area. Therefore the proposal is considered to be consistent with the special character of the Conservation Area and will not result in harm to significance of any designated heritage assets in compliance with policy CS11 of the Harborough District Core Strategy and Chapter 12 of the NPPF.

***The Campaign to Protect Rural England***

- 4.45 I write on behalf of members of the CPRE (The Campaign to Protect Rural England) and others in the area to object to application 17/00977. CPRE is a national charity which works to ensure a sustainable future for our countryside for generations to come. The Leicestershire branch is passionate about this with emphasis on protecting heritage. In this case we have been made aware of significant unexplored archeology at the site as explained in other objections before further action this needs full investigation. CPRE Leicestershire understands the need for additional homes but try to ensure that actual need is met by developments of appropriate tenure, design, layout and location. This development would appear to be a cavalier attempt by developers to exploit the lack of an adopted Local Plan in the District.
- 4.46 The four 2 bed semis purportedly affordable homes for shared ownership are likely to be too dear for local people in need of such homes. Affordable rented homes would better serve the community. Regarding site location, other objectors have adequately made the case. Traffic along the narrow lane serving the proposal is bound to be difficult. It is only a single file road.
- 4.47 Heritage sites nearby would be affected and the development is partially within the Conservation Area. Building on Greenfield sites can only be justified if there are no Brownfield site available so why not search for one rather than risk the sustainability of an idyllic settlement. On this point, residents have questioned how Tugby will be altered. How would this proposal meet local housing need? There is an allocation of 16 - 24 homes in the Local Plan which would be filled if homes recently built and in construction are considered. As previously stated we accept the need for additional homes in the District but judge this proposal to be inappropriate. Please do not support it.

***County Councillor***

- 4.48 I am the county councillor for the Gartree Division representing the Tugby & Keythorpe Parish. Having read the online comments particularly from Historic England, LCC Archaeology and LCC Ecology plus the numerous objections from residents and the parish council, I am unhappy about this development on this site.
- 4.49 NPPF paras 132 and 134 offer protection against developments that are detrimental to the setting of heritage and conservation, and as this development would be within the Conservation Area, I feel these objections should carry considerable weight and this application should be refused.

- 4.50 There is also further land behind the proposed 10 house site, which could be put forward for additional development in the future, and this would exacerbate the effects on the setting if permitted at some time in the future.
- 4.51 I also note that as of today, the questions raised by LCC Highways haven't been answered by the developer. Until they are answered and Highways satisfied, there is a question mark over the access proposals, visibility splays etc.
- 4.52 I would request that this application is refused citing the reasons given by Historic England.

#### **b) S106 requests**

Given the size of the site proposed for residential development the application triggered a requirement to consult Leicestershire County Council and Harborough District Council's Housing Enabling and Community Infrastructure Officer regarding S106 requirements. The following responses were received. As the proposal is for ten houses it does not trigger a need to consult any other County Council or District Council teams.

##### **Education**

No contributions required.

##### **Civic Amenity**

No contribution is required.

##### **Library Services**

No contribution is required. Residents would be more likely to use Uppingham Library.

##### **Highways & Transport**

No comments received as the development is below their threshold of 25 dwellings.

##### **Housing Enabling & Community Infrastructure Officer**

4 x 2 bed units meets with our 40% requirement. I am fine with the unit types offered. However, it is the LPA that determines the tenure preference based on our housing need and demand. In this case I would want 2 x 2bed units for affordable rent and 2 x 2 bed units for Shared Ownership. They must work with our referred RP Partners and I am attaching our RP list with contacts. An evidence trail must be kept of contact with the RP's and responses received. Our approach is always to seek onsite provision of affordable housing. The issue of an off site contribution does not arise at this point and again it is LPA that will determine this route which we consider in only very exceptional circumstances.

Waterloo Housing has confirmed interest and that they would be happy to take the housing mix on-site of 2 x 2 bed affordable rent units and 2 x 2 bed shared ownership units.

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

- 4.53 22 letters of objections have been received from different households. These raise the following points –
- Detrimental impact on Conservation Area
  - Adverse effect on local ecology and wildlife
  - Village has limited facilities
  - Increase in traffic especially along Hallaton Road
  - Developers have option to purchase additional field next to site which would further effect village

- In the Core Strategy Tugby is a settlement that would benefit from “limited development”. Already recently had 12 dwellings approved
- Parking problems on Hallaton Road
- Tugby Parish Council do not seem to have considered application. Councillors personal conflicts of interest
- The emphasis should be on affordable housing that encourages young families to move to the village
- Outside Limits to Development
- Will detract from natural beauty of village
- Pedestrians have to walk in road and horses are ridden through the village
- The site notice was white rather than yellow and on a pole rather than at site entrance
- Tugby can not sustain more growth
- Traffic surveys and photos submitted showing present traffic use and challenges to pedestrians
- Café Ventoux has resulted in more cyclists which are now a liability
- From December 2017 there is likely to be no buses
- Not enough parking provision within the site
- Risk to school children
- No reference made to the Village Design Statement and does not comply with it
- Pre-application discussions were positive therefore HDC planners have a conflict of interest in proceedings so far
- HDC Settlement Profile (2015) states that Tugby is located within the High Leicestershire Landscape Character Area which has low to medium landscape capacity to accommodate development
- Historic Environment Record (HER) shows area around the development to be rich in prehistoric to post-medieval period finds
- Landscape and shape is being changed
- New buildings should be in keeping with buildings in vicinity
- Natural heritage not being seriously considered
- Bats will be threatened
- Very little consultation from Parish or District Council
- Loss of Tugby's sense of community and rural feel
- The 30mph zone should be extended and speed calming measure
- No benefits to Tugby and its residents
- Heavy farm traffic through village
- Existing dwelling opposite site (The Garden House) is set back and very in keeping with characteristics and feel of village. Development will result in an imbalance and Tugby will be overwhelmed and imbalance by estate
- 18 months of heavy construction traffic
- Will block view of copse and Red Kites circling
- Currently have clear and uninterrupted views across site from Manor Farm Close
- Proposals do not complement or respect adjacent properties
- Lack of school places
- Overloaded Doctor's surgery
- Lack of village amenities
- Residents will travel by car
- Will be traffic congestion when two houses at Fox and Hounds are being built
- Traffic on Hallaton Road travels too fast. Nearly an incident outside school involving a motorist and children

- Impact on privacy of residents of Manor Farm Close
- Proposed development is larger than that outlined in SHLAA 2014 development
- The village pub has a small bar and operates as a restaurant
- Dwellings will dominate street scene
- Fewer houses would be acceptable
- Overlooking, loss of privacy and visually overbearing impact to properties immediately adjacent to the site
- Inappropriate form of development in Conservation Area
- Detrimental to open, rural undeveloped character
- The Local Plan identifies Tugby as suitable for 20 dwellings. This proposal would exceed this by 3
- Continuous street line is being ignored and the site will be crammed and overdeveloped
- Not sustainable development
- Affordable housing at Manor Farm Close wouldn't sell
- Concerned about impact on willow tree at The Mead. Also concerned about impact of 2m footpath along front of The Mead which could damage existing trees
- Loss of outlook from The Mead and overbearing
- High density compared to Manor Farm Close
- Integral garages have appearance of estate houses

4.54 1 neutral letter has been received raising the following points –

- Expect and agree with development of villages but proposal does not address needs of community
- Current imbalance of occupation of houses in village
- No social housing or housing association. Affordable houses on Manor Farm Close were 250K. This proposes very similar which will not redress the balance
- Village needs young families. The school needs young families. The development does not address this
- Help our village grow not sink into a retirement residential area
- Transport report is flawed as bus is to be axed in December and cycling along the A47 is only possible early morning at weekends

## **5. Planning Policy Considerations**

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

### **a) Development Plan**

- *Harborough District Local Plan*
- 5.2 Relevant Policy of HS/8 – Limits to Development. The site is located outside of the Limits to Development of Tugby.
- *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 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 that 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**

- *Reason for Committee Decision*
- 5.8 This application is to be determined by Planning Committee as it is for 10 or more dwellings. In addition at least 7 letters of objection representing different households have been received.

### **6. Assessment**

#### **a) Principle of Development**

- 6.1 Tugby is a Selected Rural Village and therefore small scale development in keeping with the scale of the village is, in principle, acceptable and in accordance with Policies CS2 and CS17 of the Harborough District Core Strategy. The site is outside of the Limits to Development but Policy CS2 states that development can be permitted outside of the Limits when there is less than a five year supply of housing and if the proposal is in keeping with the scale and character of the settlement concerned.
- 6.2 The HDC Settlement Profile Tugby 2015 has been referred to by objectors but this was a background information document that does not carry weight in determining a planning application. The assessment of High Leicestershire was a high level assessment of the area as a whole. The Village Design Statement has also been referred to by objectors but this is not a material consideration.



- 6.3 The emerging Local Plan allocates a minimum of 15 dwellings in Tugby. This is over and above existing commitments and completions as of March 2017 and so does not include Manor Farm Close. Notwithstanding this at present the emerging Local Plan carries limited weight.

#### **b) Housing Requirement and Housing Land Supply**

- 6.4 The Council presently does not have a 5yr Housing Land Supply. If this application were approved it would provide 10 additional dwellings.

#### **c) Technical Considerations**

1. Scale, appearance and landscaping
- 6.5 The application site adjoins the edge of the village. To the north-west along Hallaton Road there is a linear form to the development, either side of Hallaton Road, with some dwellings set back from the road too. The design of the proposal replicates this in the fact that 5 of the properties face Hallaton Road and then the remaining five are situated to the rear but no further back than 4 Hallaton Road which is situated behind houses that are on the road frontage.
- 6.6 Opposite the site is a modern detached dwelling house (Fig. 7) and an access drive leading to two further modern properties. Along the front boundary is a grass verge and hedge which is the same layout on the opposite side of the road outside The Garden House. The site is bounded to the south by a spinney.



**Figure 7: The Garden House opposite the application site**

- 6.7 Due to the existing form of the village and the design and layout of the scheme it is considered that the proposal relates well to the existing settlement.
- 6.8 Along the front of the site four small semi-detached two storey dwellings are proposed and then a detached two storey dwelling house. These are traditional in appearance with eaves just above the first floor windows, chimneys, canopies above the front doors, brick detailing above windows and brick details at the corner of the eaves. The land drops from the north to the south and due to this the roof lines are

lower than that of the neighbouring property of The Mead. This ensures the dwellings will not appear over dominant and they are of an appropriate scale.

- 6.9 The hedgerow is to be retained along the front of the site which replicates the character of the other side of the road and softens the new development. Retaining existing landscaping also lends a maturity to a scheme and helps further to integrate it into the settlement. One opening is to be created through this to access the four two-bedroom houses and then the pedestrian access to Plot 5 will be from the new access road.
- 6.10 Tugby contains a mixture of designs of properties and a mixture of red brick and render. It is considered that the proposed dwellings along the front boundary are of an appropriate scale, size and design and are in keeping with their village setting and respect the character of neighbouring properties. The features add a nice character to the properties.



**Figure 8: View towards the village. Nettleham House is on the left and The Mead is on the right**

- 6.11 The access to the site is in the south west corner of the site. It is slightly nearer to the village than the existing access on the other side of the road that serves the modern dwellings of The Meadows and Hunters Lodge.



**Figure 9: Looking south. To the left is the verge and hedge outside The Mead and then the application site. To the right of the photo is an access serving Nettleham House**

- 6.12 Details of the boundary treatment were requested as it is considered important that the landscaping does not appear too urban due to the edge of village rural setting. Plot 9 is situated to the south of the access road and the garden extends along the length of the access road. This boundary will be prominent in views into the site. The proposed boundary is to be 1.2m traditional estate fencing of black coloured railings with supplemental hedge planting behind. The railings are to continue along the front of the house to enclose the front garden. Plot 5's back garden is also next to the access road and the boundary next to the road is to be a 1.8m high red brick wall with brick coping. These proposed boundary treatments are considered acceptable in this edge of village location and will result in attractive views into the development.
- 6.13 Along the external main north east boundary of the site the boundary is to consist of 1.2m high post and rail fencing with stock proof mesh and supplementary hedge planting. This is considered to be an appropriate boundary between the development and the neighbouring field. Around the open space is to be 1.2m post and rail fencing with stock proof mesh. This all considered to be rural in character.
- 6.14 On the boundary between Plots 9 and 10 and the spinney is to be 1.2m high post and rail fence with stock proof mesh. There is then a strip of land to separate the residential development from the spinney. The only close boarded fencing is proposed within the site enclosing rear gardens.
- 6.15 Plots 6, 7, 8, 9 and 10 are all detached two storey dwelling houses. They are all of a different design except for Plot 7 that is the same as Plot 5 at the front of the site, except it is handed. The difference in design of plots ensures the development does not appear too urban and is more suited to its location in a village where the character, design and age of properties varies.
- 6.16 The dwellings are predominantly two-storey and include traditional features such as chimneys, pitched roof dormer windows (above a garage extension), canopies above the front doors, stone cills and lintels, stone quoins on the corner of the stone

properties and slate roofs. The largest property height wise is Plot 10 as this has bedrooms in the roof space. However, these are served by roof lights and this is the lowest part of the site so it will not appear over dominant. The triple garage serving this dwelling is single storey and to be constructed of timber which reflects its edge of village setting.

- 6.17 Overall it is considered that the proposal is a well designed scheme of attractive houses that relates well to the existing built form of the village. Though the existing site is undeveloped grassland containing only a barn, it is not considered that it feels like the development is encroaching into the countryside due to the location of the spinney beyond which is open countryside, and due to the dwelling house opposite and the Manor Farm Close development to the north. The site is well screened in views into the village due to land levels and the presence of trees. Even in the winter when the trees are barer the site will sit well with the existing village and still be well screened due to it being on lower land and the denseness of the trees in the spinney.
- 6.18 Overall it is considered that the form, siting, scale, design of the proposed development will respect and enhance the character of the village and relate to the existing built form. It is considered that the proposal will not have a significant impact on the surrounding countryside and that the proposed boundary treatment will be appropriate. The proposal is therefore considered to comply with Policies CS11 and CS17 c) of the Harborough District Core Strategy.

## 2. Heritage

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- 6.19 Policy CS11 of the Harborough District Core Strategy states that heritage assets within the District and their setting, will be protected, conserved and enhanced. Paragraph 132 of The Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the assets conservation. The more important the asset the greater the weight should be. Paragraph 135 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account.
- 6.20 There are no designated heritage assets directly affected by the proposal. None of the properties on Hallaton Road are Listed Buildings. St Thomas A Becket church on Main Street is a Grade I Listed Building. When approaching the village from the south the church can be seen. The development site is on lower land than the church and is quite well screened. The village can be seen in the foreground in front of the church and newer residential development to the south west of the church is especially clear. Therefore it is not considered that the proposed development will have a harmful affect on the setting of the church.
- 6.21 The site is within the Conservation Area and Nettleham House and the properties to the north of this are older properties. However The Garden House, The Mead, 4 Hallaton Road and Woodlands (next to The Mead) are newer properties. It is considered that due to the size, siting, scale and design of the proposed dwellings that they will respect and enhance the Conservation Area. The boundary treatment proposed and retention of the front hedge will also respect the area. The proposal therefore complies with Policy CS11 of the Harborough District Core Strategy.

## 3. Amenity

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- 6.22 The nearest residential properties are The Garden House opposite to the site and The Mead to the north. 4 Hallaton Road, the Woodlands and Nettleham House are also in close proximity to the site. To the south The Bungalow is screened from the site by the dense spinney and this is also a minimum of 43m from the edge of the



site. To the north is the recently built development of Manor Farm Close. These are separated from the application site by a field and the closest distance between the boundary of the Manor Farm Close site and the edge of the application site is 74m.



**Figure 10: The Manor Farm Close development. The edge of the application site is denoted by the long grass**

- 6.23 Though the concerns raised by the residents of Manor Farm Close are appreciated and have been assessed it is considered that they are of such a distance from the site for there not to be an unacceptable loss of privacy and that the new development will not be overbearing.
- 6.24 Plots 1 to 4 face towards The Garden House. The Garden House is a two storey dwelling house with habitable room windows at ground floor and first floor facing Hallaton Road. Extending forward of the property on its northern boundary is a double garage. The closest distance between the front windows of The Garden House and the new dwellings is 25m. This exceeds the Supplementary Planning Guidance Note that states that there should be 21m between habitable room windows that face one another. In addition to this distance there is also a road between the properties and a hedgerow on each side of the road. Plot 5 will face the garden of The Garden House which is beyond a 2m high brick wall. The windows on the front elevation of Plot 5 will be a minimum of 25m from this brick wall. Due to this distance and the presence of the road, hedgerows and high brick wall it is not considered that the development would result in an unacceptable loss of privacy.
- 6.25 Plots 1 to 4 are approximately 8.2m high and Plot 5 is 9.6m high. Due to these heights and the distance between the dwellings and The Garden House it is not considered that the properties will be overbearing.
- 6.26 Nettleham House is north of The Garden House and approximately 19m when measured from the closest corner to the closest corner of Plot 1. However, due to the angle that Nettleham House is sited at the front windows do not face directly towards the site. They are orientated towards The Mead and Woodlands. There are no

windows in the south side elevation of Nettleham House. It is therefore not considered that residential amenity will be affected by the new development.

- 6.27 The Mead is to the north of Plot 1 and there is 15.1m between the side of The Mead that faces the development and the side of Plot 1. At ground floor patio doors serving a habitable room face the site and at first floor a habitable room window faces the site. There is a window on the front elevation serving the ground floor room. There is then a lawn between the house and the edge of the site and then soft boundary treatment of wire fencing and soft landscaping. The Mead is on elevated land to the application site.



**Figure 11: Looking towards The Mead from the front north west corner of the site**

- 6.28 Supplementary Planning Guidance advises that there should be 14m between a habitable room window and a two storey blank elevation. There is 15.1m between the side of The Mead and the side of Plot 1 so this distance is achieved. In addition to this Plots 1 to 4 have been positioned near to the front of the site and so the windows in the side elevation of The Mead do not directly face a side elevation but instead face the rear gardens of the new properties. The new dwellings are also on lower land. It is therefore considered that the proposed dwellings will not be unacceptably overbearing to these windows.
- 6.29 A loss of privacy will also be avoided as the habitable room windows of the new dwellings face west and east. A secondary window is proposed in the side elevation of Plot 1 at ground floor. This should be screened by boundary treatment but notwithstanding this a condition will ensure that this window is obscure closed and fixed opening to further ensure there is no loss of privacy. Due to the positioning of the properties there will not be an unacceptable loss of privacy to the garden area of The Mead.
- 6.30 Plot 6 is to be situated east of the southern part of the garden of The Mead. At first floor two bedroom windows are proposed. The closest one is approximately 21m from the private amenity space outside of the patio doors of The Mead. Currently a large willow tree prevents any loss of privacy. If this tree were ever to be removed

then it is considered that there will still not be a significant loss of privacy due to the orientation of Plot 6 and the distance.



**Figure 12: Looking west from within the site towards the existing barn and The Mead**

- 6.31 With regards to a sense of enclosure and overbearing it is considered that this is avoided due to the layout of the site. Much of the development that adjoins the garden of The Mead is garden and parking space for the new site. From the windows facing the site there will be openness between the rear of the front plots and Plots 6 to 8. Plot 1 is 8.2m high and Plot 6 is 10m high and the site is also on lower land. It is appreciated that the outlook from The Mead will be significantly altered by this proposal as it currently faces a field and barn. However, based on a planning assessment of the proposal the harm created will not be significant or demonstrably harmful to warrant the proposal being unacceptable.
- 6.32 The side of 4 Hallaton Road faces the site and Plot 6 will be next to its garden. At first floor a bedroom window is proposed but this is 34.1m from the windows at 4 Hallaton Road and this is an acceptable distance. Although no. 4 is a bungalow it is considered that the distance and the land level dropping down will ensure that Plot 6 is not overbearing to an unacceptable degree.





**Figure 13: Looking towards 4 Hallaton Road from the site**

6.33 Resident's concerns have been considered but overall based on the assessment carried out it is considered that existing and future residential amenity will be safeguarded and the proposal will therefore comply with Policy CS11 of the Harborough District Core Strategy.

#### 4. Highways

6.34 LCC Highways requested more information with regards to traffic speeds, visibility splays and suggested the footpath is in front of the retained hedge to help the perception for drivers that they still need to take care as are still within a residential area. More information was therefore submitted.

6.35 Further to this additional and revised information LCC Highways advised that it has now been demonstrated that a safe and suitable access can be provided to the site. The residual cumulative impacts of the development would not be considered severe.

#### 5. Trees

6.36 Plot 6 is located in close proximity to the willow tree in the garden of The Mead and the front footpath was too near to trees in the neighbour's garden. Concerns were raised about this and so the Forestry Team Leader was consulted. He advised that this distance between Plot 6 and the willow tree does not raise concerns and that the front path should not have any affect on the neighbours trees.

#### 6. Ecology

6.37 LCC Ecology have advised that the necessary natural buffer has been shown between the gardens of Plots 9 and 10 and the spinney and that this should be conditioned to be retained. No further surveys were required. Neighbour concerns were forwarded to LCC Ecology but this did not change their assessment of the proposed development.

### **d) Sustainable Development**



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

- Economic

As well as the direct economic benefits related to employment generation and investment, the proposal will deliver 10 new dwellings.

- Social

Provides 10 new dwellings, which contributes to housing need.

- Environmental

The proposal is in keeping with the character and appearance of the surrounding countryside, village setting and Conservation Area.

#### **e) Planning Obligations**

Section 106 contributions have been requested and these can be found in Appendix A and the consultation part of this report. The applicant is drawing up a draft agreement.

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

- 7.1 The proposed new dwelling houses and works to the site are considered to be of an acceptable scale, design, size and massing so as to enhance and respect the character of the Conservation Area and the street scape. The development respects the character of the surrounding settlement and will not have significant or demonstrable harm on the surrounding countryside. Adequate parking and turning facilities are provided and residential amenity is safeguarded. The proposal is considered to be in accordance with Policies CS2, CS5, CS11 and CS17 of the Harborough District Core Strategy and with the principles of the Framework.

### **8. Planning Conditions**

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

## APPENDIX A – Section 106 contributions

Request by HDC	Obligation for Affordable Housing		
Amount /Detail	Delivery	CIL Justification	Policy Basis
Seek 40% affordable housing. 10 dwellings equals 4 AH units. Our tenure split requirements are for the affordable requirement to be provided as 50% rented and 50% to be provided as shared ownership	The trigger required for affordable housing as requested by the LPA are 50% to be built out and transferred to a Registered Provider (RP) prior to 50% build out of the market dwellings. The remaining 50% to be built out and transferred to RP prior to 75% of build out of the market dwellings.	<p>A fundamental objective of the CS is to meet the need for affordable housing (CS Objective 1 and CS Policy CS2). CS Policy CS3 seeks a proportion of new dwellings within developments to be affordable.</p> <p>Providing housing on site will result in an inclusive, sustainable development. The size and tenure of affordable housing is based on the current needs of those on the Councils waiting list.</p>	<p>Core Strategy Policy CS3</p> <p>This policy aims to increase provision of affordable housing, particularly in rural areas, in order to meet the high need across the district as demonstrated in the SHMA and HEDNA.</p> <p>Affordable housing SPD 2006.</p> <p>Planning Obligations SPG (Jan 2017)</p>
Request by HDC	Obligation for Monitoring Fee		
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 the costs associated with the negotiation, production and subsequent monitoring of developer payments. This covers the legal costs of creating agreements, any costs associated with obtaining independent or specialist advice to validate aspects of the contributions and costs of monitoring.	Planning Obligations SPG (Jan 2017)

## **APPENDIX B – Planning Conditions**

### **10. Planning Conditions**

#### **Planning Permission Commencement**

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

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

#### **Permitted Plans**

- 2) The development hereby permitted shall be in accordance with the following approved plans P01 A Location Plan, P02 A Site Survey, P03 D Site Layout, P05 Site Boundary Treatment, P10 A Housetype A1 – Plans & Elevations, P11 Housetype B – Plans & Elevations, P12 A Housetype C – Plans & Elevations, P13 B Housetype D – Plans & Elevations, P14 A Housetype E – Plans & Elevations, P15 Housetype F – Plans & Elevations, P16 Garage Block Plot 10 – Plans & Elevations, P17 Housetype A2 – Plans & Elevations and ADC1548/001 B Proposed Access Junction Layout. REASON: For the avoidance of doubt.
- 3) No part of the development hereby permitted shall be occupied until such time as the works shown in drawing number Site Layout P03 Rev D have been implemented in full. REASON: In the interests of general highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

#### **Materials Schedule**

- 4) 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.

#### **Permitted Development removal**

- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouses hereby permitted or within their curtilage. The window at ground floor on the north elevation of Plot 1 shall be glazed with obscure glass (at least Level 3) only and fixed with a ventilation stay restricting the opening of the window prior to the first occupation of the development hereby permitted, and shall be permanently maintained as such at all times thereafter. 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.

#### **Traffic Management Plan**

- 6) No development shall commence on site (including any works of demolition), until a Construction Method Statement and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include the following:

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

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 by ensuring construction traffic does not use unsatisfactory roads and that it does not lead to on-street parking problems during the construction phase and to accord with Harborough District Core Strategy Policy CS11.

#### **Car Parking & Turning**

- 7) The car parking and any turning facilities shown on plan ref. P03 D shall be provided, hard surfaced and made available for use before the dwellings are occupied and shall thereafter be permanently so maintained. REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

#### **Drainage**

- 8) Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained.  
REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.

#### **Landscaping**

- 9) 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) hard surfacing materials;
  - (f) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
  - (g) programme of implementation

Thereafter the development shall be implemented fully in accordance with the approved details and retained in perpetuity. The boundary treatment shall be as shown on plan no. P05 and retained in perpetuity. REASON: To enhance the

appearance of the development in the interest of the visual amenities of the area and to accord with Harborough District Core Strategy Policy CS11.

- 10) The 7.5m woodland buffer zone must be delineated on the ground with a fence or native species hedge and must be retained in perpetuity as natural vegetation and not managed as amenity open space or garden. REASON: To ensure the development does not impact on habitats or protected species.
- 11) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  - a) The programme and methodology of site investigation and recording
  - b) The programme for post investigation assessment
  - c) Provision to be made for analysis of the site investigation and recording
  - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - e) Provision to be made for archive deposition of the analysis and records of the site investigation
  - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.No demolition/development shall take place other than in accordance with the Written Scheme of Investigation. REASON: To ensure satisfactory archaeological investigation and recording
- 12) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 9 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. REASON: To ensure satisfactory archaeological investigation and recording

#### **Notes to Applicant**

- 1) You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 821090). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.
- 2) 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 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 6Cs Design Guide which is available at <https://www.leicestershire.gov.uk/environment-andplanning/planning/6cs-design-guide>
- 3) The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the

development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk). Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.

- 4) A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk) to progress an application.
- 5) The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
- 6) The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

## Planning Committee Report

**Applicant:** Mr & Mrs Womack

**Application Ref:** 17/01091/OUT

**Location:** 1 Chapel Street, Swinford, Leicestershire, LE17 6AZ

**Proposal:** Outline application for the demolition of existing outbuilding attached to Glenview; alterations to existing access and erection of five dwellings (access to be considered only)

**Application Validated:** 30/06/2017

**Target Date:** 25/08/2017 (Extension of time agreed)

**Consultation Expiry Date:** 12/10/2017

**Site Visit Date:** 18/09/2017

**Case Officer:** Faizal Jasat

## Recommendation

Planning Permission is **APPROVED**, subject to;

- The conditions set out in Appendix A

The proposed development is acceptable on the basis that the Council cannot demonstrate a five year housing land supply and the site occupies a sustainable location within a Selected Rural Village. The details of the scheme demonstrate that it is capable of being assimilated into its surroundings without adversely affecting the character and appearance of the Conservation Area; the amenities of occupiers of adjoining properties; highway safety; biodiversity; flooding or any other interest of acknowledged importance. The proposal is therefore considered to accord with Harborough District Local Plan Policies HS/8 and Core Strategy Policies CS2, CS5, CS8, CS9, CS11 and CS17 and there are no other material planning considerations sufficient to challenge the presumption in favour of development. Furthermore, the decision has been reached taking into account 186-187 of the National Planning Policy Framework.

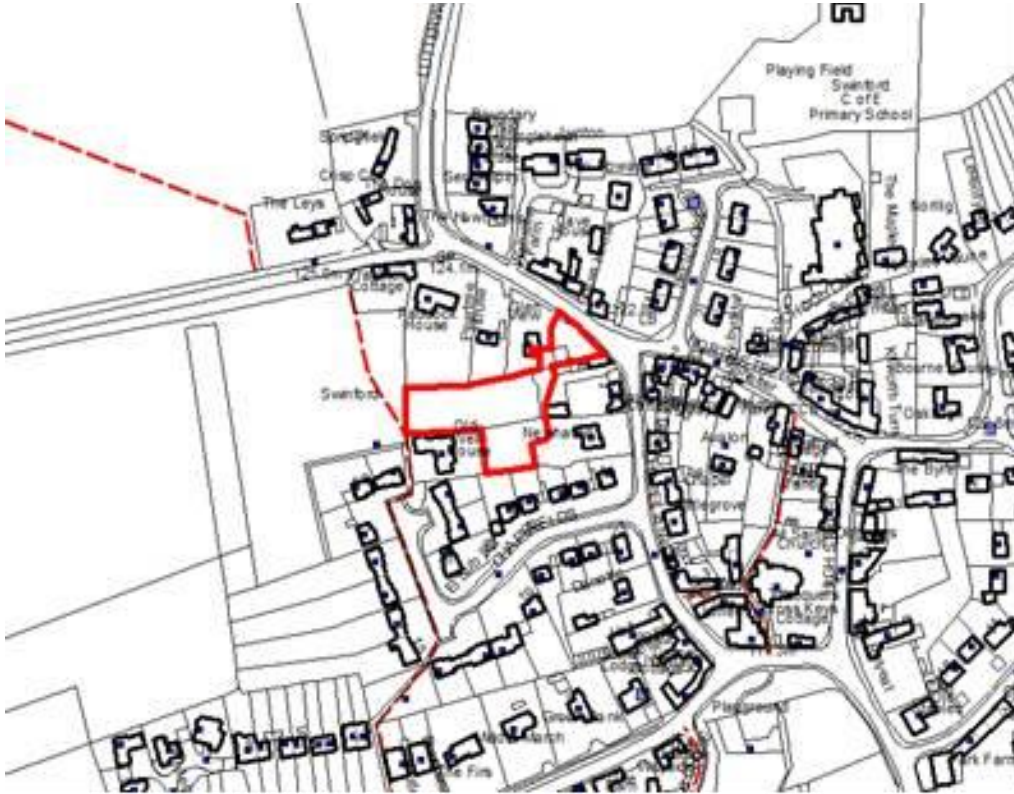
## 1. Site & Surroundings

- 1.7 The application site is a 0.29 hectare area of residential land and garden space to the rear and side of a mid-18<sup>th</sup> century cottage - 1 Chapel Street. The majority of the site is open with planting and may have historically been used as grazing. Part of the site to the north consists of the side garden and outbuilding of a detached 1930's house - Glen View. The outbuilding to Glen View adjoins the house, but appears to have been constructed earlier than Glen View.
- 1.8 The site is located close to the edge of the village core and to the corner of Chapel Street and Lutterworth Road. The site is enclosed to the north, east and south by

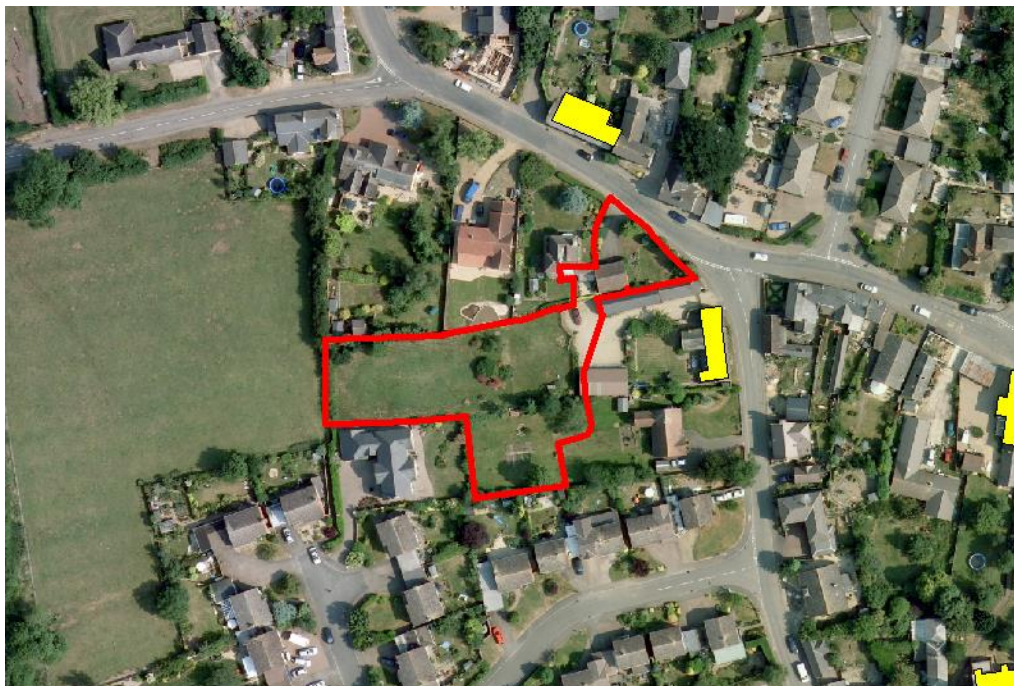


detached houses which vary in era, layout and design, with open countryside to the west. The area is predominantly residential in character. A primary school is located 100m northeast of the site.

- 1.9 The site is a Selected Rural Village (SRV) and is located within the Swinford Conservation Area and within the defined Limits to development.



**Figure 1: Site Location**



**Figure 2: Heritage Map – Listed Buildings highlighted in yellow**



**Figure 3: View of 1 Chapel Street and corner of Chapel Street /Lutterworth Road**



**Figure 4: View of Glenview and outbuilding**





**Figure 5: View of outbuilding to be demolished to create access**



**Figure 6: View across site (easterly) from rear of 1 Chapel Street**



**Figure 7: View across site (westerly) towards rear of 1 Chapel Street**

## **2. Site History**

- 2.1 No relevant planning history related to the application site.

## **3. The Application Submission**

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

- 3.1 The proposal seeks planning approval for the erection of 5 dwellings and would include the demolition of the outbuilding to Glen View in order to create a new access. Except for the proposed access, the application is submitted in outline with all matters reserved for further consideration.





**Figure 8: Indicative Proposed Layout Plan**

- 3.2 The proposal seeks to deliver a five 'farmhouse' style dwellings intended to reflect the rural character of Swinford and the Conservation Area. The illustrative layout shows a mix of 1.5-2 storey dwellings which vary in scale and layout. A new access off Lutterworth Road is proposed by demolishing the existing large outbuilding adjoining Glen View. The proposal does not include, but does illustrate that Glen View would be extended to create a larger dwelling.



**Figure 9: Proposed Indicative Sketch of Layout**

3.3 The application has been amended to omit consideration of the scale and layout of the proposal.

## **b) Documents submitted**

### **Plans**

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

- Site Location Plan
- Proposed Site Layout Plan
- Sketch Visual
- Access Details
- Design and Access Statement and Heritage Statement
- Extended Phase-1 Habitat Survey and Bat Scoping Survey
- Bat Survey

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

3.5 No pre-application advice was sought prior to submission.

## **d) Environmental Impact Assessment**

- 3.6 The site area of the proposal is 0.29ha. Five dwellings are proposed. The development is therefore not considered to require an Environmental Impact Assessment or trigger a requirement for a Screening Opinion.

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

- 4.1 Consultations with technical consultees and the local community were carried out for the application on 6<sup>th</sup> July 2017. After the scale and layout were removed from the application, further consultation with the local community was carried out on 28<sup>th</sup> September 2017 for 14 days. A site notice was posted on the 17<sup>th</sup> July 2017 and the application was advertised in the Harborough Mail on 27<sup>th</sup> July 2017. This initial consultation period expired on 20<sup>th</sup> October 2016.
- 4.2 Firstly, a summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to:  
[www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning).

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

##### **4.3 HDC Conservation**

The proposal involves the demolition of an outbuilding within the Conservation Area in order to form an access to the proposed development. It is recognised that this is an outline application and therefore the plans are partly indicative, nevertheless in my opinion the principle of developing this site for housing is acceptable in principle, however the outbuilding to be demolished does have some historic merit so therefore the benefits of the proposals need to be weighed against the harm. I believe that on balance due to the size of the outbuilding and the fact that it has been clearly altered in the past, although regrettable its demolition will not result in the loss of a significant building in the Conservation Area and therefore will not result in harm to the setting of the Conservation Area as a whole. Therefore it is considered that the proposal complies with Chapter 12 of the NPPF.

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

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

- Construction Traffic Management Plan
- No Gates, Barriers, Bollards & Chains
- Visibility Splays
- Access Width
- Note for no works on public highway
- Note for unadopted road

##### **4.5 Leicestershire County Council (Ecology)**

No objections, subject to conditions and informatives:

- Note to demolish the barn over the winter months, as it is less likely that bats will be active then – between late October and early March should miss the active bat season
- Condition requiring updated bat surveys is needed if demolition doesn't take place with three years of Ecolocation's July 2017 surveys

- Condition for replacement nesting for House Martins and Swallows

**4.6 Leicestershire County Council (Archaeology)**

No response received.

**4.7 Historic England**

No comments.

**4.8 Parish Council**

1. Swinford Parish Council has concerns regarding the timing of the submission of this application. The Parish Council is preparing a Neighbourhood Plan which is drawing very close to submission. Residents of Swinford have been heavily involved in the plan process and the proposed submission version of the Plan reflects the aspirations of residents as to where future development should take place within the village. This application does not have any consideration for the proposed submission version of the Plan and does not comply with Policy H4 on Windfall Development.

2. There are serious concerns regarding the entrance to the proposed development. The entrance is very close to the junction of Chapel Street, North Street and Lutterworth Road. This junction is already problematic and visibility can be poor due to parked cars and parked farm vehicles. The entrance is also on the approach to the primary school meaning that this stretch of road is extremely busy with parked cars and higher traffic levels at drop-off and pick-up times. An additional entrance way and the associated additional traffic would further complicate matters and make the area more hazardous.

3. The proposal would mean that a large area of open space would be developed. The Parish Council are concerned that if the application is approved there would be a significant disruption to the wildlife habitat and biodiversity in this area.

4. The development would have a negative impact on some of the neighbouring properties with increased noise and traffic, loss of privacy and loss of daylight.

5. It is understood that the applicants are applying for outline permission and if granted will then sell the plot to developers. There is concern that revised plans will then be submitted by a developer for a higher number of properties on the site further exacerbating the concerns outlined above.

## **b) Local Community**

**4.9 12 objections and 1 comment have been received from local neighbouring residents raising the following material concerns:**

- Adverse impact on highway safety
- Increase pressure on on-street parking
- Residential amenity – loss of sunlight/daylight, privacy & Overbearing impact
- Adverse impact on ecology and wildlife
- Potential adverse impacts of insufficient foul and surface water drainage



- Proposal not in accordance with approval - more dwellings on site
- Contrary to neighbourhood plan
- Loss of tree
- Loss of open space
- Incompatible use of land for residential development
- Adverse impact on character of village
- Adverse impact on Listed Building
- Potential loss of heritage asset – outbuilding
- Increase in noise and disturbance

## **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:
- CS2 – Delivering new housing
  - CS5 – Providing sustainable transport
  - CS8 – Protecting and Enhancing Green Infrastructure
  - CS9 – Addressing Climate Change
  - CS11 – Promoting design and built heritage
  - CS17 – Countryside, rural centres and rural villages
- *Saved Local Plan Policies*

- 5.5 Policy HS8 should be noted although as this is a restrictive policy it is considered out of date. Development plan policies which are out of date are afforded reduced weight in the determination of applications.

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

- 5.6 The following material planning considerations are relevant to this application:

- The National Planning Policy Framework (The Framework/NPPF), particularly Para.14 (presumption in favour of development), and Section 6 (Delivering a wide choice of high quality homes), Section 7 (Good Design), Section 10 (Meeting the challenge of climate change, flooding and coastal change) and Section 11 (Conserving and enhancing the natural environment).
- National Planning Practice Guidance
- Supplementary Planning Guidance
- Five Year Housing Land Supply Statement

#### **c) Other Relevant Documents**

- 5.7 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)
- Planning Obligations Developer Guidance Note
- Leicestershire Planning Obligations Policy
- Leicestershire County Council Local Transport Plan 3 (LTP3)
- Leicestershire County Council Highways Authority 6Cs Design Guide

#### **d) Other Relevant Information**

##### *Reason for Committee Decision*

- 5.8 This application is to be determined by Planning Committee because it has received 5+ objections.

### **6. Assessment**

#### **a) Principle of Development**

- 6.1 The village of Swinford is identified within CS17 as a Sustainable Rural Village (SRV) having at least two key services consisting of a pub and primary school. The settlement also has identified Limits to Development of which the site falls within.
- 6.2 The site is located on residential land and is not designated as open space. The proposal would be sited on a backland site surrounded by existing houses and therefore not considered to adversely impact on the character and form of the existing village.

6.3 As the Council is unable to demonstrate a 5yr supply (currently at a 4.45 year supply) and the site is within limits to development, the principle of development is therefore considered in compliance with the Core Strategy.

6.4 Although the Neighbourhood Plan is a material consideration, it is still in draft format and not at an advanced stage and therefore does not yet carry full weight. The LPA is unaware of any requirement in law or statute for either full weight to be given to an unadopted Neighbourhood Plan, or for the determination of applications to be delayed until a Neighbourhood Plan has been adopted. Annex 1 of the Framework explains how weight may be given to policies in emerging Neighbourhood Plans and states:

*“arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:*

*a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*

*b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”*

6.5 The overall sustainability of the development falls to be assessed against the following material planning considerations:

- Design and Visual Amenity
- Conservation and Heritage
- Highways
- Residential Amenity
- Flooding and Drainage
- Ecology
- Archaeology

## **b) Technical Considerations**

### **Design and Visual Amenity**

6.6 The site is predominantly backland and surrounded by existing built development, with only open countryside to the west. The proposed indicative sketch of the development shows houses of an unregimented design and layout, but of an overall farmhouse style to fit in with the surroundings. Within this context the proposal will not be visually intrusive as it would not significantly alter the overall character and built form of the village.

6.7 Whilst the proposal is in outline, Core Strategy Policy CS2 specifies 30 dwellings per hectare (1 house per 0.033ha) outside Market Harborough and Lutterworth;

therefore, given that the site area 0.29ha, the site could adequately accommodate five dwellings. In any case, the detail of the layout at reserved matters stage would determine the precise layout when parking provision, distances between dwellings and private amenity spaces have been more accurately configured.

- 6.8 The design and detail of individual dwellings will be determined at reserved matters stage, but it will be expected that they will take reference from the character of existing aesthetically pleasing dwellings within this part of Swinford and be of the highest quality in accordance with Core Strategy Policy CS11 and the Framework.
- 6.9 On the basis of the above assessment it is considered that, subject to the subsequent approval of reserved matters and compliance with recommended conditions, the proposal satisfactorily meets the requirements of the Framework and Harborough District Core Strategy Policy CS11.

## Conservation & Heritage

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- 6.10 Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose a duty on Local Planning Authorities to pay special regard/attention to Listed Buildings/assets and Conservation Areas, including setting, when considering whether to grant planning permission for development. For Listed Buildings/assets, the Local Planning Authority shall “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses” (Section 66) and for Conservation Areas “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area” (Section 72).
- 6.11 The application site is located within a Conservation Area and in close proximity to two Listed buildings, particularly the host property – 1 Chapel Street. The proposed development would predominantly be located to the rear garden of the Listed building, with one dwelling positioned to the side of the Listed building and fronting Lutterworth Road. An existing outbuilding would be demolished to accommodate the proposed access. Although this outbuilding is considered to be of merit, it is neither locally nor statutorily Listed and therefore could be demolished without notification to or approval from the LPA.
- 6.12 The proposed dwellings would have sufficient separation distances between the Listed building would therefore not adversely affect its setting and appearance. Existing outbuildings (former barns) would be sited between the existing Listed building and the proposal and therefore the development would not undermine its setting as it would be read separately, without appearing incongruous.
- 6.13 Historic England have been consulted on the proposal, but have made no comments. The Council’s Conservation Officer has also been consulted and no objections have been raised to the proposal.
- 6.14 Subject to a further reserved matters application relating to appearance, layout and scale, the proposal is not considered to adversely affect the character and appearance of the Swinford Conservation Area or the surrounding Listed buildings and is therefore in accordance with Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## Highways

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- 6.15 The proposed access onto Lutterworth Road is for consideration as part of the current application.
- 6.16 The Local Highways Authority has raised no objections to the proposal subject to compliance with conditions for a construction traffic management plan, visibility splays, access width and no obstructions to the access.
- 6.17 All objections and comments made on this application state that the village has a pre-existing problem with a high volume of traffic running through the village and that the proposed development would exacerbate this. The proposal is minor application for five dwellings and whilst accepted that additional houses would generate some degree of extra traffic within the village, it is considered that this impact would not be adverse or significant to warrant refusal of the application on highways grounds. Furthermore, pre-existing issues cannot be remedied via the planning application process.
- 6.18 The applicant has demonstrated that suitable visibility splays can be achieved and that the proposed access, subject to according with the additional highways conditions, would be in accordance with LHA guidance.
- 6.19 On the basis of the above, it is considered that the proposal satisfactorily accords with the provisions of the LHA guidance and the NPPF and that further details regarding parking can be dealt with at the reserved matters stage.

#### Residential Amenity

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- 6.20 Core Principle 4 of Paragraph 17 of the NPPF seeks to ensure a good standard of amenity for all existing and future occupiers of land and buildings. This principle is further reflected in Policy CS11. In order to objectively assess the impact of the proposed development upon existing residential amenity, the Council has adopted Supplementary Planning Guidance Note 5. This guidance states that there are three main ways in which development can affect existing residential amenity:
- Loss of light (overshadowing)
  - Loss of privacy (overlooking)
  - Sense of over-dominance or an overbearing structure
- 6.21 Based on the illustrative layout, the greatest impact on existing dwellings would arise from the relationship between proposed new dwelling and existing dwellings on Chapel Fields. It is noted that the proposal meets the Council's minimum standards on separation distances and that this arrangement does need further assessment. However, as the application is in outline only, these matters would be more accurately assessed and at reserved matters stage.
- 6.22 Objections include concerns that the proposal would lead to increased noise and disturbance. It is acknowledged that the addition of five extra dwellings would create some degree of extra noise and disturbance than that of the existing situation, but as the site would be to dwellinghouses, any noise and disturbance would not be adverse, due to such developments not typically causing adverse levels of noise and disturbance.
- 6.23 On the basis of the above it is considered that the development of this site is capable of being accommodated to a satisfactory level and that any adverse impacts on

neighbouring amenity could be mitigated and dealt with at the reserved matters stage in order to accord with Core Strategy Policy CS11 and the Framework.

## **Flooding and Drainage**

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- 6.24 The site is located in the lowest flooding category of Flood Zone 1. In addition to this, as the proposal is also classed as a minor development no Flood Risk Assessment has been provided by the applicant nor requested by the LPA. No details have been submitted in relation to drainage for the site. If the applicant was to submit such details, due to the minor nature of the proposal, neither the LLFA or Severn Trent would offer comments on drainage details. In any case, matters relating to foul and surface water drainage would be dealt with as part of Building Regulations legislation, of which any finally approved proposal would need to comply with.

## **Ecology**

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- 6.25 The applicant has submitted a Phase 1 habitat and bat survey as well as an additional bat survey, both of which are considered acceptable by the County Ecologist. It has however been noted that although the site is not of any significant value for wildlife, there is evidence of house Martins and Swallows currently nesting on site. The County Ecologist has therefore recommended that a condition is attached for an updated bat survey if the proposal is not implemented within three years of the bat survey and also for nesting provisions to be provided on site.
- 6.26 On the basis of the above the proposal is considered acceptable subject to conditions, and is in compliance with Core Strategy Policy CS8 and Section 11 of the Framework and other relevant biodiversity legislation.

## **Archaeology**

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- 6.27 The County Archaeologist has been consulted on the application and no comments have been received. On this basis the application is considered to not present any immediate concerns relating to archaeology.

## **Other Matters**

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- 6.28 All material objections from the neighbour residents have been noted and have been assessed in the above assessment.
- 6.29 Additional concerns have been expressed about the potential for the site to be developed for more than 5 dwellings. This application is for outline approval of 5 dwellings only and therefore any consent would be for the development as proposed. If additional houses are intended for the site, this would be subject to a new or revised proposal and would be given consideration separately and accordingly.

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

## **7.1 Sustainable Development**

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

- **Economic**

Provides economic development in the building of 5 residential units, which would contribute towards the Council's 5yr supply shortfall.

- **Social**

Provides 5 new dwellings, which contribute to housing need. The site can also access a primary school and pub, both of which are within approx. 150m walking distance.

- **Environmental**

The proposal is considered in keeping with the character and appearance of the surrounding area and should not have any adverse impact on biodiversity interests. Subject to compliance with conditions and a reserved matters application, the proposal would not have any adverse impact on the ecology of the site. It is therefore considered that it will have a positive impact on the environment and thus is considered to be sustainable development

- 7.2 The proposed development is acceptable on the basis that the Council cannot demonstrate a five year housing land supply and the site occupies a sustainable location within a Selected Rural Village. The details of the scheme demonstrate that it is capable of being assimilated into its surroundings without adversely affecting the character and appearance of the Conservation Area; the amenities of occupiers of adjoining properties; highway safety; biodiversity; flooding or any other interest of acknowledged importance. The proposal is therefore considered to accord with Harborough District Local Plan Policies HS/8 and Core Strategy Policies CS2, CS5, CS8, CS9, CS11 and CS17 and there are no other material planning considerations sufficient to challenge the presumption in favour of development. Furthermore, the decision has been reached taking into account 186-187 of the National Planning Policy Framework.

## **APPENDIX A – Planning Conditions & Notes to Applicant**

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. 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.



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

The development shall be carried out in accordance with the approved details.  
 REASON: The application was made for outline planning permission and is granted to accord with the provisions of Section 92 of the Town and Country Planning Act 1990 and Part 2 (5) of the Town and Country Planning (Development Management Procedure) Order 2010.
4. 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.
5. 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. REASON: To safeguard the character and appearance of the locality and the amenities of occupiers of neighbouring dwellings in accordance with Harborough District Core Strategy Policy CS11.
6. No development shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:
  - BS10175 Year 2011 Investigation Of Potentially Contaminated Sites Code of Practice;
  - BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
  - LR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

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

  - CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
  - The Verification Plan shall be prepared in accordance with the requirements of:
  - Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
  - CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004. If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10

working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. REASON: To ensure that the land is fit for purpose and to accord with Core Strategy Policy CS11 9. Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development.

7. Prior to occupation of any part of the completed development, a report showing the findings of the Verification Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
  - Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
  - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
  - Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
  - Contain Test Certificates of imported material to show that it is suitable for its proposed use;
  - Demonstrate the effectiveness of the approved Remedial Scheme; and
  - Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.
 REASON: To ensure that the land is fit for purpose and to accord with Core Strategy Policy CS11.
8. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable. REASON: As recommended by the Highway Authority to reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area to the detriment of highway safety.
9. 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 Paragraph 32 of the National Planning Policy Framework 2012 and to accord with Harborough District Core Strategy Policy CS11.
10. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays and vehicular visibility splays of 2.4 metres by 43 metres 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: 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 32 of the National Planning Policy Framework 2012 and to accord with Harborough District Core Strategy Policy CS11.

11. Notwithstanding the submitted plans, the proposed access shall have a minimum width of 4.8 metres with 0.5 metre clear margins on both sides and shall be tarmacked for a distance of 5 metres behind the highway boundary. The access once provided shall be so maintained at all times. REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012 and to accord with Harborough District Core Strategy Policy CS11.
12. If the development is not commenced prior to July 2020, an updated bat survey shall be submitted prior to the commencement of development with any necessary mitigation measures implemented in accordance with the recommendations of the survey. REASON: To safeguard protected species and their habitats in accordance with Harborough District Core Strategy Policy CS8 and the National Planning Policy Framework.
13. No development shall commence on site until details have been submitted to and approved in writing by the Local Planning Authority for replacement nesting provisions on site, specifically for species of House Martin and Swallows that currently nest on the site. REASON: In the interests of wildlife and nature conservation and to accord with Harborough District Core Strategy Policy CS8.
14. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of any of the dwellings 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: In the interests of the character and appearance of the area in accordance with Harborough District Core Strategy Policy CS11.
15. The development hereby permitted shall be in accordance with the following approved plans: LOC03A and 10:17:06. REASON: For the avoidance of doubt.

#### **Notes to Applicant**

1. You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 821090). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.
2. It is recommended that no burning of waste on site is undertaken unless an exemption is obtained from the Environment Agency. The production of Dark Smoke on site is an offence under the Clean Air Act 1993. Notwithstanding the above, the emission of any smoke from site could constitute a Statutory Nuisance under section 79 of the Environmental Protection Act 1990.
3. Other 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 Monday to Friday, 08:00 - 13:00 Saturday and at no time on Sunday or Bank Holidays.
4. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
5. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk). Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.
6. If the Reserved Matters should exceed 1,000 sq.m footprint an affordable housing contribution is expected.

## Planning Committee Report

**Applicant:** Mr & Mrs Dutt

**Application Ref:** 17/01353/FUL

**Location:** 8 Chestnut Drive, Bushby, Leicestershire

**Proposal:** Erection of single and two storey rear extension, with existing garage to be converted into lounge (revised scheme of 17/00392/FUL)

**Application Validated:** 10/08/17

**Target Date:** 05/10/17 (extension of time agreed)

**Consultation Expiry Date:** 09/10/17

**Site Visit Dates:** 06/09/17 and 12/09/17

**Case Officer:** Anisa Aboud

### Recommendation

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

- The conditions set out in Appendix A

The extensions hereby approved will respect the local character, building materials and distinctiveness of the area in which it is situated. The scale and design of the development will not damage the character of the area and residential amenity will be safeguarded. The proposal is therefore considered to accord with Harborough District Core Strategy Policy CS11 and no other material considerations indicate that the policies of the development plan should not prevail, furthermore the decision has been reached taking into account 186-187 of the National Planning Policy Framework.

### 1. Site & Surroundings

- 1.1 The application site relates to a large detached dwelling house within a residential estate. It is a dormer bungalow and it has a pitched roof gable. In front of the property is a large driveway for at least three cars as well as an integral double garage. The residential estate is open plan in character, with landscaping to the front of each property alongside the driveway. The property is set within the head of the cul-de-sac.



**Figure 1: Site Location**



**Figure 2: View of 8 Chestnut Drive (streetscene)**

- 1.2 8a Chestnut Drive is immediately to the west and this is also a dormer bungalow, with 3 pitched dormer windows on the rear elevation, set forward of the application

site. 89c Main Street is to the south west and is a two storey dwelling house. There is change in levels, with the application site sitting on higher ground. 7 Chestnut Drive lies immediately to the west and is a similar style dwelling.

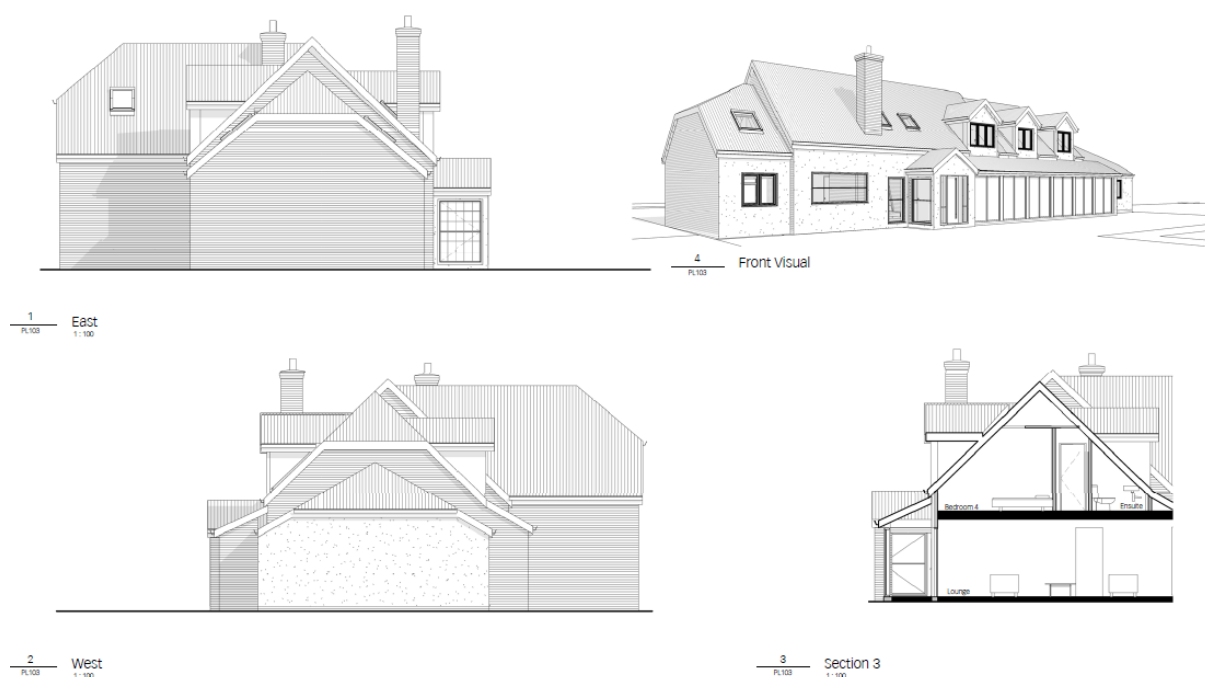
## 2. Site History

- 2.1 17/00392/FUL- Erection of single and two storey rear and side extensions; including a raised ridged height and the conversion of the garage to habitable accommodation Withdrawn. 08.05.2017.

## 3. The Application Submission

### a) Summary of Proposals

- 3.1 The proposal seeks full planning approval for the erection of a two storey rear extension and a single storey side extension, with the existing garage to be converted to habitable accommodation.
- 3.2 Amended plans have been received which have removed the original two storey side extension element from the proposal, as well as the dormer windows proposed on the front elevation and rear elevation (west side). The front elongated porch element has been removed and the two storey rear extension has a reduced depth.

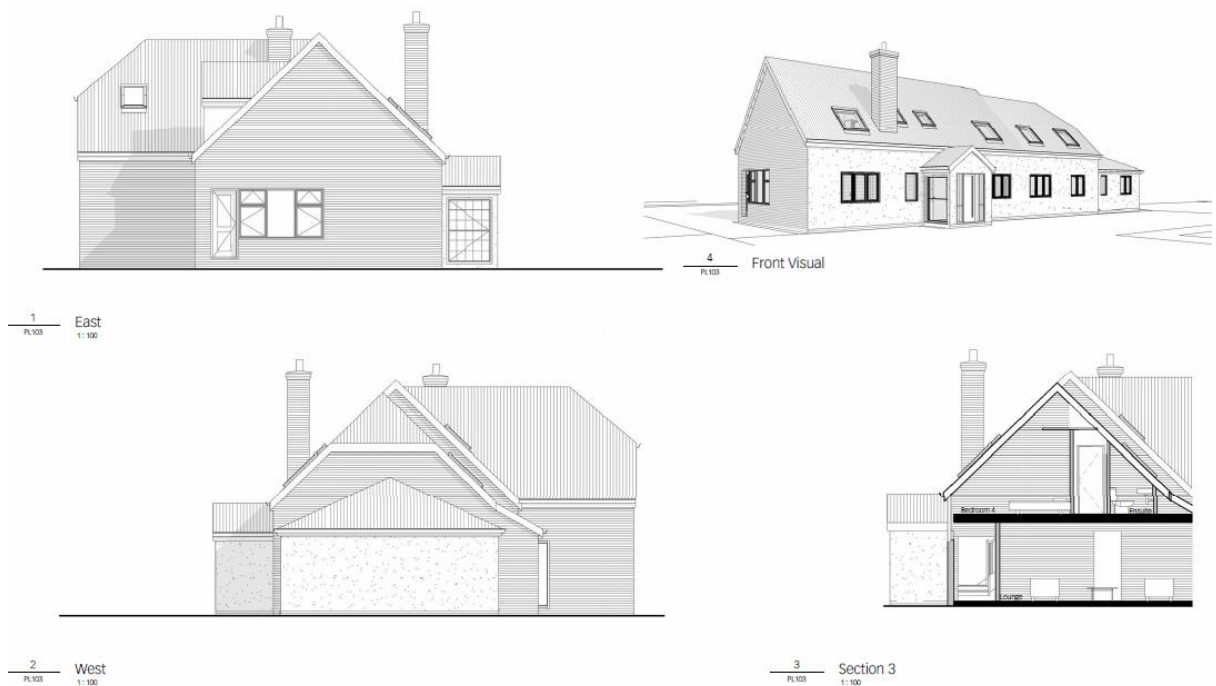


**Figure 3. Original scheme**





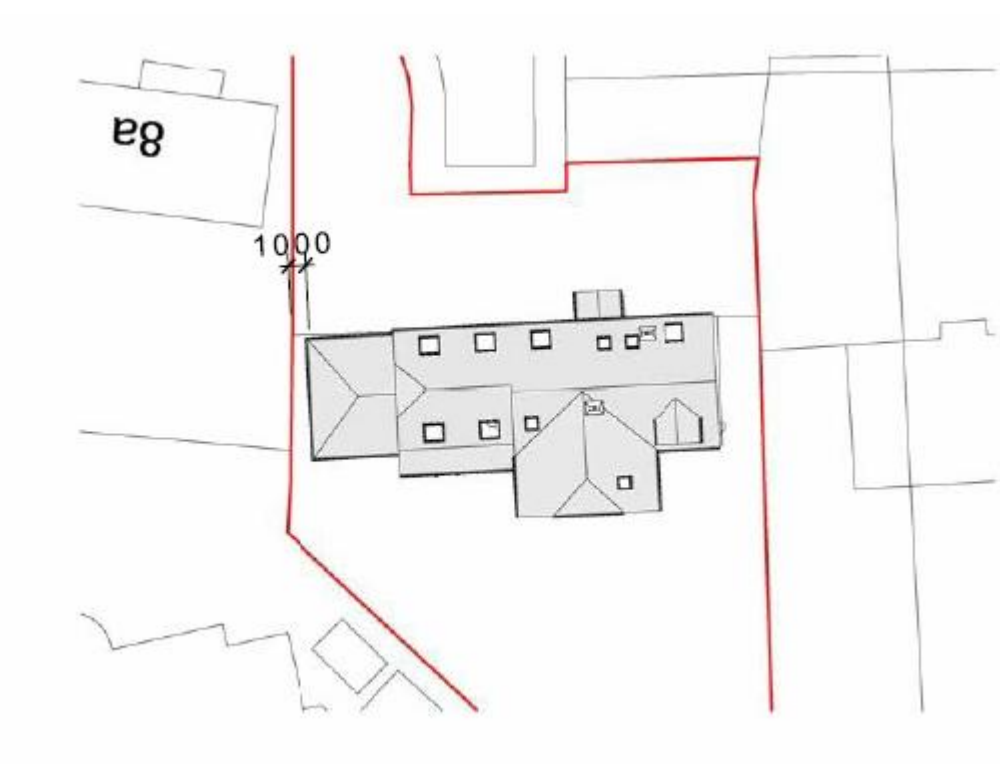
**Figure 4. Original Scheme (proposed front and rear elevations)**



**Figure 5. Amended Plans**



**Figure 6: Amended Plans (proposed front and rear elevations)**



**Figure 7: Proposed site plan**

- 3.3 The existing dwelling house is approx. 7.2m high and the existing integral double garage is approx. 2.5m high. The proposed two storey extension is approx. 6.85m high. At ground floor facing south is a bi-folding door and at first floor above them are 3 windows that match the design of the windows in the main dwelling house. On the front elevation 6 rooflights are proposed and on the rear elevation 3 rooflights and a pitched roof dormer are proposed.
- 3.4 The single storey side extension will extend beyond the existing garages approx. 1m away from the boundary. This has a hipped roof and no side elevation windows are proposed.

#### **b) Documents submitted**

##### **i. Plans**

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

Block Plan 1747 A002  
Proposed Ground Floor Plan 1747 PL100  
Proposed First Floor Plan 1747 PL101  
Proposed First Floor Plan 1747 PL101  
Proposed Elevations 1747 PL102  
Proposed Elevations 1747 PL100  
Proposed Elevations 1747 PL103

The amended plans have the reference A. Re-consultation on these plans was carried out on the 25<sup>th</sup> September 2017.

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

- 3.6 Prior to submitting the planning application the proposal has been subject to a pre-application enquiry.

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

- 4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 20<sup>th</sup> June 2016, including a site notice posted on the 24<sup>th</sup> August 2017. The consultation period expired on 25<sup>th</sup> September 2017. Amended plans were received and re-consultation was carried out on the 25<sup>th</sup> September 2017 and the consultation period expired on 9<sup>th</sup> October 2017.
- 4.2 Firstly, a summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to: [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)

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

***Thurnby and Bushby Parish Council (13/09/17)***

- 4.3 **Object** – The Parish Council considered this application at the meeting held on Monday 11 September 2017. It was RESOLVED to OBJECT to the application on the same grounds as for scheme 17/00392/FUL, namely:
- overdevelopment of the site;
  - design and mass not in keeping with the street scene;
  - overbearing impact on neighbouring properties, both to the sides (proximity to boundaries) and rear (height);
  - lack of access to the rear of the property;
  - potential impact on trees;
  - inadequacy of parking provision.
- In addition, it was noted that the parking situation had been made even worse by the removal of two garages.

**Reconsultation of amended plans (10/10/17): Object**

The Parish Council considered the revised plans at the meeting held on Monday 9 October 2017.

It was noted that while the amended plans show a small reduction in the proposed foot print, the issues raised by the Parish Council were not being addressed. It was RESOLVED to OBJECT to the amended plan.

## **b) Local Community**

- 4.4 12 letters of objection raising the following points,
- Overdevelopment/over intensification of the site, extending a two bedroomed dormer bungalow to a five bedroomed house on a relatively small plot
  - Footprint extends to both boundaries with no access provided for the rear
  - Proposal is not in keeping with its surroundings
  - Concerns over parking space as no garage
  - Loss of sunlight to lounge window of no. 7 Chestnut Drive
  - Construction management plan needed with specific time limit
  - Concerns about privacy to no. 8A Chestnut Drive due to change in ground levels – over dominant
  - Concerns over traffic and safety- insufficient onsite parking, increase in parking on the cul-de-sac in front of neighbouring properties.
  - The Close is not designed to provide permanent on road parking.
  - The front area of the development will not allow vehicles to leave in a forward gear.
  - Concerns about privacy to garden of no. 89b Main Street
  - Concerns regarding the removal of vegetation forming boundary treatment.
  - “It does not appear to be significantly different to the original application which was turned down and trust it will be again. “
  - “Do not think there is any significant difference between this and the last plan submitted and withdrawn.”
  - “Inclusion of very large office which may suggest change of usage from private home”.
  - Concern over water pressure when so many bathrooms are planned.
- 4.5 8 Letters of support have been received making the following points:

- The proposed plans will enhance the ambience of the close bringing it in-line with other extended properties on it.
- No reason why this extension should not be approved the plans are in keeping with the whole look of the cul de sac.
- Positive extension and in keeping with other properties that have been extended.
- "The proposed plans are a lot more smaller than the original plans that were submitted and utilises the size of the plot to its best potential".
- "Plenty of off road parking in front of the property is offered".
- "The design of the house fits in with other properties extended and developed previously".
- "Cannot see any changes to the amount of traffic coming and going to the close at present".
- "With another 275 homes being built around the corner, this proposed extension is a mere drop in the ocean when it comes to development of the area".

## **5. Planning Policy Considerations**

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

### **a) Development Plan**

5.2 The relevant policy when assessing this application is CS11. This is detailed in the policy section at the start of the agenda.

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

- *Supplementary Planning Guidance*

5.3 The Supplementary Planning Guidance Note that is relevant to this application is Note 5 Extensions to Dwellings.

- *The Framework*

5.4 Paragraph 56 states 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. Paragraph 64 states that 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.

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

- *Reason for Committee Decision*

5.5 This application is to be determined by Planning Committee as more than 5 letters of counter representation have been received.

## **6. Assessment**

### **a) Principle of Development**

6.1 Subject to the proposal complying with the relevant planning policies and guidance than the principle of extending a residential dwelling house is acceptable.

### **b) Technical Considerations**

1. Scale and appearance

- 6.2 The proposed two storey extension is to be situated to the rear of the existing dwelling house. The two storey rear extension is subordinate to the main dwelling house by virtue of the proposal having a lower ridge line and eaves height than the main dwelling and the hipped roof, reduced depth from approx. 4m to 3.5m helps to reduce its impact and massing.
- 6.3 Policy CS11 states that design should be inspired by, respect and enhance local character and reflect the streetscape in which it is situated. The amended plans have resulted in the removal of the proposed two storey side extension, elongated front porch extension and the removal of the proposed dormer windows to the front elevation and the rear elevation (westwards). The proposed works respects local character and reflects the varied and mixed streetscape. The designs are not the same as neighbouring properties, but examples of additions to the properties can be seen on Chestnut Drive.
- 6.4 Concerns have been raised about how the extension will affect the open character of the estate but it is not considered that this would be a significantly harmful impact as the two storey side rear extension will not be viewed from the street scene, views will be possible from the public footpath running to the rear of the site (Footpath D11). It is not considered that the two storey extension will appear overdominant from any public viewpoints. The single storey side extension is sited approx. 1m away from the western boundary and will not appear incongruous in the street scene as when approached from the west it will partly be screened by no. 8a Chestnut Drive and given its single storey nature, it will not be overly dominant in the streetscene (see fig 2).
- 6.5 Although the proposed works are expansive it is not considered that this would be significantly harmful when considering the setting of the dwelling, the plot within which it sits and the position of other dwelling houses in proximity to the site.
- 6.6 The single storey extension is subordinate to the main dwelling house and is of such a scale and design so as to not have a harmful impact on the character and appearance of the surrounding area.
- 6.7 The proposed porch is considered to be an enhancement to the existing flat roof porch. The first floor extension above the existing integral garages, is considered to be subordinate to the main dwelling, with its lower ridge line and the use of rooflights instead of the pitched roof dormers is considered to help reduce the overall massing and scale of the development.
- 6.8 Overall it is considered that the proposed extensions, on balance comply with Policy CS11 of the Harborough District Core Strategy.

## 2. Amenity

- 6.9 The property most affected by the proposal is 8a Chestnut Drive. Their sole bedroom window faces the single storey side extension and the first floor element above the existing garages. Concerns have been raised about a loss of privacy and overbearing affect. The single storey side extension will be 7.5m from the master bedroom window and the first floor element above the existing garage will be approx. 11m away. The height to the top of the eaves of the proposed single storey side extension is 2.2m and the height of the ridge line is approx. 4.1m, the first floor element above the existing garage will have an eaves height of approx. 3.3m and ridge height of approx. 6.6m. The roof of the single storey garage will be hipped and will slope away from the boundary. Given the single storey nature of the proposal closest to the boundary of no.8a and the oblique angle through which the proposed

This detailed floor plan shows the second floor of the 'New House'. The layout includes a central hallway (Lobby) connecting to various rooms. On the left side, there is a large 'Courtyard' and a 'Bedroom' with an attached 'Bathroom'. To the right of the lobby, there is a 'Store' and a 'Bathroom'. Further right, there is a 'Kitchen' and a 'Dining' area. At the far right, there is a 'Living Room' and a 'Bedroom'. The plan also shows a 'Staircase' and a 'Terrace' area. The overall design is modern and functional, with a focus on open spaces and natural light.

- 6.10 In order to further reduce the potential harm to the amenity of this neighbour, the amended plans removed the dormer windows proposed on the front elevation. No windows are proposed on the side elevations. Amendments were sought that reduced the mass and scale of the single storey side extension. The roof lights proposed in the roof slope. Two serve non-habitable rooms, an en suite and a staircase but two serve a bedroom. The sections submitted show that the roof lights will be higher than head height and therefore there will not be a loss of privacy.
- 6.11 With regards to whether the extension will be overbearing no the amenity of no. 89c Main Street. 89c Main Street is situated angled away from the application site. The window closest to the application site appears to be a bathroom window and therefore not protected. Nonetheless, given the oblique angle, single storey nature of the proposal closest to this property, the replacement of the dormer windows with rooflights; it is considered that on balance, the proposed works will not result in detrimental harm to the amenity of this property.
- 6.12 The original two storey side extension on the east elevation has been removed. This means that the proposal will not have a detrimental impact on the amenity of no.7 Chestnut Drive.
- 6.13 Concerns have been raised about loss of natural light and overshadowing. The extension is to the east of the master bedroom window and the driveway of no. 8a Chestnut Drive. The site is to the north of 89c main Street. The proposal is not considered to result in undue loss of light to either of these properties. Some early afternoon natural light may be affected to no. 8a Chestnut Drive, but it is considered that given the single storey nature of the proposal closest to this neighbour, the hipped roofs, sloping away from this property, on balance, the proposal will not result on adverse loss of light that warrants refusal of the application.





**Figure 9. View from site towards 8a Chestnut Drive**

- 6.14 The single storey side extension will extend along the side boundary of the dwelling house. There are no windows in the side elevation of 9 Chestnut Drive and so it will not result in a loss of privacy or be overbearing. 89b Main Street is considered to be a sufficient distance away (approx. 30m) to not cause detrimental harm to the amenity of this property.



**Figure 10. View from sole bedroom window of no. 8a Chestnut Drive**

- 6.15 Overall based on the guidance contained in SPG Note 5 and an on site assessment it is not considered that the extensions will demonstrably harm the residential amenity of the neighbouring property and Policy CS11 is therefore complied with.

### 3. Highways

- 6.16 Several concerns have been raised about the applicant currently parking on the road rather than using the driveway and garage and photos have been submitted showing this. Due to the size of the house three off street parking spaces would be required.

These can be provided on the driveway and therefore it is not considered unacceptable to no longer provide a garage. It will be conditioned that space for three cars needs to be provided but unfortunately the applicants can not be made to park on their driveway. This is a civil matter and as enough parking can be provided within the residential curtilage it can not be a reason to refuse this planning application.

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

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

- Economic  
Provides economic development in the building of an extension.
- Social  
Allows the occupier to extend their home whilst ensuring the proposal also does not harm the character of the area.
- Environmental  
The proposal is in keeping with the character and appearance of the surrounding area, is inspired by neighbouring properties and does not harm the street scape.

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

7.1 Overall it is considered that the proposed extensions, by virtue of their design, siting, appearance, scale and massing, that the proposal would be acceptable and would not themselves adversely affect local highway safety or give rise to a road safety hazard.

7.2 In addition, the proposal would not adversely affect residential amenity. The proposal would thus comply with Policy CS11 of the Harborough District Core Strategy, SPG Note 5 and the relevant sections of the NPPF.

### **APPENDIX A – Planning Conditions**

#### **8. Planning Conditions**

8.1

##### **Planning Permission Commencement**

- 1) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission.  
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.

##### **Permitted Plans**

- 2) The development hereby permitted shall be in accordance with the following approved plans Block Plan 1747 A002 A  
Proposed Ground Floor Plan 1747 PL100 A  
Proposed First Floor Plan 1747 PL101A  
Proposed Elevations 1747 PL102A  
Proposed Elevations 1747 PL100 A  
Proposed Elevations 1747 PL103 A  
REASON: For the avoidance of doubt.

**Materials Schedule**

- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in material, colour and texture, to those used in the existing building.

REASON: To ensure that the development respects the local character and building materials of the area in which it is situated and to accord with the Harborough District Council Core Strategy Policy CS11.

**Window Permitted Development removal**

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window, rooflight or any other openings, other than those shown on the approved plans, shall be inserted in the wall or roof slopes of the west facing elevation of the development hereby permitted. REASON: In the interests of residential amenity and privacy and to accord with Harborough District Core Strategy Policy CS11.

**Parking provision**

- 5) Parking provision must be on the basis of two spaces for a dwelling house with three or less bedrooms and three spaces for a dwelling house with four or more bedrooms. This must be provided on the front driveway prior to the approved development first being used and must be retained as such in perpetuity. REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to accord with Harborough District Core Strategy Policy CS11.

**Notes to applicant:**

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

If the permitted plans involve the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.

## Planning Committee Report

**Applicant:** Cliffe Investment Ltd

**Application Reference:** 17/01354/FUL

**Location:** Land at Vicarage Drive, Foxton

**Proposal:** Erection of 6 dwellings with garaging, parking, landscaping and associated works, including provision of open space.

**Application Validated:** 11/08/17

**Target Date:** 06/10/17 (Extension of time agreed)

**Consultations expire:** 20/10/17

**Site visit date:** 21/08/17

**Case Officer:** Louise Finch

### Recommendation

Planning Permission is **APPROVED** for the following reason, subject to the Conditions appended to this report:

It is considered that the proposal constitutes a sustainable form of development and that any identified or perceived adverse impacts, namely the less than substantial harm to the character of the Conservation Area, do not significantly and demonstrably outweigh the benefits of the proposal when assessed against The Framework as a whole.

The proposal accords with The Foxton Neighbourhood Plan which allocates part of the application site for 6 houses under Policy F12 and Policy F9 which allocates part of the site as protected green space, which carries significant weight.

The revised scheme is considered to protect neighbouring residential amenity and would be in keeping with the mixed character of the area, and of an appropriate, scale, low scale density and design. It is considered that the proposed development accords with the aforesaid policies and will bring forward an allocated site and enable the provision of an accessible green space with the protection of the majority of trees, hedges and ecological habitats. The proposal therefore also complies with Policies CS11, CS17, CS8 and CS5 of the Harborough District Core 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 paragraphs 186-187 of the National Planning Policy Framework.

### 1. Site & Surroundings

1.1 The application site comprises approximately 0.78 hectares, is in the centre of the village of Foxton, within the Foxton Conservation Area and currently overgrown paddock with a mixture of trees and hedges to the boundary with the three roads that abound it (Vicarage Drive, Middle Street and Main Street to the North). There is a difference in levels over the site from south to north of between 1m and 2.5m.

1.2 The site is covered by a blanket Tree preservation Order. Trees and hedges are located around the site perimeter.



Figure 1: Aerial view of site.

## Site Location Plan



Aerial Photograph of the site



1.3 .

1.4 Local amenities include a nursery school, primary school, church, recreation ground and two pubs all within 800m of the site.

Photograph 1: Looking North from Corner of Hog Lane/Vicarage Drive.



Photograph 2: looking south from Middle Street (site on left)



Photograph 3: Looking north from Vicarage drive.



Photograph 4/5 Nearest properties on Middle Street and Vicarage Drive.



## **2. Site History**

- 2.1 11/00463/FUL-Erection of seven dwellings and associated garages, hardstanding and accesses and open space (refused-dismissed at Appeal)

12/01708/TCA –Removal of trees in perimeter hedge (refused- blanket TPO served)

14/01216/FUL-Erection of 6 dwellings (including 2 affordable) with garaging, parking, landscaping and associated works including provision of open space(Withdrawn-pending further discussion with the Neighbourhood Plan Group, Parish and local residents).

## **3. The Application Submission**

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

#### **Layout**

- 3.1 The scheme, has been revised twice since it's original submission to include two smaller 3 and 4 bedroom dwellings on Plots 1 and 2 (facing Middle Street) and



proposes to erect six dwellings on the southern half of the site as detailed below, with the northern half of the site shown as open space and a footpath connecting between Vicarage Drive and Middle street. There will be additional tree planting on the open space and existing trees around the edge of the site will largely retained.

3.2



3.3 The development proposed would be comprised of 6 detached dwellings, (four, 5 bedroomed dwellings and a 3 and 4 bedroom dwelling), with detached garages. Access is off both Vicarage Drive and Middle Street, off shared and individual accesses. The plots are individually designed incorporating traditional design features, including pitched roofs, chimneys and gables. The maximum height would be 8.29m.

One of the comments raised during pre-application liaison with the Parish and residents, was the preference to have three dwellings fronting onto Vicarage Drive, rather than fronting onto the open space. There is one shared access off Middle Street and a shared and individual access off Vicarage Drive.

Plot 1 (below): Following concerns made by Officers, Plot 1 and 2 were revised to smaller dwellings and the smaller, 3 bedroom dwelling was positioned on Plot 1 to minimise impact on neighbour and to increase distance from tree.

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1000 sq ft

### Main Street, Foxton - Plot No.1 - Floor Plans and Elevations

T 01509 470806 | F 01509 472247 | www.pegasusup.co.uk | Team: PS/MC/SM | 10/10/17 | 1:100 B A3 | dwp: EHS/24/7\_01-1 | Client: Cullis Investments Ltd

**Pegasus**  
Urban Design



(Plot 3)

2092ft<sup>2</sup>

## **Trees:**

- 3.4 A tree survey was submitted as part of the application which shows the retention of the most significant trees, which are found around the edge of the site.

*The trees and hedge along the Vicarage Drive boundary (G1) are as described, with the larger individuals being slender ash in early maturity, presumably having developed from an unmanaged hedge. The group is categorised as 'C', which is fair as individually the ash trees are of indifferent form and quality; the visual/amenity value is enhanced by their linear grouping. Much of the row G1 and T8 are unaffected by the proposed layout, but consideration should be given to the future management of the hedge and trees to retain the roadside feature.*

*The best individual trees are limes T1-T3 and T12. In this respect the suggested layout places the house on plot 1 close to T12, and the house on plot 4 close to T1-T3 (the latter with considerable growth potential). The footprint is outside the suggested RPA, but there would seem to be no need to be so close. Further distancing would be beneficial to avoid future concerns of overbearing, shade, leaf-litter, other detritus, etc. and the potential for pruning/removal pressure from future residents – a very frequent occurrence years after developments near large retained trees. (In response to the comments made, Plot 1 has been revised to the smaller dwelling (the distance from RPA to Plot 1 dwelling here is 3.2m), however Plot 4 remains as it's relocation would mean that distances to adjoining properties were reduced, and in any event the distance between the dwelling and T2 RPA is 4.2m and T3 RPA is 3.9m. Conditions to further protect the trees would also be imposed.*

## **Ecology**

- 3.5 The ecology survey submitted with the application identifies. That no notable habitats were recorded within the site but the scattered mature trees and dense scrub were considered to provide valuable habitat for herptiles (reptiles and amphibians), nesting birds and roosting bats. Previous surveys of this site in 2014 also confirmed the presence of a small population (max. 2 individuals) of grass snake within the site. On this basis, recommendations have been made, such as installation of bat boxes on trees within the site and sympathetic site clearance.

## **Highways**

- 3.6 The Proposal is to access three properties off a shared private drive off Middle Street and two accessed off shared private from Vicarage Drive, and one from driveway off Vicarage Drive. At least 3 parking spaces are proposed per plot.
- 3.7 The Transport Statement indicates that the proposed development is likely to generate approximately 4 vehicle departures from the site in the morning peak hour and 1 arrival. On average, 5 movements is one every 12 minutes and they would be spread across the three proposed site accesses.

## **Flooding/ Drainage/ Sustainable Urban Drainage**

### *Sustainable Urban Drainage*

- 3.8 A FRA and drainage strategy was not submitted with the application as the site falls within Flood Zone 1 and is under 1ha.

The planning statement confirms that in accordance with Policy F19 appropriate surface water drainage will incorporate SUDS subject to feasibility.

Where possible, private driveways will be constructed with permeable surfacing.

### **Public Open Space (POS) and Landscaping**

- 3.9 The Northern part of the site would be publicly accessible open space, with some further tree planting (possibly local Apple proposed. Its long term maintenance and retention would be secured by way of condition (C refers ).

#### **b) Documents submitted**

- 3.10 *With the application:*

- Ecological Assessment Report
- Planning Application Supporting Statement (including the Design and Access Statement
- Transport Statement.
- Heritage Statement
- Landscape and visual assessment.
- Tree constraints plan/removal and protection plan.
- Plans, including revisions (x2) to Plots 1 and 2.

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

- 3.11 The Planning Officer advised that further discussion between the Parish and neighbours should take place. Need to ensure compliance with the NP and to ensure that residential amenity of neighbouring properties is safeguarded.

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

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

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

- 4.2 HDC Contaminated Land Officer

Recommends Conditions

- 4.3 LCC Forestry Team Leader

The accompanying arboricultural report provides the necessary details to inform a future layout, and the protection of trees during any development. I note that the report suggests there are no TPO or CA restrictions (in para 10.5); the site actually is within Foxton CA. The proposal occupies about half of the existing paddock, and the internal trees are of indifferent or significantly declining quality.

The trees and hedge along the Vicarage Drive boundary (G1) are as described, with the larger individuals being slender ash in early maturity, presumably having developed from an unmanaged hedge. The group is categorised as 'C', which is fair as individually the ash trees are of indifferent form and quality; the visual/amenity value is enhanced by their linear grouping. Much of the row G1 and T8 are unaffected by the proposed layout, but consideration should be given to the future management of the hedge and trees to retain the roadside feature.

The best individual trees are limes T1-T3 and T12. In this respect I note that the suggested layout places the house on plot 1 close to T12, and the house on plot 4 close to T1-T3 (the latter with considerable growth potential). Granted, the footprint is outside the suggested RPA, but there would seem to be no need to be so close. Further distancing would be beneficial to avoid future concerns of overbearing, shade, leaf-litter, other detritus, etc. and the potential for pruning/removal pressure from future residents – a very frequent occurrence years after developments near large retained trees.

In general I would suggest that there are no overwhelming arboricultural reasons to refuse consent, but I would advise some plot realignment as suggested above.

- 4.4 HDC (drainage):  
No comments received.

- 4.5 LCC Highways  
The Local Highway Authority advice is that, in its view the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the Conditions outlined in this report. (to include construction management plan, access drainage, parking/layout in accordance with plans).

- 4.6 Ecology (LCC):

The site has quite high local ecological value, as an area of scrub and tall herbs with old orchard trees. However, the habitats on site would not meet our local wildlife site criteria, and no protected species were found to be living on site, apart from the partly protected grass-snake; legal protection for this species does not extend to its habitat. Only half the site is proposed for development; the remainder will remain as open space. I think it is unlikely that protected species will move on to the site in future, as it is within the village and separated by development and a busy road from the open countryside.

The ecology survey is satisfactory (RPS, 2017)

Therefore I do not have any objections to the proposal. I recommend conditions

- 4.7 Affordable housing officer (28/12/2016)

No requirement providing threshold of 1000 sq. m internal floorspace not exceeded.

- 4.8 Neighbourhood and Green Spaces Officer and Neighbourhood Planning Champion

The plan submitted is in accordance with what was agreed in the Neighbourhood Plan preparation as far as I can see. Foxton PC will be able to confirm.

The POS will need to be maintained either through a management company ( in which case a landscape management plan should be provided), or by the PC if they wish to take it on with a commuted sum or other mechanism.

The POS will be protected in the future because it has been designated as Local Green Space in the Foxton Plan. If a binding mechanism is put in place it will probably need to be in the form of a covenant on the land, however the Local Green Space designation is the highest level of protection that can be afforded open space. ‘

#### 4.9 HDC Conservation Officer:

The development site is on an area of land that was designated as Important Open Land within the centre of the village and the Conservation Area of Foxton. These interspersed areas of open land are a feature of the village and are therefore important to the rural nature and character of the village. The proposed development is for 6 relatively large dwellings which will occupy over half of the site. This area of land is considered to be valuable because of its openness and is an important feature of the centre of the village.

Under paragraph 138 of the National Planning Policy Framework (NPPF) proposals that will result in the loss of an element which makes a positive contribution to the significance of the Conservation Area should be treated as having substantial or less than substantial harm when taking into account the significance of the element and its contribution to the Conservation Area. Development of this land will in my opinion result in less than substantial harm to the character of the Conservation Area. It is recognised that this land is a designated site within the Foxton Neighbourhood plan and the proposal will retain a sizeable area of open land to the north of the site. Paragraph 135 of the NPPF also states that harm should be weighed against the public benefits of the proposal and this is a consideration.

In relation to Listed Buildings within proximity to the site I believe that because of the nature of the land the proposal will not result in harm to the setting of any of the Listed Buildings.

Overall the introduction of 6 dwellings in this location is considered to be harmful to the significance of the Conservation Area of Foxton and is therefore Contrary to Policy CS11 of the Harborough District Core Strategy and Chapter 12 of the NPPF. It is for the Officers to take a view as to whether on balance the public benefit outweighs this harm.

### **b) Local Community**

#### 4.10 Foxton Parish Council

The Parish Council has no objection to this application providing:

a.It is entirely compliant with Policy 7 of the Foxton Neighbourhood Development Plan.

b.A detailed construction traffic plan is prepared to minimise the impact of construction traffic on residents and consideration given to utilising the northern part of the site for parking of construction traffic.

c.The conditions in Highways response are imposed in full.

Revised Plans: comments as before.

4.11 10 households have objected to the proposals as follows:

**Objection: Original Plans;**

- Vicarage Drive will not cope with additional traffic.
- Many other more suitable sites in the Neighbourhood Plan, proposal not in accordance with N.P.
- Should remain as Important Open Space, important to character of Conservation Area.
- Loss of privacy to adjoining occupiers.
- Lack of consultation/engagement with local residents.
- Impact on wildlife/ecology-statement submitted is flawed.
- Potential for open land to be developed in the future, how will it be protected?
- Noise and disturbance, including during construction, light pollution.
- Negative impact on sewerage system and broadband capacity.
- 2 previous applications were rejected, including Appeal.
- Houses too large and dominating.
- Loss of trees and screening.
- Construction traffic on Vicarage Drive-no footpath.
- Scheme is for maximum profit, no benefit for local community.
- Should be smaller, more affordable units, including for elderly/disabled.
- Does not take into account local heritage buildings, including Old Court Farm house buildings and mud wall.

**Revised Plans: Any further comments to be reported.**

**5. Planning Policy Considerations**

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

**a) Development Plan**

- *Harborough District Local Plan*

5.2 HS/8 – Limits to Development. The site is located outside of the Limits to Development for Foxton.  
HS/9-Important open land

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

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

**b) Material Planning Considerations**

5.6 Material Planning Considerations relevant to this application:

- National Planning Policy Framework (Sections 4 (Transport), 6 (Wide choice of high quality homes), 7 (Good design), 10 (Meeting the challenge of flooding), 11 (Natural Environment))
- National Planning Practice Guidance
- Supplementary Planning Guidance Notes 1 (Design Principles), 3 (Development of single plots, small groups of dwellings and residential development in Conservation Areas) 9 (Landscape and New Development), 10 (Trees and Development), 11 (Hedges and Development), 12 (Lighting in Town and



- Country), 13 (Crime Prevention and Reduction), 16 (Provision for Outdoor Play space), and 19 (Development and Flood Risk)
- CIL Regulations 2010

- *Foxton Neighbourhood Plan (adopted ) This should be given significant weight.*

5.7 Policy F14 refers specifically to the application site and states the following:

#### **Policy F14: Land at Middle Street and Vicarage Drive**

Some 0.38 hectares of land between Middle Street and Vicarage Drive, as shown on the Policies Map, is allocated for a housing development of up to six dwellings which will be supported if:

- A. The layout and design of the development addresses and respects the location within the Village Conservation Area, the character of the adjacent range of farm buildings on the west side of Middle Street and the important boundary with the retained open space to the north of the site;
- B. Appropriate highway improvements are included at the junctions of Vicarage Drive/Main Street and Middle Street/Main Street to the satisfaction of the highway authority;
- C. A new footpath is provided linking Middle Street and Vicarage Drive;
- D. A landscaping scheme is undertaken which includes the retention or replacement of trees and hedges of native species along the boundary of the site;
- E. Proposals address all other relevant Policies in this Plan, in particular Policies F5, 7, 8, 10, 16 & 19; and
- F. A binding obligation is entered into to retain and maintain the land immediately to the north as open space, now designated as Local Green Space (and identified as such on the Policies Map).

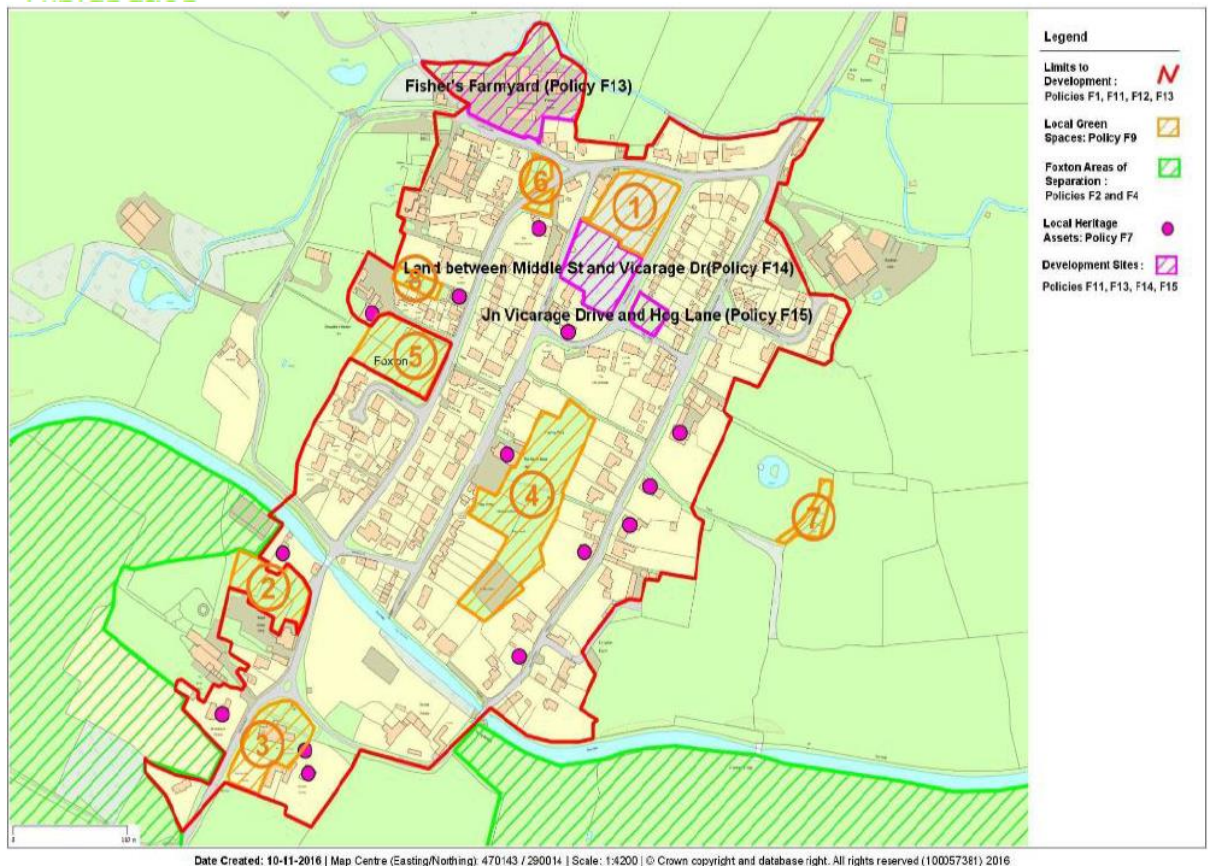
#### Explanation:

The development of this site for housing will contribute to meeting the local housing requirements as set out in Policy F11.

In addition Policy F9 identifies Local Green Spaces, which essentially replaces outdated Policy HS/9 in this case, being the most up-to-date policy..

## Policy F9: Local Green Spaces

The Local Green Spaces identified on the Policies Map will be protected and enhanced. Development which is harmful to these Local Green Spaces will not be supported.



The application site is identified as (1) on the above map. This designation is one of the highest level of protection that can be afforded open space.

5.8 Other relevant NP policies:

F5: Ecology and Biodiversity

F7: Local Heritage assets

F8: Local design

F10: Trees.

F16: Housing mix

F19: Water management.

### c) Other Relevant Information

- 5.9 S106 Policy - There is clear government advice set out in the Framework concerning Section 106 Agreements and contributions required of developers, which must be necessary in relation to local and national planning policy and directly and fairly related in scale and kind to the proposed development. Section 106 Agreements impose obligations on both the Developer and the Council. The Council's Planning Obligations Developer Guidance Note and supporting document Provision for Open

Space Sport and Recreation were adopted by the Council's Executive on 21st September 2009.

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

- 5.11 **Background:** The site had an appeal dismissed for seven dwellings, including two affordable and open space in 2013 (copy of decision forms Appendix 1). In his conclusion the Inspector stated

17. For all of the reasons given above, I conclude that the benefits of the scheme do not outweigh the less than substantial harm that would be caused to the character and appearance of the Conservation Area. The proposal in failing to preserve the character and appearance of the Foxton Conservation Area would therefore be contrary to the objectives of PPS5, policies CS11 and CS17 of the Harborough Core Strategy and policies HS/8 and HS/9 of the Harborough Local Plan. Policy CS17 of the Core Strategy, amongst other matters, requires that new development conserves the distinctiveness of the landscape and settlements.

Further, the Inspector concluded that the impact on the new dwelling to the south of the site on Vicarage Drive would be overbearing and that the relationship between Linden House and Plot 1 of the scheme was unacceptable in that there would be "excessive overlooking" to the garden of Plot 1.

It is interesting to note that the Inspector did not give significant weight to the provision of open space as he said there was no evidence of shortage and that the Appellant had not put forward a scheme to transfer it to the community.



## 6. Assessment

### a) Principle of Development

- 6.1 The site is located within the currently defined Limits to Development as identified within the saved Local Plan Policy HS/8 and the Neighbourhood Plan. It is also identified as Important Open Land in Saved Policy HS/9 of the Local Plan. Foxton is identified under Policy CS17 of Core Strategy as a Selected Rural Village in which development of a lesser scale will be allowed, reflecting the size, character and service provision of the settlement. The site is also within the Conservation area and close to several listed buildings and CS11 applies. The impact on the character of the Conservation will require careful consideration and the Inspector in determining the previous Appeal considered that there would be less than substantial harm to the character of the Conservation Area, but in that case that the public benefits did not outweigh this harm.

Currently the Council are not able to demonstrate a 5 year supply and so the restrictive policies HS/8, CS2 (a), CS11 (b) and CS17 (a) are to be considered out of date/afforded less weight. In light of out of date policies, paragraph 14 of the NPPF states that the presumption in favour of sustainable development means:

*“approving development proposals that accord with the Development Plan without delay; and where the Development Plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or [limb 1]*
- *specific policies in this Framework indicate development should be restricted” [limb 2]*

The Framework states that ‘specific policies’ include those relating to designated heritage assets.

In light of the recent High Court judgement in *Forest of Dean District Council and Secretary of State for Communities and Local Government and Gladman Development Ltd* (Case no: CO/4852/2015), it is necessary to consider the impact on heritage assets first and determine if the proposal will lead to harm to the significance of the heritage assets. This will inform how the presumption in favour of development (paragraph 14 limb 1 and limb 2 as shown above) is applied. This is discussed further below.

- 6.2 The application site has also been allocated under Policy F14 of the Neighbourhood Plan as a preferred site for housing development. Part of the site is also allocated as Green Space under Policy F9, which carries more weight than HS/9, given its more up-to-date status.

## **b) Technical Considerations**

### **Heritage:**

Policy CS1(o) states that the strategy is to support development which protects conserves and enhances the District’s built heritage whilst ensuring that new development is safe, well designed, adapts to climate change and helps to reduce the District’s carbon emissions. Policy CS11(d) states that heritage assets within the District and their setting will be protected, conserved and enhanced. NPPF paragraph 132 states:

*‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification’.*

- 6.11 Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose a duty on Local Planning Authorities to pay special regard/attention to Listed Buildings/assets and Conservation Areas, including setting, when considering whether to grant planning permission for development. For Listed Buildings/assets, the Local Planning Authority shall “*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*” (Section 66).
- 6.12 The development site is on an area of land that was designated as Important Open Land within the centre of the village and the Conservation Area of Foxton. These interspersed areas of open land are a feature of the village and are therefore important to the rural nature and character of the village. The proposed development is for 6 relatively large dwellings which will occupy over half of the site. This area of land is considered to be valuable because of its openness and is an important feature of the centre of the village. In relation to Listed Buildings within proximity to the site because of the nature of the land, it is not considered that the proposal will harm the setting of any of the Listed Buildings.

Under paragraph 138 of the National Planning Policy Framework (NPPF) proposals that will result in the loss of an element which makes a positive contribution to the



significance of the Conservation Area should be treated as having substantial or less than substantial harm when taking into account the significance of the element and its contribution to the Conservation Area.

Both the Planning and Conservation Officer consider that there would be less than substantial harm resulting from the proposal. The previous Inspector also took this view on the more dense development previously proposed.

The public benefits of the scheme

The case officer has considered the public benefits of the proposal. Foxton is a village with a reasonable level of local services and is considered a sustainable location. The Council can demonstrate less than 5 years supply of deliverable housing land, so housing development is needed. The social benefit of delivery of up to 6 dwellings can be given weight. Further, the scheme serves to bring forward a site allocated for housing in the Neighbourhood Plan, and also the site allocated for open space which will serve to provide additional accessible green space. It is considered that this allocation should be given considerable weight. The long term maintenance and future of the Green space can be controlled by way of planning conditions, offering residents more certainty than at present.

- 6.13 The construction of the development would also result in short term employment, generate economic activity, support local services and provide New Homes Bonus and Council tax receipts. There are therefore minor economic public benefits to the proposal. The environmental benefits of the development are retention of trees and hedges, including maintenance, future tree planting and maintenance of the green space.
- 6.14 Therefore it is considered that, on balance, particularly given the NP allocation, the harm to the designated heritage assets are outweighed by the public benefits of the housing development in this case.
- 6.15 In the recent Forest of Dean High Court judgement, the Honourable Mr Justice Coulson states that:
- 'Limb 2 of the last bullet point of paragraph 14 of the NPPF disapples the presumption in favour of granting planning permission in circumstances where 'specific policies in this Framework indicate development should be restricted'. Footnote 9 gives examples of those policies. One of those policies is identified as relating to 'designated heritage assets'.(para 18)*
- 6.16 The judgement clarifies that where Limb 2 only of paragraph 14 is applied:
- 'Limb 2 encompasses the standard balancing exercise in circumstances where there is a policy restriction on development. But if the result of the standard balancing exercise comes down in favour of development, notwithstanding the restriction, then it is rational that the broader review under Limb 1, where the whole of the NPPF is considered, should be a weighted exercise, so as to give impetus to the presumption in favour of development' (para 37).*
- 6.17 Therefore, having concluded that the public benefits do outweigh the harm, Limb 1 of NPPF paragraph 14 can be applied once all other relevant matters to the proposal have been considered in the following sections of this report.

## Landscape impact

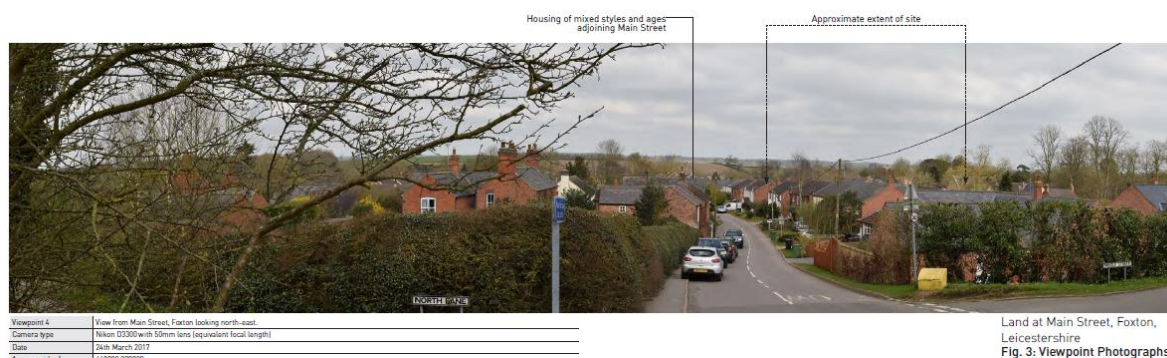
- 6.18 Policy CS17c) provides several criteria to ensure that rural development will be located in a way that is sensitive to its landscape setting.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

- 6.19 Policy CS2(b) advises all housing development should be of the highest design standard (in conformity with Policy CS11) and have a layout that makes the most efficient use of land and is compatible with the built form and character of the area in which it is situated. Policy CS11 states that new development should be directed away from undeveloped areas of land which are important to the form and character of a settlement or locality.

Foxton lies within the Laughton Hills Landscape Character Area which is characterised by high hills predominantly used for grazing, which flatten out to arable areas towards the south. Views are open but limited in extent across the area due to the rolling topography.

- 6.20 The site, as can be seen in the photographs below is well contained within the village centre and is not readily visible from outside a 1km radius, thus impact on the wider environs is considered limited.



- 6.21 There would undoubtedly be significant change to the character of the site as currently the site is a paddock, but these would be more localised and impact on the character of the Conservations Area as discussed above as opposed to the much wider landscape setting. With the use of good landscaping and materials and with the retention of a large part of the site as green space, it is considered that the



development can be accommodated without significant harm to the mixed character of the area.

The proposals therefore accord with Policy CS17, SPG 9, and Paragraph 109 of the NPPF.

### Amenity impacts

6.22 Core Principle 4 of the Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings and this is also reflected in Policy CS11.

The most affected properties are Linden to the south of the site off Middle Street and the new dwelling off Vicarage Drive which has a balcony facing the application site. This was recognised in the previous Inspector's report. To address concerns raised Plot 1 has been reduced in size and is set off the boundary by x m.. Previously it was closer with a substantial garage block to the boundary with Linden. Also Plot 4 has been removed southwards and is now a minimum of 25m+ away. The property is also set to the north so is not directly behind the Linden

Linden previously had permission for a 2 storey rear extension ( refers), and this has been marked on the plans. However, the consent has now lapsed and there is no certainty that the extension will be built. However, the Applicant has revised the plans to put the smaller property on Plot 1 to reduce impact. There are no principal windows to the side elevation of Plot 1.





The new house (18 Vicarage Dive) shown on the right hand side above, has a balcony to its northern side. Plot 4 is 15m with a blank elevation to the nearest point, again meeting guidance.





Other affected properties have a road frontage between them and the new properties and acceptable relationships are achieved, reflecting those seen elsewhere in the village.

In this case, given the importance of maintaining the minimum separation distances and in the interest of residential amenity, it is recommended that Permitted development rights are removed from Plots 1 and 4, including for new extensions, outbuildings and new windows.

### Landscaping and Public Open Space

- 6.23 The POS will need to be maintained either through a management company ( in which case a landscape management plan should be provided), or by the PC if they wish to take it on with a commuted sum or other mechanism.

The POS will be protected in the future because it has been designated as Local Green Space in the Foxton Plan. If a binding mechanism is put in place it will probably need to be in the form of a covenant on the land (not with the planning remit), however the Local Green Space designation is the highest level of protection that can be afforded open space.

### Access and highway impact.

- 6.24 Paragraph 32 of the NPPF2 requires that the transport implications of development be examined in light of the following objectives:

- “Plans and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure
  - safe and suitable access to the site can be achieved for all people, and
  - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be

prevented or refused on transport grounds where the residual cumulative impacts of development are severe

In respect of location, the site is within easy walking distance of a range of local facilities and a local bus service.

- 6.25 The level of traffic associated with the development is considered modest, and the use of both Middle Street and Vicarage Drive reduces the total on each of the roads and their junctions. Highways have therefore raised no objection subject to conditions.
- 6.26 The proposal would be considered acceptable in highway safety terms, and accords with Core Strategy Policies CS5 and CS11 and paragraph 32 of the Framework.

### **Drainage**

- 6.27 The site is located in a Flood Zone 1 and hence an area that is at the lowest risk of flooding. In accordance with NP Plan policy F19 an appropriate Sustainable Urban Drainage System (SUDS) will be incorporated. This will be achieved by way of pre-commencement condition.
- 6.28 It is therefore considered that the proposed development would comply with Core Strategy Policy CS10 and the aims and objectives of the Framework.

### **Compliance with the NP.**

- 6.29 As previously discussed above, the Neighbourhood Plan allocates the application site for 6 houses under Policy F12 and Policy F9 allocates the site as protected green space. It is considered that the proposed development accords with the aforesaid policies and will bring forward an allocated site and enable the provision of an accessible green space with the protection of the majority of trees, hedges and ecological habitats. It also provides the footpath link across the site from Vicarage Drive to Middle Street.
- 6.30 The revised scheme is considered to protect neighbouring residential amenity and would be in keeping with the mixed character of the area, and of an appropriate, scale, low scale density. Whilst the mix is limited, two smaller dwellings have been introduced and given that the NP restricts the number to 6, the scheme does represent efficient use of land. There is no affordable requirement for a scheme of this scale and in any event it would be unlikely that one or two dwellings would be taken on by a RSL in isolation.

### **c) Planning Obligations**

- 6.31 Given the size of the site proposed for residential development (less than 10 dwellings, under 1,000sq.m gross internal floorspace), the application does not trigger a requirement for Section 106 obligations.

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

- 7.1 The Council is unable to demonstrate an up-to-date five year supply of deliverable sites for housing, and therefore finds support from Policy CS2(a). The site is

allocated for both housing and Local Green Space on the NP and the scheme is considered to accord with the relevant policies. This is a very important material consideration that weighs strongly in favour of the proposal.

- 7.2 In the absence of a five year housing land supply, paragraph 14 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.
- 7.3 On the basis of the issues discussed through the report, it is considered that the proposal constitutes a sustainable form of development and that any identified or perceived adverse impacts, namely the less than substantial harm to the character of the Conservation Area, do not significantly and demonstrably outweigh the benefits of the proposal when assessed against The Framework as a whole.

## **8. Suggested conditions:**

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

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

#### **Commencement:**

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.

#### **Plans:**

2. The development hereby permitted shall be in accordance with the following approved plans EMS.2497 EMS.2497\_03-1J/01/-1 02-1, and house types for Plots 3-6 only as shown in house type pack.

REASON: For the avoidance of doubt.

#### **Materials:**

3. No development shall commence on site until a schedule indicating the materials to be used on all external elevations of the approved development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity. REASON: In the interests of visual amenity and the character and appearance of the area and to accord with the Harborough District Council Core Strategy Policy CS11.

#### **Drainage:**

4. No development shall commence on site until full details of the means of foul and surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity.

REASON: To ensure the satisfactory drainage of the site and to accord with Harborough District Core Strategy Policy CS10

#### **SUDS:**

5. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of suitable treatment trains to help improve water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority. REASON: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to accord with Policy CS10 of the Harborough District Core Strategy.

**Ecology:**

6. The development hereby approved shall be implemented in accordance with the approved mitigation measures detailed in the Ecological Survey. REASON: In the interests of wildlife and nature conservation and to accord with Harborough District Core Strategy Policy CS11.

**Levels:**

7. No development shall commence on site until plans of the existing and proposed ground levels of the site and the finished ground floor levels of dwellings, garages and other structures have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details. REASON: In the interest of visual amenity, to safeguard the character and appearance of the development and the surrounding area and to accord with Policies CS1, CS2, CS11 and CS17 of the Harborough District Core Strategy.

**Landscape Management Plan:**

8. No development shall commence on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity REASON: In the interests of the establishment and management of the landscaped areas and to accord with Harborough District Core Strategy Policy 11

**Tree/hedgerow retention:**

9. No retained tree/hedge shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars. If any retained tree/hedge is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of the same size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority. REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity accord with Harborough District Core Strategy Policy CS11

**PD restriction:**

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouse(s) Plots 1 and 4, hereby permitted or within their curtilage. REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements and to accord with Harborough District Core Strategy

## Policy CS11

### **PD restriction (openings):**

11. 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), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the southern elevation(s) of Plots 1 and 4.

REASON: In the interests of residential amenity and privacy and to accord with Harborough District Core Strategy Policy CS11

### **Construction Method Statement**

12. No development shall commence on site (including any site clearance/preparation works), until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement also shall include a timetable for the provision of the required facilities. The development shall thereafter be carried out in accordance with the approved details and timetable. The Statement shall provide for:

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

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

### **Access:**

13. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on drawing number EMS.2497\_03-1J 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 32 of the National Planning Policy Framework 2012.

### **Highway drainage:**

14. 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 32 of the National Planning Policy Framework 2012.

### **Parking/turning:**



15. 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 EMS.2497\_03-1 J. 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 Paragraphs 32 and 35 of the National Planning Policy Framework 2012.

### **Risk Based Land Contamination Assessment**

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

- o BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
- o BS8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic

Compounds (VOCs) and

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

Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial

Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local

Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

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

- o BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings

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

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

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

- o BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide

ground gases for new buildings

- o CIRIA C735, "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases" CIRIA, 2014

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

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

### **Completion/Verification Investigation Report**

17. Prior to occupation of the completed development, or part thereof, either

1) If no remediation was required by Condition 11 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. The Verification Investigation Report shall:

- o Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;

- o Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;

- o 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;

- o Contain Test Certificates of imported material to show that it is suitable for its proposed use;

- o Demonstrate the effectiveness of the approved Remedial Scheme; and

- o Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

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

### **Notes to Applicant**

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

2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 3050001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

3. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk). Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.

4. Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981. Therefore, should birds or bats be present in the trees affected by this application, any felling/surgery should be deferred until late summer/autumn.

## **Planning Committee Report**

**Applicant:** NFU Mutual Market Harborough

**Application Ref:** 17/01366/LBC

**Location:** The Symington Building, Adam And Eve Street, Market Harborough

**Proposal:** Installation of powder coated aluminium double doorset to entrance; installation of replacement air conditioning system; installation of replacement fenestration to 3 no. windows; installation of demountable partitions to divide the space into separate offices

**Application Validated:** 14.08.2017

**Target Date:** 09.10.2017

**Consultation Expiry Date:** 21.09.2017

**Case Officer:** Emma Harrison

## **Recommendation**

Advertisement Consent is Approved for the following reasons:

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 is therefore considered to accord with Harborough District Core Strategy Policy CS11 and no other material considerations indicate that the policies of the development plan should not prevail, furthermore the decision has been reached taking into account 186-187 of the National Planning Policy Framework.

### **1. Site & Surroundings**

1.1 The application site relates to the Symington Building which houses the District Council Offices, and a number of other uses. It is located on the corner of Adam and Eve Street in the centre of Market Harborough Town Centre. The site is predominantly bounded to the north and east by public car parks (on of which is private for the use of employees during the week, and public at weekends), to the south by retail units to the ground floor and residential properties to the first floor, St Dionysius Church (Grade I) and the Old Grammar School (Grade I) to the west. Specifically this application relates to one vacant unit on the ground floor. The site is within the Market Harborough Conservation Area and The Symington Building is a Grade II Listed building. The proposed display boards will be located directly to the front of the building.

Figure 1: Aerial Photo



Figure 2: Site Location



## 2. Site History

### 2.1

Decision / Date	Application Number	Name of Applicant	Nature and Location of Development
Approved 20.10.80	80/01536/3D	Harborough District Council	Conversion to district office (including alteration to a listed building and demolition to a conservation area)
Approved 24.02.94	93/01967/3C	Leicestershire County Council	Installation of wall mounted floodlight to Grade II listed building to provide street lighting
Approved by SO S 21.02.03	02/01746/LBC	Harborough District Council	Repairs to pediment on front elevation
Approved 08.02.06	05/01858/ADV	Harborough District Council	Erection of un-illuminated plywood Harborough Museum sign
Approved 27.04.06	05/01862/LBC	Harborough District Council	Erection of non illuminated plywood Harborough Museum sign
Approved by SO S 23.12.09	09/01524/LCC	Leicestershire County Council	Installation of replacement entrance doors
Approved by SO S 07.02.11	10/01386/LCC	Leicestershire County Council	Installation of replacement double sliding doors (LCC ref 2010-L359-03)
Approved 08.06.12	12/00617/LBC	Harborough Museum	Installation of a non illuminated sign
Approved 31.10.12	12/01196/FUL	Harborough District Council	Change of use from mixed use B1 Office and D1 Museum and Library to Mixed use B1 Office, D1 Museum and Library and A1 Retail
Approved 17.12.12	12/01197/LBC	Harborough District Council	Change of use from mixed use B1 Office and D1 Museum and Library to Mixed use B1 Office, D1 Museum

			and Library and A1 Retail
Approved 11.09.13	13/00848/FUL	Harborough District Council	Partial revision of 12/01196/FUL to allow A1, A2, A3 and A4 use of ground floor and extension to opening hours for library and museum
Approved 04.05.16	16/00452/LBC	Harborough District Council	Installation of roof covering replacement and associated external works

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

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

- 3.1 The application seeks Listed Building Consent for works to a currently vacant unit within the Symington Building.
- 3.2 Internally the works are for the installation of powder coated aluminium double doors at the entrance to the unit in question, the installation of demountable partitions to divide the space into separate offices and WC's and the installation of air conditioning units.
- 3.3 Externally the works involve the replacement fenestration to three windows and the installation of pipework associated with the air conditioning system.

#### **b) Documents submitted**

##### **i. Plans**

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

- Location Plan
- Proposed Floorplans
- Proposed Elevations
- Proposed Ceiling Plan

##### **ii. Supporting Statements**

- 3.5 The application has been accompanied by the following supporting statements:
- Design and Access Statement including Heritage Statement (by Make Consulting)

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

- 3.6 No pre-application discussions were undertaken.

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

- 4.1 Consultations with technical consultees and the local community were carried out on the application. This included a site notice put up at the front of the Symington Building on 23<sup>rd</sup> August 2017 and a press notice 31<sup>st</sup> August 2017. This consultation period expired on 13<sup>th</sup> September 2017 and 21<sup>st</sup> September 2017 respectively.



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

##### **4.2 Market Harborough Civic Society**

The Market Harborough Civic Society **STRONGLY OBJECTS** to the proposal to use this shop unit as an office as

1 It will create a dead frontage detrimental to the Listed Building, and the street scene, not only to Adam and Eve St but also to the foyer created by the Council within the Symington Building.

2 The new elevation within the building, because of its design and materials, will be seriously detrimental to the character of the entrance to the Symington building.

3 We are very concerned that the creation of an office in this unit is totally contrary to the assurances given by Harborough District Council when the Symington building was refurbished

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

4.3 No representations have been received.

#### **5. Planning Policy Considerations**

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

#### **a) Material Planning Considerations**

- *Planning (Listed Building and Conservation Areas) Act 1990*
- *Planning Practice Guidance – Conserving and enhancing the historic environment*
- *The National planning Policy Framework 2012*

#### **a) Other Relevant Information**

- *Reason for Committee Decision*

5.2 This application is to be determined by Planning Committee as the building owner is Harborough District Council.

#### **6. Assessment**

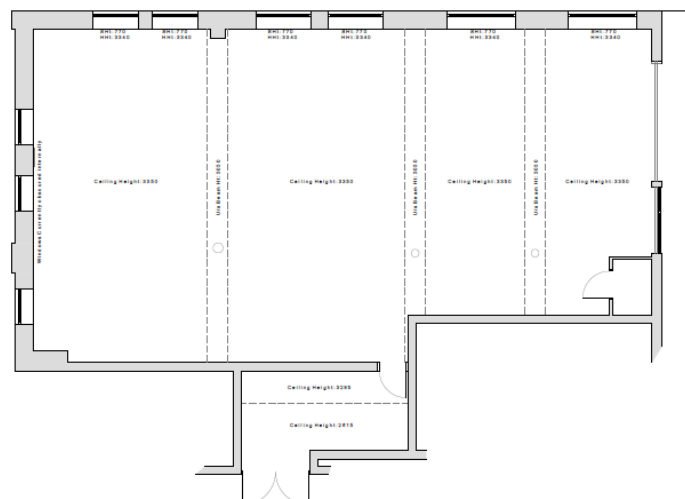
#### **a) Technical Considerations**

1. Design and Impact on the Listed Building.

6.1 The proposal is to install the relevant fittings to allow the vacant unit within the Symington Building to be used as an office rather than a retail unit as it is used currently. This use is already approved as part of a previous planning application.

**Figure 3: Existing and Proposed Floorplans**

*Existing*



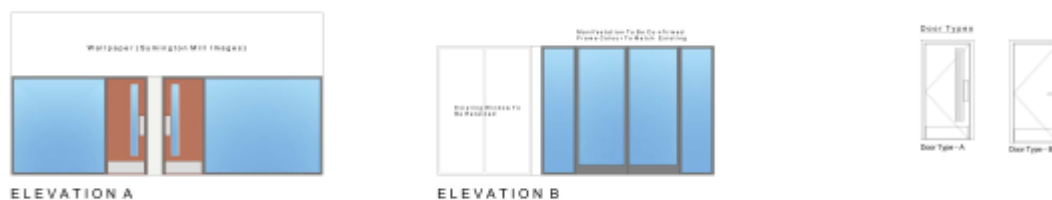
*Proposed*



6.2 There are four elements to the proposals. The installation of partition walls will create one large office space with small offices and provision of WC's off of this. These partitions will not harm the fabric of the building and are considered to be reversible in nature without detrimentally affecting the fabric of the building.

- 6.3 Three windows will be replaced that face into the archway through the Symington Building. The windows to be removed are modern and therefore will not result in a loss of historic fabric. These will be replaced with windows of an appropriate design but will not be obscure glazed as existing. The new windows will not harm the character of the building.
- 6.4 The new entrance doors will be powder coated aluminium to match the frames on the existing windows and doors in this location. These are sited within the building and provide access to the commercial units from the existing entrance area. These doors will be appropriate in design and appearance and will not detract from the architectural character of the building.

**Figure 4 Doors and glazing**



- 6.5 The proposals also include the installation of a new air conditioning system. This will involve mostly internal units and ducting that will not necessitate alterations to historic fabric. The pipework will however be required to be located to the outside of the building underneath the archway to reach the existing service compound area. The pipework will be designed to match the existing pipework on the building and therefore although this addition is regrettable it is not considered to harm the appearance of the building and furthermore as it is to the rear it is considered that subject to an appropriate colour and finish this addition will not detract from the character of the building.

**Figure 5 Air conditioning ceiling layout**



**Figure 6: Proposed Pipework**



- 6.6 Overall the works will ensure that this unit will be brought into use as part of the mixed use of the building and the works will not harm the significance of the building. The external appearance of the building will remain unaltered and therefore its status and character will not be affected. The proposals will comply with Paragraphs 131 and 132 of The National Planning Policy Framework.

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

- 7.1 The proposed works will result in minimal intervention into the historic fabric and will largely be reversible in nature. The works will facilitate the use of a currently empty unit which will complement the current mixed use of the building as a whole. The materials and design of the windows externally will be traditional in nature and appropriate to the style and period of the building and the internal materials will be appropriate for their use and location. Furthermore the architectural character of the building will be retained as the external appearance will not be altered. Therefore the works will not harm the significance of the designated heritage asset complying with policy CS11 of the Harborough District Core Strategy and paragraphs 131 and 132 of the National Planning Policy Framework.

## **APPENDIX A – Planning Conditions**

### **8. Planning Conditions**

8.1

1) **Listed Building Consent – commencement**

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) **Further Details Required**

Notwithstanding the approved drawings, no works shall commence until details of the following matters have been submitted to and approved in writing by the Local Planning Authority:

(a) Large scale details of all external joinery (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;  
(b) Large scale details of all internal metal-framed glazing (1:5 elevation, 1:2 section);

(c) Full details of external air conditioning pipes including colour and finish.  
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.

3) **Permitted Plans**

The development hereby permitted shall be in accordance with the following approved plans PR0036 (A) 1201 Rev A, PR0036 (A) 1203 Rev B

REASON: For the avoidance of doubt.

## Planning Committee Report

**Applicant:** Mr & Mrs Manning

**Application Ref:** 17/01378/FUL

**Location:** 53 Northleigh Grove, Market Harborough, Leicestershire, LE16 9QU

**Proposal:** Erection of single storey front extension; installation of external render to front extension

**Application Validated:** 14.08.2017

**Target Date:** 09.10.2017 (**Extension of Time Agreed**)

**Consultation Expiry Date:** 05.10.2017

**Site Visit Dates:** 06.09.2017 and 20.09.2017

**Case Officer:** Anisa Aboud

## Recommendation

Planning Permission is **APPROVED**, for the reasons set out in the report and subject to the appended Planning Conditions (Appendix A).

### 1. Site & Surroundings

- 1.1 The application site (hereafter referred to as the 'site') is located towards the end of Northleigh Grove to the north east of Market Harborough. The property is a 1970's detached, two storey dwelling within a predominantly residential area, the rear of the property backs on to the canal towpath which is part of the designated Grand Union Canal Conservation area. The property itself is not within the Conservation Area.



Figure 1. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office Crown copyright.



Figure 2. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office Crown copyright.

- 1.2 The site is set back from the road, with a paved driveway to the front, with a shared open boundary with no. 51 Northleigh Grove (demarcated by a course of bricks). The surrounding properties on Northleigh Grove are all 1970s in design; both adjacent properties are two storey dwellings of similar design (see Fig. 3).





(Google Streetview 2017)

- 1.3 The site is relatively flat and so long as proposed levels remain consistent with existing levels, levels will not have a significant impact on the proposal.

#### Site History

2. None applicable

### 3. The Application Submission

#### a) Summary of Proposals

- 3.1 The proposal seeks planning permission for the erection of a single storey front extension and the installation of external render to the front extension.
- 3.2 Erection of single storey front extension; installation of external render to front extension

#### b) Plans and Statements / Documents For Assessment

##### i. Plans

- 3.10 The Applicant has submitted the following plans:
- Outline Survey – Ground Floor (Drawing Number: 3796 2, dated Aug 2017);
  - Outline Proposal – Elevations (Drawing Number: 3796 3, dated Aug 2017);
  - Outline Proposal – Ground Floor (Drawing Number: 3796 4, dated Aug 2017);
  - Block Plan and Location Plan (Drawing Number 3796 1, dated June 2017)

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

### 3.11 Supporting Information:

The details of the proposed materials have been provided as following:

- Roofing - Wienerberger Rivious interlocking slate (68 Antique Slate colour)
- Cladding - Marley Cedral Click (C15 Dark Grey colour/ woodgrain) from the Ocean Range
- Render - smooth cement render painted Sandtex (Light grey colour)

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

3.13 No formal pre-application advice has been provided.

## **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](http://www.harborough.gov.uk/planning)

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

4.3 Market Harborough Civic Society:  
Has no comments to make on the proposal (7/09/17)

### **b) Local Community**

4.4 8 objections received, from 8 households.

4.5 Visual amenity issues raised through representations (paraphrased):

- The proposal is of a design that totally changes the appearance of the house so it is unrecognisable from its original form
- Not in keeping with the scale of or design of surrounding properties on Northleigh Grove
- No 53 already has a porch line twice as big as any other property in this area
- "It will completely alter the look of a perfectly good looking house that blends in with all the other houses".
- No problem with the extension coming out to the original porch line and built in matching bricks and continuing the same roof line as what is already there.
- Choice of materials are inappropriate: render is not in keeping with surrounding properties of Northleigh Grove
- Object to the extension beyond the established building line at the front of the property.
- "Given the position of the property (line of sight being along Northleigh Grove and it's junction with Logan Crescent) it will stand out as not in keeping with all other property in that line of sight"
- "It is the finish of the proposal to which I strongly object. I feel this will detract from the desirability of wanting to live in what is a sought after area in Market Harborough."
- The proposed extension is far too big in proportion to the front of the building.

4.6 Residential amenity issues raised through representations:

- The proposed work would block natural light to no.55 side passage

- It will block light

#### 4.6 Other issues raised through representations:

- Proposed development appears to be out of scale, and out of character with the surrounding area.
- the noise and disturbance of the over development
- it is not a similar foot print to the adjacent homes.
- It is over-development of the site as it already has extensions
- it involves 'garden grabbing',
- The over development would increase rain water run off,
- "our Grove has a lovely aspect with the exception of one house and that monstrosity is what Mr & Mrs Manning wish to copy"

### 5. Planning Policy Considerations

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

#### 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;
- The saved policies of the Harborough District Local Plan (HDLP) adopted April 2001.

- 5.4 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 (hereafter referred to as 'The Framework' or 'NPPF'), the national Planning Policy Guidance, further materially relevant legislation, together with responses from consultees and representations received from all other interested parties in relation to material planning matters.

#### 5.5 *Harborough District Core Strategy*

The Core Strategy (hereafter referred to as the '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 CS9 (Addressing Climate Change)
- Policy CS10 (Addressing Flood Risk)
- Policy CS11 (Promoting Design and Built Heritage)

## 5.6 *The saved policies of the Harborough District Local Plan*

- Policy HS/8 (Limits to Development)

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

## 5.7 *The National Planning Policy Framework (The Framework / NPPF)*

The Framework, published March 2012, replaces previous national policy/guidance set out in Planning Policy Statements and Planning Policy Guidance documents.

## 5.8 *National Planning Practice Guidance*

The national Planning Practice Guidance (hereafter referred to as the PPG), published 6th March 2014, replaces a number of planning guidance documents that have been cancelled as part of the Government's drive to simplify the planning process.

## 5.10 *New HDC Local Plan*

## 5.11 *Supplementary Planning Guidance*

The following SPGs are considered to be most relevant:

- SPG Note 1: Design Principles to be Applied in Harborough District
- SPG Note 2: Residential Development
- SPG Note 3: Single Plot Development and Development of Small Groups of Dwellings and Residential Development within Conservation Areas
- SPG Note 9: Landscape and New Development
- SPG Note 19: Development and Flood Risk

### **c) Other Relevant Documents**

## 5.21 *Circular 11/95 Annex A – Use of Conditions in Planning Permission*

### **d) Other Relevant Information**

## 5.23 *Reason for Committee Decision*

This application is to be determined by Planning Committee owing to the number of counter-representations received.

## **6. Assessment**

### **a) Housing Requirement and Housing Land Supply**

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

### **b) Principle of Development**

- 6.2 The application has been submitted for Householder development, therefore the principle of extensions to the existing dwelling is considered acceptable.

## b) Technical Considerations

### 1. Design and Visual Amenity

- 6.4 The proposal is for the erection of a single storey front extension and the installation of external render to the front extension.
- 6.5 The property is proposed to be part clad in Marley Cedral Click (c15 Dark grey/woodgrain) from the Ocean range.



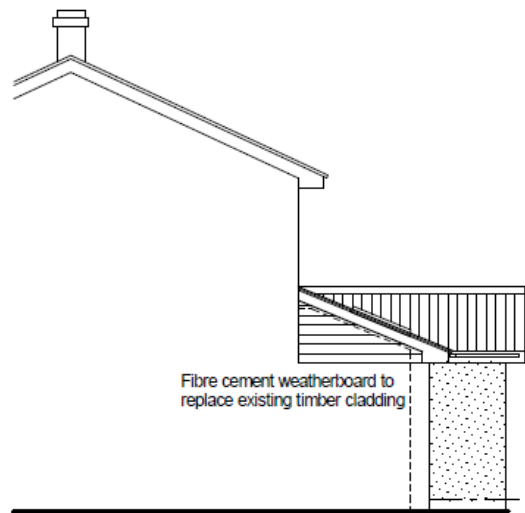
**Figure 5. Proposed materials**

- 6.6 The render is proposed to be painted blockwork, smooth cement render painted Sandtex (Light grey colour) (see fig. 5)

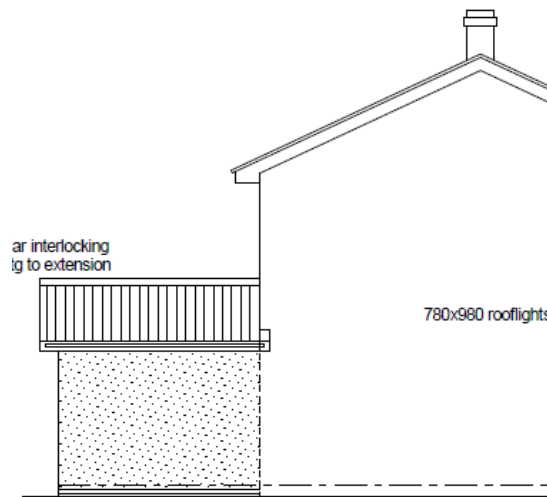
**Fig 6. Proposed elevations**



**Proposed Front (South) Elevation**



Proposed Side (West) Elevation



Proposed Side (East) Elevation

- 6.6 The proposed front extension will measure approx. 3.5m in depth, approx. 4m in width. The height will be approx. 3.5m, matching the height of the existing porch, the eaves will also match existing approx. 3.4m.
- 6.7 The proposed front extension will extend approx. 1.2m beyond the extent of the existing front porch. It will extend approx. 2.1m beyond the front elevation of no. 55 Northleigh Grove.
- 6.8 While the use of render and cladding ( see section 3.11) will alter the appearance of the dwelling and contrast the surrounding properties, the proposal offers a complete modernisation of the property introducing a contemporary feel to the existing design which has limited architectural merit at present. The National Planning Policy Framework (paragraph 60) is clear planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originally or initiative through unsubstantiated requirements to conform to certain developments forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.



**Figure 7. Example of altered properties. i.e. 71 Northleigh Grove (16/00169/FUL)**

- 6.9 To conclude, the additions and alterations are contemporary in relation to the existing dwelling and those in the surrounding area; however it is considered that the juxtaposition of this different design would not be detrimental to the character of the surrounding area and would add diversity to the residential fabric of the street scene. The proposed extension is of a scale and mass that relates well to the existing property and appears subordinate as to not detract from the original dwelling.

## 2. Heritage

- 6.10 The site is outside of the Conservation Area. However the boundary runs to the immediate north of the site. Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose a duty on Local Planning Authorities to pay special regard/attention to Listed Buildings/assets and Conservation Areas, including setting, when considering whether to grant planning permission for development. For Conservation Areas "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" (Section 72).
- 6.11 However, given that the works proposed relate solely to the front elevation (front aspect). It is considered that the proposal will not result in adverse harm to the character and appearance of the conservation area.

## 4. Highways

- 6.12 The proposal does not raise any highways concerns. .

## 6. Residential & General Amenities

- 6.13 Core Principle 4 of the Framework seeks to ensure a good standard of amenity for all existing and future occupiers of land and buildings, this principle is further reflected in CS Policy 11. In order to objectively assess the impact of the proposed development



upon existing residential amenity, the Council has adopted Supplementary Planning Guidance Note 5. This guidance states that there are three main ways in which development can affect existing residential amenity:

- o Loss of light (overshadowing)
- o Loss of privacy (overlooking)
- o Sense of over-dominance or an overbearing structure

- 6.14 Some objection has been raised in respect of the single story front extension resulting in a loss of light to the adjacent neighbour no. 55 Northleigh Grove. However, given the modest depth of approx. 3.5m; the single storey front extension will extend approx. 2.1m beyond the front elevation of no. 55 Northleigh Grove.
- 6.15 It does not trigger the 45 degree guideline (>4m) and the extension is not considered to be over-dominant and resulting in adverse loss of light and privacy.
- 6.16 Nonetheless, no. 55 Northleigh Grove has a garage closest to the application site boundary. Therefore, it is not considered that the proposal will result in a loss of light or overbearing to this property. (see fig. 8)



**Figure 8. Showing the streetscene, application site in relation to No. 55 Northleigh Grove's garage**

- 6.17 Overall, the proposal is considered to be satisfactory in terms of its residential and general amenity impacts; the proposal complies with Policies CS8 and CS11 of the Harborough District Core Strategy in these respects.
- 6.18

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

- 7.1 The proposed alterations will considerably alter the façade of the existing property. However the contemporary nature of the proposal would enhance the original property and the wider street scene. The proposal would not cause significant harm to the amenities of surrounding residents. The proposal therefore accords with Policy CS11 of the Harborough District Core Strategy and no other material considerations

indicate that the policies of the Development Plan should not prevail. The decision has been reached taking into account Paragraphs 186 and 187 of the Framework, as well as the national Planning Practice Guidance.

## **8. Planning Conditions**

- 8.1 If Members are minded to Approve the application, a list of recommended Planning Conditions and Informative Notes follows in **Appendix A**.

## **Appendix A**

### **Recommended Conditions**

**1. Development to Commence Within 3 Years**

The development hereby approved shall begin within 3 years from the date of this permission.

REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

**2. Approved Plans Reference**

The development shall be carried out in accordance with the following plans:

- Outline Survey – Ground Floor (Drawing Number: 3796 2, dated Aug 2017);
- Outline Proposal – Elevations (Drawing Number: 3796 3, dated Aug 2017);
- Outline Proposal – Ground Floor (Drawing Number: 3796 4, dated Aug 2017);
- Block Plan and Location Plan (Drawing Number 3796 1, dated June 2017)

**3. Material as approved**

The development hereby permitted shall be constructed entirely of the materials as detailed in correspondence dated 3/10/17 @08:32 :

- Roofing - Wienerberger Rivious interlocking slate (68 Antique Slate colour)
- Cladding - Marley Cedral Click (C15 Dark Grey colour/ woodgrain) from the Ocean Range
- Render - smooth cement render painted Sandtex (Light grey colour).

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 David Field

**Application Ref:** 17/01499/FUL

**Location:** 20 Welland Park Road, Market Harborough, Leics

**Proposal:** Erection of a detached garage/workshop outbuilding to the rear

**Application Validated:** 5/09/2017

**Target Date:** 31/10/2017 Extension of Time Agreed

**Consultation Expiry Date:** 3/10/2017

**Site Visit Date:** 11/10/2017

**Case Officer:** Emma Baumber

## Recommendation

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

- The conditions set out in Appendix A

### 1. Site & Surroundings

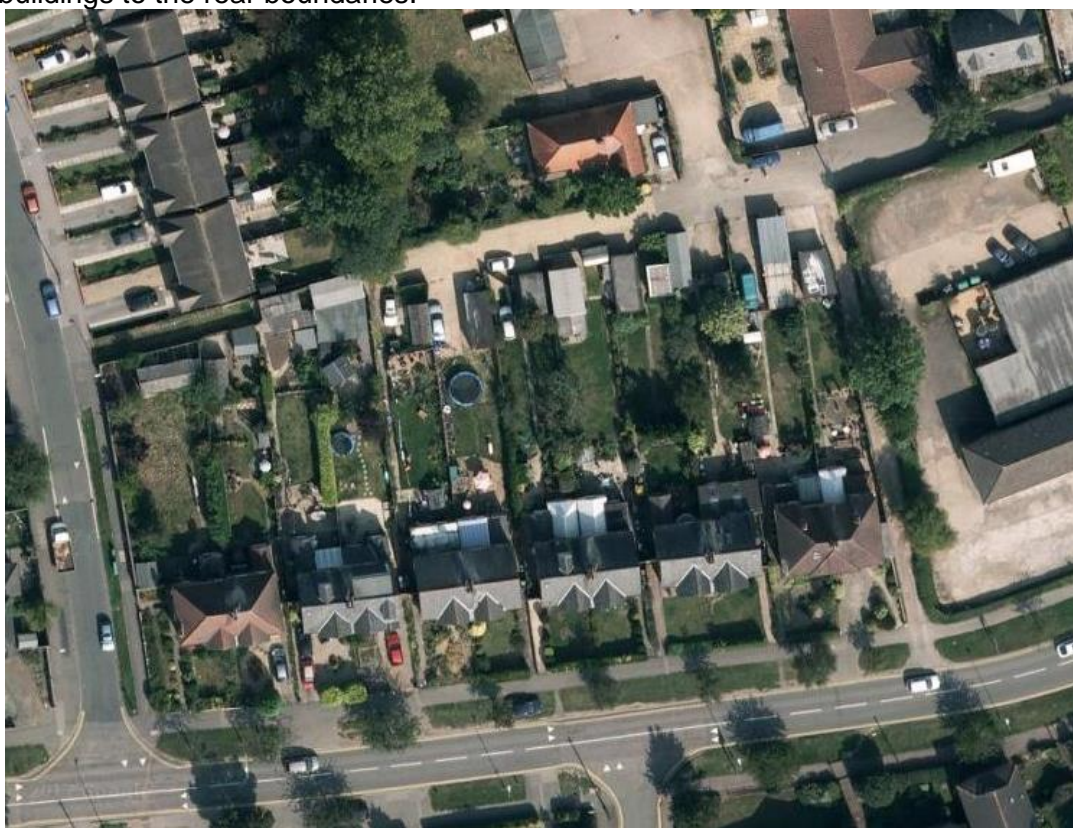
1.10 The property is located on Welland Park Road close to the centre of Market Harborough. The property is a semi-detached, two storey dwelling (with dormer loft conversion) within a predominantly residential area. The property also has a vehicular access to the rear from Walcott Road.



**Figure 1: Site Location**

1.11 The property has a parking area to the front and long garden to the rear. The rear garden is bounded by 1.8m-2m close boarded fencing to each boundary. There are a number of outbuildings to the rear including a play house, garden shed and pergola/car port along the rear boundary. The rear boundary of the plot forms part of the side boundary of 2 Walcott Road.

1.12 The surrounding properties are also characterised by large, long gardens to the rear. As seen in the below image, many of these have parking areas, garages and outbuildings to the rear boundaries.



**Figure 2: Aerial image of Welland Park Road**

## **2. Site History**

2.1

- 17/00526/CLU- Certificate of lawfulness of proposed development for the erection of a garage/workshop (withdrawn)
- 17/01715/CLU- Certificate of lawfulness of proposed development for the installation of a dormer window and alterations to loft (pending consideration)

## **3. The Application Submission**

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

3.1 The proposal seeks planning approval for erection of a detached outbuilding to form domestic garage/workshop as follows:

- Outbuilding with a depth of 9m, width of 5.6m, ridge height of 4.2m and eaves of 2.4m.

- The outbuilding is proposed to be clad in wood effect cladding with a replica slate finish roof

#### **b) Documents submitted**

##### **i. Plans**

- 3.2 The application has been accompanied by the following plans –  
 ‘Garage Workshop proposal’ -Proposed floor plans and elevations  
 ‘Site Location Plan’

##### **ii. Supporting Statements**

- 3.3 A Planning Statement was received with the application

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

- 3.4 No amendments received

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

- 3.5 No pre-application engagement was carried out prior to submission.

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

- 4.1 Consultations with technical consultees and the local community were carried out for the application. This occurred on 12<sup>th</sup> September 2017. This initial consultation period expired on 3<sup>rd</sup> October 2017.

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

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

##### **4.3 Market Harborough Civic Society**

No comments made to the Local Planning Authority

##### **4.4 Leicestershire County Council Highways**

The Local Highways Authority refers the Local Planning Authority to current standing advice.

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

- 4.5 No comments received

### **5. Planning Policy Considerations**

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

#### **a) Development Plan**

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

- 5.2 Relevant policies to this application are CS11. These are detailed in the policy section at the start of the agenda.



## **b) Material Planning Considerations**

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

## **c) Other Relevant Information**

- *Reason for Committee Decision*
- 5.5 This application is to be determined by Planning Committee due to applicant being a member of staff

## **6. Assessment**

### **a) Principle of Development**

- 6.1 The application has been submitted for Householder development within the existing residential curtilage, therefore the principle of extensions to the existing dwelling is considered acceptable.

### **b) Housing Requirement and Housing Land Supply**

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

### **c) Technical Considerations**

- 1. Design and Visual Amenity
- 6.3 As discussed above the application dwelling and surrounding properties have large rear gardens, as seen in figure 2 outbuildings, garages and parking areas are present to the rear of the surrounding plots. Therefore the principle of an outbuilding within this location is not considered to be out of keeping with the character of the area.
- 6.4 The footprint of the garage is large, however as seen in figure 2 and 3 will be viewed against the outbuildings of a similar footprint within the garden of 18 Welland Park Road the outbuilding will not protrude in front of the summerhouse/shed of this property. Furthermore the outbuilding has been designed with a shallow pitch to reduce its height and the proposed materials are considered to be in keeping with the surrounding outbuildings and properties. It is considered that ample garden space will be retained at the dwelling.



**Figure 3: Application site from first floor window**

- 6.5 Finally the outbuilding will be limitedly visible from the public realm, with no views from Welland Park Road itself. Views from the secondary access off Walcott Road (Fig.4) are also likely to be minimal due to the boundary treatment, vegetation and other outbuildings present along the rear and side boundaries of number 22 and 24 Welland Park Road.





**Figure 4: View of secondary access and application site from Walcott Road**

- 6.6 Considering its limited visibility and presence of surrounding outbuildings the proposed outbuilding is not considered to be harmful to the character or appearance of the area.

### 3. Highways

- 6.13 The proposals would not infringe on the three car parking spaces currently available at the property which is adequate for a dwelling with three bedrooms. The proposed outbuilding/garage is slightly substandard in depth (5.5m instead of 6m) however considering the presence of other spaces within the property this does not warrant refusal of the scheme.

### 4. Residential Amenity

- 6.14 Core Principle 4 of the Framework seeks to ensure a good standard of amenity for all existing and future occupiers of land and buildings, this principle is further reflected in CS Policy 11. In order to objectively assess the impact of the proposed development upon existing residential amenity, the Council has adopted Supplementary Planning Guidance Note 5. This guidance states that there are three main ways in which development can affect existing residential amenity:
- Loss of light (overshadowing)
  - Loss of privacy (overlooking)
  - Sense of over-dominance or an overbearing structure

- 6.15 As the proposed outbuilding is sited at the rear of the application site, it is not considered to infringe on the amenity on either the adjoining property (number 18) or the immediate neighbour to the west (number 22). The separation distance between the outbuilding and the rear elevations of these properties is approximately 19m which will prevent a loss of light and sense of over-dominance. Furthermore the boundary treatment of 1.8m close boarded fences to both side boundaries will limit views from the outbuilding into the residents' gardens protecting their privacy and amenity area.

- 6.16 The outbuilding will protrude close to the side boundary of 2 Walcott Road to the rear of the site. The proposal is to set the garage 3.5m from the shared boundary which is considered to alleviate a loss of light. Furthermore considering the presence of the existing pergola/carport, 1.8m fence and the proposed set back; the outbuilding should not cause an additional adverse sense of over-dominance. While no windows are proposed within the northern elevation therefore the residents privacy is also not impacted.

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

- 7.1 While the proposed outbuilding/garage has a relatively large footprint, considering the presence of multiple outbuildings within the immediate area and the minimal visibility of the scheme it is not considered to be out of keeping with the area. The outbuilding is proposed to be sited sensitively away from the side boundary of number 2 Walcott Road which is considered to protect these residents amenity. While the separation distance and boundary treatment with numbers 18 and 22 creates a satisfactory relationship with these dwellings. The proposal therefore accords with Policy CS11 of the Harborough District Core Strategy and no other material considerations indicate that the policies of the Development Plan should not prevail. The decision has been reached taking into account Paragraphs 186 and 187 of the Framework, as well as the national Planning Practice Guidance.

## **APPENDIX A – Planning Conditions**

## **8. Planning Conditions**

- 8.1
- 1) **Planning Permission Commencement**  
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
  - 3) **Permitted Plans**  
The development hereby permitted shall be in accordance with the following approved plans 'Garage Workshop Proposal' and 'Site Location Plan'.  
REASON: For the avoidance of doubt.

Notes to applicant:

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

## Planning Committee Report

**Applicant:** Miss Dominie Cripps

**Application Ref:** 17/01518/VAC

**Location:** Bowden Stores, 3 the Green, Great Bowden

**Proposal:** Variation of condition 4 (Opening hours) of planning permission 16/00770/FUL

**Application Validated:** 18/09/2017

**Target Date:** 13/11/2017

**Consultation Expiry Date:** 02/11/2017

**Site Visit Date:** 05/10/2017 and 09/10/2017

**Case Officer:** Mike Smith

## Recommendation

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

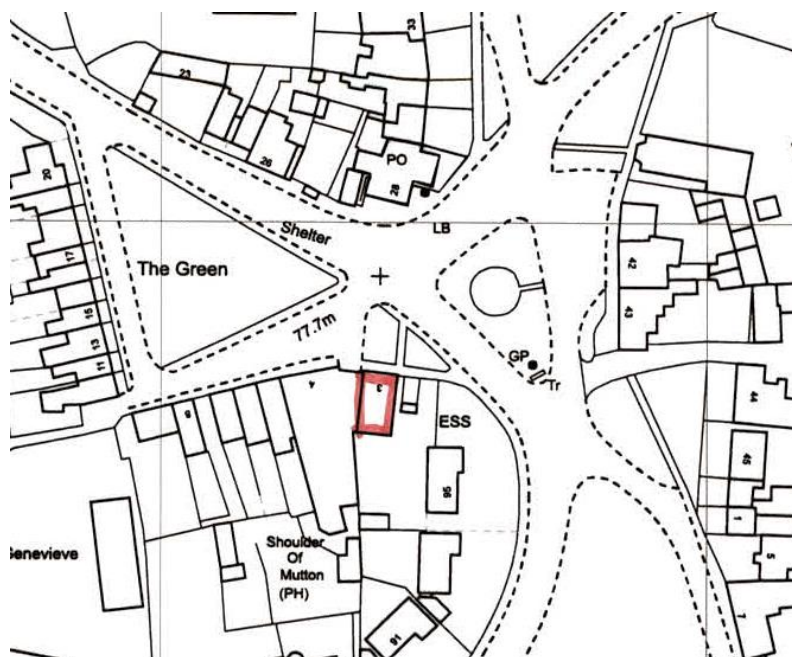
The principle of the development is acceptable given the site's location within an established village which can support a range of local amenities. The proposal should make a positive contribution to the character and appearance of the area and the amenities on offer within the village. It will not have an adverse impact on interests of acknowledged importance including highway safety and residential amenity. On balance therefore it is considered that the proposed development satisfactorily complies with the Framework and relevant policies in the development plan and there are no material planning considerations sufficient to challenge the presumption in favour of development.

### 1. Site & Surroundings

- 1.1 The application site is a former grocer's shop located to the south-east of The Green in the village of Great Bowden which was granted planning permission in July 2016 for **Change of use of shop (A1) to mixed use retail including café (A3), and insertion of mezzanine floor**. The building has since been converted and the use commenced.
- 1.2 The main part of the existing building is traditional in character being constructed in brick with a slate roof and incorporates detail on the front façade, including a traditional shop front and a decorative verge, which make a positive contribution to the street scene. A flat roof structure to the west side of the main building, is less aesthetically pleasing but is slightly recessed and screened by the main building and the adjoining public house. A pair of timber gates enclose the store from the street.
- 1.3 The site is within an area of mixed residential and commercial uses. Whilst the properties around The Green are largely residential although there is a public house immediately to the west of the application site (Shoulder of Mutton) and an existing retail shop, newsagent and post office with café facilities (Weltons) immediately opposite. Other facilities in the local area include Great Bowden Parish Church and Hall.

- 1.4 There is parking space directly in front of the application site and the adjacent Shoulder of Mutton PH which is occupied on a regular basis. Parking within the area is generally on-street.

**Figure 1: Site Location**



**Figure 2: View from The Green.**



## 2. Site History

- 2.1 16/00770/FUL Change of use of shop (A1) to mixed retail including café (A3), and insertion of mezzanine floor. - Approved

## 3. The Application Submission

### a) Summary of Proposals

- 3.1 The proposal seeks planning permission for the variation of condition 4 of Planning permission 16/00770/FUL which currently limits the hours of use of the premises to 08.00 – 18.00 Mondays to Sundays. .
- 3.2 It is proposed to extend the hours of use as follows :

- Mon – Tuesday 07.30 - 22.00
- Thursday 07.30 - 23.00
- Friday - Saturday 07.30 - 24.00
- Sunday 08.00 - 22.00

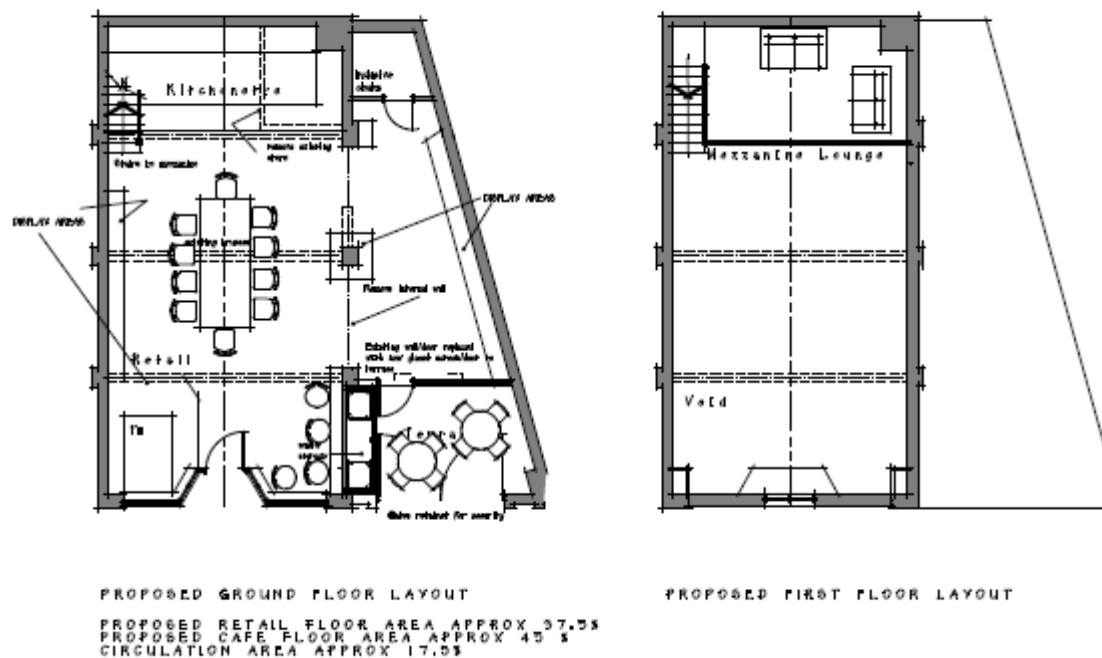


Figure 2: Existing floor plans

### b) Documents submitted

#### i. Plans



3.2 The application has been accompanied by the following plans:

1:1250 Site Location Plan  
Application Forms; and  
Supporting Statement

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

3.5 No pre-application engagement was carried out prior to submission, but negotiations have taken place during the life of the application in order to clarify matters raised by objectors to the proposal.

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

4.1 Consultations with technical consultees and the local community were carried out for the application. This occurred on 27<sup>th</sup> September and included a site notice put up on the 5<sup>th</sup> October and an advertisement in the press. This initial consultation period expired on 2<sup>nd</sup> November.

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

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

4.3 **LCC Highways-** Has no comment to make on the proposals

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

4.4 As a result of the consultation process 13 letters has been received objecting to the proposals for the following reasons:

- These additional events do not have to be undertaken in the café. This is not a suitable place, this area already has 4 community buildings all very close to each other and are popular in the evenings. i.e church recitals, community events at both the church and village halls and of course the pub.
- The real point of the application is to open a restaurant/wine bar/bistro.
- This will cause noise and disturbance later into the evening
- Parking issues will be made worse. It is noticeable that when the premises are closed on a Monday the parking problem is not apparent.
- At the beginning of the year Great Bowden experienced another loss of a local amenity as a result of the Red Lion being closed. However, we are aware that an action group is currently campaigning to save Red Lion which, previously offered solutions for the needs of villagers as a public house and for private functions. And, having a car park dissipated the current parking dilemma experienced on The Green.

4.5 In addition, however, 18 Letters have also been received in support of the application for the following reasons:

- I feel another venue in the village to allow for private hire or as I understand craft classes etc is an excellent amenity to the village.
- As it is, the village is already grossly lacking in amenities and catering for residents, and needs an injection of new and alternative things. To offer a number of different events which will help to support the local community, should be supported by the local community.
- Weltons holds one off evening events occasionally and the Shoulder of Mutton is of course open every evening. We are very lucky to have three thriving institutions such as these and I'm sure that the majority opinion is that these businesses 'co-exist' (as they pretty much always have) and that each offers something different to our lovely village.
- To reflect the applicant's wishes and also to give consideration to villagers living nearby, HDC should consider some limits (e.g. a maximum of two nights a week)

## **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
  - CS6 – Improving Town Centres and Retailing
  - CS13 – Market Harborough

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

- 5.5 The following material planning considerations are relevant to this application:
- The National Planning Policy Framework (The Framework/NPPF), particularly Para.14 (presumption in favour of development), Section 1 (Building a Strong Competitive Economy), Section 2 (Ensuring the Vitality of Town Centres), and Section 3 (Supporting a Prosperous Rural Economy).
  - National Planning Practice Guidance

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



*Reason for Committee Decision*

- 5.6 The application is to be determined by Planning Committee at the request of Cllr Knowles .

**6. Assessment**

**a) Principle of Development**

- 6.1 The site is within a large village with a number of existing community facilities and a substantial and growing population which has previously been assessed as being able support additional local amenities such as the current authorised use as a mixed A1 retail / A3 café use; without affecting the viability of other amenities.
- 6.2 These other amenities include the café opposite (Weltons) which offers similar products for sale, as well as being the local post office, shop etc. In addition immediately adjoining the site is the Shoulder of Mutton Public House.
- 6.3 The proposal seeks to vary condition 4 of the existing planning permission which currently limits the hours of use to:

- Mondays to Sundays 08.00 – 18.00

And seeks permission to extend the hours as follows:

- Mon – Tuesday 07.30 - 22.00
- Thursday 07.30 - 23.00
- Friday - Saturday 07.30 - 24.00
- Sunday 08.00 - 22.00

- 6.4 The applicants have advised that following the opening of the premises in December 2016 they have received requests from customers for the premises to be open in the evenings to enable the holding of a number one off events such as those set out below:.

- Craft evenings such as knitting , screen printing and calligraphy lessons,
- Creative writing courses led by a local author a playwright in Market Harborough
- Cheese and wine tasting events held in partnership with Duncan Murray Wines,
- Craft Gin sessions, held in partnership with Warner Edwards from Harrington,
- Private dining opportunities where customers can hire the venue for supper for family and friends ,
- Art Classes to be run and held by local Great Bowden Artist,
- Make up classes to be run by a local Great Bowden Make Up Artist,
- Cinema Evenings with a film projected onto a screen,
- Halloween Supper for local village children,
- Cake decorating Courses, and

- Chef's supper club.

6.5 The applicants have advised that it is still intended that the existing shop/café would operate on the basis of the current opening hours but that if the extended hours are allowed then this would allow them to cater for the one off events such as those listed above on an ad-hoc basis. The hours proposed would be the maximum hours of use, although often events would end before the latest opening hours proposed.

6.6 It is apparent that following the opening of the premises last December that the premises has become a popular local venue as evidenced by the number of letters received supporting the proposal. However there is clearly a difference of opinion in the local community about extending the hours of use as evidenced by the number of letters of support and objection to the proposals. In considering the proposals therefore two issues in particular need consideration. These are

- The potential impact the increased hours of use and activities would have on the amenities of nearby premises and local residents from the use: and
- Consequential impact on traffic and parking.

6.7 In the vicinity of the premises are Weltons a shop/post office and tea rooms which following a consent granted in in 2004 for use of part of the premises as a tea rooms and in 2010 allowing the premises to open between 06.00 and 22.00 Mondays to Sundays for a two year temporary period; was granted consent in 2011 allowing them extended opening hours but limited as follows:

1. The premises shall only be used for the purposes as a tea room approved under consent 04/01077/FUL and only then between the hours of 06:00am to 22:00pm on no more than two days in any one week and between 06:00 and 19:30 on any other day.

Reason: for avoidance of doubt and to satisfy Harborough District Local Plan Policies IN/1 and EV/23.

6.8 In addition immediately adjacent to the application premises is the Shoulder of Mutton public house whose current opening ours are 11.00 pm Mondays to Thursdays and 12.00 am Fridays, Saturdays and Sundays.

6.9 The current proposal will extend the hours of use of the premises into the late evening, although not necessarily on a daily basis and when other commercial activities may reduce – although other uses such as the pub could become busier than day time hours. The use of the premises and general comings and goings of customers, especially by car does have the potential to generate more activity than currently occurs, however, taking into account the relatively modest scale of the facility and the mixed use character of the village centre, the potential for increased activity is considered will not necessarily cause disturbance to residential use in the area.

6.10 Nevertheless as a result of discussions with the applicants they have agreed should members be minded to approve the proposals, to accept a condition limiting the extended hours to no more than 3 days in any one week, similar to the limitations imposed on Weltons.

6.11 With regards to highways and parking issues; on street parking throughout the day is common place in the immediate locality and in many parts of Great Bowden generally. Although the site has no off street parking which is also the case with

Weltons opposite and to a large extent the Shoulder of Mutton Public House. There is nothing to suggest the proposal will create such a significant increase in traffic and that the on-street parking will be exacerbated to the point where highway safety is adversely affected. The sites central location does make it reasonably accessible to pedestrians and Great Bowden is currently serviced by a regular daytime bus service.

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

- 7.1 The proposal is unlikely to adversely affect the character of the area or its residential amenity. Furthermore there is nothing to suggest highway safety will be so adversely affected, such as by an increase in on-street car parking, that a refusal on that basis is warranted. Very importantly the proposal has potential to enhance economic activity, whilst maintaining local character and a high quality environment. It is therefore considered that the proposal is in accordance with Policies
- 7.2 It is therefore recommended that the application is approved subject to the conditions in Appendix A.

## **APPENDIX A – Planning Conditions**

## **8. Planning Conditions**

8.1

- 1) Vary condition 4 of Planning permission 16/00770/FUL to :

The use hereby granted permission shall not be open to customers outside of the following hours:

Monday to Tuesday	07.30 – 22.00
Wednesday to Thursday	07.30 – 23.00
Friday and Saturday	07.30 – 24.00
Sundays	08.00 – 22.00 .

REASON: To safeguard the amenities of occupiers of neighbouring properties in accordance with the provisions of the National Planning Policy Framework and Harborough District Council Core Strategy Policy CS11.

- 2) Notwithstanding the hours of use authorised under condition No 1, the premises shall only be used other than during the current authorised hours of 07.30 and 18.00 Monday to Saturday and 08.00 to 16.00 hours; on no more than 3 days in any one week
- Reason: To safeguard the amenities of occupiers of neighbouring properties in accordance with the provisions of the National Planning Policy Framework and Harborough District Council Core Strategy Policy CS11.