

APPLICATIONS FOR DEVELOPMENT

APPLICATIONS FOR DETERMINATION BY COMMITTEE

Major Proposals/Site Inspections:

Important Information

Government's Chief Planner wrote to all LPA's 10th November 2010 explaining the judgement in the case brought by Cala Homes in the High Court, which considered that the powers set out in section 79 [6] of the Local Democracy, Economic Development and Construction Act 2009 could not be used to revoke all Regional Strategies in their entirety. The effect of this decision is to re-establish Regional Strategies as part of the development plan.

Government announced 7th December 2010 that Local planning authorities should be aware that the Secretary of State has received a judicial review challenge to his statement of 10 November 2010, the letter of the Chief Planner of the same date and to the Secretary of State's letter of 27 May 2010 on the ground that the Government's intended revocation of Regional Strategies by the promotion of legislation for that purpose in the forthcoming Localism Bill is legally immaterial to the determination of planning applications and appeals prior to the revocation of Regional Strategies.

The Secretary of State is defending the challenge and believes and is advised that it is ill founded. Nevertheless, pending determination of the challenge, decision makers in local planning authorities will in their determination of planning applications need to consider whether the existence of the challenge and the basis of it, affects the significance and weight which they judge may be given to the Secretary of State's statements and to the letter of the Chief Planner.

Major Proposals/Site Inspections:

10/01731/VAC – ALLEXTON
Mrs R Mehta

Removal of condition 2 of 09/01449/VAC to allow Angus Smales to use the site on a permanent basis at Allexton Hall Farm, Hallaton Road.

Target Date: 09.02.2011

Recommendation:

APPROVE subject to the appended conditions and reasons with following justification:

The development hereby approved, by virtue of its size, design, siting and use would sustain or improve the rural economy without adversely affecting the character and appearance of the landscape within this Area of Particularly Attractive Countryside, residential amenity, ecological or archaeological interests or giving rise to additional

traffic which would lead to a road safety hazard. The proposal is therefore considered to comply with policies EV/4, EV/5, IN/1 and TR/3 of the Harborough District Local Plan. It is not considered that there are any material considerations which would outweigh the policies of the development plan or indicate that the proposal would result in demonstrable harm to interests of acknowledged importance.

Site:

The site is a former agricultural building approximately 100m north-west of Allextion Hall. This building lies adjacent other agricultural sheds and dwellings of Stable Cottage.

The Proposal:

94/01305/3P was an application by G Healy Esq. of Allextion Hall. It permits stabling in connection with horse training business.

Application 08/01127/VAC sought permission to vary condition 2 of 94/01305/3P from:

‘This permission shall enure solely for the benefit of the applicant and members of his immediate family and not the premises. Furthermore, the use shall cease if at any time the applicant ceases to reside permanently at Allextion Hall’
to

‘This permission shall enure only for the benefit of residential occupants of Allextion Estate (Hall and Farm) and shall not be sold, leased or rented as a separate business to any person who does not live on the Estate.’ This permission was granted on a temporary basis (expiring on the 1st January 2010) and solely for the benefit of Piggy French.

09/01449/VAC – Variation of conditions 1 and 2 of 08/01127/VAC to vary from Piggy French to Angus Smales and remove operational time restrictions – Approved on a Temporary basis 13.01.2010

The current application seeks to further vary the conditions of the above 2009 consent to vary the benefit of the 2008 permission from Piggy French to Angus Smales and to allow Mr Smales to operate from the site on a permanent basis (having previously been restricted by 09/01449 to 12 months).

Policy:

PPS4 – Sustainable Economic Development.

Harborough District Local Plan:

Policy EV/4 & 5 - Development in the Countryside and Area of Particularly Attractive Countryside.

Policy IN/1 - Standards of Development

Supplementary Planning Guidance Notes:

Note 6 – Agricultural and equestrian buildings.

Note 8 – New Uses for Old Buildings

Consultations / Representations:

Allextton Parish:

Objects to the proposal verbally.

Previous Parish Objection

(The main objection to the proposal is that the access being proposed is using a narrow bridge and road through the village of Allextton, when there is a private access directly from the A47 into the Allextton Hall Estate. Other issues include, Prior to March 2008 no equestrian activity for several months and residents appreciated safer roads and peaceful environment. Whilst Piggy French was running her operation from the site (April 2008 to January 2009) activity was taking place at all hours of the day, as early as 3.20am. Conservation Area Character statement describes Allextton as the tiny village is on a twisting cul-de-sac off a minor road'. Residents are forced off road by lorries and into drives, on verges. Horse lorries wait at electric gates onto Main Street when exiting hall, running noisy engines, waking residents. Private drive directly onto A47 is not used. Adjoining residential cottages are partly occupied by yard staff so are unlikely to complain. Business has changed from small family concern to commercial equestrian yard. Use adversely affects neighbours. Concerns are noise, pollution, damage from horse lorries, adverse impact to residents privacy / living conditions and road safety. No objections of A47 access were used.)

Leicestershire Highways:

No comments received at the time of drafting the report, however in respect of the previous application (09/01449/VAC) they did not raise any objections. Also previously Highways commented on the Piggy French Application (08/01127/VAC) as follows;

"Given it remains with the 'estate', there are no sustainable Highway grounds for refusal of this proposal as it could not be demonstrated it would result in a material increase in traffic visiting the site.

Our records indicate that we made no observations on the '94 application for stables. Our records are not in depth and I do not know whether details of access were submitted for approval, however I doubt not.

We were consulted on 97/1194 to vary the '94 consent to allow for livery. This was considered by this Authority and on the basis that the use had been operating for some considerable time, we raised no objection. What is interesting is the application talks of livery however the decision notice talks of livery and horse training. I do not know whether we were aware or made aware of the training element. Again there was no indication of access on this application. And whilst on the application it did indicate that no lorries were involved, from the little I know with the permitted use, it is normal for the horses to be transported by lorries in various forms/times.

Given the above and considering the application before us, the traffic levels or intensity are unlikely to change just by the change in name of user or if they do alter

within the realms of the consent there is to my mind no opportunity to object to this proposal on highway safety grounds. Therefore and whilst I agree the use of the lane by large vehicles is unsatisfactory, the use has been established and the unfortunately the clock cannot be turned back. As such, my hands are tied and I have no sound reason to resist this proposal and therefore will not be raising an objection with Harborough District Council.”

Environmental Health:

No objections to the application

Representation:

Five letters objecting. Heavy Commercial Vehicles (Horse Boxes) travel through the village when there is an alternative access onto the A47, causing noise, traffic and damage to roads, the narrow bridge as well as services and verges all caused by heavy commercial vehicles using access along Main Street. Main Street is narrow with few passing places and its use by horse lorries is a highway safety issue. The horse lorries using Main Street may cause damage to the foundations of the Listed Buildings due to vibration and proximity of the vehicles to the properties. If approved a requirement to use the access onto the A47 should be imposed. If approved any horse box movements through the village should be limited to between the hours of 9am and 5pm.

Two letters of support have been received one stating that horses are an important part of the economy in the area and provide significant employment. The premises at Allextion Hall are suitable (which none of the objectors dispute) and a refusal would send out a negative message about an industry we should be supporting. As a rural village we should be encouraging every rural commercial proposition that is presented especially given the current economic climate.

Other information:

History:

94/01305/3P: Consent for change of use from agricultural barn to stabling in connection with horse training business.

97/1194: Consent for variation of condition 4 of 94/01305/3P from ‘The horses kept at site may be trained for equestrian purposes but may not be used for providing rider tuition or hired out for riding nor shall any horse be kept on site for livery purpose’

to

‘The horses kept at site may be trained for equestrian purposes and livery purposes but may not be used for providing rider tuition or hired out for riding’ Reason: To clarify the extent of the permission and to safeguard privacy of living conditions of the adjoining residents.

08/01127/VAC - Variation of condition 2 of 94/01305/3P to allow operation of horse training business by occupants of Allextion Estate (Hall and Farm) – Approved (on a temporary basis) 15.10.2008

09/01449/VAC – Variation of conditions 1 and 2 of 08/01127/VAC to vary from Piggy French to Angus Smales and remove operational time restrictions – Approved on a Temporary basis to expire 1st January 2011.

Information:

This application is being reported to the Planning Committee for determination due to the level of public interest.

Planning Considerations:

Policy Assessment:

PPS 7 Sustainable development in rural areas provides the national policy framework for development in the countryside. In terms of equine related activity it states these can fit well with farming activities and help to diversify rural economies. It states policies should facilitate re-use of farm buildings for small scale horse enterprises¹.

Harborough Local Plan policies EV/4 and EV/5 are relevant. Both of these policies seek to protect the character and appearance of the countryside, stating that permission will be refused for development that has an adverse impact on the countryside. It is further stated in policy EV/5 that planning permission will be refused for development in the countryside unless it is likely to sustain or improve the rural economy and cannot reasonably be provided within or adjacent to an existing settlement.

Affect on the Character and Appearance of the Conservation Area:

The proposal makes use of a building within existing physical complex of agricultural sheds and grounds generally peripheral to Allextion Hall but very much associated within physical context of its grounds (albeit subsequently separated into different use/ownership)

There is no obvious evidence of extensive damage to grass verge within Allextion Conservation Area that it's detrimental to its character and appearance. If such damage could be evidenced it would not necessarily be attributable to Allextion Hall owners and in any event would be a matter for Leicestershire Highways rather than the Local Planning Authority.

Residential Amenity:

Objections received indicate use has caused disturbance including at unsocial hours. Allextion notwithstanding proximity to A47 gives the impression of a very quiet and secluded hamlet of approximately 25 dwellings. The application building, however, appears one of a greater collection of buildings presumably in agricultural use. Traffic could potentially be generated through the village by 'use of these' buildings and it is difficult in light of conflicting information to demonstrate the current occupiers have caused significant harm to residential amenity.

The Environmental Health Officer has confirmed that they have not received any noise complaints regarding Allextion Hall and that they have no objections to the proposal.

¹ PPS 7 says small scale involves up to ten horses.

Highways and Parking Considerations:

Access via Allexton invariably means via navigating the single carriageway highway through the village. It can be envisaged that this would be awkward and inconvenient but taking account of anticipated scale not necessarily detrimental to highway safety or amenity of area, particularly where there are no Leicestershire Highway objections at the time of drafting the report (or to the previous approved scheme).

Conclusion:

The proposal generally represents an appropriate rural activity. There is clearly local concern that the level of activity has caused disturbance and the potential for early starts/late finishes involving large vehicles travelling through Allexton has potential to cause that. Nevertheless it is not considered sufficient evidence exists to demonstrate a problem sufficient to warrant a refusal. The proposal to have a permanent variation follows the previous grant of a temporary consent, and as neither Highways or Environmental Health have objected to the proposal (and in the case of Environmental Health, no objections have been received regarding the activities that have been taking place) the proposal is deemed to be an acceptable activity to be taking place on the site.

1. The Conditions and Informative notes attached to application 09/01449/VAC shall apply with the notable exception of Condition 2 which shall no longer be time limited.

10/01713/FUL – NORTH KILWORTH Mr M Goode	Change of use to 240-berth marina, formation of boat yard, erection of workshop building, office/chandlery building and brokerage building, formation of hardstanding and car parking areas, and creation of an access, on Land off Station Road.
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Target Date: 10/03/2011

Recommendation

REFUSE for the following reason:

The proposed development is likely to result in an unacceptable increase in traffic turning onto or off a class I road in an area remote from main development and where traffic speeds are generally high. Such an increase would not be in the best interests of Highway safety. The proposal is therefore contrary to Policy IN/1 of the Harborough District Local Plan, Policy 43 of the East Midlands Regional Plan and the aims and objectives of PPG13.

Site:

The application site is approximately 10.4 ha / 26.65 acres in area, and is located approximately 1.5km west of the village of Husbands Bosworth and 500m east of the

village of North Kilworth. The site can be directly accessed from the A4304 Station Road which runs between the two settlements. The site consists of medium to large, grassed agricultural fields, two to the west of the brook that runs through the site (and which is a feeder for the River Avon) and one longer thinner field between the brook and the Grand Union Canal. It is located to the south-western end of the Mowsley Hills (and within the Laughton Hills Landscape Character Area, with the site itself sloping from left to right down to the brook and then sloping up again where it meets the Canal. The Grand Union Canal, designated a Conservation Area, bounds the site to the east, while industrial buildings on the site of the old railway line bound the site to the west. If one was travelling to the site on the canal, it is located on the stretch between the Welford Arm Junction and Foxtan Locks or between bridges 43 and 45. By canal boat it would take approximately 2 hours to reach the site from Foxtan Locks, and approx. one hour from Welford marina to the south-west.

The Proposal:

The application seeks full planning permission for the construction of a 240 berth non-residential canal marina (apart from up to 10 residential moorings for marina employees), boat yard, covered refuelling and pump-out dock, workshop building, office/chandlery building, brokerage building, plus creation of an access and the formation of hardstanding and car parking areas.

The site at large is some 10.38 ha (26.65 acres), although the actual surface area of water to be created is said to amount to 3.79 ha (it would appear to be slightly more). The new water body would be used to form 240 mooring berths, 170 for leisure mooring and 70 for repair/maintenance and chandlery. The marina itself is designed in a predominantly deformed oval shape, punctuated by two land limbs, connected by Bridge 6 and both containing landscaped car parking areas. These land limbs would effectively divide the site into the two distinct use areas of boat yard and marina moorings. Access to the site from the canal is achieved from the eastern boundary of the site and would consist of a 5-metre wide access channel into the marina, underneath a curved footbridge (Bridge 5).

Road access to the site would be from the A4304 Station Road through the creation of an access road that would be approximately 50 metres (centrepoint to centrepoint) east of the access to the Vicary's industrial site. This access road has an initial width of 11m, and visibility splays of 2.4m by 160m, and then narrowing further within the site to widths of approx. 5.5m. Four code-operated gates are proposed, three allowing only boat owners and their visitors to access the southern part of the site, and the other allowing access to the chandlery and workshop buildings. The gate nearest the main access would only operate at night time, to allow the public to access the central car park area. Pathways are proposed around the site, to be constructed from a mix of stone and timber staging, and lit using low level lighting² for safety purposes.

The site would be landscaped throughout, with 8 public car parking spaces, 127 car parking spaces for moorers, and a further 24 car parking spaces for marina employees or those using the brokerage and chandlery services.

² Details of the lighting (manufacturer: Collingwood) have been supplied to Officers.

Policy

National Planning Policy:

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS4 – Planning for Sustainable Economic Growth
PPS5 – Planning for the Historic Environment
PPS7 – Sustainable Development in Rural Areas
PPS9 – Biodiversity and Geological Conservation
PPG13 – Transport
PPG17 – Planning for Open Space, Sport and Recreation
PPS25 – Development and Flood Risk
Good Practice Guide on Planning for Tourism (which replaced PPG21 ‘Tourism’ in September 2006)

East Midlands Regional Plan:

Policy 2 – Promoting Better Design
Policy 12 – Development in the Three Cities Sub-area
Policy 24 – Regional Priorities for Rural Diversification
Policy 26 – Protecting and Enhancing the Region’s Natural and Cultural Heritage
Policy 27 – Regional Priorities for the Historic Environment
Policy 28 – Regional Priorities for Environmental and Green Infrastructure
Policy 29 – Priorities for Enhancing the Region’s Biodiversity
Policy 30 – Regional Priorities for managing and increasing woodland cover
Policy 31 – Priorities for the Management and Enhancement of the Region’s Landscape
Policy 32 – A Regional Approach to Water Resources and Water Quality
Policy 35 – A Regional Approach to Managing Flood Risk
Policy 39 – Regional Priorities for Energy reduction and efficiency
Policy 42 – Regional Priorities for Tourism
Policy 43 – Regional Transport Objectives
Policy 44 – Sub-area Transport Objectives
Policy 45 – Regional Approach to Traffic Growth Reduction
Policy 52 – Regional Priorities for Integrating Public Transport

Harborough District Local Plan:

IN/1 – Standards of Development
RM/8 – Sites of local ecological or geological importance
RM/10 – Maintenance and Protection of Habitats – Ecological and Geological Diversity
EV/5 – Development in the Countryside
EV/11 – Conservation Areas: Character and Appearance (Grand Union Canal Conservation Area)
EV/19 – Protection of Trees
EV/20 – Landscaping
EV/22 – Light Pollution
LR/9 – Canal based recreation (and LR/18 relating to moorings)
TR/2 – Traffic Impact Assessments
TR/3 – Development impacts on the existing road network

Supplementary Planning Guidance Notes:
SPG3 – Development within Conservation Areas
SPG19 – Development and flood risk

Consultations / Representations:

British Waterways (Navigation Authority):

Supports the application: The publication entitled 'Waterways for Tomorrow' (June 2000) states that the Government wishes to increase the economic, environmental and social benefits offered by the inland waterways, including encouraging the use of the waterways for tourism, leisure, recreation and sporting activities.

3.3 million people visit the waterways every fortnight. Nearly 35,000 people now purchase a long term licence to keep a boat for use on British Waterways' (BW's) network. The increase in the popularity of inland waterway boating led to a shortage in supply of available mooring berths.

BW's policy is to limit the growth in linear moorings by working with developers / landowners to establish new marinas; this is also in response to surveyed boat owners – many people currently moored on linear sites would prefer to be in a marina, often for security reasons.

Marinas generate significant social and economic benefits to the local area. A 2008 study by the British Marine Foundation illustrates the overall beneficial impact of inland marinas to be much larger than the direct impacts of the core sector: the findings suggest that every job in the core inland marina sector is associated with a further 10 jobs in the local economy, through tenant businesses, suppliers and as a result of visitor and employee expenditure in the wider economy.

Expansion in mooring capacity is generally constrained by factors such as water supply and navigational safety. The location of the proposed development is unlikely to generate any navigational safety issues, and BW can confirm that the local waterway infrastructure will be able to accommodate the proposal.

BW is able *“to provide information on traffic generation from marina developments and illustrations of marina developments where impact upon visual amenity and landscape character [has] been successfully mitigated”*.

British Waterways (Statutory consultee)

No objections to the proposal, subject to conditions relating to matters as explained below.

British Waterways (BW) is a public body set up to maintain and develop the network of canals and other inland waterways in a sustainable manner so that they fulfil their full economic, social and environmental potential. In addition to statutory navigation and safety functions, British Waterways has to:

- Conserve our waterway heritage and environment
- Promote and enable rural and urban regeneration
- Maintain and enhance leisure, recreation, tourism and education opportunities for the general public and

- Facilitate waterway transport

Design/Layout

No objections to the deletion of the pub and retail units from the scheme, and to the replacement landscaped area to the north of the marina entrance, subject to a landscaping condition. Hard and soft landscaping can play an important role in improving the appearance of the site when viewed from the canal as well as the appearance of the canal corridor itself. The landscaping scheme needs to incorporate the existing hedge as far as is practicable, in order to preserve the character and appearance of the Conservation Area.

Surface Water Drainage

Arrangements for this do not appear to be shown in detail, but the drainage methods can have significant impacts on the structural integrity, water quality and the biodiversity of waterways, and this matter needs to be conditioned.

Bridge Design

The proposed new bridge required to carry the towpath over the marina entrance will form a prominent and highly visible feature along this stretch of the canal Conservation Area. The detailed design, materials to be used and finish of the bridge are therefore important, to ensure the structure does not adversely affect the character of the Conservation Area; these details can be adequately secured by condition.

Ecology

BW has been in direct discussion with Natural England (NE) over potential impacts from increased boat movements resulting from the proposed development upon the Kilby-Foxton Canal SSSI, and can advise that mitigation measures have been agreed in principle with NE; this includes the provision of additional signage on BW's land at the midpoint of the SSSI.

Natural England:

No overall objections, subject to conditions. Satisfied that the brook close to the SSSI does not interact with the canal, and therefore envisage no adverse effect on Bosworth Meadows from this proposal

The application site is within a few kilometres of Kilby-Foxton Canal SSSI and as such Natural England (NE) has concerns about additional boat movements through the SSSI as a result of the development. The submitted Environmental Statement states that the marina owner will enter into a management plan, as part of a planning condition, in order to provide detail on and agree mitigation against the increased boat movements. NE recommends that if planning permission is granted, a condition should be imposed requiring a Management Plan detailing mitigation against the additional boat movements to be forwarded to NE and BW for comment and approval; furthermore the approved mitigation within the agreed Management Plan must be in place before the marina is connected to the canal.

Biodiversity

Welcomes the proposed environmental enhancements re biodiversity habitats and local wildlife, and supports the implementation of the management regime as recommended at 6.15 of the Ecological Assessment.

Protected Species

Satisfied with the survey results which are supported by comments from the Leicestershire Environmental Records Centre (LERC)

No evidence of Great Crested newts, white-clawed crayfish or bats was found and LERC held no records of them using the site either. NE recommends that a condition is imposed to any permission to require that works cease immediately if any great crested newts or bats are discovered during construction/works. In addition, recommends a condition relating to the searching of any mature trees for roosting bats, and a condition requiring details of any lighting, to ensure that 'light spill' is reduced through sensitive down lighting. NE welcomes the mitigation measures proposed ref otters.

The applicants' surveys did indicate that badgers are present within the application site, and there are badger setts on the site boundary. However, NE is satisfied that the proposed mitigation would be sufficient to avoid adverse effects on local badger populations, and recommends a condition requiring any works that would affect badgers or their setts to be done under a licence, and a condition requiring any trenches or holes left open overnight to be covered to avoid accidental entrapment of badgers.

Breeding Birds

Recommends that a condition is imposed requiring that site clearance operations which involve destruction and removal of on-site vegetation must be undertaken outside of the months of March to August inclusive, to ensure that breeding birds are not adversely affected.

Green Infrastructure

Welcomes the proposed retention and enhancement of hedgerows and comments that the development should identify and maximise opportunities to add to "multi-functional green infrastructure" in order to comply with the Regional Plan

English Heritage:

Do not consider it necessary for this application to be notified to English Heritage (not because of the lack of impact but because of the nature of the proposal).

Highway Authority:

The site, an agricultural field, abuts the Grand Union Canal to the south of the B4304 Station Road approximately 1km east of North Kilworth. On the opposite side of the canal is the existing North Kilworth Wharf boat yard which has its own access onto Station Road.

In the vicinity of the site the A4304 is unlit and subject to the national speed limit of 60mph. The carriageway is 7 metres wide and bounded by a grass verge on the north side and by a 1.5m wide footway on the south side. Traffic volumes and speeds along Station Road are generally high with over 7,000 vehicles a day passing the site frontage with 85th percentile speeds of just over 50mph.

Bus stops are located a short distance to the east. Access to the site is currently via a simple dropped footway crossing and field gate. It is proposed that this access would be upgraded to serve the development.

The Highway Authority (HA) commented in detail on the previous application (ref. 09/01589/FUL). Following the withdrawal of this application, the HA met the applicant's transport representatives (BWB Consulting) and a letter was sent to the latter clearly setting out the HA's position. *[Officer comment: The applicant has used the services of a different transport consultant with regard to the current planning application.]*

This latest application is similar to that previously submitted, the main difference being that the applicant has abandoned the proposal to introduce a 40mph speed limit to Station Road. The latest scheme also includes a revised traffic calming scheme which seeks to slow vehicles as they approach the existing 30mph limit. The scheme includes the introduction of 3 Vehciles Activated Signs (VAS) as well as gateway features, signage, rumble strips and street lighting. No physical features are included.

It is clear that the current proposal's primary purpose is to address the problem of speeding within the village of North Kilworth rather than reducing speeds in the vicinity of the proposed site access thereby acheiving compliance with IN5 *[LCC Highway policy]*. Based on similar schemes in Leicestershire, the HA considers that the traffic calming scheme could reduce speeds by a maximum of 6mph, but that the effectiveness of any scheme is likely to diminsh over time. While the proposed traffic calming scheme would have a positive effect on driven speeds in the village, this does not address the fundamental Highway objection which is based on the speed of traffic at the proposed access and not in North Kilworth. The two are separate issues and should not be linked.

Given the above, the HA remains of the view that the proposed traffic calming is insufficient to bring about a sufficient reduction in driven speeds past the site frontage. The proposal would therefore result in the creation of a new access onto a busy Class I road where turning maneouvres would not be expected by the majority of highway users. This would conflict with Policy IN5 of the 6Cs Design Guide.

Should the LPA be minded to approve the application, the HA would welcome the opportunity to recommend a number of highway conditions.

Reason for Refusal

(1) The proposal, if permitted could result in an unacceptable increase in traffic turning onto or off a class I road in an area remote from main development and where traffic speeds are generally high. Such an increase would not be in the best interests of Highway safety.

Environment Agency:

Objects to the application on the grounds of the absence of an acceptable Flood Risk Assessment (FRA): the submitted FRA does not comply with the requirements set out in Annex E, paragraph E3 of PPS25. In particular, the submitted FRA fails to consider the effect of a breach of the proposed marina basin on the flood risk to adjacent and downstream land and properties. The marina is considered a reservoir

because it would contain over 37,800 sq m of water and sit above existing ground levels. The “worst case breach scenarios” should be considered, and the results of these submitted in support of the proposal as an addendum to the FRA.

This issue is in the process of being clarified and overcome. In the event of this issue being overcome, the EA recommends a condition be attached to any planning permission given to require full details of construction-phase waste and a site waste management plan.

Conservation Officer:

Parts of the waterway, which is now known as the 'Grand Union Canal', were designated as a Conservation Area in 2000 in recognition of their special historic interest. The local planning authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas; development which has a negative impact should normally be resisted. Although much of the proposed scheme is outside the boundary of the Conservation Area it will undoubtedly have a major impact on its setting – a material planning consideration which the LPA is obliged to take into account.

Some sections of the canal are relatively 'featureless' but there are several points of interest between bridge 43 and the Bosworth Tunnel. The typical hump back brick bridge and impressive tunnel portal are of structures of significance in their own right and there is an attractive canal company cast iron milepost on the towpath, near to the application site. The abutment of a crossing point (former Bridge 44?) abandoned in C20 are within the Conservation Area and extend well into the application site; the removal of evidence of historic features such as these would be detrimental to the Conservation Area and should be avoided. The boat yard near the road bridge is situated within North Kilworth Wharf, which according to C19 mapping included lime kilns and the Union Anchor public house.

The isolated rural character of this part of the route contributes positively to the special appearance and character of the Conservation Area; even the main road only intrudes for a few metres or so. The 'linear' waterway is currently the dominant feature in the landscape and seems to sit above the marina site. I presume that major remodelling of the land will be required as part of the application and I am concerned that the new marina will be an unwelcome intrusion into this longstanding setting. The 'visual envelope' of the canal gradually narrows between Bridge 43 and the tunnel entrance, thereby increasing the sense of anticipation, and I regret that the opening out of the waterway as proposed will have a significant disruptive effect. Although a man-made feature the canal in this part of your district has become largely naturalised.

I recognise that there are some modern industrial type units situated along the former railway but these do not unduly impinge on the setting of the canal. The proposed marina is a huge development and unfortunately will be readily visible at ground level from the towpath and above from the road bridge.

My [chief] concern with the previous proposal was the scale, design and location of the proposed buildings close to the historic waterway, and their impact to the

character and appearance of the Grand Union Canal Conservation Area. I welcome the removal of the retail element from the scheme [but] remain concerned that an increase in activity and physical works to the canal bank, e.g. sheet metal piling, resulting from this development will harm the established rural character of this section of historic waterway.

Changes to the roof of one of the larger new buildings [have] helped to effectively break up its mass but was very concerned to see the potential impact of the unit closest to the road. I was under the impression that this would be much lower; ...recall being told it would be possible to look down on the green roof as it blended into the landscape. The submitted visuals suggest that it will be a very prominent feature from the adjacent main road and an unwelcome, alien intrusion into the wider rural landscape setting of the canal. It seems that a location closer to the existing industrial units on the former railway line would be more acceptable. *[Officer comment: The agent has confirmed (26.01.11) that there appears to be an error in the artists impression re levels – the building closest to the A4304 is likely to be 1.0m lower than shown]*

I am not opposed to the use of metal for the proposed bridges, although I would point out that steel rusts where damage occurs to any protective coating. It is unclear from the information I have seen whether the balustrades will be solid or pierced and I feel that precise details of their design is needed - particularly at the junction of the marina with the canal where the central raised feature gives the bridge an unnecessary and, in my view, unwelcome prominence. I note that masonry is shown on the drawing of this structure and would like to know what type of material is proposed - it could be difficult and expensive to cut certain materials to the shape shown on the drawing I saw. *[Officer comment: the matters raised in this paragraph can be the subject of a Condition.]*

HDC Planning Policy:

No comments received at this time.

Access Officer (LCC):

Public footpath W71 crosses the access drive to the proposed development. No objections in principle, but requests that some permanent fencing and a self-closing handgate / kissing gate is installed at the point where the public footpath crosses the access track due to the proposed increased traffic usage on the access track.

Environmental Health (HDC):

No objection, recommends conditions regarding hours of construction on site, details of piling operations including a noise and vibration assessment, and an informative note ref. no burning of waste.

Contaminated Land Officer (HDC):

No objections subject to conditions relating to hours of construction and requiring risk based contaminated land assessment and verification report, plus informative note regarding no burning of waste.

Severn Trent Water:

No objections; recommends condition regarding drainage plans for the disposal of surface water and foul sewage [Ed. This is covered by Building Regulations.]

Ecology Officer (LCC):

Acknowledges the ecological survey of the site undertaken (Ecology Solutions Ltd – June 2008), and updated survey work carried out for the water vole and otter along the Grand Union Canal (Ecology Solutions - July 2010), and notes that a survey for both species was undertaken from the tunnel to the north to the fork in the canal to the south. Their comments can be summarised as follows:

LCC Ecology notes the report's findings re otters and water vole, and is satisfied that neither species is currently present on the application site or within the canal and its banks. However, in line with Section 5.7.5 of the report, pre-construction checks of the development area should be undertaken prior to construction, including the stream within the application site and the section of canal bank to be removed for the marina access. LCC agrees with Natural England's comments on badgers and breeding birds (see above), and agrees with the statement in Section 5.7.5 of the above named report (2010) that appropriate temporary fencing should be erected along the canal to ensure that construction machinery and spoil does not encroach into the vicinity of the canal.

Lighting: Section 5.7.6 of the said reports states that a sensitive lighting scheme will be design. Lighting (which needs to be conditioned) must not be angled on to the canal, canal bank or hedgerow, or indeed any of the hedgerows around the site or any of the marina's wetland areas. Directional hooding and low intensity lighting should be employed.

Pre-commencement checks for protected species (otter, water vole and badger) should be conditioned. LCC Ecology is satisfied, subject to these checks, that bats, otters, water vole do not present a constraint in this case. Also advises a watching brief be kept for white-clawed crayfish and reptiles.

LCC Ecology comments that none of the hedgerows on-site contain enough species for them to be deemed important under Hedgerow Regulations 1997. However, any works to remove hedgerows should be undertaken outside of the bird-breeding season unless a suitably experienced ecologist can demonstrate that no nesting birds are present. Ref new hedgerows planted, all species used should be native and found locally, and planting should be undertaken using the staggered double line method; hedges to contain at least 7 species per 30m.

Finally, LCC notes that this stretch of the Grand Union Canal has been designated as a Local Wildlife Site, and therefore recommends that no run-off or spoil is allowed to enter the canal (care should also be taken when connecting the marina to the Canal, to keep to a minimum damage caused to the most minimal length of canal back) and no silt from the re-directing of the current stream or instatement of the new stream must be allowed to enter the River Avon.

Leicestershire and Rutland Wildlife Trust:

No comments received.

Archaeology (LCC):

No comments received (to this application or the previous one).

Leicester Shire Promotions:

Supports the proposal, as it will (i) benefit the local area economically and socially, (ii) add to the current tourism offer within the Market Harborough area, (iii) support local employment and economic activity within Leicestershire's rural economy, (iv) create an improved quality visitor experience, and (v) add to the overall tourism offer available locally.

The proposal would 'raise the game' for tourism within the Market Harborough area in relation to its industrial heritage and the role it plays within its growing visitor economy. The Market Harborough area is one of the best performing districts in Leicestershire presenting revenue of £100.6 million in 2009 compared to £99 million in 2008. Employment supported by tourism has grown by 3% since 2008 and currently presents a total of 1663 jobs in the local area. Visitor expenditure in recreation in particular has risen by 12% since 2008; the current proposal would further assist the role of tourism in the region's economy.

Leicestershire Rural Partnership (LRP):

No comments received to current application. Comments to original application as follows: Supports in principle the proposed development; recommends that consideration is given to: the need to develop the visitor economy and resultant benefits for Harborough District; local direct employment growth and business growth; the long-term sustainability of the project; and policy documents such as the Leicestershire Rural Strategy, Regional Tourism Strategy and PPS4. The LRP then outlines what it considers to be the salient points of each of these policies, and also draws attention to the Matthew Taylor report, "A living, working countryside", published in 2008.

Leicestershire Police:

Makes lengthy comments relating to design requirements, especially to gates required to the site frontage; comments that the development is likely to lead to "a considerable increase in the demand for policing". Seeks a S106 developer contribution of £20,419, for the reasons following:

"The contribution is required because this is a significant development in, what is for Leicestershire Police, a relatively remote location. The development will rely on attracting visitors for its commercial success. Based on our experience this will lead to a demand for Policing from the development itself and visitors attending. The site is currently several fields. This kind of increase in demand for Policing from new development is recognised in the Force's policy for developer contributions and the Councils recently revised developer guidance.

"My consultation response outlines areas for likely spend. Policing for Harborough is expected to continue to be delivered from the Local police station backed up by services in the basic command unit at Wigston and Police HQ. As result of growth of housing and commercial premises proposed in Harborough, Leicestershire Police

expect to recruit further staff to deliver local policing without stretching cover elsewhere. The capital contribution will be used and pooled to extend local police premises, provide additional vehicles and communications equipment and networks. To maximise the opportunity to secure these items we are asking for a 10 year compliance period on s106's. We are happy to publicly account for our expenditure to tie this back to the capital required for this particular development."

Confirms agreement on phased payments tied to erection of each building; notes that as a result of this the compliance period would need to be amended, but would seek a 10 year period.

If a S106 agreement cannot be reached, the Police would object to proposal on grounds of sustainability (PPS1, Paras 12 and 17) and the likely impact of the proposal on local policing. Recommends a condition requiring full details of safety and security measures.

Section 106 Requirements:

Based on the original proposal for 24 residential moorings, Leicestershire County Council's Director of Children and Young People's Service had requested an education contribution. Under the revised proposal, for a maximum of 6 residential moorings for marina employees and no other residential moorings, and subject to a condition to ensure this remains the case in perpetuity, LCC has withdrawn this request.

Given the size of the site and the nature of the revised proposal, the application triggers a requirement for Section 106 obligations in respect of policing only. Should Members be minded to grant permission for the development, a request has been made by Leicestershire Police for £26,306 (as per above).

Ward Councillor:

No response received to date.

Parishes:

(1) Husbands Bosworth:

Objects to the proposal, and makes the following comments:

- The traffic report should be reviewed and the A4304 acknowledged as demonstrably dangerous
- No acknowledgement made of the Grand Union Canal Conservation Area which would form the eastern boundary of the site
- No acknowledgment made of the threat to the viability of the existing business at Kilworth Wharf, whose operations are of a similar nature
- No acknowledgment of the historical importance of the parish boundary line (i.e. the brook/stream, which is to be diverted)
- No provision made for slow moving vehicles entering and leaving the site, i.e. deceleration line and/or cross hatching
- No light pollution assessment; would be a probable risk of light pollution
- Proposal represents "massive overdevelopment" of a rural landscape
- Proposed buildings are architecturally inappropriate; would appear as an industrial estate, out of character with the area

- Adverse effect on an already busy road; more pollution, noise and traffic
- Proposed access too close to (1) the bridge, (2) Station Road junction and (3) the wharf entrance, esp for manoeuvring of “huge low-loaders carrying a canal boat”
- Questions the assertion of British Waterways that there is a need for the marina
- Concerns about the increase to fumes in the Bosworth Tunnel
- Archaeological survey is incomplete; further survey is needed
- Proposal would not provide local tourist/leisure facilities; would be for sole benefit of its developers and boat moorers; would be a ‘closed’ private facility
- Would not provide employment opportunities for local people – the workforce would be brought in by the developers

(2) North Kilworth:

Objects to the application on the following grounds:

- (a) Given the size of the proposed development and the number of proposed berths the additional traffic generated together with the turning movements to and from the site on to the A4304 would be contrary to Policy TR/3. The applicant has in the opinion of the Parish Council failed to demonstrate that their proposals would provide an adequate acceptable improvement to alleviate the impacts of the proposed development.
- (b) The proposed would adversely affect the character of the surrounding area in terms of the scale and density of berths; and thus would be contrary to Policy IN/1.

In respect of (a) the Parish Council are aware of the excessive speed of traffic on the A4304 and the recent double fatality within 300m of the proposed entrance and recognise the need for some speed reduction measures to be taken. Having considered the proposals for speed reduction measures the Parish Council would wish to see the extension of the 30mph speed restriction to a point eastward of the junction with Station Road, with the junction improved to provide a conventional 90 degree junction with adequate visibility splays.

The Parish Council are disappointed that the proposal does nothing to ensure that the village of North Kilworth remains a sustainable community as the creation of a “self-contained floating city” on the boundary of the village will do nothing. They are also disappointed that the nature walk has been deleted from the... proposals as this would have provided a valuable amenity for both communities affected.

The Parish Council are also disappointed that the artists impressions give a distorted view of the proposals and would seek if planning permission is granted that conditions are included to ensure that adequate measures are included to ensure that the carbon footprint and energy efficiency of any buildings meet the latest standards including the efficient use of “green roofs”.

(3.) Lutterworth Town Council supports the proposal, feels the proposal would generate tourism and employment opportunities and would be a welcome addition to the local area

Representation:

13 letters of objection have been received, from the following addresses:

North Kilworth (4) – Foxglove Cottage*; Old School House, Church Street; The Paddock, Lutterworth Road; North Kilworth Wharf*
Market Harborough (2) – 3 The Maltings, 8 Latymer Close
Yelvertoft Marina (1) – Fisher German (on behalf of the marina owners)
Welton Hythe (1) – Weltonfield Narrowboats Ltd
Warwickshire (1) – 23 Manor Close, Clifton (mooring owner at Crick Marina)
Hants (1) – 18 Bennet Close, Alton (canal boater)
Nottingham (1) – 1 Sandpiper Close (canal boater)
London (1) – 27 Lambton Road
Also from Melvyn Foreman, Community Heritage Warden, Husbands Bosworth

*2 letters received from 1 postal address

These letters of objection raise the following points:

(1) Unnecessary – there is no demonstrated need and insufficient demand; no evidence provided with regard to the availability of moorings in existing marina sites, and no evidence to show that other marinas are at or close to capacity; the recently opened Yelvertoft marina has a capacity of 150 and is currently no more than 70% full; (the owners of Yelvertoft Marina state that) a significant number of marinas on the canal network are not full and indeed have available mooring spaces; no evidence submitted to explain why 70 maintenance moorings are needed, in view of the maintenance offered by other marinas in the area – applicant is likely to apply to change these back to leisure moorings

(2) Adverse impact to environment – visually obtrusive; would create a commercial environment; out of character; massive overdevelopment of a predominantly rural area; would spoil the (peaceful and picturesque) landscape; would significantly alter the appearance of the landscape, contrary to Policy EV/4; adverse visual impact from the proposed buildings – Inappropriate design; would create a dominant feature; would be totally out of keeping; no other large scale modern building exists in the area; would effectively constitute an industrial estate

(3) Water supply problems / The proposal is beyond the physical carrying capacity of the canal, and therefore would require additional water supply to allow boat movement in/out of Foxton and Watford lock flights together with extensive canal dredging

(4) Adverse impact to traffic; the A4304 is already very busy, and this would be exacerbated by the current proposal; the impact to highway safety is exemplified by the recent fatality; additional vehicles from marina users, commercial vehicles, and customers supporting the businesses – “traffic generated would be equivalent to that of a small village”

(5) Adverse impact to local wildlife and ecology; this site is of District level ecological importance and the applicant has not demonstrated that no other suitable sites are available or that there is an overriding national or local need; very little effort has been made to provide areas of wildlife habitat and therefore compliance with Policies RM/8 and RM/10 is not possible

(6) Lack of tourism benefit / Adverse effects on tourism – the deletion of the pub and shops (which would have helped create a tourist attraction; “one of the few attractions of the original proposal”) mean this is “just another marina” and would provide no local community benefit; the resulting unmanageable queues at Foxton and Watford locks would “discourage visitors and therefore result in a loss of tourist income to the area”

(7) Several statements in the supporting information are not substantiated, e.g. para 1.5, how the proposal (without pub and shops) would add to the tourist offer in the District – British Waterways data shows falling numbers in boat sales; para 1.6, little or no evidence provided to clarify why the proposed location is sustainable [*Officer comment: this comment comes from the owners of Yelvertoft Marina – the latter is in a remote location away from major thoroughfares*]

(8) Spoil removal: Paragraph 3.9 of the Planning Statement, relating to spoil, states that all spoil generated from excavation would be retained and used within the site to build up areas such as car parks; however, there is no background data clarifying that this can be done

(9) Loss of natural brook boundary between Husbands Bosworth and North Kilworth – this defines the rural deaneries of Guthlaxton and Gartree and was established by Danelaw (i.e. 1000+ years ago)

(10) Canal congestion: There is already congestion at locks in the locality, which will be exacerbated by the Yelvertoft Marina and even more by the current proposal; this short stretch of canal would be unable to absorb such a large increase in canal traffic, with adverse consequences for canal bank + wildlife; the congestion on the canal system has “considerable negative impact” on the charm and character of the waterway; “as knowledge of the congestion at the locks spreads canal users will be reluctant to visit the area”

(11) Impact to local shops and other services

(12) Risk of uncontrolled residential moorings: The proposal would “undoubtedly” lead to a large number of residential moorings on this site as marinas “seem unwilling or incapable of controlling these permanent residents” – residential moorings would result in lights, external generators, large TV masts and noisy dogs; marinas tend to be populated by permanent moorers; “owners will always dispute this but once the marina is built unofficial residents will move in”

(13) There is an existing marina at this site (North Kilworth wharf) which would be adversely affected by the proposal and could be put out of business (“another example of the big boys riding roughshod over the smaller concern”, “must be seen as a craven predatory move by the applicant”, “Jane and John Pugh are well-liked and respected by the boating and local community... so the potential loss of this good local business would be deeply regrettable”); similar adverse impact on Welford Wharf (120 boats), Foxton Locks, Crick Marina (270 berths), Braunston, and Market Harborough basin

(14) Husbands Bosworth tunnel has no ventilation shafts, no room to pass and max speed limit of 1mph; a large increase in boats could potentially lead to health problems linked to inhalation of exhaust fumes

(15) Electricity supply to the village is already low during peak winter times (8-9am and 4.30-5.30pm); 240 moorings would stretch this supply beyond capacity

(16) Light pollution – no assessment has been made: the entire site would have to be lit during darkness to ensure safe access and egress to the moorings and security around the buildings; the impact on the locality could be highly significant; security lighting would be extensive and visually intrusive in this setting

(17) Speed cameras are “tending to become a thing of the past in certain government quarters so can those proposed actually be guaranteed to be sited and operational well into the future?”

(18) No clear delineation on plan between the recreational moorings area and the boat brokerage/repair area

(19) Residential mooring numbers: The number of residential moorings proposed for workers has increased from 6 in this application to 10 in the current proposal, but the applicant states that most employees would be drawn from the local area (...and thus live locally and thus not require a residential mooring)

(20) Job creation: The application states that 10 jobs would be created, but no supporting evidence is provided for this figure – it seems a high number, but may include jobs shared with the applicant's existing Debdale operation and/or seasonal jobs; Crick Marina has 270 moorings and does not employ 10 staff; in addition any job creation at the site should be balanced against the likely loss of jobs at the existing North Kilworth Wharf

(21) The submitted Noise Assessment makes interesting reading – boats in themselves are not necessarily noisy, but the sound of their engines carries a long way, e.g. it is easy to hear them progressing down the canal while playing golf at Kilworth Springs, even without favourable wind direction; boat yards which repair engines and carry out work on steel boats create noise levels which can be a source of annoyance to people living near to the canal

(22) British Waterways (BW) is unable to manage or control marina expansion, and can only oppose an application on grounds of water supply and safety; BW acknowledges the proposal will cause further congestion but would seem to be powerless to object on these grounds

(23) Loss of natural brook boundary between Husbands Bosworth and North Kilworth – this defines the rural deaneries of Guthlaxton and Gartree and was established by Danelaw (i.e. 1000+ years ago) and retains importance today as a constituency boundary; “some appreciation of the historical importance of [this] heritage feature ...should be noted”

One letter of comment has been received, from Station Cottage on Station Road, issues raised include:

(1) Surprised by proposed T-junction; would have expected a roundabout to be proposed – this would be safer, esp. bearing in mind the recent fatality

(2) The local section of the A4304 is already dangerous; the likely volume of traffic using the marina would exacerbate the problems

(3) Why has the previously-proposed 40mph zone not been included in the current proposal?

Other Information:

History:

09/01589/FUL – Change of use to 240-berth marina, formation of boat yard, erection of workshop building, office/chandlery building, brokerage building, public house, retail units, plus creation of an access and the formation of hardstanding and car parking areas – withdrawn (pending refusal)

05/01820/OUT – Construction of a canal boat mooring basin for 160 boats and new public house, shop, chandlery and offices and associated parking – withdrawn, 14.02.2006

92/02155/3P – Construction of a canal basin to provide off-line moorings for approx. 80 canal boats and erection of footbridge to carry towpath over basin entrance – withdrawn, 21.08.1995

Relevant Appeals:

06/2026720 – Land at Wharf Farm, Bromley Hayes, Lichfield, for the use of land as an extension to an existing marina – dismissed, 26.01.07

06/2024346 – Land off Gumley Road, Foxton, for permanent seven-berth residential moorings and ancillary buildings, access and landscaping – dismissed, 10.01.07

This application is being reported to the Planning Committee for determination at the discretion of the Development Control Manager, because of the number of representations received, the range of policy issues it raises, and the scale and District-wide significance of the proposal.

Other reports accompanying this application include:

- Environmental Impact Assessment
- Transport Assessment (Manorwood)
- Landscape Strategy Design and Plan (FPCR, Derby)
- Ecological Assessment (Ecology Solutions)
- Wildlife habitat creation opportunities report (Leicestershire and Rutland Wildlife Trust)
- Flood risk and water environment assessment (BWB Consulting, Nottingham)
- Arboricultural Survey and Impact Assessment (Symbiosis)
- Agriculture Land Quality Assessment (Land Research Associates, Derby)
- Archaeological desk based assessment (CgMs)
- Archaeology: Geophysical Survey Report (Northamptonshire Archaeology)
- Noise assessment (ANV)

In addition, a letter from the applicant's highway consultants Manorwood has been received, responding to comments made by LCC Highways to the application. In summary, the letter states:

- The outstanding issue would seem to be that of compliance with IN5
- There are a number of differences between the previous application and the current proposal, including improved junction visibilities, provision of rumble markers, reinforcement of 'SLOW' and '30mph' markings with red texture grip, extension of street lighting to beyond the bus stops, widening of footway from development access to canal bridge, installation of 3x vehicle-activated '30mph' repeater signs
- While the issues of traffic calming in the village and introduction of a new access on Station Road are separate, in the case of North Kilworth they are clearly related, since traffic proceeds from the developed frontage of the village centre and on down the hill past the existing development at Rose Dale and existing development at the old railway yard before reaching the proposed development access. A reduction in driving speeds through the village will therefore enhance safety at the development access.
- The Road Safety Audit concluded that "there were no safety issues with the scheme proposals"
- LCC's Policy IN5 in Htd (design guide): the policy states that the East Midlands authorities using Htd aim to provide "a consistency of approach"; among the key principles is that authorities will adopt a "flexible policy on new connections to the road network" [*Officer comment: The policy then states, "we will severely restrict access to the most important high-standard routes" and gives examples as "roads with a speed limit above 40mph" and "roads where there is an existing problem with road safety"*]

- The strict application of IN5 in this instance does not reflect this intended 'consistency of approach' – there are a number of instances where Councils using the design guide have adopted a flexible approach to commercial and leisure related development, e.g. Paddocks Farm, Leicester Road, Kibworth, as well as Willington, Derbyshire, Edwinstowe, Notts, and a commercial development site on the A50 in Derbyshire
- While the A4304 is an important traffic route, its status was reduced once the A14 opened, with traffic to and from the M1 being directed to the A14
- The proposed marina complies with IN5 because (a) visibility splays commensurate with observed traffic speeds have been provided; (b) street lighting will be extended to cover the access and the existing bus stops; (c.) there will be no effect on bus-corridor or bus-priority routes; (d) the road is not at or near capacity; (e) there is not an existing road safety issue in respect of this route.
- In addition, the nature of marinas is such that traffic movements are predominantly off-peak; the marina entrance would be clearly visible to road users, with the landscaped visibility splay and footpath within the highway and the marina building immediately to the rear; and the incidence of turning manoeuvres would not significantly increase over those that occur at the adjacent redeveloped railway buildings.
- A flexible approach to assessment of the site should be taken

The LCC Highways officer has responded to these comments as follows:

- Stands by original comments
- Manorwood states that the findings of the Stage 1 RSA have been accepted by LCC Highways, but to my knowledge this is not the case
- Several concerns have been raised, including the partiality of the RSA's author; the narrow remit of the RSA; the RSA has not considered a number of issues including the dangers caused by turning traffic and the proximity of the bus stop to the site access, and the scope of the RSA was not agreed with the highway authority.
- LCC is consistent in its application of IN5 and seeks to apply a more flexible approach on B and C class roads, and even some A class roads. It is inevitable that some appeals will have been allowed, but for every one allowed there have been approx. 5 dismissed, e.g. Welland Buildings, Theddingworth Road, Husbands Bosworth (application ref 06/01160/FUL), where the proposed was for 1 dwelling
- There is a problem with road safety, although not in the immediate vicinity of the site, e.g. there have been 7 fatalities on the A4304 between the M1 junction and the edge of Market Harborough in the last 5 years, at least one of which was in close proximity to the application site
- Highways conditions can be firmed up in the event Members are minded to approve; they should include the design of the new access, bus stop improvements, street lighting and construction traffic

Additional information from applicant's agent:

(i) The applicant clearly acknowledges that a scheme of this type should provide some form of community benefit, and is pleased to amend the scheme to introduce a specifically designed pedestrian route through the marina to facilitate access to the canal towpath. The applicant would make this path and the associated car parking

area available every day during daylight hours, but both would need to be closed overnight to reduce the potential for theft and to satisfy the concerns of the police. At the request of the EA, the path does not follow the line of the brook – in order that the brook course may become an undisturbed wildlife corridor.

(ii) The applicant considers that the development, once up and running, would generate 16 full-time equivalent jobs, which would be associated with the marina, boat sales, boat building, boat painting, boat repairs, site maintenance and associated security. The jobs would comprise marina manager, administration (2), workshop manager, marine engineers (3), woodworking/fit-out (2), boat painting (2), “hull blacking / lift-out” (2), grounds/site maintenance (1) and boat sales (2).

In addition, the applicant has established a ‘marine green energy company’ (Debdale Technologies Ltd), which deals with the design, sale and installation of green energy-saving technologies into narrow boats (i.e. heat recovery, solar, electric propulsion, power management and alternative fuel). The applicant intends to relocate the business to the proposed marina, with potential in the short term to create a further 6+ jobs (comprising a manager, 2 admin staff, 2+ service engineers and 1 distributor)

The applicant has placed on record their intention to seek additional planning permission for a pub/restaurant and a retail element.

(iii) The operators of the adjacent North Kilworth Wharf, Mr & Mrs Pugh, have indicated a concern for their 5 employees. The principal activities of their staff are running 4 hire boats, 1 day boat, providing a canal-side point of sale (diesel, gas, toilet pump-out, chandlery etc), building new or shared ownership boats and boat maintenance. The applicant does not consider these jobs would be put at risk by the proposal as (i) the latter does not include canal-side point of sale or hire fleet, and (ii) boat building is very much client led and there is an acknowledged lack of good-quality workshop facilities on the canal network in this area. The applicant considers that the combination of skills and services that the two sites would offer would be to their mutual benefit.

In a response to this information, Mr and Mrs Pugh disputes the applicant’s suggested employment generation. They state that the present recession and the decline in the construction and fitting of boats means that the above figures are exaggerated. They contend that no marinas are employing those numbers and the skilled and specialised jobs will not attract local people. They also disagree strongly over the effect to their business. They advise that their business also includes boat building and fitting out, boat painting, hull blacking, wood working, engineering and mechanical work, and steel and fabrication work.

Planning Considerations:

Planning Policy Considerations:

There are a variety of policies that are relevant to this application (outlined above) although LP policies **EV/5** and **LR/9** are considered most significant. As the application seeks planning consent for a small number (now 6 under revised proposal) of residential moorings, Policy HS/21 is also relevant. In addition, while specifically relating to Foxtan, **Policy LR/18** and its supporting text also has some

relevance, insofar as it relates to residential and non-residential moorings. Copies of all these policies are available on the Council's website or via the Council's planning department.

The “**Good Practice Guide on Planning for tourism**” states:

Sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations. The planning process provides the opportunity to help to make new development more sustainable, both through the preparation of development plans and when decisions are taken on specific schemes. The outcomes should be developments which:

- provide well-designed, safe and accessible development, and create new opportunities that will improve the well being of individuals;
- bring forward sufficient land to meet a wide range of expected needs;
- reduce the need to travel; and
- protect and enhance the natural and built environment and safeguard natural resources.

RSS and LDF policies should engender a positive approach to rural tourism proposals, applying the following principles:

- Wherever possible, tourist and visitor facilities should be housed in existing or replacement buildings, particularly where they are located outside existing settlements.
- In statutorily designated areas they should seek to conserve and enhance the qualities and features that justified the designation.
- Large-scale tourist proposals must be assessed against the whole range of sustainable development objectives. This includes not only their transport implications but also other sustainability considerations such as how they assist rural regeneration and the well being of communities.

The enormous variety of tourism developments means that the planning considerations will always vary on a case by case basis. However, the following will apply to most developments:

1. *Where the development is located* – developments need to be located where they are accessible to visitors (and for many, but not all developments, by means other than just by private car) and where they do not have an adverse impact upon sensitive environments;
2. *How they are designed* – developments should be attractive to users, they need to work well in functional terms and they need to use natural resources in an efficient manner; and
3. *How they fit into their surroundings* – developments need to respect their environs and complement them rather than detract from them. They should be designed to have a positive impact upon landscape, the historical setting and upon ecology.

1 – Location:

In order to be commercially competitive and thus successful, tourism developers will choose sites that are accessible to visitors, and design their developments in such a way that visitors can readily and conveniently enjoy the attraction or facility. The LPA will share this objective, but in particular will wish to maximise access by sustainable modes of transport, minimise any congestion that the development might give rise to, and ensure that particular sectors of the population are not discouraged from using the attraction when it is completed.

Planners and developers should work together in order to ensure that new tourism developments are as sustainable as possible in transport terms. At the same time, planners will need to recognise that the wide variety of developments that are inherent in the tourism industry means that there are some developments (e.g. touring sites for caravans) that are car dependent. Wherever possible and feasible for the development concerned, they should look to:

- locate the development close to public transport interchanges and bus routes which will not only help to reduce travel by car but also enable a wider range of people to visit the attraction;
- produce green transport plans – these are often appropriate for larger schemes where there may be scope to reduce private car travel by providing dedicated bus services (inc provision of discounts for those arriving by public transport) or greater access by walking or cycling, and
- establish a visitor management programme – this can be a particularly appropriate solution where an attraction or its surroundings are subject to or the cause of congestion. It may also be advisable where an attraction is fragile or sensitive to use by a large number of people

In all cases, planners will need to weigh up the other benefits of a tourism proposal against any disadvantages arising from its location. Some of the key considerations will be the extent to which the proposal:

- Helps to protect or improve a specific site or general location. Many new proposals offer the opportunity for landscape enhancement, to re-use an historic building or to improve a derelict and unattractive site;
- contributes to tourism in the locality. New tourism developments will usually be beneficial to the local economy and complement the area's tourism function;
- provides a new facility for the local community as well as visitors and assists more generally with diversification of rural economies;

2 – Design and Sustainability:

Good design is also a key element in achieving development which is sustainable and will contribute positively towards making places better for people. Two important aspects of design will be layout and accessibility. Developments that are easy to reach, easy to get around and easy to use are likely to be successful in attracting visitors in the first place and in encouraging them to return. This in turn will assist their commercial success. The details of design are particularly important for tourism because, by definition, visitors are often unfamiliar with the building and its environs. In order to be accessible and used by a wide range of people, tourism developments should be designed to be:

- Physically accessible, including to people with impaired mobility and to people with other disabilities such as impaired sight or hearing;
- Socially inclusive, facilitating use by all sectors of the community;
- A positive contribution to the host community;
- Safe and healthy; and attractive.

3 – Contributing to the Environment:

Tourism developments may offer considerable opportunities to conserve and enhance the local environment and its inherent qualities. Such advantages will be important considerations in assessing the overall sustainability, and thus acceptability, of a particular proposal. Key considerations are whether new developments can:

- Protect and enhance the visual quality of the site and its surroundings, to ensure that the development fits in well with its environs;
- Respect the historic interest of the surrounding areas, and do not adversely affect the historic environment that people value;
- Protect and improve biodiversity. New development should not only protect nature conservation interests (whether it is a statutory requirement or not), but can provide an opportunity to improve biodiversity in an area, for example through the creation of new features of wildlife interest. Such initiatives can complement the wider objectives of tourism developments by increasing the attractiveness of the development to visitors; and
- Achieve small-scale improvements to sustainability, for example by recycling waste, using renewable energy and sourcing produce and materials locally.

The newly adopted **PPS4 “Planning for Sustainable Economic Growth”** also contains some specific policies which are relevant. Policy EC7 states:

“To help deliver the Government’s tourism strategy, local planning authorities (LPAs) should support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which utilise and enrich, rather than harm, the character of the countryside, its towns, villages, buildings and other features”, and

“Facilities requiring new buildings in the countryside should, where possible, be provided in, or close to, service centres or villages but may be justified in other locations where the required facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available for re-use.”

Policy EC12 states that, *“in determining planning applications for economic development in rural areas, LPAs should (a) support development which enhances the vitality and viability of market towns and other rural service centres...”*

Demand / Need for Additional Marina Development:

British Waterways (BW) has been consulted by the applicant and their comments have been included in the Planning Statement submitted with the current application.

BW advises that there is a shortfall in the South East Waterways region of c.1250 boats without a permanent mooring. They further advise that the part of the Grand Union Canal which runs through Harborough District (total length 39km / 24 miles) accounts for approx. 11% of the length of South East Waterways, while the existing number of moorings (364) along the same length account for 9% of the moorings currently available on South East Waterways. Thus BW advises that there is a need within Harborough District for the provision of 419 new offline moorings by 2012 (cf. Appendix 2 of applicant's Planning Statement, as amended by para 4.1.7 of the Statement).

BW advises that there are currently no proposed marinas in the Harborough District for which planning consent has been granted. It would follow then that the District should be encouraging the establishment of new marinas, but it is critical that these new marinas are established in appropriate and sustainable locations, as set in the various policy tiers, e.g. PPS4 and LP policy LR/9. The supporting text to Policy LR/9 states that the Council recognises the potential which the canal network holds for both tourism and recreation within the District, and will normally support proposals to enhance canal-based recreation activities in the District.

Location:

It is acknowledged that inland waterways have an inherent constraint in that they are non-footloose assets, i.e. their location and alignment are fixed. It is also noted, however, that the canal passes through a wide variety of local environments, some close to existing settlements or wharfs, and some much more rural. Policy LR/9 (3) states that new mooring facilities and proposals involving new buildings must be located close to existing settlements or wharfs. In dismissing the appeal at Bromley Hayes, Lichfield (appeal ref. Lichfield 06/2026720), the Inspector expressed the view that, *"a site within or adjoining a built-up area would plainly be a preferable location, partly because of the possibility for linked trips which it would offer, but also because it would reduce the pressure on the countryside for development"*.

Given the need within Harborough District for new off-line moorings as clarified above, the first question is: *Where?* The canal network within the District passes close to Fleckney, Foxton, Market Harborough, Husbands Bosworth and North Kilworth. There are existing canal-based facilities at Foxton; and when considering off-line mooring provision the tunnel close to Husbands Bosworth and the availability of land near Market Harborough both present practical problems. It is noted that off-line mooring provision is planned for Market Harborough as part of the Airfield Farm development proposals.

The proposed location at North Kilworth is considered, after Market Harborough, to represent the most sustainable marina location within the District. Its proximity to the A4304 and therefore the ease of access to Lutterworth, Market Harborough and also North Kilworth and Husbands Bosworth, is a critical point in this regard. The site is close to North Kilworth and adjacent to an existing wharf, albeit much smaller in scale than the current proposal. In view of its sustainable location, the provision of 240 of the 419 berths required within the District is supported, as this would make a substantial contribution to meeting the confirmed need.

Impact upon the Character of the Area:

The government's *Good Practice Guide on Planning for Tourism* sets out that new tourism development proposed in statutorily designated areas should seek to conserve and enhance the qualities and features that justified the designation; it also states that large-scale tourist proposals must be assessed against the whole range of sustainable development objectives, including transport implications, the protection of important areas of countryside and sensitive environments, and well being of communities. Likewise, Policy LR/9 states that the demands for canal-based activities must be balanced against the need to protect the amenity and ecology of the canal environment from inappropriate development.

Given the large size of the marina proposed and its siting within the countryside on undeveloped agricultural land and adjacent to a major distributor road and to an existing Canal Wharf, the proposal would have numerous different impacts.

As previously discussed, its location is considered to be one of the most sustainable within Harborough District, and the site itself is bounded to its northern boundaries by industrial buildings and also the existing North Kilworth wharf: The industrial buildings to the west/north-west are sited on the old railway line. The application site is visually somewhat enclosed, and there are relatively limited views into or across it *from the wider area*. The site is considered not particularly significant or sensitive in landscape terms, as set out by FPCR in their landscape assessment of the site.

The proposed development would require the removal of some of the mature hedgerow from the eastern boundary adjacent to the canal to facilitate access to the marina. In addition, the water level needs to be the same as that in the canal, and therefore the proposal requires the land to be raised, something the Inspector in the Lichfield case (appeal ref. 06/2026720) considered to be incongruous and to "*exhibit a disregard for the appearance or ambiance of the canal*".

In the current case, however, the land slopes down from the western boundary (with the old railway line) to the brook which is closer to the canal and then relatively steeply up to the canal. Although the land would certainly need to be raised, it is considered that the resulting basin would not be so elevated a landform or so conspicuous as to result in detrimental harm either to the canal or the surrounding countryside. Diversion of the brook is also proposed, and this is discussed later in this report.

The elements of the scheme that would have the most significant impact on the character and appearance of the countryside are considered to be the proposed buildings, specifically their scale and overall footprint and site coverage. In the context of surrounding development and land uses, and given their proximity to the A4304 and the elevated position of the road relative to the application site, the principle of buildings to serve as offices, chandlery, workshop and brokerage buildings is considered to be acceptable, provided they remain ancillary to the wider marina development.

The massing of the office/chandlery building has been amended from the original proposal such that the roof level would now be split, adding a visual break. Although

this building is considered to be of very significant scale, particularly its office element – with an eaves height of 6 metres and overall height of 8 metres, and a total external floor area of 671 sq m, and little or no justification for such a large floor area has been submitted, it is also considered that the proposed buildings should be viewed in the context of the overall proposal

The design of the proposed buildings reflects a bold, contemporary, albeit indistinctive approach, with curved, grass roofs and walls constructed primarily of timber. Policy EV/5 states that the design, materials, massing and bulk of any buildings should combine to minimise the impact on the character and appearance of the countryside and should maintain or enhance the distinctive local character of the landscape and built environment. There are no existing buildings within the application site and those situated to the west / north-west of the site are not considered to be of distinctive character.

While it might be considered by some that a more traditional architectural approach (i.e. brick and slate) would be best, and more in keeping with the built form of North Kilworth Wharf, it is considered that a modern design for the new buildings is acceptable in principle. The timber walls and curved, grass roofs have been used for new buildings at Daventry Country Park in Northants and sit comfortably within their rural setting. In addition, the gently curving roofs help, to an extent, to limit the bulk of the proposed buildings.

Overall, in view of the site's sustainable location, the principle of the proposed development is considered to be acceptable. The buildings, although large – particularly in the case of the office/chandlery building, would be viewed in the context of the overall site: from the towpath they would be seen with the large marina in the foreground and from the highway to the north they would be experienced in the context of the industrial buildings to the west and north.

In summary, the proposal is considered to have a significant impact on the character and appearance of the surrounding countryside, but not a harmful one. The proposed buildings are sited close to the A4304, their visual impact is softened by their design, materials and massing, except for the area between the chandlery and workshop buildings there are not large areas of hardstanding (and surfacing materials would be conditioned), and the site is relatively enclosed – particularly to the northern end where the buildings are proposed. In light of these considerations, the proposal would comply with Policies EV/5 (2, 4) and LR/9 (1, 3) of the Harborough District Local Plan, and the aims and objectives of PPS1 and PPS7, and national planning guidance “Good Practice Guide on Planning for tourism”.

Residential Moorings:

Planning permission is required to moor a boat on the canal on a long-term basis for residential purposes. Temporary moorings by waterborne tourists and travellers do not generally require planning permission. British Waterways grants different licenses to boat users, i.e. for weekends, for 14 days and for continuous cruising. The former two would be considered temporary uses, while the latter is likely to be considered a permanent use. The Council supports the development of appropriately located residential moorings and Policy HS/21 states that permission would be granted for small-scale residential boat moorings on sites close to existing settlements or

established marinas along the Grand Union Canal where they would not obstruct a canal towpath or adversely affect the character of the local area or the amenities of local residents, and where the proposal is served by a satisfactory vehicular access and adequate parking.

Members will recall that a planning application for seven residential moorings off Gumley Road near Foxton was refused in 2006. Subsequently the proposal was dismissed at appeal (ref. 06/2024346) and the Inspector stated that, *“the [residential] moorings would not be close to existing settlements or established marinas along the Grand Union Canal and... the proposal would therefore be contrary to Policy HS/21”*.

The current proposal includes provision for up to 10 residential moorings, exclusively for marina employees. In view of the site’s sustainable location close to North Kilworth and with good vehicle access to the A4304, this is considered acceptable. The applicant envisages employees being local residents, although to restrict the identity of employees to a certain catchment would not be reasonable (cf. Circular 11/95). Notwithstanding, this aspect of the proposal is considered to sit comfortably within the definition of “small scale” and complies with Policy HS/21 of the Local Plan.

Impact to Rural Economy:

The public house and retail units, considered among the most contentious elements of the previous application (09/01659/FUL), do not feature in the current proposal. While the chandlery and brokerage buildings are needed to support the marina and its users, it may be considered that the same does not apply to the public house and retail units, that these are facilities more for tourists or visitors to the site.

Prevailing local and national policies direct canal-based facilities to locations adjacent or close to existing settlements, partly so that canal boaters and visitors are encouraged to make use of local facilities. Policy LR/21 of the Local Plan and Policies EC12 and EC13 of the new PPS4 all seek to safeguard the vitality and viability of community facilities such as local shops and public houses.

Under the current proposal, boaters and other marina users would be likely to make use of local shops and other amenities. It is therefore considered that the proposal would not adversely affect the vitality of community facilities, such as local shops and public houses. Indeed, the proposal may actually provide a boost to these local facilities, and this potential stimulus to the local economy counts in favour of the proposed development. Overall, the proposal is likely to sustain or improve the rural economy, and thus complies with Policy EV/5 (1) of the HDLP and the aims and objectives of PPS4.

Impact to Character and Appearance of the Conservation Area:

While the application site is located at some distance from the North Kilworth Conservation Area, it lies directly along side the Grand Union Canal, which is also a designated Conservation Area (CA). The Grand Union Canal was designated as a CA in 2000 in recognition of its special historic interest, and the local planning authority has a duty to pay special attention to the desirability of preserving or

enhancing the character or appearance of conservation areas; development which has a negative impact should normally be resisted. In view of the scale of both the marina itself and the office/chandlery and workshop buildings, the proposed development is likely to have an impact on the Canal Conservation Area.

In dismissing the appeal for extension to an existing marina at Bromley Hayes, Lichfield (appeal ref. 06/2026720), the Inspector stated:

“In my opinion a canal basin would be considerably more fitting in an urban setting where it would be likely to adopt a more geometric form and be associated with appropriate buildings. In such a location a basin could complement the historic purpose and appearance of the network, and although I recognise that large rural marinas can contribute much to the economic vitality of the system, I fear this is at some cost to their historic integrity. I note in particular that paragraph 4.14 of PPG15 records that the special attention to which I have referred should extend to proposals which are outside the Conservation Area but which affects its setting.”

The Council’s Conservation Officer (CO) has commented on the current application. He acknowledges that much of the proposed scheme is outside the boundary of the Conservation Area but advises that, “it will undoubtedly have a major impact on its setting”, and that this is a material planning consideration.

The CO notes several points of interest on the canal between Bridge 43 and the Bosworth Tunnel, including: (a) the typical hump back brick bridge and impressive tunnel portal, structures of significance in their own right; (b) an attractive canal company cast iron milepost on the towpath, near to the application site; (c.) the abutment of a crossing point (former Bridge 44?) abandoned in the 20th century, which is within the conservation area and extends well into the application site.

The CO considers that, “the isolated rural character of this part of the route contributes positively to the special appearance and character of the Conservation Area”, that the linear waterway is currently the dominant feature in the landscape and seems to sit above the marina site, and expresses concern that the new marina would be “an unwelcome intrusion into this longstanding setting” and that the proposed “opening out of the waterway” would have a significant disruptive effect. His comments align with those of the Inspector in the Lichfield case as mentioned above.

The CO notes the modern industrial type units situated along the former railway but considers that these do not unduly impinge on the setting of the canal. He advises that the proposed marina would “be readily visible at ground level from the towpath and above from the road bridge”.

He is concerned that an increase in activity and physical works to the canal bank, e.g. sheet metal piling, resulting from this development would harm the established rural character of this section of historic waterway.

The CO is concerned by the mass of the large proposed buildings but welcomes the changes to the roof of the office/chandlery building. He is also concerned by the artist's impressions which show the workshop building much higher relative to the highway than had been envisaged by the applicant. The applicant's agent has confirmed that there appears to be an error in the sketches relating to levels and that the building in question would be approx. 1.0m lower than shown.

In relation to the proposed bridges, particularly Bridge 5 which would span the entrance to the proposed marina, the CO requires further details of their materials and construction, and it is considered that the detailed design of the bridges is a matter that can be conditioned.

In conclusion, the Conservation Officer's principle concern relating to the impact of the proposed pub and retail units has been overcome and he considers that the proposal would allow for the character and appearance of the Grand Union Canal Conservation Area to be preserved. The proposal would therefore comply with Policies EV/11 and LR/9 of the Harborough District Local Plan.

Residential Amenity:

Having regard to its siting within the open countryside and some 500m away from the main part of North Kilworth, there are very few properties that would be materially affected by the proposed development. The residential dwelling at North Kilworth Wharf is the closest property to the proposed development site at a distance of approx. 80m from the eastern boundary of the application site. The next closest are the run of semi-detached dwellings on the north side of Station Road at a distance of approx. 140m. These latter dwellings are separated from the application site by the road and by the industrial type buildings on the former railway line.

The residential dwelling at the Wharf may be more affected, but its occupiers are managers of the Wharf, which is a very similar use in many respects to that currently proposed. The proposed use would not create a level of noise or smell that would have any adverse impact on the living conditions of nearby residential occupiers, and it would be in the applicant's interest to keep noises and smells to a minimum.

Traffic generated by the proposed development would have a significant impact upon the village of North Kilworth in particular, with a lesser impact to other villages in the vicinity, but overall is not considered to cause demonstrable harm to the living conditions of village residents such that would warrant refusal on this basis alone. The application is therefore considered to be in accordance with Policy EV/5 (3) of the Harborough District Local Plan.

Highways and Parking Considerations:

The national government's "Good Practice Guide on Planning for tourism" from the outset sets out the importance of sustainable development, in particular the need to provide safe and accessible development, and to reduce the need to travel, as well as protecting and enhancing the natural environment. It acknowledges that tourism can be a key element in rural and farm diversification, but states that large-scale tourist proposals must be assessed against a whole range of sustainable development objectives, of which transport implications are a key part.

The Good Practice Guide states that one of the key issues local planning authorities are required to assess is where the proposed development is located, and specifically states that “developments need to be located where they are accessible to visitors...and where they do not have an adverse impact upon sensitive environments”. It further states that “planners and developers should work together in order to ensure that new tourism developments are as sustainable as possible in transport terms.” The document reminds planning authorities of the need to recognise that there are some developments that are car dependent, but it follows that in such cases the siting of the proposal is critical to achieving sustainable development objectives.

With the advice of PPG13 and the Good Practice Guide for tourism in mind, it is considered that the proposed development would have a very significant impact on highway safety and on the highway system in the local area. In terms of sustainability objectives, aside from Market Harborough as discussed earlier in this report, the application site benefits from the best transport links of any site in the District that is adjacent to the canal. It is close to North Kilworth and within reach of Lutterworth by alternative means of transport (e.g. bus, cycle). However, the majority of users would arrive at the site by private motor car, and the scheme’s big plus, i.e. its location on the A4304, also presents one of the big constraints. The significant increase in vehicular trips to and from the site would obviously have implications for the road network.

The A4304, in the rural vicinity of the site, is unlit and is subject to the national speed limit of 60mph, although not far from the site the speed limit heading west reduces to 30mph. The carriageway is 7 metres wide and is bounded by a grass verge on the north side and a 1.5m-wide footway on the south side; bus stops are located a short distance to the east; and traffic volumes and speeds along Station Road are generally high (e.g. 85th percentile speeds of just over 50mph). It is proposed that the existing access (dropped footway crossing and field gate) would be upgraded to serve the development.

The proposed highways mitigation measures can be summarised as follows:

- Refreshing all line markings
- Reinforcement of ‘Slow’ and ‘30mph’ markings with red texture grip
- Extension of street lighting to beyond the bus stops (three light poles)
- Widening of footway from development access to canal bridge
- Provision of rumble markers on the approach to road markings
- Installation of Vehicle activated ‘30mph’ repeater sign on Station road entering the village
- Installation of Vehicle activated ‘30mph’ repeater sign prior to approaching the Cottages on leaving the built development at Rose Dale

In terms of the movements per hour resulting from the proposal, the following are derived:

Weekday peak hour Sunday peak hour

BWB (applicant's original consultant)	14	46
LCC Highways (average from TRICS ³)	24	77
Manorwood average	31	60
TRICS averages for current scheme ⁴	3-24	60-62

The highway network peak hours are Friday 1700 to 1800 hours and Sunday 1400 to 1500 hours. The applicant's transport consultant acknowledges that the development peak hours therefore coincide with the peak hours on Station Road.

The figures above represent the net increase over the existing situation, as there is no active access to the site and therefore no movements currently. Manorwood conclude that there will be a total increase of 36 movements in the Sunday peak hour; though how this figure is arrived is not entirely clear.

LCC Highways and BWB seemed to have disagreed over the average speeds at the point of the proposed new access, but Manorwood seem to broadly accept LCC Highways' view, i.e. that the average speeds are 46-47mph. The police's average speed readings are 45mph both ways.

The HO comments on the differences between the previous proposal and the current scheme, principally the deletion of the 40mph speed limit to Station Road⁵, and the introduction of proposed traffic calming scheme which seeks to slow vehicles as they approach the existing 30mph limit, and also includes the introduction of 3 Vehicle Activated Signs (VAS) as well as gateway features, signage, rumble strips and street lighting.

The HO considers that the current proposal's primary purpose is to address the problem of speeding within the village of North Kilworth rather than reducing speeds in the vicinity of the proposed site access thereby achieving compliance with IN5 [*LCC Highway policy*]. He considers that the traffic calming scheme could reduce speeds by a maximum of 6mph, but that the effectiveness of any scheme is likely to diminish over time. He concludes that the proposed measures do not address the fundamental Highway objection which is based on the speed of traffic at the proposed access and not in North Kilworth, and affirms that these are two separate issues.

The Highway authority concludes that the proposed traffic calming measures are insufficient to bring about a sufficient reduction in driven speeds past the site frontage. The HO therefore recommends refusal of the application on the following ground:

"The proposal, if permitted could result in an unacceptable increase in traffic turning onto or off a class I road in an area remote from main development and where traffic

³ Average of three figures: (1) number of berths (2) number of parking spaces and (3) site area

⁴ Officers' calculation based on the three figures in Note 2 above

⁵ The Highways Officer (HO) had considered the previously proposed 40mph limit to be unacceptable because it would not achieve the required reductions in speeds – he was looking for average speed reduction of 10mph over the existing. The officer had required a right turn ghost lane, but Manorwood use technical data to assert that the traffic flow levels do not justify this.

speeds are generally high. Such an increase would not be in the best interests of Highway safety.”

In response to further comments from the applicant’s transport consultant, the highway authority affirms that there is a problem with road safety on the A4304, and that there have been 7 fatalities on the stretch between the M1 junction and the edge of Market Harborough in the last five years.

The salient issue would therefore seem to be the principle of a new access on to a Class A road, where the speed limit is above 40mph and where there is an existing problem with road safety.

For the reasons set out above, it is considered that the proposed development would not be in the interests of road safety, and would thus be contrary to the aims of Policies EV/5 and TR/3 of the HDLP.

However, the HO does state that, should the LPA be minded to approve the application contrary to the highway authority’s advice, the highway authority would welcome the opportunity to recommend a number of highway conditions, which would include the design of the new access, bus stop improvements, street lighting and construction traffic. One option is to condition a 40 mph limit, but that seems unreasonable because (1) HO has not said that would overcome concern and (2) it would probably require a Traffic Regulation Order the outcome of which is uncertain.

Other Issues:

Ecology:

Having regard to the significant increase in cubic content of water at the site and also the proposed planting, there is an opportunity for this development to have a positive ecological impact. Natural England and the County Ecology team (CE) have both examined the submitted ecological survey and make various comments, which can be summarised as follows:

Neither consultee has any overall objections, but recommends conditions relating to a management regime (with regard to the overall ecology of the site – recommended at paragraph 6.15 of the applicant’s ecological assessment), as well as badgers, birds and hedgerows, and watching briefs for bats, great crested newts, otters, reptiles and white clawed crayfish.

The CE also recommends that conditions are imposed (a) to ensure that no run-off or spoil is allowed to enter the canal, (b) to ensure that no silt from the re-directed stream is allowed to enter the River Avon, and (c) all hedgerows shall be planted using the staggered double line method and should contain at least 7 species per 30m. In addition, Natural England also recommends a condition requiring the marina owner / operator to enter into a management plan in order to agree mitigation against the increased boat movements, and also recommends that temporary construction fencing and details of lighting are both conditioned.

Farm Diversification:

PPS7, at paragraph 30, states that local planning authorities should be supportive of well-conceived farm diversification schemes for business purposes that contribute to

sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location.

Flood Risk:

The Environment Agency has placed a holding objection as set out in the Consultations section above, i.e. that the submitted FRA does not comply with the requirements set out in Annex E, paragraph E3 of PPS25 – the marina is technically a reservoir due to the amount of water that will site above existing ground levels. The submitted FRA did not assist the marina's impact in this regard and without this assessment the proposal would be contrary to PPS25 Development and Flood Risk.

The objection appears to be related to a technical issue which the EA considers can likely be overcome, but at the time of writing the issue is awaiting resolution. In the event of the issue being overcome, the EA recommends a condition be attached to any planning permission given to require full details of construction-phase waste and a site waste management plan. If the issue is not overcome,

Phasing:

The applicant has proposed a phasing of construction as follows:

Phase 1

- i) Construction of highway entrance, entrance road, services and the workshop building adjacent to the road (to provide secure storage for the construction phase of the marina). Completion of highway works associated with Traffic Regulation Order.
- ii) Construction of canal entrance to marina to include footpath bridge in accordance with British Waterways engineering conditions.
- iii) Construction of diverted brook with bridges in accordance with Environment Agency conditions.
- iv) Construction of water area and principal groundworks. Creation of moorings, stagings, landscaping and the laying out of services to each staging point.

Phase 2 – Construction of office/chandlery building to provide office, workshop & toilets

Phase 3 – To construct Building 3 to provide boat hire and brokerage facilities

The applicants consider that Phase 1 would need to be completed before the marina could be brought into use successfully and are happy for a suitably worded condition to be imposed to any consent relating to phasing. It is important that the construction is phased, because the proposed buildings (esp. the proposed office/chandlery building) would constitute an inappropriate form of development if not serving the proposed marina.

Conclusion:

The proposed development would be located within the open countryside, but would be sited in a sustainable location adjacent to the A4304 and close to the village of North Kilworth. In addition, by reason of its siting, form and design, and subject to suitable conditions, the proposal is considered not to adversely affect the character or appearance of the surrounding countryside.

However, the proposed development is likely to result in an unacceptable increase in traffic turning onto or off a Class I road in an area remote from main development and where traffic speeds are generally high. The proposed development is therefore contrary to Policies IN/1, EV/5 and TR/3 of the Harborough District Local Plan, Policy 43 of the East Midlands Regional Plan and the aims and objectives of PPG13.

10/01696/FUL – STOUGHTON
Mr John Winslow

Creation of recreation ground, Land between
Thurnby Lane and Old Charity Farm.

Target Date: 1/2/11

Recommendation

APPROVE subject to no HSE objections (16th February consultation reply date) to the appended conditions.

The development hereby approved by virtue of its size, design and siting is acceptable

as it seeks to protect the open and undeveloped character of the Green wedge and does not adversely affect that character. The proposal is therefore considered to comply with Policies EV/2 and IN/1 of the Harborough District Local Plan and no other material considerations indicate that the policies of the development plan should not prevail.

Site:

The application site is located to the north-east of the village centre. The site is currently a coarse grassy field, there are notices stating 'Stoughton play area- Informal recreation'. There is a field gate, dirt track and formal vehicle access point to the south-eastern corner of the site. There is also pedestrian access to the site from the playground to the west of the site.

The site is bounded by the back gardens and high fencing treatment of properties on Old Charity Farm to the south. The rear gardens to houses on Thurnby Lane and small parcels of land to the north, mature trees and hedgerow to the east with fields beyond and the end of the long rear garden of No.1 Thurnby Lane.

The Proposal:

The application relates to the creation of a recreation ground. The site area is 1.5 hectares. The proposal will provide various areas:

A: Community Orchard (west side); a collection of Leicestershire species (apple), positioned to give the best chance of pollination

B: Wildflower meadow or bulb planting or bulb planting (centrally in the site); 3 areas allowed to develop to attract pollinating insects for fruit trees, or bulbs planted (Wild tulip, Wild Daffodil, Snake's Head Fritillary, Bluebell, Crocus, Snowdrop.

C: Seating area (central location); suitable for wheelchairs.

D: Parkland tree planting (middle/east side); mainly oak positioned in small groups, to screen the community gardens

E: Community Gardens (North-east corner); approximately 75 x 45m, maintained by volunteers responsible to the Stoughton parish Council, plot sizes vary, the area could be fenced with thorn hedge, they could grow a mixture of shrubs, flowers, small trees and vegetables, plus a shed for storage.

F: Manhole ground cover, low level planting shrubs and planting to screen from view the manhole cover.

Paths: bound gravel 1.2m wide, informal mown paths could be developed elsewhere.

The land has been specifically identified as ground to be used for recreation for the benefit of

Stoughton village residents since the development of Charity Farm (Section 106) for houses.

Policy

National: PPS1 – Delivering Sustainable Development

PPG17 – Planning for Open Space, Sport and Recreation.

Regional Plan – East Midlands Regional Plan (March 2009)

Policy 28 - Regional Priorities for Environmental and Green Infrastructure

Harborough District Local Plan:

IN/1 – Standards of Development

EV/2 – Green wedge

EV/16 – Setting of Listed Building

Local Guidance:

Stoughton Parish Plan – para 5.3, and 6.8, Section 7 pt. 6 and Section 12 pt. 1, 4 & 5.

Consultations / Representations:

Highway Authority:

No objection, subject to conditions relating to no allotment use and community gardens being used only by Stoughton residents.

Conservation Officer:

No objection.

Parish:

Applicants – see Additional Information section.

Representations:

34 letters of objection have been received raising the following points from 17 households mostly on Old Charity Farm (1) many admirable features to the application (2) communal garden is not appropriate as out of keeping with the character of the area (3) area was intended for quiet enjoyment by Stoughton residents will be parcelled up for no-so-quiet enjoyment (4) traffic impact – undue car

useage/access to the area (5) visually intrusive (6) noise or smell nuisance (7) eye sore from water butts, polytunnels, kettles, deckchairs, toilet block ,runner bean scaffolds, scarecrows, poles etc, (8) area E is 1 acre too large (9) the park should be for the benefit of all and not select few Stoughton residents (10) no objections and support to Area A,B, C & D, strongly object to Area E (11) not enhance the village (12) increase in traffic and parking from visitors and their gardening needs (equipment etc), other areas visitors are more likely to go on foot (13) magnet for vandalism and theft, Stoughton has a low crime rate/quiet village (14) no parking provision, therefore park on road, cause hazard, the road is cul-de-sac therefore quiet and peaceful (15) community gardens in a semi-rural location does not fit local environment (16) litter and wastage negative impact causing area to look unclean and unkempt (17) shed too large (18) scale of project out of scale with size of village (19) land dug up and moved around will have local floral and insect implications (20) green waste disposal (21) How will it be managed (22) communal garden concept better suited for inner cities and derelict sites where its existence transforms the quality of the local environment (23) shed is isolated location ripe for vandalism (24) trees across the whole site, more appropriate then residents view woodland setting and walkers shelter from prevailing winds (25) Parish Plan recommends that the field "represents a significant landscaping opportunity for future enjoyment of Stoughton residents" rather than an extensive hotchpotch of artificially configured veg/flower beds, amateurishly maintained (26) boundaries to Area E harsh angles and ugly foreshortening effects, particularly if fenced in (27) unregulated use of pesticides and insecticides (28) loss of privacy (29) garden (in London) were for the enjoyment of the whole community this proposal unable to access or roam freely in area (30) spoil views (31) 17/19 Thurnby Lane are listed properties impact upon the setting (32) no consideration of lighting (33)

Petition Objecting with 45 signatures from 18 households on Old Charity Farm, Thurnby Lane and Gaulby Lane.

26 letters of support have been received raising the following points from 20 households on Old Charity Farm, the rest from residents in the village – 1 from the Coop (1)great asset to village (2) benefit the whole community (3) the orchard will be decorative and fruitful (4) area used rather than plain grassed area (5) pleasant area with trees, wildflowers garden and seating for all. (6) for all ages (7) cannot be built on due to gas pipe (8)tried putting up goal post, this was objected to so nothing happened for a while (9) allotments were also met with opposition even though they are popular, community gardens would be very discreet and monitored so no disturbance is caused (10) bring people of the village to work together (11) much thought and care has gone into the plan which will enhance Stoughton and used by all generations (12) the planting will blend in with the current landscape (13) community gardens are excellent idea as many new properties are too small to grow produce (14) Stoughton does not have a village green apart from the Childrens play area there is not other areas in or around the village which could be developed along these lines (15) proposals are in sympathy with their surroundings (16) funding is a result of S106 monies from residential development in earlier years (17) add bio-diversity and enhance amenity of village (18) I am a resident and like to go for a short walk, at present my only option is to walk up the main street, often busy with traffic and through the housing estate (Charity Farm), the proposal will allow me to walk in peace and enjoyment (19) land currently of little no amenity value of little or no visual

beauty, the proposal will provide tranquil and picturesque area (20) great to know each other and become a close-knit community (21) screening from trees will limit concerns from residents (22) field currently only used by a fraction of people (23) unique opportunity (24) community gardens have been sited away from residents (25) The site will be beautifully landscaped with trees and shrubs and wild flowers of a wide variety, including a small orchard and a small area for community gardens planted with a mixture of small trees, shrubs and vegetables. A shed will be provided for storage of equipment for maintenance – all green waste will be composted on the site Area E. Paths will be provided for the disabled together with a seating area facing the orchard. Grass pathways will go through Area E providing access for all. Expert professional advice is being sought regarding planting and landscaping. The whole sight will be managed and overseen by the Stoughton Parish Council who will be responsible for its continual maintenance. When finished it will provide an important amenity for the residents of Stoughton and further enhance the green areas around this beautiful village.

Additional Information Submitted by Agents

The matter has been under discussion by the Parish council over the past 13 years. Discussions have been held with the Coop from whom the Parish Council rent the land on a long lease. Three years ago the parish contacted all persons living in the village asking them to comment on ideas put forward to enable the site to become a village amenity, there was a good response and on this basis initial plans were made by the Parish Council.

Initial plans were drawn up and formed the basis of further meeting with residents of Stoughton and Coop. Advice was taken from Stepping Stones (Landscape Designers). Originally the intention was landscape the area with trees, wildflower meadows and small area for allotments; these plans were publically displayed and formed the basis of other meetings in the village and Coop. An allotment committee was formed, however over time it became apparent that some residents of Old Charity Farm and Coop expressed their concerns and suggested the idea of community gardens.

A large parish meeting was held and it was decided to abandon the idea of allotments and go for community gardens with a variety of plot sizes only to Stoughton residents well away from houses on Old Charity Farm. Bonfires would not be allowed.

No parking area is proposed as the proposal is for Stoughton residents only therefore they can walk. On the odd occasion that a car should be needed the site is accessed via the playground and village hall where there is a toilet and car parking area.

Other Information

History:

95/01719/30 Demolition of two dwellings, redundant farm buildings, redevelop site residential development, recreation area form new access, relocation cricket clubhouse and parking Approved 05/03/97

Planning Considerations:

Policy Assessment:

As this application is for the creation of recreation ground, Policy EV/2 is considered most relevant. This policy requires the Council to protect the open and undeveloped character of the green wedge and will refuse planning permission for development which would adversely affect the character.

Principle of Development

The site was approved as a recreational area in 1995 as part of the Charity Farm residential development, and the site is used as low key recreational facility as evidenced by the notice boards on site. Therefore the principal of recreational use on the site has already been accepted.

Affect on the Character of the Green Wedge:

Policy EV/2 states that “the only types of land use that will normally be considered appropriate for these areas are those where the predominantly open and undeveloped nature of the land is retained. These include agriculture, recreation, forestry...” It is recognised that built development may be required in connection with some of the above uses. However, only small scale development limited to the operational requirements of the activity will normally be permitted.

The proposal to plant trees, shrubs, form paths, wild flower meadow and a seating area is not considered to adversely affect the undeveloped and open nature of the application site, as they are primarily natural features, the field is retained and the physical structures (shed and seating area) are small scale. The community garden may include some plots that appear like small urban garden areas, the site is well related to the existing village, bounded on three sides by residential development and on the other side by mature trees and hedgerow, therefore the impact of a small part of the site appearing slightly urban in appearance is acceptable. A shed (60m x 20m) is proposed in the north-east corner of the site. The size of the shed is considered excessive and as such this element will be dealt with via condition (see condition 2). The proposal therefore is not considered to affect the character of the Green wedge. The application is therefore considered to be in accordance with Policy EV/2 of the Harborough District Local Plan.

Residential Amenity:

It is considered that the use of the site of natural landscape features and community garden use with associated paraphernalia does not adversely affect neighbours amenity. Such uses successfully exist adjacent to other residential gardens. Notwithstanding this the proposed communal garden area is planted some 30metres from the rear boundary of No.1 Old Charity Farm and 26metres from 19 Thurnby Lane, this is considered sufficient separation distance plus additional screen planting. The application is therefore considered to be in accordance with Policy IN/1 of the Harborough District Local Plan.

Highways and Parking Considerations:

The proposal seems aimed at Stoughton residents who should mostly be able to walk to the facility as there are footpaths to the site from both directions. However on the odd occasion that a car should be needed the site is accessed via the playground and village hall where there is a toilet and car parking area. The Highway Authority would normally have concerns in connection with a proposal that fails to demonstrate how appropriate off street car parking provision will be provided. However, on the basis of the above letter, the Community Gardens will only be “available for residents of Stoughton and will not be used as allotments or similar use”. Furthermore, access is provided from the Village Hall, where there is an existing level of car parking. On the basis of the above information and taking into consideration the nature of the proposed uses, the proposal will be acceptable to the Highway Authority. The application is therefore considered to be in accordance with Policy IN/1 of the Harborough District Local Plan.

Other Issues

There is a high pressure Gas main going through the site, the Council has consulted the H.S.E. and awaits their response. In the meantime we have consulted the PADHI matrix which gives an Advise Against response. However, there is no clear guidance on non-invasive development such as this. The issue of crime related incidents, whilst an important matter, should not prevent an important community facility, when certain measures can be taken to reduce any potential problems.

Conclusion:

The proposed use is not considered to adversely affect the character of the green wedge, or the resident’s amenity. As such the proposal is in accordance with policies IN/1 and EV/2 of the Harborough District Local Plan.

Conditions / Reason:

1. CRA1
2. Notwithstanding the details of the shed shown on the approved plan the shed is not approved and before development commences full details of the shed shall be submitted to and approved in writing by the District Planning Authority.
Reason: In the interest of amenity.
3. CRJ8 No external lighting
4. CRL1 ‘Landscaping’
5. No bonfires shall be lit on the application site. **Reason:** In the interests of residents’ amenity.
6. CRR2. ‘Archaeology conditions’
7. The applicant shall notify the local planning authority of the intention to commence works (including site works of any kind) at least one week before such commencement. Thereafter, the programme of archaeological work shall be completed in accordance with the approved written scheme of investigation, including any necessary fieldwork, post-excavation analysis, report writing and archive deposition, as detailed in the approved scheme. The report and archive shall be prepared and deposited no later than six months after the commencement of fieldwork. No variation shall take place without the prior

written consent of the local planning authority. Reason: To ensure satisfactory archaeological investigation and recording.

8. The proposed Community Gardens shall be used only by residents of Stoughton. Reason: The site is within convenient walking distance from properties in the village, but volunteers from greater distances would be more likely to travel by car, leading to problems of car parking within the highway.

Note to Applicant

1. 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.

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.

11/00015/TPO – CLAYBROOKE PARVA Mr David White	Felling of three trees subject to a Tree Preservation Order (TPO 200), Mahon House, 1 Claybrooke Court.
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Target Date: 02/03/11

Recommendation

Approve subject to the appended conditions for the following reason:

Taking into consideration the wider amenity value of the trees, their condition and the merits of the proposed replacement trees, which can be controlled through conditions, the retention of the trees is not considered to be justifiable.

Site:

This application relates to trees subject to the recently formed Tree Preservation Order (TPO) 200 (which has yet to be confirmed). The trees are situated at the entrance to Claybrooke Court, Claybrooke Parva, on the Western side of the access from Main Road, within a fenced area separated from the applicant's primary garden area by a brick wall.

The Proposal:

This application is for the removal of two Yew trees (*Taxus Baccata*) and the felling of a third which will be allowed to re-grow from the stump. All three of the trees are covered by the TPO 200. The application proposes replacement planting of a 3.5/4 metre high Red Oak (*Quercus Rubra*) and a Holly tree (*Ilex JC Van Tol* or similar). A

felled but now re-grown Prunus Laurocerasus was is to be retained. The application also shows additional planting of a Laurel hedge and the siting of a bench.

Policy

HDLP Policy EV/19 - Protection of trees

Tree Preservation Orders: A Guide to the Law and Good Practice - Addendum May 2009 (including model TPO)

Tree Preservation Orders: A Guide to the Law and Good Practice
British Standard 3998 (1989) "Tree Work".

Consultations / Representations:

Leicestershire County Council Arboricultural Department:

The PC now seems to support Mr White's revised application and proposals. If HDC were minded to approve the application, the new oak tree and new holly could take the place in the TPO (yet to be confirmed) of the removed yews T2 and T1 respectively. Yew T3 is proposed for retention but as a low trunk whose regenerating shoots can be kept trimmed as a small 'lollipop' tree.

I can understand Mr White's reluctance to engage a consultant to provide a report on the trees, which is likely to offer the same sort of information as I have already supplied, i.e. not the best specimens either in vigour or shape (on account of a previously moved tree, competition with which have rather skewed their form), and the obvious inconvenience of berries and detritus as illustrated by Mr Whites photos. The new trees can be seen as providing the next generation or succession of trees for this part of the village.

(Further advice received 01/02/10) The problem with advice that says "you shouldn't plant within 'x' feet of a structure" is that although in principle it's based on prudence etc, it can never be all-encompassing. If our predecessors had followed such advice large areas of our cities would not have the large and magnificent trees we see today. Look at New Walk in Leicester - 25m+ planes within 3m of properties; many suburban streets with mature limes within 3 or 4m of walls, properties etc. The examples are many.

I completely accept the point if complete failsafe risk avoidance is the object - but is it? I don't think a red oak in this location, if planted towards the corner away from the wall, would overhang the house roof at all - the distance looks like some 8/9m from the nearest corner of the house (I did a quick measure on Google Earth). We also need to bear in mind that the growth figures quoted are in optimum conditions, which do not apply here, and a 35m tree of whatever species is very uncommon!

Neither do we know the construction of the wall - depth of foundations etc. Very often a substantial wall foundation will constrain or deflect root development.

If planted the tree could be formatively pruned to encourage the required directional development of branches.

Parish Council

As a result of the applicant making a number of concessions on the application, which we believe will have a positive impact on the long term amenity value of the area, the Parish Council no longer object to the removal of the trees with TPOs on them provided the undertaking promised by the applicant are carried out. In particular, but not exclusively these include:

- The replacement Quercus Rubra has a TPO placed on it. Question the size of the Quercus in relation to the space and also the proximity to the wall.
- - The replacing of the tree marked on the plans with an evergreen such as a conifer or holly.
- The reduction of the tree marked 3 to a height which will enable re-growth in a managed way, and to maintain a prominent feature. Suggest Tree Officer is consulted on a suitable height.
- The siting of a bench at the applicant's costs to enable those who wish to, to sit and enjoy the view over the green towards the church.

To ensure these activities are carried out we would like these to be made a condition of the works if approval is granted.

We are aware there are differing views within the Parish about the proposed work and assume the District Council will take all views into equal consideration.

Representations:

A petition of 22 names (representing 13 households) has been received in objection to the proposal and in addition, letters of objection have been received on behalf of 9 households and the Claybrooke History, Heritage and Environment Group. Full details can be inspected on the application file and the main points are summarised below:

- Insufficient justification: Trees are not dangerous and enhance the area. Nothing wrong with tree condition, berry nuisance only for short period of the year and alternative solution such as re-siting bus stop could be sought. The trees were there before the houses.
- Proposed replacement Oak tree not suitable for the position and will damage the wall and probably the house and roads. Replacement is deciduous, will have no leaves for up to 5 months a year, will drop leaves which could be slippery, is not native and will not bear the history of the current Yews. Advice from nursery is not to plant within 18m of any structure. RHS indicate growth to 35m high, this is contradictory as previous application was to reduce height of Yews to 3 metres.
- Proposal would change the nature of the Conservation Area, as the trees form integral part.
- Trees important as mark the original entrance to Listed Claybrooke Hall; Important to the setting. Trees of significant age and historic interest. Yews create arboricultural link between the two adjacent areas of Claybrooke Hall garden. Proposal is not consistent nor sympathetic with the planting in Claybrooke Hall garden, so this historic link would be broken. The three Yew trees are the last ones remaining of a number of Yew trees in this patch of ground and therefore the last chance to save something of original character, heritage and visual appeal of the area.
- No merit in the application. No gain to the applicant, the residents of the area or public amenity.

- Application was discussed by Parish Council, prior to letters being received by the public, therefore Parishioners' have not had the opportunity to express their views.
- Proposed works contrary to covenant and planning condition. Works should be reviewed against planning policy relevant to planning permission 00/00853/FUL.
- HDC can only impose conditions that concern planting. Promises made by the applicant would not be binding on future owners without a covenant. Bench would also require planning application.
- Proposed Laurel Hedging would breach covenant
- Current trees form a screen to the Claybrooke Court development.
- If berries are considered justification for felling this will set precedent as there are many other Yews in the village.
- DCLG advise a new argument must be put forward for TPO to be lifted, applicant has failed to do this.
- Trees are protected by TPO and should be left. No material changes since placement of TPO.
- Applicant's proposal/promises are not relevant to whether the trees should be felled.
- HDC must follow process: Has a new argument been offered for the felling of trees, HDC must consider current amenity value, impact of felling on interim amenity and future amenity value (interim value virtually nil for 80 -100 years to mature). HDC must base decision on facts of application and give credible decision. By not objecting to TPO the applicant has by default accepted the placing of the TPOs and therefore their validity.

In support of the application, petitions containing 18 names (representing 14 households) have been received.

In addition, letters of support representing three households have been received, which considers the proposal would reduce the soiling of berries (which are poisonous to animals and a slip hazard) on the pavement. The replacement trees would improve the area, the bench will provide additional amenity and provide an area for children to wait at the bus stop.

Other Information:

Relevant History:

10/01521/TCA - Felling of two trees (refused). TPO report appended

10/01352/TCA – Felling of tree (permitted)

08/01075/TCA – Works to trees (permitted)

Planning Considerations:

Policy Assessment:

This application should be considered against the criteria set out in: Tree Preservation Orders: A Guide to the Law and Good Practice and Tree Preservation Orders: A Guide to the Law and Good Practice - Addendum May 2009 (including model TPO) and British Standard 3998 (1989) "Tree Work".

In addition, whilst aimed primarily for applications involving development, Policy EV/19 of the Harborough District Local Plan is considered relevant. This policy

requires that there is justification (to the satisfaction of the District Council) for the felling of trees subject to a TPO and that permission is conditional on the replacement of trees of the appropriate size and species.

Information:

This application is referred to the Planning Committee due to public interest.

Consideration of Proposal

A tree preservation order (yet to be confirmed) has recently been placed on the trees to be felled, following application 10/01521/TCA. The report associated with the creation of the TPO is appended to this report and describes that the group of three trees were considered to be of considerable public amenity value and therefore a Tree Preservation Order was considered appropriate. It also states that the Order would allow a replacement tree to be required should it later be determined that a tree may be felled.

The ability to condition replacement trees is a notable difference from application 10/01521/TCA, which being a notification of works to trees within a Conservation Area could not contain such conditions. It is considered that the creation of the TPO and the previous permission to fell one of the Yew trees subject to this application were finely balanced and that the ability to enforce replacement planting is a material change in considering this application.

The County Tree Officer does not object to the application and notes the trees are not the best specimens either in vigour or shape (on account of a previously moved tree, competition with which have skewed their form). He also notes the inconvenience of berries and detritus and considers the new trees can be seen as providing the next generation or succession of trees for this part of the village. It is noted that concern has been raised over the historic value of the Yew trees, which mark the original entrance to Claybrooke House and reflect the evergreen trees on the other side of the access, however whilst this planted area is considered to enhance the area, the trees themselves are not considered to be particularly good examples of the specimen and the proposed replacement planting would retain the character of a planted area. The proposal would allow the retention of one of the Yews which would be reduced to a low trunk and allowed to regrow in a controlled manner. The addition of the proposed Holly would assist in retaining an evergreen appearance.

Concern has been raised that the proposed replacement Quercus Rubra is unsuitable for the location adjacent to a wall and dwellings given its potential size, however the County Tree Officer confirms that in his opinion, if planted towards the corner away from the wall, the tree would not overhang the house roof at all. The growth figures quoted are in optimum conditions which do not apply here and a tree of 35m of whatever species is very uncommon. He also advises that very often, a substantial wall foundation will constrain or deflect root development and if planted, the tree could be formatively pruned to encourage the required directional development of branches.

It is noted that objections state the proposal is contrary to planning conditions from application 00/00853/FUL regarding visibility splays and works to trees. The applicant

has confirmed that the visibility splay would not be affected by the proposal and with regard to condition 6 (relating to trees), which states tree works require consent from the District Planning Authority; the approval of this application would be considered to meet this requirement.

Objections have also been raised over the loss of screening provided by the Yew trees of the adjacent development (Claybrooke Court), however the Yew trees only provide screening from certain positions and the proposed replacement planting would replace this to some extent. The increased views of the Claybrooke Court development would not be considered adequate justification for the refusal of this application.

The Use of Conditions

LPAs are able to impose conditions on a consent for works to TPO trees, however the Secretary of State's advice is that conditions should always relate to the authorised work and be fair and reasonable in the circumstances of each case. Conditions are commonly used to secure the planting of replacement trees, to impose a time limit on the duration of consent and to regulate the standard of authorised work. Conditions requiring the planting of hedging or the installation of the proposed bench are considered to be outside the remit of the application and this has been confirmed to the Parish Council, who it is noted recommend conditions to secure the proposed bench. It is considered that the bench would require a planning application, although the Parish Council under Part 12 of the Town and Country Planning (General Permitted Development) Order 1995 may be able to install this without a planning application. In any case, the bench is considered as a separate issue to this application, which considers the proposed works to the trees.

Given that the TPO 200 has yet to be confirmed, the County Tree Officer has suggested that should this application be approved, the TPO be amended to include the proposed Red Oak and Holly trees and should retain the Yew which will re-grow from a low trunk.

Conclusion:

Given the merit of the proposed replacement planting, which can be enforced through conditions and the retention of one of the Yews as a low trunk, the trees to be felled are not considered such fine examples or of a public amenity value sufficient to justify the refusal of the application on arboricultural grounds.

Conditions

1. No works shall take place until full details of the proposed replacement tree planting, to include a 3.5/4 metre high Quercus Rubra and a Holly as indicated in the approved documents, have been submitted to and approved in writing by the local planning authority. The submitted details shall also include the proposed times of planting and once approved, all tree planting shall be carried out in accordance with those details and at those times. Reason:- To ensure adequate replacement planting in the interests of visual amenity.
2. If within a period of five years from the date of the planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, [or becomes, in the opinion of the local planning authority, seriously

damaged or defective,] another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation. Reason:- To ensure adequate replacement planting in the interests of visual amenity

Notes to Applicant

1. The applicant is advised that the bench shown on the permitted plans may require separate planning permission.
2. 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.
3. All tree surgery hereby approved shall comply with British Standard 3998 (1989) "Tree Work" and any subsequent amendments.

Appendix

TPO 200 Report

Town and Country Planning Act 1990

Town and Country Planning (Trees) Regulation 1999

**The Harborough District Council (Mahon House, 1 Claybrooke Court,
Claybrooke Parva, Leicestershire)**

Tree Preservation Order 2010

Ref TPO 200

1 Purpose of report

- 1.1 To record and justify the Council's decision to place the Harborough District Council (Mahon House, 1 Claybrooke Court, Claybrooke Parva) group Tree Preservation Order 2010, be confirmed in accordance with Section 199 of the Town and Country Planning Act 1990.

2. Summary of Reasons for the Recommendation

- 2.1 The group Tree Preservation Order is made because the group of three Yew trees are considered worthy of retention, the group contributes to the character and appearance of the street scene and their removal would be considered to have a significant impact on the local environment and its enjoyment by the public.
- 2.2 To become permanent, the Tree Preservation Order needs to be confirmed by the Council after it has taken into account all duly made objections and representations. The Leicestershire County Council Arboriculturalist supports the formation of a Tree Preservation Order.

3. Background Information

- 3.1 On 30th September 2010 an application to fell one of the trees subject to this order was received by Harborough District Council (Reference 10/01352/TCA). The group of three trees were considered to make a visible and significant contribution to the character of the locality and setting of the nearby Grade II Listed Claybrooke Hall. The notification to fell one of the trees only was accepted having taken advice from the County Council arborist, who considered that it may be unsustainable for the LPA to make a TPO on the tree, it was determined that the notification should be approved. Merit was also placed on the applicant's proposal to replace the tree.
- 3.2 Following this consent, an application (10/01521/TCA) has been received to fell the other two Yew trees of the group. Whilst it is noted that previous tree works have to some extent affected the appearance of the Yews, they are considered by the County Council arborist to be in sound condition and with a life expectancy of 50 plus years. The group of trees has a prominent location and form a feature at the entrance to Claybrooke Court, reflecting a group of other evergreen trees on the other side of the drive. There is keen public interest in preserving the trees: The Parish Council have requested that a TPO be placed on the group and in objection to application 10/01521/TCA, a petition of 17 signatures (representing 14 households) has been received and states the removal of the Yews would significantly affect the visual aspect of the street scene and further expose the modern development of Claybrooke Court. In addition, individual objections representing the views of five households and the Claybrooke Local History and Heritage Group have been received. It is noted that there has been significantly more local objection received in relation to the most recent application 10/01521/TCA, reinforcing the group value of the trees.
- 3.3 Whilst application 10/01352/TCA gave consent for one Yew tree of the group to be felled, this tree is included in the order. The Council considers that this is justified as the original notification 10/01352/TCA proposed the loss of only one tree, and noted the value of the trees as a group. Following that notification, application 10/01521/TCA applies for the removal of the remaining trees of the group. The group is considered to be of considerable amenity value and therefore a Tree Preservation Order is considered appropriate for the whole group. The previous application noted the merit of a proposal to replace the Yew and the applicant has indicated for this application that a specimen *Quercus Rubra* has been chosen as a replacement to the group of Yews, however this could not be enforced through the notification process. The Order would allow a replacement tree to be required should it later be determined that a tree may be felled. It is acknowledged that circumstances surrounding the Order are unusual and the Council considers it has responded to these circumstances fairly and proportionally within that context. The Owners interest is safeguarded by a right of objection to the TPO and ability to apply for works/felling under the TPO.
- 3.4 Retention of these trees meets the requirements outlined by the Department of Environment, Transport and the Regions in its "Tree Preservation Orders: A Guide to the Law and Good Practice" (May 2009). The creation of the Order is supported by the County Council Arborist.

- 3.5 The purpose of the Order is to protect the amenity of the area and, in addition to the requirement that consent must be obtained for the lopping, topping, felling or uprooting of the tree, good site husbandry will ensure the preservation order of the tree in perpetuity as if removed they can be replaced by younger trees as a requirement of any consent.

Report Author/Planning Officer

DC Manager

01th December 2010

Other Applications – Residential:

10/01408/FUL and 10/01411/LBC. Grace Homes - GREAT BOWDEN	Separation of dwellings to form two dwellings (plots 1 and 2), conversion of stables to form dwelling and erection of garage (plot 4) erection of replacement single storey extension (plot 2), erection of single storey link extension (plot 1), erection of car barn (plot 3) and internal alterations and the demolition of single storey extension (plot 2), demolition and reconstruction of single storey element (plot 4), demolition of single storey garage building and internal alterations (plots 1,2,3 and 4) at 5 Sutton Road.
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Target Date: 06.12.2010

Recommendation 1

Approve 10/01408/FUL, subject to no new material objections to the amended plans, and the conditions set out below.

The development hereby approved, by virtue of its design, size and positioning, would not adversely affect the amenity of local residents, nor result in a sub-standard level of off street parking, nor an unacceptable reduction in open space around the dwelling and would be subordinate to the main dwelling and of harmonious design, form and materials. Furthermore, it is considered that the development would not have an adverse effect upon the significance of the listed building, the character and appearance of the Conservation Area, develop any open spaces or vistas important to the Conservation Area, and it enhances the Conservation Area. The proposal is therefore considered to comply with policies HS/12, EV/11, EV/15, EV/16, TR/3 or TR/10 of the Harborough District Local Plan and Supplementary Planning Guidance Note 3 no other material considerations indicate that the policies of the development plan should not prevail.

Recommendation 2

Approve 10/01411/LBC, subject to the conditions set out below.

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 proposals are therefore considered to comply with policy EV/15 of the Harborough District Local Plan.

Site:

The application site lies approximately 150m to the north of the Great Bowden village centre on the western side of Sutton Road. The site is located within the village limits, within the Conservation Area and the Farmhouse, Lodge, stables and outbuildings are Grade II Listed. The buildings comprise a former farmhouse (5 Sutton Road), a Lodge (7 Sutton Road), stabling and outbuildings of Welham Bush Farm. The property is bounded to the south by Green Lodge and to the north by The White House (both residential properties). A more recent residential development completed in 2007 and accessed off Langton Road lies to the west (rear) of the site. The buildings have not been occupied for some time, although the Lodge is the most recently occupied part of the site. The Farmhouse and Lodge are two storeys in height (with the loft space also utilised as living accommodation) and built of stone with a double gable front and a central arch that provides vehicular access to the farmyard around which a range of brick stables (single storey) and barn/outbuildings (two storeys high) are located.

The Proposals:

The application seeks consent to separate the complex of buildings into four separate dwellings by subdividing the existing farmhouse, which is predominantly to the left hand side of the arch when viewed from the Sutton Road into two dwellings, to retain the Lodge (to the right hand side of the arch) as a dwelling, and to convert the two storey barn which projects off the rear of the Lodge into a fourth dwelling. The range of single storey stable buildings that are located along the boundary of Green Lodge are to be linked to the rear of plot 1 to allow for some of these buildings to be utilised as living accommodation, with the remainder of the buildings providing storage for plots 2 and 3. An extension to the rear of plot 2 is also proposed, along with a double garage to be attached to plot 4 (the barns). The applications also propose internal alterations and modifications to the buildings, including the demolition of the 1970's gateposts either side of the archway, and the lowering of the brick wall along the frontage of the site to improve the highways visibility.

Policy

Government Guidance

Planning Policy Statement 3 – Housing

Planning Policy Guidance Note 15 – Planning and the historical environment

Harborough District Local Plan:

IN/1 – Standards of Development

HS/12 – Domestic Extensions, Outbuildings and Garages

EV/11 – Conservation Areas – Character and Appearance

EV/15 – Listed Building

EV/16 – Historic Buildings – setting

Supplementary Planning Guidance Notes:

SPG Note 1 – Design Principles to be applied in Harborough District
SPG Note 3 – Small groups of dwelling

Other:

Great Bowden Village Design Statement

Consultations / Representations:

Parish:	Objects citing 1) car parking standards are not met, 2) visibility splays are inadequate, 3) access width is inadequate, 4) gardens sizes are small and 5) no design and access statement was submitted.
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Conservation Officer:	No objections
Contaminated Land:	No objections subject to conditions
Archaeology:	No objections subject to conditions
Highways:	Object due to poor width and inadequate visibility
Ecology:	Object to lack of protected species survey

AMENDED PLANS revising access and width and drawing discrepancies highlighted in the letter received (see below) and updated ECOLOGY REPORT received

Ecology:	No objections subject to condition(s)
Drainage:	No objections subject to condition(s)
Conservation Officer:	No objections subject to conditions
Parish Council:	Add further comments to their previous objections: Note the removal of the gate piers and the wall being lowered and hedge removed to comply with visibility. Further comment that 1) the off street parking provision is only for 10 spaces where as the scheme has a potential of 25 occupants plus visitors, 2) tradesmen working on the development will have no where to park off street, 3) delivery drivers will not be able to pass under the 2.65m arch and therefore block Sutton Road on a regular basis, 4) it is an unacceptable risk to pedestrians, children, prams, older people, wheelchairs and postal etc to share a vehicular access with no defined walkway, and the main entrance doors have unsafe egress into the path of vehicles, 5) garage to no 9(?) not red outlined but indicated as being for plot 3.
Highways:	No revised comments received at the time of drafting the report; however Members will be advised on any highways comments via the Supplementary Information List.

Representations:

1 letter of supporting the principle of the development but raising the following concerns: 1) car barn replacing the existing garage would be prominent through the archway, 2) potential impact on the Conservation Area through alteration to the street frontage to overcome highways concerns, 3) concerns over vehicle movements, 4) drawing discrepancies.

Other Information

Following the Planning Committees Decision to defer the above applications at the last Committee Meeting on the 21st December 2010 the applicant requested a meeting between Development control Officers, Local Councillors and a

representative of the Parish council to try and better understand the local concerns. The meeting took place at the site on the 17th January 2011, and the applicants have subsequently submitted some revised plans providing additional parking space and have proposed to remove the single car port on the end of the range of outbuildings.

History:

00/01209/FUL – Change of use of paddock and farmyard to garden – approved 09.02.2001

99/00987/LBC – Repair works to Grade II Listed building – Approved 21.10.1999

97/00017/3L – Replacement of three windows – Approved 06.03.1997

Reason for Committee Report:

This application is being reported to the Planning and Regulatory Committee at the request of Cllr B Johnson and Cllr S Hill.

Planning Considerations:

As this application is for the conversion of a Grade II Listed farmhouse and outbuildings located inside of a settlement, within the conservation area into four dwellings Policies IN/1, HS/12, EV/15 and EV/16 are considered most relevant.

Policy IN/1 states that access and parking needs to be sufficient and that the residential amenity of surrounding properties is not affected by the proposal, and that the development will only be permitted provided that the site can accommodate any traffic generated by the site, and that the scale and form of the development is compatible with its surroundings.

Policy HS/12 requires a number of criteria to be met, such as the proposal should not have a detrimental impact on the residential amenity of neighbouring properties, the proposal should be subordinate in scale, form and design to the main building, it does not have a detrimental effect on the visual amenities of the surrounding area and it does not result in a sub-standard level of on-site parking.

Policy EV/15 and EV/16 relate specifically to listed buildings. Policy EV/15 seeks to ensure that the proposal does not adversely affect the special and historical character of the buildings, the retention of existing openings where possible, the design siting and massing should respect the main building and use harmonious materials. Policy EV/16 seeks to ensure that any development within the curtilage of listed building respects the setting of the listed building(s).

Affect on the Character and Appearance of the Conservation Area and Listed Building:

The whole site is within the Conservation Area as designated within the Local Plan, and the building (and therefore all of the outbuildings) are Listed (Grade II).

The Conservation Officer has been consulted as part of the process, and has also been involved from a pre-application stage prior to the applications being submitted. Therefore the drawings as proposed are largely based on the guidance and comments received from both Harborough District Council's Conservation Officer as well as the Senior Historic Buildings Officer from Leicestershire County Council.

The Conservation Officer has commented that *“The complex of farm buildings at Welham Bush farm is currently in a poor state of repair and is in need of much restoration. This proposal will include the restoration of the buildings and will bring the buildings back into use and therefore should be supported. The proposed extensions to the building have been kept to a minimum and are not considered to harm the significance of the heritage asset. Furthermore although the conversion of the stables to a dwelling will result in some loss of historic fabric the benefits of the scheme to the heritage asset as a whole are considered to outweigh the harm and the justification for this is considered satisfactory.*

The materials and techniques used in the repair and alteration should be traditional and historic features such as windows should be retained wherever possible. Overall the proposals are considered not to be harmful to the significance of the listed building and therefore comply with policy HE9 of PPS5.”

The proposals involve very little alteration to the public façade of the building, save for the removal of the modern (circa 1970's) stone effect, concrete gate pillars built inside the archway, and a reduction in height of the brick wall to the frontage of the site. Whilst the letter received expressed concerns regarding the replacement of the car port with the garage being visible through the archway, design is always a subjective matter. The existing mono-pitched asbestos roofed building is in a poor state of repair and is clearly not an original feature to the neighbouring stables or barn. Its replacement with a pitched, slated roof garage building is of a complementary design which clearly will read as a later addition to the building, but this is not considered to be to the detriment of the visual appearance of the proposal, the listed building or the conservation area.

Therefore, the appearance of the building will remain largely unaltered from the public realm, and given that the alterations proposed can reasonably be controlled by way of planning conditions to ensure an acceptable appearance and impact on both the Listed Building and the Conservation Area the application is considered to be in accordance with Policies EV/11, EV/15 and EV/16 of the Harborough District Local Plan.

Design:

The proposal involves the conversion and sub-division of the existing buildings to create four dwellings. There is very little new built form proposed, with the exception of a link between the rear of the present farm house and the single storey stable to the rear of what will become plot one, a single storey extension to the rear of plot 2, replacing the existing lean to car port with a garage for plot 3, and the new double garage built attached to the barn that will become plot 4.

Plot 1:

In order to subdivide the farmhouse into two dwellings (plots 1 and 2) it is proposed to re-instate a wall that has previously been removed. It is proposed to form a new opening in the rear wall of the kitchen and to construct a single storey link between the kitchen and the outbuildings. It is proposed to retain large piers of stone work either side of this new opening to indicate that it is a modification to the original

structure and form of the building. The front elevation of the proposed link is to be glazed to maintain the appearance of visual separation between the two buildings. At first and second floor it is also proposed to make internal opening to the layout of the room to allow for the subdivision into two separate self contained dwellings.

Plot 2:

It is proposed to demolish the existing lean-to to the rear of the existing farmhouse. This lean-to is a modern addition to the building and is showing signs of structural issues apparent in the sagging roof. The design of the garden room to replace this structure is a simple rectangular building with parapet walls. The flat roof is proposed due to the existing window in the rear gable wall above the proposed siting of the garden room that would be compromised if a pitched roof were used. The introduction of this new structure will also allow for the new "front" door and also for a connection between the house (plot 2) and the garden without creating any new openings in the existing fabric of the building.

Again, at first and second floor it is also proposed to make internal opening to the layout of the room to allow for the subdivision into two separate self contained dwellings. These proposals have taken into account the comments provided by the Conservation Officer at the pre-application discussion stage.

Plot 3:

This element of the proposal is presently the Lodge, located to the right hand side of the archway when the property is viewed from Sutton Road. The Lodge will become plot 3, and the Lodge itself is presently self contained having been substantially refurbished many years ago and therefore requires only a few alterations to modern masonry or stud walls to alter the internal layout.

Plot 4:

This plot requires the most alterations from its present form as it is currently/was last a stable building at ground floor with first floor store above. The courtyard elevation of this plot has several windows which have previously been blocked up, including an area each side of the access door. It is proposed to re-form these openings that look out onto the former farmyard. To the rear of the building there is presently a mono-pitched extension constructed of poorly matching materials and roofed in profiled fibrous cement sheeting.

The application proposes removing this extension and to reconstruct the footprint using reclaimed bricks and the mono-pitched roof will be replaced with a pitched slated roof to match the rest of the building. A double garage is also proposed to be erected linked to this replacement extension. To the rear of the building a former doorway which has been bricked up will be re-formed and a new single opening is also proposed of the same proportions as the existing adjacent opening. At first floor new dormer window, cloaked in lead to match the existing dormer is also proposed.

At ground floor it is proposed to preserve part of one of the stables to form a study in the building as discussed with the Conservation Officer to retain a link to the former historical use of the building. Large brick piers and ceiling downs will also be retained as a further indication that the building was previously subdivided.

Outbuildings:

The existing dilapidated garage/car port at the northern end of the western range of outbuilding is to be demolished and replaced with a garage to serve plot 3. Other existing outbuildings not being incorporated into habitable space (primarily for plot 1) will be restored. This involves the re-pointing, re-roofing and replacement/repair to windows, door frames and internal features. .

The form of the buildings lends itself to conversion, and the proposed layout involves relatively little alteration to the external appearance of the buildings. The internal alterations have been discussed at length with the conservation officers and the design and appearance of the proposal is considered to be in accordance with Policies IN/1, HS/12 and EV/11 of the Harborough District Local Plan.

Residential Amenity:

The application has been designed to utilise all the existing openings where possible, primarily due to the fact that it is a listed building, however also to respect the existing relationships with adjoining occupiers. Furthermore, the majority of the windows are inward facing into the area of the former farmyard and as such there are not considered to be any unacceptable relationship to the adjoining occupiers with only one new dormer being proposed on the rear elevation of plot 4, which will look onto the amenity space to be provided to that plot. The site does not presently contain significant landscaping features. Hard landscaping will predominate around the access and parking area. Private gardens will be a combination of paved and lawned areas bordered by planting. Full details of the landscaping and fencing/enclosures will be requested by condition.

The amenity space afforded to the plots varies, and the provision of amenity space in the immediate surrounding area (Sutton Road and Langton Road) also varies from none at all to some with significant grounds and gardens. The Parish Council have objected to the insufficient provision of garden space and that this fails the guidance contained within Planning Policy Statement 3 (PPS3) which states "*Particularly where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space. These should be well designed, safe, secure and stimulating areas with safe pedestrian access*". Whilst this is true, the character of the surrounding area, the location and the access to other facilities should also be taken into account as material considerations.

As stated, the character of private amenity space in the area is varied, with the property opposite, The Old Rectory being sited in significant grounds, whereas the newly developed properties to the rear have comparatively small gardens (not dissimilar to those afforded to plots 1 and 2). Furthermore, Bishops House, only 4 doors to the south of the site has been converted into a number of flats, most of which have no private amenity space. It should also be noted that there are a number of public areas all within walking distance from the site that offer both formal and informal recreation space. Therefore, despite the fact that plot 3 is afforded a very small amount of private amenity space, this in its own right is not considered to be of sufficient reason to warrant refusal, as the proposal to restore and convert the buildings will bring the listed buildings back into use and the preservation of the heritage asset is considered to outweigh the harm of one unit being afforded no

amenity space. Furthermore, plot 3 has previously been rented out with no private amenity space associated with it at all.

It is therefore considered that the proposal would not adversely affect the amenities of neighbouring residents, and that the proposal will preserve and enhance the appearance of the Conservation Area. The application is therefore considered to be in accordance with Policies IN/1 and HS/12 of the Harborough District Local Plan.

Highways and Parking Considerations:

The proposal has attracted objections from the Highways department on the grounds that the access width is insufficient and the visibility splay is also below the Highway standards. The applicants have discussed these concerns, which were also raised by the Parish Council, with the Highways Officer and submitted amended plans to address these objections. The amended plans show the removal of the modern concrete gate posts erected inside of the archway to increase the access width, and the reduction in height of the later addition of a red brick wall that curves around the front of the building. Highways have not formally commented on these revisions at the time of drafting the committee report, although have informally indicated that the revision appear to address the issues. Members will be notified formally of the Highways Officers comments to these revisions via the Supplementary Information List. The Parish Council have also raised concerns regarding parking provision; however the Highways Officer has not sought to comment on this.

Ecology:

The ecologist initially objected to the proposal as although a bat survey was submitted as part of the application, it failed to address certain areas of the proposal (mainly due to access issues to certain roof voids). Having discussed the issues with the ecologist, the applicants and the conservation officer (as access required some small access points in internal roof spaces to be created) the survey work was completed. The ecologists have accepted the revised survey, which has identified the presence of bats on the site. Therefore, subject to conditions requiring that the bat mitigation as set out in the survey are implemented, the Ecologists do not raise any objections to the proposal.

RECOMMENDATION:

Recommendation 1

Approve 10/01408/FUL, subject to no objections from the Highways Officer on the revised plans, and the conditions set out below.

Conditions

1. The development hereby approved shall be begun within 3 years from the date of this permission. Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to review the position at the end of this period.
2. The development hereby permitted shall be in accordance with the submitted plans and drawing reference 4691/01B, 4691/02B, 4691/03A, 4691/04A,

4691/05A, 4691/06D, 4691/07, 4691/08, 4691/09A, 4691/10B and 4691/011
Reason:- For the avoidance of doubt.

3. No development shall commence on site until representative samples of the materials to be used externally in the construction of the approved building(s) have been deposited with 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, unless otherwise agreed in writing by the Local Planning Authority. Reason:- In the interests of visual amenity and to ensure that the development will harmonise with its surroundings and to accord with Policy IN/1 of the Harborough District Local Plan.
4. 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, unless otherwise agreed in writing by the Local Planning Authority. Reason:- To ensure the satisfactory drainage of the site and to require, where possible, sustainable drainage methods to be employed and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPS25.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or other form of enlargement to the residential development hereby permitted, nor erection of porches, outbuildings, hardstandings, or storage tanks, shall take place unless otherwise agreed in writing by the Local Planning Authority. Reason:- To safeguard the appearance of the development and to accord with Policy IN/1, and EV/11 of the Harborough District Local Plan.
6. No gates shall be erected to the vehicular access, unless otherwise agreed in writing by the Local Planning Authority. Reason:- In the interests of highway safety and the free flow of traffic and in accordance with Policy IN/1 of the Harborough District Local Plan.
7. No development shall commence on site until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented prior to occupation and in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason:- To ensure that the proposed development includes a properly designed and suitably landscaped amenity area in the interests of visual amenity and to accord with Policy IN/1 of Harborough District Local Plan.
8. No development shall commence on site until a schedule of all screen walls and fences, indicating their position, height, detailed design and the materials to be used in their construction, 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, unless otherwise agreed in writing by the Local Planning Authority. Reason:- In the interest of visual amenity and to accord with Policy IN/1 of Harborough District Local Plan.
9. No development shall take place within the application area until the applicant has secured the implementation of an appropriate programme of archaeological work (in this instance, historic building recording) in accordance with a Written

Scheme of Investigation which has been submitted to and approved by the planning authority. The development shall be undertaken only in full accordance with the approved written scheme. No variation shall take place without the prior written consent of the local planning authority. Reason:- To ensure the preparation and implementation of an appropriate scheme of historic building recording and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPG15 and PPG16.

10. The applicant shall notify the local planning authority of the intention to commence works (including site works of any kind) at least one week before such commencement. Thereafter, the programme of archaeological work shall be completed in accordance with the approved written scheme of investigation, including any necessary fieldwork, analysis, report writing and archive deposition, as detailed in the approved scheme. The report and archive shall be prepared and deposited no later than six months after the commencement of fieldwork. No variation shall take place without the prior written consent of the local planning authority. Reason:- To ensure satisfactory archaeological investigation and recording and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPG15 and PPG16.
11. No development shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

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

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

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

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

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

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

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

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

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason:- To ensure that the land is fit for purpose and to accord with the aims and objectives of PPS23 (Planning And Pollution Control).

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

Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;

Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;

Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;

Contain Test Certificates of imported material to show that it is suitable for its proposed use;

Demonstrate the effectiveness of the approved Remedial Scheme; and

Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

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

13. The Bat Mitigation stated in section 7 of the 'Bat Survey of Wellham Bush Farm, (Conservation Constructions, August 2010 (amended November 2010))' must be incorporated into the development as detailed. Any changes to this proposed mitigation must be agreed in writing by the Local Planning Authority, prior to the commencement of works. Reason:- In the interests of wildlife and nature conservation and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPS9.

Notes to Applicant

1. The Written Scheme of Investigation (WSI) as required by Condition 9 of this consent 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.

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

2. You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 821090). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.
3. The building shall be designed and constructed in accordance with Building Regulations Approved Document 'Fire Safety', to assist firefighters and enable fire appliances to gain access to the building.
4. 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.
5. 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.
6. A watching brief for bats and other protected species must be maintained at all times throughout the development. In the event of any protected species being discovered works shall cease, whilst expert advice is sought from Natural England.

Recommendation 2

Approve 10/01411/LBC, subject to the conditions set out below.

Conditions

1. The development hereby approved shall be begun within 3 years from the date of this permission Reason:- To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. Notwithstanding the details shown on the submitted plans, the following shall be submitted to and approved in writing by the Local Planning Authority before development commences.
 - (a) details of the size, design and manufacture of any rooflights to be inserted
 - (b) details of the sill and arch treatment of the proposed windows
 - (c) full working drawings at a scale of not less than 1:10 of all doors and windows; (any glazing bar profiles to be shown at a scale of 1:1)
 - (d) details of the materials and location of any soil pipes or of soil vent pipes visible above ground.
 - (e) details of the location, dimensions, design and materials of any proposed garden walls.
 - (f) details of the type and location of all new or modified services visible external to the building including, new drainage pipework and accessories including soil vent pipe terminations, rainwater goods, boiler flues, extract vent grilles, meter cupboards etc.

Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason:- To ensure that the materials, design and craftsmanship are appropriate to the character of the building and to accord with Policies IN/1, EV/11 and EV/15 of the Harborough District Local Plan.
3. Notwithstanding the details on the submitted plans,
 - (a) The plaster/render shall be lime-based with a breathable finish and shall be retained as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority. Reason:- To ensure that the materials, design and craftsmanship are appropriate to the character of the building and to accord with Policies IN/1 and EV/15 of the Harborough District Local Plan
4. The external walls to be made internal by the proposed development shall not be painted, rendered or in any way treated, unless otherwise approved in writing by the Local Planning Authority. Reason:- To ensure that the original character of the building is retained and to accord with Policies IN/1, EV/11 and/or EV/15 of the Harborough District Local Plan.
5. Unless such work is clearly and specifically referred to on drawings or other documents approved, no features of architectural or historic interest such as doors, linings, shutters, panelling, cornicing, decorative plasterwork, floorboards, fireplaces, lath and plaster ceilings and walls, wattle and daub panels may be altered, replaced or removed without the written approval of the Local Planning Authority. Any such features encountered during the work shall be drawn to the attention of the Local Authority. Reason:- To protect the special architectural or historic interest of the building(s) and to accord with Policy EV/15 of the Harborough District Local Plan.

Precise details of the repair, replacement, refurbishment or upgrading of existing windows and doors is to be agreed in writing by the Local Planning Authority prior to works commencing on site. Reason:- To ensure that the materials, design and craftsmanship are appropriate to the character of the building and to ensure compliance with Policy EV/15 of the Harborough Local Plan.

10/01443/FUL – LUBENHAM
Mr and Mrs W Graham

Conversion of agricultural building to form dwelling (revised scheme of 10/00918/FUL), Toft Barn, The Green.

Target Date: 30.12.2010

Recommendation:

REFUSE for the following reason:

By virtue of the substantial scope and detail of proposed changes to the existing building, the proposal is tantamount to the creation of a new dwelling in the open countryside without suitable justification, such as an essential functional requirement. Furthermore, the proposal will detract from the character and appearance of the surrounding countryside and adjacent Lubenham Conservation Area, as well as the setting of nearby Grade II Listed Buildings “11 The Green (Manor Farm)” and “13 The Green”. The proposal is, therefore, contrary to saved policies IN/1, EV/5, EV/7, EV/11, EV/16 and HS/7 of the Harborough District Local Plan and SPG8, as well as PPS5 and PPS7.

Committee Decision Requirement:

This application is being reported to the Planning Committee for determination at the request of the Ward Councillor (Blake Pain).

Site:

The application site is located to the northeast side of the settlement of Lubenham, outside the Limits to Development of the village (partially adjacent to) and thus on land classed as open countryside. The site lies outside but adjacent to the settlement’s Conservation Area.

The site lies immediately to the east of a range of converted brick-built agricultural outbuildings now in residential use (94/00722/3P, Approved 20/07/94). This collection of buildings possesses an historical and attractive character and appearance. Immediately to the south lies the site of Grade II Listed Buildings “11 The Green (Manor Farm)” and “13 The Green”, the curtilages of which adjoin the application site.

The application site is stated to extend to 0.4hectares in area and consists of grassed agricultural land and a substantial detached steel frame and corrugated sheeting agricultural building. The building is not of visual merit but is relatively innocuous by virtue of its utilitarian and orthodox agricultural design and appearance – it is a type of agricultural building one may expect in a rural area, close to farms – in this instance, in close proximity to Manor Farm on the edge of a rural Conservation Area village.

Land levels vary across the site, generally rising uphill to the north. The site's boundaries are delineated by a mixture of walls/fences/hedges – although the proposed northern site boundary cuts across an open field and is currently not delineated. The lower, southeastern parts of the site are more open and in parts only delineated by timber post and rail fencing. Views out of / into the site (and of the application building) in this direction are relatively far-reaching. For example, the site/building can be seen from Public Footpath A26 from approximately 1km to the east, as this footpath rises up a hill. Public Footpath A23 is accessed from the rural track which runs to the west of the site.

The Proposal:

The proposal involves an extensive range of works to convert the existing steel frame agricultural building into a single large dwelling. The proposed works appear to consist of complete demolition of the building and clearance of the site, but for its steel portal frame (and foundations), ground floor slab, the external yard and the existing storm water drainage (details taken from letter dated 12 August 2010 from 'Stephen Johnson Consulting Engineers Ltd'; P Sammons).

Policy:

National:

PPS1 – *Delivering Sustainable Development*

PPS3 – *Housing (as amended)*

PPS5 – *Planning for the Historic Environment*

PPS7 – *Sustainable Development in Rural Areas (as amended)*

PPS9 – *Biodiversity and Geological Conservation*

PPG13 – *Transport*

PPS23 – *Planning and Pollution Control*

PPS25 – *Development and Flood Risk*

(PPS4 – Planning for Sustainable Economic Growth – which the applicant refers to in their supporting paperwork, is not judged to be relevant. The proposal is not for economic development on the site. Para.5 states that PPS4 does not apply to housing. However, Policy EC12 mentions 'residential conversions' in passing, before explaining the rationale by which local planning authorities should determine applications for "economic development in rural areas".)

Harborough District Local Plan:

IN/1 – *Standards of Development*

RM/10 – *Maintenance and Protection of Habitats – Ecological and Geological Diversity*

EV/5 – *Development in the Countryside*

EV/7 – *Conversion of Buildings in the Countryside*

EV/11 – *Conservation Areas – Character and Appearance*

EV/16 – *Historic Buildings – Setting*

EV/20 – *Landscaping*

EV/23 – *Control of Pollution and Nuisance*

HS/7 – *Settlement Character*

TR/3 – *Development Impacts on the Existing Road Network*

TR/10 – *Parking Requirements*

Local Guidance (Supplementary Planning Guidance):

SPG Note 1 – *Design Principles to be applied in the Harborough District*

SPG Note 3 – *Single Plot Development and Development of Small Groups of Dwellings, including Development within Conservation Areas*

SPG Note 4 – *Residential Development in the Countryside*

SPG Note 8 – *New Uses for Old Buildings*

SPG Note 9 – *Landscape and New Development*

SPG Note 19 – *Development and Flood Risk*

Consultations / Representations:

Leicestershire County Council Highway Authority (Simon Hill):

Comments received 02/12/10:

“Lubenham cannot be considered a good transport choice location and lacks facilities, leading to a heavy reliance on the car. Therefore to permit the proposal would conflict with advice in PPG13 with regard to sustainability. Should the LPA be minded to approve the proposal the following conditions should be imposed in the interests of road safety.”

Three Conditions (turning and parking provisions and access hard surfacing) and two Informative Notes are subsequently recommended.

Harborough District Council Contaminated Land Officer (Gareth Rees):

Two Conditions are recommended – 1.) Risk Based Land Contamination Assessment & 2.) Completion/Verification Investigation Report.

Two Informative Notes are also recommended.

Harborough District Council Drainage Engineer (Caroline Averill):

A drainage plan Condition is recommended.

LCC Ecology:

Our comments remain the same as those for the previous application, dated 21st July 2010 (10/00918/FUL). Those comments were as follows:

“We note that an ecological survey (Durnin, April 2010) has been submitted with this application. We note from the report that there was no evidence of protected species found within the building to be converted. We are therefore satisfied that protected species should not be a constraint on this development, however, we would recommend that the applicants attention is drawn to the recommendations outlined in the report.”

LCC Archaeology:

No comments received.

Harborough District Council Conservation Officer:

Comments received:

“The proposed conversion will result in the building no longer having the appearance of an agricultural building that would be expected in this rural location and therefore it will become an incongruous feature that will be visible from a number of vistas and therefore will affect views into and out of the Conservation Area. Although the site is not located within the Conservation Area it is directly adjacent to the designated heritage asset and therefore is considered to be harmful to the setting of the Conservation Area. Furthermore the proposal is considered to harm the setting of the adjacent Grade II Listed Building, Manor Farm. Consequently the proposal is considered to be contrary to Harborough District Council Local Plan policies EV/11 and EV/16 and Planning Policy Statement 5.”

Parish Council:

No comments received for this application. For 10/00918/FUL, the Parish Council objected, stating that the *“Council considers this property to be outside the designated building line and fears that attempts may be made to add residential accommodation should the application succeed.”*

Representations:

4 letters of objection have been received from two addresses (“Knightshayes, The Green” and “Barleycroft, The Green”).

The following issues were raised:

- 1.) The development lies well outside of the building line and will impact on the village boundaries;
- 2.) The building that is to be converted is a relatively modern barn and any development will be out of the context of the buildings in the immediate vicinity;
- 3.) Allowing the application would set a precedent and signal to others that it is now possible to bend the rules;
- 4.) Toft Barn is outside the village envelope for housing and extends the village significantly in the direction of a the small area of farmland which separates Lubenham as a village;
- 5.) It has remained in continuous use as an agricultural building to the present time;
- 6.) The plans, although aimed at converting an agricultural building to a dwelling, only succeed in transforming it into what looks like a huge industrial unit. This is totally out of keeping with the lovely buildings nearby which include Manor Farm which is listed;
- 7.) The barn is on the edge of the conservation area, which is under pressure and will be harmed.

Site Planning History:

10/00918/FUL – Conversion of agricultural building to form dwelling – Withdrawn 31/08/10. (10/00918/FUL was Withdrawn after the applicant was advised that the application was likely to be recommended for refusal on the basis that it appeared that the building is not capable of conversion without “major reconstruction” and that “substantial additions or alterations to the building are proposed”. Furthermore, discussions have taken place with the applicant’s agent (during the 10/00918/FUL

application process) regarding significant concerns over the visual impacts of the proposal in its specific sensitive countryside/conservation area/listed building surroundings.)

10/00220/AGR – Alterations to an agricultural building – Permitted Development 01/03/10.

MR/00187/LUB – The erection of a grain store – Approved 13/06/67.

Policy Assessment:

As this application is for the conversion of an agricultural building into a dwelling, on a site which lies outside Lubenham's Limits To Development in the open countryside, but which affects the setting of the Conservation Area and Listed Buildings, Policies IN/1, RM/10, EV/5, EV/7, EV/11, EV/16, EV/20, EV/23, HS/7, TR/3 and TR/10 of the Harborough District Local Plan are considered to be most relevant, in conjunction with Supplementary Planning Guidance (March 2003) Notes 1, 3, 4, 8, 9, 19.

PPS1, PPS3, PPS5, PPS7, PPS9, PPG13, PPS23 and PPS25 are also considered to be relevant.

The above policies require a range of criteria to be addressed. Included amongst these criteria are the requirements that proposals:

- Should not have a detrimental impact on residential amenity;
- Should not have a detrimental effect on the visual amenities of the surrounding area;
- Should not have a detrimental impact on the character and appearance of the Conservation Area (EV/11);
- Should not result in the development of open spaces important to the character and appearance of the Conservation Area (EV/11);
- The form, massing, scale, proportions, design and style of the proposal must relate to the existing built form of the settlement and should maintain or enhance the distinctive local character of the landscape and the built environment;
- Should not adversely affect undeveloped areas of land important to the form and setting of a settlement (HS/7);
- Should not adversely affect areas of ecological or archaeological significance;
- Should not result in detriment to highways safety through its access, turning and parking provisions.

Importantly, Policy EV/7 requires, amongst other criteria, that: (1) the building is of permanent and substantial construction and is capable of conversion without major or complete reconstruction; (2) any significant architectural or historic features of the building are retained; (3) no substantial additions or alterations to the building are proposed and the design, siting and massing of any small-scale extensions must be subservient to the original building; (7) the scale and nature of the development does not adversely affect the character and appearance of the rural area; and (8) the form, bulk and general design of the building are in keeping with its surroundings.

A key principle of PPS7 is to strictly control new development in the countryside in order to protect its intrinsic character and beauty. PPS7 advises that new housing within the open countryside should be strictly controlled. With regard to the 're-use of buildings in the countryside', PPS7 states:

The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building. Planning authorities should therefore set out in LDDs their policy criteria for permitting the conversion and re-use of buildings in the countryside for economic, residential and any other purposes, including mixed uses.

These criteria should take account of:

- the potential impact on the countryside and landscapes and wildlife;*
- specific local economic and social needs and opportunities;*
- settlement patterns and accessibility to service centres, markets and housing;*
- the suitability of different types of buildings, and of different scales, for re-use;*
- the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character.*

Local planning authorities should be particularly supportive of the re-use of existing buildings that are adjacent or closely related to country towns and villages, for economic or community uses, or to provide housing in accordance with the policies in PPG3, and subject to the policies in paragraph 7 of this PPS in relation to the retention of local services."

For reference Paragraph 7 of PPS7 states:

"Planning authorities should adopt a positive approach to planning proposals designed to improve the viability, accessibility or community value of existing services and facilities, e.g. village shops and post offices, rural petrol stations, village and church halls and rural public houses, that play an important role in sustaining village communities. Planning authorities should support the retention of these local facilities and should set out in LDDs the criteria they will apply in considering planning applications that will result in the loss of important village services (e.g. as a result of conversion to residential use)."

Local Plan Policies EV/5 and EV/7 specifically reflect the above content of PPS7.

Principle of Development:

The entire site is delineated by red line and there is no separate demarcation of proposed residential curtilage. A change of use of this whole area of land to

residential curtilage is considered to be unacceptable in principle. However, it is considered that this issue of principle could be satisfactorily resolved by Condition which clarifies that permission is not granted for the entire red line site to be residential curtilage and that a further rationalised plan must be submitted and approved in writing by the Local Planning Authority.

The pre-text to Policy EV/7 states that:

“The conversion of buildings that contribute to the character of the countryside and whose form, bulk and general design are in keeping with the surrounding area will be encouraged. The reuse of such buildings is preferable to their gradual decay and dereliction and may also assist in the diversification of the rural economy. Building conversions for employment generating uses will generally be preferable to residential conversion, subject to the suitability of the building, site and location as they are likely to require less alteration to the fabric of the building and be of more value in terms of promoting a diverse rural economy. The submission of a structural survey with any planning application for conversion will assist the District Council in determining whether the building is capable of conversion without substantial rebuilding or extensions which would affect its appearance. However, there may be occasions where the removal of a building would be of more benefit to the appearance of the countryside than its retention or re-use. This is likely to be the case where the form, bulk and design of the building are not in keeping with its surroundings.”

The form, bulk and design of the building, as proposed, are not considered to be in keeping with its immediate surroundings. Despite the “brief visual structural survey undertaken by Peter Sammons on Friday 3 November 2007” and follow up letter dated 12 August 2010, it is considered that the plans indicate that the building is not “capable of conversion without substantial rebuilding or extensions which would affect its appearance.”

In the current application paperwork, the applicant makes reference to a contemporary Agricultural Prior Notification application (10/00220/AGR), which was judged to represent Permitted Development when determined in March 2010. At that time, the applicant (same applicant as current application) notified the Local Planning Authority that they proposed alterations to the building under Agricultural Permitted Development Rights (“*external alterations to the cladding*” – Application Form). The 10/00220/AGR file plans indicate a range of new openings to the agricultural building (including, unusually, the introduction of 5 sets of double doors to the main “barn” area which appear an impractical width for modern agricultural purposes – each being only 1.8m wide in total), as well as internal subdivision works and the complete re-cladding of most parts of the elevations (with “*seasoned timber cedar cladding*”) and the entire roof (with “*Kingspan composite roof panels coated metal sheets with 80mm thick LPC approved insulation to all to give 0.25 ‘U’ value*”).

Some concern is raised over the suitability and necessity of the proposed works, however, the applicant declared (10/00220/AGR Application Form) that “*the proposed development is reasonably necessary for the purposes of agriculture*” and that the proposed development is “*designed for the purposes of agriculture*”.

However, the applicant now states that the building is unfit/impractical for agricultural use, e.g., *“it is considered far too large to be used in connection with any viable agricultural holding if one were possible on only some 12 acres of land”* (the extent of the applicant’s landholding) (applicant’s Planning Report and Design and Access Statement). Various other reports are made on the fact that the building has not been used for a number of years, *“other than the occasional shelter for a local farmer’s machinery”*. The building is presented as been unfit for purpose and no longer viable for agricultural use. This apparently conflicts with the proposed 10/00220/AGR works and raises questions over why such extensive and costly works would be made to the building if it were judged to be locationally and functionally unsuitable for its permitted agricultural use (as asserted in the 25 August 2010 letter from Simon Marlow-Thomas which is attached to the applicant’s Planning Report and Design and Access Statement).

Notwithstanding the above, the current application is assessed upon the existing external appearance of the building (weathered corrugated concrete and metal sheeting, etc) and not the materials judged to be Permitted Development alterations under 10/00220/AGR (which have not been made to the building and which now, according to this application’s supporting information, apparently lack a functional/economic justification for agricultural purposes).

Mindful of the “brief visual structural survey undertaken by Peter Sammons on Friday 3 November 2007” and follow up letter dated 12 August 2010, it is judged that the building is not of ‘substantial construction which is capable of conversion without major reconstruction’. It is clearly evident that substantial alterations to the building are proposed. The external appearance of the building will be substantially altered compared to its existing appearance.

Therefore, it is judged that the proposal conflicts with Local Plan Policy EV/7 (Criteria 1 and 3) and is unacceptable in principle.

The proposal effectively constitutes the creation of a new dwelling in a countryside location where the principle of residential development is inappropriate without suitable/sufficient justification.

5 Year Housing Supply:

In light of PPS3 and the Council’s current deficit in terms of demonstrating a 5 year housing supply, the proposal (albeit for only one dwelling) aids to improve housing supply figures. PPS3 advises that a 5 year supply deficit lends favourable consideration to proposals for new dwellings and this is borne in mind as part of the current application assessment.

Emerging Core Spatial Strategy (& sustainable settlement issues):

The applicant has referred to the fact that the application site, although lying outside the Limits to Development of Lubenham, is sited adjacent to an established settlement. The Core Spatial Strategy (CSS) Pre Submission Consultation Draft has now been through the public consultation stage and is to be submitted for governmental inspection in 2011. Some weight can therefore be attached to the

CSS when considering proposals. In the District-wide spatial vision set out in the CSS (specifically Policy 17), Lubenham would presently be classed as a 'sustainable rural village', but Policy 17 affirms that new development must be concentrated *within* the existing defined Limits to Development, and the supporting text states that development outside these selected rural villages will be "strictly controlled in order that the integrity of the landscape character and settlement pattern is protected".

Design and Visual Amenity, including Impact on the Character and Appearance of the Countryside, the adjacent Conservation Area and the Setting of Buildings of Character and Listed Buildings:

The proposal is judged to result in a near complete alteration to the external appearance of the existing agricultural building. The agricultural building's utilitarian materials and rural appearance are proposed to be significantly altered. The existing building's utilitarian form, massing, style, materials etc give it an orthodox agricultural character that, while arguably of no architectural or visual merit, are typical in character and appearance to agricultural buildings found in the countryside and close to farm complexes which, for example, lie on the edge of a settlement. The agricultural building thus possesses a typical and relatively discrete visual presence within its surroundings.

The introduction of substantial areas of fenestration to the building will dramatically alter its rural character and appearance. The reflective qualities of glass may make this apparent from considerable distance. The visual alterations to the building are considered to be incongruous when so closely juxtaposed with converted brick-built former agricultural barns/buildings (now dwellings) which are of modest scale and historic character and appearance. Similarly, the setting of the Conservation Area and adjacent Listed Buildings (11 & 13 The Green) is judged to be unacceptably compromised.

It is considered that the proposal would not sit comfortably within its edge-of-village rural surroundings, would dominate and conflict with the character and appearance of its immediate surroundings, and would cause substantial harm to the setting of the Lubenham Conservation area and nearby Listed Buildings. For the above reasons, the application is not considered to comply with Policies IN/1, EV/5, EV/7, EV/11, EV/16 and HS/7 of the Harborough District Local Plan and Supplementary Planning Guidance (March 2003) Notes 1, 3, 4 & 8 in this respect.

Residential and General Amenity:

Taking into account the topography of the site (land gradients/levels), existing buildings, foliage, angles of overlooking, and form/siting in relation to the passage of the sun, all amenity relationships with properties (buildings and gardens) surrounding the site are judged to be acceptable.

The northwest elevation of the proposed dwelling is situated approximately 13m from the side boundary to the rear garden of No.15 The Green. An existing double garage to this property interrupts some direct views. On balance, potential overlooking of No.15 The Green, as well as properties to the south, is judged to be within acceptable policy limits.

With regard to neighbouring amenity impacts, the application is considered to be in accordance with Policies IN/1, EV/5 and EV/7 of the Harborough District Local Plan and Supplementary Planning Guidance.

Highways Safety, Access, Turning and Parking:

LCC Highways have raised some concerns about the sustainability credentials of the location but have not submitted a formal objection / refusal recommendation.

Subject to appropriate Conditions, the application is considered to be in accordance with Policies IN/1, EV/5, EV/7, EV/11, TR/3 and TR/10 of the Harborough District Local Plan with regard to highways safety, traffic generation, access, turning, and parking.

Conclusion:

The proposal fails to comply with local and national planning policies and guidance.

The proposal consists of major reconstruction and substantial alterations to the existing agricultural building in order to enable conversion to a dwelling and the proposal is thus unacceptable in principle under local and national planning policies for conversions. The proposal, therefore, represents the erection of a new dwelling in the open countryside and lacks suitable justification.

The proposal would have an adverse impact on the rural character and appearance of the site, as well as the special architectural and historic interest and character and appearance of the adjacent Conservation Area. Furthermore, the proposal, by virtue of its substantial form, mass and scale, its incongruous style and appearance and its close juxtaposition, would adversely affect the setting of nearby Grade II Listed Buildings (11 & 13 The Green).

The proposal would potentially make a contribution to the delivery of housing within the District. However, the proposal's adverse impacts significantly outweigh this positive material consideration. Prevailing spatial planning policy which seeks to direct decision-makers to strictly control development in the countryside, protect the intrinsic character and beauty of the countryside and preserve or enhance the character and appearance of conservation areas and the setting of listed buildings, justifies refusal of planning permission. The proposal does not accord with Policies IN/1, EV/5, EV/7, EV/11, EV/16 and HS/7 of the Harborough District Local Plan, SPG1, SPG3, SPG4 and SPG8, or national policies PPS1, PPS3, PPS5 and PPS7, and no other material considerations indicate that refusal of planning permission should not prevail.

10/01743/ETF – BROUGHTON ASTLEY
Redfox Land Developments Ltd

Erection of three detached dwellings and formation of access and associated hardstanding and landscaping (Extension of time to 07/01886/FUL), at Land rear of 118 and 124 Station Road.

Target Date: 14.02.2011

Recommendation

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

The development hereby approved would be in keeping with the form and character of the surrounding settlement, would not have an adverse affect on the amenity of neighbouring or nearby residents, would not result in additional traffic which would give rise to a road safety hazard, and would not result in a sub-standard level of off street parking or have an adverse impact on highway safety. The proposal is therefore considered to comply with Policies IN/1, RM/10, TR/3, HS/7 and HS/8 of the Harborough District Local Plan and no other material considerations indicate that the policies of the development plan should not prevail.

Site:

The application site is a parcel of land, 0.15ha in area (including the land required for the access) to the south of Station Road in Broughton Astley and within the defined Limits to Development. The site is comprised of the part of the private rear gardens to 118 and 124 Station Road and a strip of land to the eastern side of 124 adjacent to 126. All of the properties on Station Road from 108 through to 130 have rear gardens of substantial depth, and this is characteristic of the locality, although in several cases in Broughton Astley these large rear gardens have been the subject of either comprehensive or piecemeal residential development. The site slopes gently upwards towards the rear of the site, where it adjoins the rear gardens on Knighton Close. A mixed hedgerow is situated on this boundary. The application side is bounded by residential development either side and to the rear.

The Proposal:

The current application is for an Extension of the Time Limit for the implementation of the full planning permission granted in 4th March 2008 under application 07/01886/FUL, for the erection three detached dwellings and formation of access plus hardstanding and landscaping.

The government introduced legislation in October 2009 which enables an Extension of the Time Limit to be agreed, provided they are extant at the date of application and have not yet commenced.

Policy

National:

PPS1 – Delivering sustainable development

PPS3 – Housing

PPG13 – Transport

East Midlands Regional Plan:

Policy 2 – Promoting better design

Policy 13a – Regional Housing Provision (excluding Northamptonshire)

Policy 29 – Priorities for Enhancing the Region's Biodiversity

Policy 35 – A Regional Approach to Managing Flood Risk

Policy 43 – Regional Transport Objectives
Policy 45 – Regional Approach to Traffic Growth Reduction
Policy SRS 3 – Housing Provision

Harborough District Local Plan:

IN/1 – Standards of development
RM/10 – Maintenance/protection of habitats
HS/7 – Settlement character
HS/8 – Design, layout and amenity
TR/3 – Impact to road network
TR/10 & TR/11 – Parking requirements

Local Guidance:

SPG Note 1 – Design principles
SPG Note 2 – Residential development
SPG Note 3 – Single plot and small group developments

Consultations / Representations:

LCC Highway Authority:

No objections, subject to conditions imposed relating to (i) gates being set back a minimum distance behind the highway boundary, (ii) all details to comply with LCC Highways design standards, including parking, turning and surfacing, (iii) vehicular and pedestrian visibility splays, (iv) width of the access drive, and (v) details of signing/naming of the private drive.

LCC Ecology:

No comments received.

Parish:

No comments received; consulted 04.01.11.

Representations:

Five letters of objection have been received, raising the following points:

- (1) Impact to living conditions of neighbours, through loss of privacy, loss of light, noise, emissions, and increase in traffic
- (2) Constitutes “garden grabbing” – not a brownfield site; “the reclassification of gardens gives councils more power to reject planning applications for entirely new dwellings on garden land that are objected by local residents”
- (3) Impact to the character of the area; would lead to an excessive density of development; out of keeping; the potential for buildings, roads, hardstanding would “destroy the heart of one of the few remaining large green areas created by the expanse of undeveloped gardens”
- (4) The Regional Strategy and its associated housing targets have been revoked, and HDC is no longer pressurised externally – it should recognise that 3 dwellings would not significantly affect housing delivery in Br. Astley [*Officer comment: the High Court has ruled that Mr Pickles’ revocation of the regional tier of planning is unlawful and thus, for the time being, the Regional Plan is once again a material consideration*]

(5) HDC's view on such proposals in this particular area has changed, e.g. 112 Station Road (10/00585/FUL) was refused in July 2010, on grounds of the development being out of keeping with the form and character of the locality, and the adverse effect on residential amenity from the proximity of the access drive to the neighbour

(6) Increased danger to pedestrian safety from cars using the new access and from increased on-street parking

(7) The current proposals are not a strategic allocation by HDC, and all neighbours on Station Road and Knighton Close object – “Why should the greed of 2 householders triumph over their neighbours’ objections?” [*Officer comment: the Council has received only 3 letters of objection*]

(8) The area directly to the north of Knighton Close properties is not formerly owned by any property on Knighton Close or Station Road; “this area... can be adopted by anyone who can show that they will maintain the area” – neighbours assert that the applicant has not adopted the land and does not maintain it. One neighbour expresses an “interest in adopting this land to add to my garden”

Other Information

This application is being reported to the Planning Committee for determination at the request of the Ward councillor, and because five or more letters of counter representation have been received.

Planning Considerations:

As this application is for the erection of new dwellings within the defined Limits to Development, Policies IN/1, HS/7 and HS/8 are considered most relevant. Policy HS/8 requires a number of criteria to be met, such as the design and layout of the development must be in keeping with the scale, form, character and surroundings of the settlement, the proposal must not adversely affect areas of important open land and not result in a sub-standard level of on-site parking, and the development must not have a detrimental impact on the amenities of residents in the area.

The original application, granted (with conditions) in March 2008 and therefore extant, and therefore the main consideration is whether there have been any changes in the Development Plan or other planning policies or any other material considerations which would affect the assessment of the proposal.

Principle:

The proposed dwelling is located within the defined Limits to Development of Broughton Astley, with existing residential development to the north and east along Station Road, to the west on Hall Farm Close and to the south on Knighton Close. The Council in the past has sought to resist development of the type proposed⁶, i.e. tandem/back land, and this view would be given increased weight by the removal of private residential gardens from the definition of ‘previously developed land’ in Annex B to Planning Policy Statement 3: Housing (PPS3) (June 2010).

The Government Chief Planner wrote to local planning authorities on 15th June 2010 advising on *New Powers for Local Authorities to stop ‘Garden grabbing’*, confirming that the government has amended PPS3. In addition to the aforementioned change,

⁶ However, the Council has lost successive appeals in Broughton Astley for these types of development.

the national indicative minimum density of 30 dwellings per hectare has been deleted from paragraph 47. Local Planning Authorities (LPAs) and the Planning Inspectorate are expected to have regard to this new policy position in preparing development plans and, where relevant, to take it into account as a material consideration when determining planning applications.

However, a central thrust of PPS3 is the need to make effective and efficient use of land (ref. paragraphs 68-71). PPS3 states: "A key objective is that LPAs should continue to make effective use of land by re-using land that has been previously developed." Although the application site as garden land is now excluded from this, the alteration to PPS3 does not *preclude* development from gardens. It simply implies that it is not a priority and as such, proposals must be considered on a case by case basis to ensure that they are appropriate in terms of the impact on their surroundings. PPS3 also directs LPAs to make an efficient use of land, and promotes the creation of sustainable communities, locations which offer a range of community facilities with good access to jobs, key services and infrastructure. As a site within the built settlement, it is considered that the application site might represent a better location for new housing than encroachment into the countryside. If one was to object to the principle of development on residential gardens within the defined Limits to Development, one would be placing further pressure on locating new housing development in less sustainable locations on the edge of settlements.

The change to the classification of private residential gardens would seem to give greater help to an LPA protecting the character of its settlements from inappropriate development. The question therefore is: *Would the current proposal be out of character, and therefore inappropriate, in this location?*

Impact to the Local Character:

Broughton Astley has been the subject of significant infill development, some comprehensive and some piecemeal, over recent decades, and many examples are to be found locally, including Orchid Place, Thorneycroft Close, Rear of 39-45 Dunton Road, and Station Road post office (in close proximity to the east of the site), as well as Croft Way and Speedwell Drive. The character of Broughton Astley has changed from a linear settlement to one that is a mixture of planned and nucleated – its linear core has been extended by a series of estates and closes, and the result is a settlement which might be said to lack a defining sense of place.

In this context the current proposal is considered not to result in any significant change to the settlement's character. There are numerous examples of similar developments, several of those allowed at appeal. The long rear gardens of 110 – 130 Station Road, as well as some of the properties on the north side of Station Road, are now relatively rare and are no longer a defining characteristic of Broughton Astley.

The dwellings proposed are bungalows, would have a maximum length of 14 metres and a maximum width of 8.6m, with an overall height of 5.8m. All of the bungalows would have a dedicated parking area catering for two vehicles. All three dwellings are considered to have an acceptable amount of amenity space to the rear (approx. 120 sq m).

In light of the planning and appeal history in the locality and having regard to its siting, scale and design, it is considered that the proposed dwelling is considered acceptable in this location, would not adversely affect the appearance or character of the locality, and the application would thus comply with Policy HS/8 of the Harborough District Local Plan, Supplementary Planning Guidance Note 3, and PPS3 Housing.

Residential Amenity:

The proposed dwellings, by virtue of their scale and siting, may have some impact to the amenities of neighbouring residents, but in practice this impact would be solely one of visual outlook. There would be a separation distance of 33 metres at the closest point (Plot 1) to the rear elevation 118 Station Road and 25 metres to that of 116 Station Road, and a distance of 20 metres to the rear elevation of 9 Knighton Close. Plot 2 would be sited 22 metres from the rear elevation of 11 Knighton Close, and Plot 3 would be 30m away from 124 Station Road and 23m from 15 Knighton Close to the rear. Further, there is an existing hedge and shrub planting – which is to be retained – to the rear of the site adjoining the properties fronting Knighton Close, which would further reduce any adverse effect of the proposal to these properties.

The side-facing windows proposed to Plots 1 and 3 would be obscurely glazed which would reduce any loss of privacy on the rear gardens of 116 and 126 Station Road to an acceptable level.

In each case the distances and spatial relationships are such that there would be no significant impact to the living conditions of the said neighbours. The application is therefore considered to be in accordance with Policies IN/1 and HS/8 of the Harborough District Local Plan.

Access and Parking:

The proposed development would involve the creation of a new access, which is proposed to have a width of 4.25m for its entire length. The plans indicate parking for three cars for each property. The Highway authority has raised no objections to the application, and the application is therefore considered to be in accordance with Policies TR/3 and TR/10 of the HDLP.

Housing Land Supply:

The Council's Housing supply calculation for the period 2010-2015, updated October 2010, establishes that Harborough District is 4.4 yrs (1447/326) or 88.8% (1447/1630) of regionally-set housing targets (which HDC has agreed to continue with). This is an important material consideration with regard to PPS3. Eric Pickles' 27 May 2010 letter (and the subsequent letter from Mr Quartermain the head of DLPG) that decisions on housing supply will rest with Local Planning Authorities without the framework of regional numbers and plans is to be balanced against this, but the High Court's decision that for the time being these letters have little or no weight – meaning that for now the Regional Plan is a material consideration – is to be balanced against the matter. This proposal, while modest, would make an important contribution to housing supply and merits favourable consideration as required by PPS3.

Conclusion:

The proposed dwellings would constitute an appropriate form of development, would have a scale, massing, form and character that is in keeping with the locality, would

not result in the loss of important open or undeveloped land, and would not adversely affect residential amenity as there are no issues of overlooking created and will not be overbearing, and there is satisfactory parking provision; and thus the proposal would comply with Policies IN/1, HS/7, HS/8, RM/10, TR/3 and TR/10 of the Local Plan and SPG3 Single plot and small group developments.

Conditions / Reason:

4. The development hereby permitted shall be begun within three years from the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to review the position at the end of this period.
5. The development hereby permitted shall be carried out in accordance with the following approved plans: “RED 07.009.01 Rev A”, “RED.07.009.03”, “RED.07.009.02” and the Location Plan. Reason: In the interests of good planning, and for the avoidance of doubt.
6. 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. The development shall be implemented in accordance with the approved details. Reason: To ensure a satisfactory form of development that is compatible with the character of the surrounding locality and to accord with Policy IN/1 of the Harborough District Local Plan.
7. Notwithstanding the details shown on the approved plans, the windows in the eastern elevation of Plot 3 and the western elevation of Plot 1 shall be fitted with obscure glass, and shall be fitted with restrictors such that they are not fully openable, the details of which shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. The development shall thereafter be implemented in accordance with the approved details prior to first occupation of the dwelling and shall be retained as such in perpetuity. Reason: To safeguard the privacy and living conditions of the neighbouring residents to the north, north-east and south of the site and to accord with Policies IN/1 and HS/8 of the Harborough District Local Plan.
8. No development shall commence on site until full details of all materials to be used on all external elevations of the approved buildings, including windows, 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: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings and to accord with Policy IN/1 of the Harborough District Local Plan.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no additional windows, dormer windows or other openings shall be formed in the dwellings hereby permitted, including their roofs, without the grant of further specific planning permission from the Local Planning Authority. Reason: To safeguard the privacy and living conditions of adjoining residents and to accord with Policy IN/1 of the Harborough District Local Plan.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that

Order with or without modification), no extensions or other form of enlargement or alteration to the residential development hereby permitted, nor erection of outbuildings or hardstandings or gates, fences, walls or other means of enclosure, but excluding development permitted under Schedule 2 Part 40 and Classes G and H of Schedule 2 Part 1, shall take place. Reason: To safeguard the character and appearance of the locality and the living conditions of neighbouring occupiers, and to accord with Policies IN/1 and HS/8 of the Harborough District Local Plan.

11. No gates, barriers, bollards, chains or other such obstructions shall be permitted within 7 metres of the highway boundary, unless opening inwards. Reason: In the interests of highway safety and the free flow of traffic and in accordance with Policy IN/1 of the Harborough District Local Plan.
10. All details of the proposed development shall comply with Leicestershire County Council design standards. Such details must include parking and turning facilities, access widths, gradients, visibility and pedestrian splays, signing and surfacing materials. No development shall commence on site until these details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall thereafter be constructed in accordance with the approved details prior to first occupation of the dwelling, and shall be retained as such in perpetuity. Reason: To secure a satisfactory form of development and in the interests of highway safety and the free flow of traffic and to accord with Policies IN/1, TR/3 and TR/10 of the Harborough District Local Plan.
11. Before first occupation of the development hereby approved, visibility splays of 2.4 metres by 70 metres shall be provided at the junction of the access with Station Road. These shall be in accordance with the current Leicestershire County Council design standards and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays. Reason: To ensure that an adequate line of vision is provided in the interests of highway safety and to accord with Policy IN/1 of the Harborough District Local Plan.
12. The shared private drive shall be constructed as shown on the submitted plan, including for radii at its junction with Station Road) prior to any new dwelling being occupied, and once provided shall be so maintained at all times. If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides. Reason: In the interests of highway safety and to accord with Policies IN/1 and TR/3 of the Harborough District Local Plan.
13. Notwithstanding the details shown on the plans hereby approved, before any development is commenced on site a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate the treatment proposed for all ground surfaces, together with the species and materials proposed and their disposition, existing trees and hedges to be retained, and fences and walls to be erected. Reason: To enhance the development, safeguard the appearance of the area, and in the interests of highway safety and to ensure compliance with Policies IN/1, EV/20 and TR/3 of the Harborough District Local Plan.
14. The approved landscape scheme shall be carried out during the first appropriate planting season following the date when the development hereby approved has

commenced and all planted material shall be maintained and replaced as necessary by the applicant(s) and/or owner(s) of the said land at the time for a period of not less than 5 years from the date of planting. Reason: To ensure that the work is carried out within a reasonable period and is properly maintained and to ensure compliance with Policies IN/1 and EV/20 of the Harborough District Local Plan.

15. All on site working, including demolition and deliveries to and from the site, associated with the implementation of this planning permission shall only be carried out between the hours of 8 a.m. and 6 p.m. Monday to Friday, 8 a.m. and 1 p.m. Saturday and not at all on Sunday, Public and Bank Holidays. Reason: To ensure that as far as possible the proposed use does not become a source of annoyance to the nearby residents and to ensure compliance with Policy IN/1 of the Harborough District Local Plan.
16. For the period of the construction of the development, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, before entering the highway. The wheel washing facilities provided shall be so maintained for the operational construction period of the development hereby approved. Reason: In the interests of highway safety and to accord with Policy IN/1 of the Harborough District Local Plan.

Notes to Applicant:

You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 828282). 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.

The applicant is advised that certain species of bats, barn owls and great crested newts have been recorded in the vicinity of the application site, all of which are protected by law under the Wildlife and Countryside Act 1981. A watching brief for all such protected species should be maintained throughout the development. In the event of any protected species being discovered, works should cease immediately whilst expert advice is sought.

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

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.