
11/00538/ETF – Tur Langton Bybrook Homes Ltd	Erection of eight dwellings (extension of time of 06/01030/FUL) at The Bulls Head, Shangton Road
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Target Date: 09/06/11

Recommendation

APPROVE

In the opinion of the District Planning Authority, the development hereby approved, by virtue of its design and siting, would not adversely affect the amenity of local residents, nor result in a sub-standard level of off street parking. Furthermore, it is considered that the development would not have an adverse effect upon the character and appearance of the Conservation Area, or of the surrounding countryside. The proposal is therefore considered to comply with Policies HS/8, EV/4, EV/5, TR/10 and EV/11 of the Harborough District Local Plan, Planning Policy Statement 3 and no other material considerations indicate that the policies of the development plan should not prevail.

Site:

The application site is within the village of Tur Langton. The majority of the site is within the designated Limits to Development of the village but will extend approximately 6m outside of this. The site is within the Conservation Area of the village since its revision in July 2006.

At present the site consists of the vacant Bulls Head pub, which fronts the highway. This is rendered and painted white and has a central front door onto the pavement. To the south of the site Fernie House adjoins the Bulls Head and fronts the highway.

To the rear of the existing pub the site consists of an outbuilding, hardstanding and overgrowth. On the side boundaries are 1.8m fencing and hedges. Behind the application site is an overgrown field and then a boundary of trees and hedgerow before open countryside.

The Proposal:

The proposal relates to the erection of eight dwellings. 4 of these are two bedroom dwellings and 4 are three bedroom dwellings. This application is an extension of time application. 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

Harborough Local Plan
IN/1 – Standards of Development
EV/11 – Conservation Areas
HS/8 – New housing within the Defined Limits to Development
EV/4 – Particularly Attractive Countryside
EV/5 – Development in the Countryside

Planning Policy Statement 3: Housing
Planning for Growth

Circular 05/2005 – Planning Obligations
Community Infrastructure Regulations 2010
Planning Obligations Developer Guidance Note (September 2009)

Consultations / Representations:

Highways:

The H.A recommended conditional approval of the 2006/01030/FUL application based on the previous use as a public house. At the time, the access was identified as being substandard, but when considering the former use and a likely reduction in overall vehicular movements at the access sustainable reasons for refusal could not be justified.

As this is an extension of time application, the only point the H.A wishes to make is in relation to policy changes in terms of sustainability. As this is a brownfield site however it is accepted that the fall back position would also generate traffic and would also be unsustainable in current policy terms.

Environmental Health:

Environmental Services – No objections subject to conditions

Parish:

No comments

Representations:

None

Other Information

History:

06/01191/CON – Demolition of public house and outbuildings – Permitted

06/01030/FUL - Erection of 8 dwellings – Permitted

03/00802/CON – Partial demolition of outbuilding

03/00801/FUL – Partial demolition of outbuilding and conversion to one residential unit – Permitted

02/00254/FUL – Change of use of public house to form two dwellings including extensions to rear and erection of a dwelling to rear

00/00092/CON – Demolition of outbuilding – Permitted

Planning Considerations:

Policy Assessment:

As this application is for the erection of dwelling houses within the Defined Limits to Development, Policies IN/1 and HS/8 are considered to be most relevant. Policy IN/1 is required to assess whether the development achieves the best use of the site, maintains an adequate level of privacy and whether it provides the new dwellings with appropriate amenity space and sufficient parking and means of access. Policy HS/8 is required to assess whether the design and layout of the development is in keeping with the surrounding area and whether the development would adversely affect the amenities of the surrounding residents. The site also extends beyond the designated Limits to Development. Therefore Policies EV/4 and EV/5 need to be taken into account to ensure that the development does

not have a detrimental affect on the character and appearance of the countryside. In addition to this the site is within a Conservation Area so Policy EV/11 of the Harborough Local Plan is also relevant. This states that development must not have an adverse affect on the character and appearance of the area, that materials, scale and design must enhance the area and that open spaces or vistas important to the character of the area are not lost.

PPS3 requires local planning authorities to ensure that there is a continuous five year supply of deliverable sites within their District. To be deliverable sites need to be available i.e. available now and suitable; the site needs to offer a suitable location for development now and would contribute to the creation of sustainable, mixed communities; and achievable i.e. there is a reasonable prospect that housing will be delivered on the site within five years. In June 2010 the Council produced a paper entitled 'The Supply of Deliverable Housing Sites 2010-2015. This gave a 4.7 year supply of housing land at April 2010 with a shortfall of 98 dwellings over the five year period. In March 2011 the Council published a 6 month update of their Supply of Deliverable Housing Sites. This gave a 4.4 year supply of housing land, a shortfall of 186 dwellings. As the Council do not currently have a five year supply of deliverable housing land, planning applications for housing should be considered favourably having regard to paragraphs 69 to 71 of PPS3.

PPS3 also encourages the effective use of land by re-using land that has previously been developed (ref. paragraph 40).

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

Principle of development:

The proposal was granted consent in November 2008. Therefore the permission is still extant. This application is to extend the duration of the permission as work has not yet started. It needs to be considered whether there have been any changes to the Development Plan and other planning policies or any other material considerations which would affect the assessment of the proposal and that would result in this permission no longer being acceptable.

Guidance within Greater Flexibility for Planning Permissions – Guidance (DCLG: October 2010) on this type of planning application explains that this specific measure to seek an extension to the time limit for implementing planning permissions was introduced to make it easier for developers and local planning authorities to keep planning permissions alive for longer during the economic downturn so that they can be implemented more quickly when economic conditions improve. It advises local planning authorities to take a positive and constructive approach towards planning applications which improve the prospect of sustainable development being taken forward quickly. In making their decisions, they should focus on development plan policies and other material considerations which may have changed significantly since the original grant of permission. However, they may refuse such

applications where changes in the development plan and other material considerations indicate that the proposal should no longer be treated favourably.

Affordable Housing:

Previously the scheme (06/01030) secured by obligation two affordable dwellings. However the agent has submitted a Financial Viability Report which states that the scheme may only become viable if all eight dwellings can be sold on the open market free of any restrictions. They therefore seek to remove the obligation to provide affordable housing.

Their report has been reviewed independently by a viability assessment on behalf of the Council and this assessment said that “as the residual value produced by the proposed eight unit scheme with two affordable units is substantially less than the market value of the land, the scheme is not able to meet the council’s requirement to provide two affordable units as part of the scheme currently proposed”.

Therefore this application is at Planning Committee to consider whether the extension of time application for 8 dwelling houses should be allowed without the affordable housing provision.

The Affordable Housing Supplementary Planning Document states that if a developer is seeking a reduced affordable housing contribution on grounds of economic viability that they need to show that it is non-viable as per section 13.3 of the SPD. As a viability report has been submitted and supported by an independent assessment then this part of the SPD is complied with.

Other considerations considered important are the fact that allowing the residential development will help to contribute to the shortfall of housing provision in the District and will result in the re-development of a previously developed site in accordance with PPS 3. Supporting the application also accords with the Government’s objectives set out in their Planning for Growth statement.

Overall it is considered that as the applicant has shown that providing affordable housing would result in the scheme not being viable and because the development would result in housing on a previously developed site that the scheme should be allowed without the affordable housing provision. It is considered to comply with PPS3, Planning for Growth and the Affordable Housing SPD.

Residential Amenity:

This was previously assessed and there are no new factors to suggest that the proposal is no longer acceptable.

Design and affect on the Conservation Area and countryside:

This was previously assessed and there are no new factors to suggest that the proposal is no longer acceptable.

Highways and Parking Considerations:

The Highways department have raised the point there have been policy changes in relation to sustainability. However, as they say it is a brownfield site and the public house could be reopened without consent that would still generate visits by car.

Conclusion:

Overall it is considered that the proposed development will still accord with Policies EV/11, HS/8, EV/4 and EV/5 as there have been no changes to Development Plan Policies since approval was granted in November 2008. Planning policy has changed with regards to sustainability from a Highway’s point of view but due to the fall back position of the site reverting to a public house it is considered that this scheme for housing is still acceptable.

Although the proposed development will not provide affordable housing it is still considered to be acceptable as will accord with PPS3 by providing housing when there is a shortfall and will result in the development of previously developed land.

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. No development shall commence on site until representative samples of the materials to be used externally in the construction of the approved buildings 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.
3. 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 Policies IN/1, HS/8 and EV/11 of the Harborough District Local Plan.
4. Car parking provision shall be made and retained in perpetuity within the curtilage of each dwelling on the basis of 2 spaces for dwellings with up to three bedrooms and 3 spaces for dwellings with four or more bedrooms. Reason: To ensure that adequate parking facilities are provided and maintained to accord with Policies IN/1 and HS/8 of the Harborough Local Plan.
5. No development shall commence on site until full details of both hard and soft landscape works, including a programme of implementation, 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.
6. 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.
7. Before any development is commenced details of the proposed eastern boundary treatment must be submitted to and approved in writing by the District Planning Authority. The scheme shall include provision for the retention in perpetuity of the

existing hedge. The approved details shall be fully implemented prior to the first occupation of the development unless otherwise agreed in writing by the local planning authority. Reason: To enhance the development and safeguard the appearance of the surrounding countryside and to ensure compliance with Policies EV/4 and EV/5 of the Harborough District Local Plan.

8. Notwithstanding details the windows shall be of painted softwood or English hardwood. Reason: To ensure that the materials, design and craftsmanship are appropriate to the character of the area and to ensure compliance with Policies IN/1, HS/8 and EV/11 of the Harborough District Local Plan.
9. This consent relates to the application as amended by revised plan no. 06/01030A/FUL attached to and forming part of this consent. Reason: For the avoidance of doubt.
10. Notwithstanding the details shown on the submitted plans, full detailed plans of the proposed siting of the chimneys on Plots 1 - 4 shall be submitted to and approved in writing by the District Planning Authority before any such works are carried out. Reason: To ensure a satisfactory external appearance and to ensure compliance with Policies IN/1, HS/8 and EV/11 of the Harborough Local Plan.
11. The existing hedges together with the trees on the site shall be retained and in no way disturbed. Any proposed alterations to the hedges or trees including any pruning or selective removal and/or replacement shall be submitted in the form of a detailed scheme to the District Planning Authority and be approved in writing before any site works of any description takes place. Any replanting shall be maintained by the developer for a period of not less than 5 years from the date of replanting. Reason: To ensure that the existing trees and/or hedges on the site can be retained as far as possible and to enhance the development and to safeguard the appearance of the area and to ensure compliance with Policy IN/1 of the Harborough District Local Plan.
12. For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway. Reason: To reduce the possibility of deleterious material being deposited in the highway and becoming a hazard for road users.
13. No development shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:
 - BS10175 Year 2011 Investigation Of Potentially Contaminated Sites Code of Practice;
 - BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
 - 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).

14. 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).

15. Building works, deliveries, clearance or any works in connection with the development shall take place on site between the hours of 08.00 – 18.00 hours Monday to Friday, 08.00 – 13.00 Saturday and at No time on Sunday or Bank Holidays. Reason:- To ensure that as far as possible the proposed use does not become a source of annoyance to the nearby residents and to ensure compliance with Policy IN/1 of the Harborough Local Plan.

Notes:

1. You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 821090). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission
2. It is recommended that no burning of waste on site is undertaken unless an exemption is obtained from the Environment Agency. The production of dark smoke on site is an

offence under the Clean Air Act 1993. Notwithstanding the above the emission of any smoke from site could constitute a Statutory Nuisance under section 79 of the Environmental Protection Act 1990.

11/00702/REM – BROUGHTON ASTLEY
Mr and Mrs J Massy

Erection of a bungalow (reserved matters of
08/00469/OUT), at Land rear of 124-126 Station
Road

Target Date: 15.07.2011

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, 0.06ha in area (excluding 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 126 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, including on land rear of 132 and 134 Station Road. 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 seeks approval of the Reserved Matters of the Outline Consent, 08/00469/OUT. Means of access, layout and scale have been approved, leaving Appearance and Landscaping as the matters now to be assessed. The proposal is for a three bedroom bungalow, with an overall footprint of 13 metres by 11 metres, and a maximum height of 5.8 metres.

Policy

National:

PPS1 – Delivering sustainable development

PPS3 – Housing

PPG13 – Transport

Ministerial Statement on 'Planning for Growth' (March 2011)

East Midlands Regional Plan:

Policy 2 – Promoting better design

Policy 13a – Regional Housing Provision (excluding Northamptonshire)

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 – 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: the Highway Authority “has no comment on this proposal as there are no outstanding Highway issues to be resolved”. The conditions imposed on the Outline Consent remain applicable.

LCC Ecology:

No comments received

HDC Drainage Engineer:

No comments received

Parish:

Comments received 20.06.11, strongly objects to the proposal: “the Parish Council strongly objected to this original proposal (07/00458/OUT)...and has not changed its position. The grounds of objection are as follows:

(1) That this application will continue to encourage future backland developments of neighbouring rear gardens and would be contrary to Policies IN/1, HS/7 and HS/8 of HDC Local Planning policies.

(2) This development will increase the amount of traffic on an already busy road within close proximity to two bus stops, school bus collection / drop off points and is located very near to a very busy post office / general store with no car park. There has already been incidents of children being knocked over by vehicles as they try to cross a main road with no crossing provision and the Parish Council are concerned that it will only be a matter of time before a much more serious incident occurs.

(3) The Parish Council also raise concerns that the developers (Redfox Land Developments Ltd) are avoiding having to provide either affordable housing or S106 agreements by putting in applications for two or three houses at a time instead of a whole number of proposed dwellings.

(4) The Parish Council are aware that a number of backland developments are being approved within their Parish. They are concerned that no additional infrastructure is in place to support these extra houses and families because they are being built two or three at a time and at different times, they appear to have no impact on the village. Whereas, if all the backland developments were taken into consideration, the effect would be that of a small housing development

(5) Concerns were also raised over the effect not only this new property, but also the other three proposed properties at land rear of 118 and 124 Station Road will have on residents of Knighton Close...”

Councillor Colin Golding

- Is this application out of character with other BA development? Not specifically, but all other previous applications along Station Road have also been opposed. Some were turned down but later won on appeal. No amount of wrongs make a right, and this is

again an opportunity to say “No” to any further “garden grabbing”. PPG3 I believe has been amended to take this particular aspect into account. The introduction of the Localism Bill has significantly changed planning focus regarding “garden grabbing”, and this case falls entirely within that arena. This is an opportune moment for HDC to grasp the nettle and demonstrate a willingness to mirror the wishes of the local community rather than those few who seek to simply gain a financial benefit through such proposed developments.

- We do already have a significant highways problem along this part of the main village through- route, especially with school children and school buses, and we really don't wish to see extra vehicle movements onto and off of this road.
- I don't for one moment deny that we need more new properties in the village, but not of this type. We need more affordable, starter homes, for those young people of the village who form a higher-than-average proportion of the village population and cannot now afford to live in the village. This type of one-off development will not make any impact on housing needs in the locality.
- The area in and along Station Road sits in a natural valley, and has been suffering from sporadic flooding problems over the past few years, due mainly to building on land which previously acted as run-off for rain water from surrounding fields. Cllr Liquorish and I have been involved for the past 2 years with officers from HDC and LCC in trying to remedy both the existing problem and those going forward. The indiscriminate building of single properties along Station Road has added significantly to this flooding problem. Here we have another potential contributor to that problem. Our Planning Dept are already heavily involved in all on-going discussions and I am surprised that this aspect has not been mentioned more in officer reports. There appears to be no account taken of a build-up over a period of time of individual properties in a single specific location, unless the development is for a large development. I believe that this is a major failing of our
- Finally, the properties along this part of Station Road enjoy large, open, established gardens and their upkeep and display is a major pleasure and recreation to all residents who can currently enjoy the flora and fauna throughout the area. I ask you to consider the ramifications of building this property within this environment. How can this possibly be in keeping with the nature of the surrounding properties?

I ask you all to use your experience and common sense and see this application for what it is, and use your authority to reject this application and send out a message that HDC recognises the views of residents over the potential for others simply to gain a financial advantage. Please stop this garden grabbing before it gets out of hand.

Representations:

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

(1) Adverse impact to living conditions of neighbours, through loss of privacy, loss of light (both direct and natural), noise

(2) Constitutes “garden grabbing” – not a brownfield site; proposal is clearly contrary to a policy to prevent garden developments; “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”; the Regional Strategy and associated housing targets have been revoked [*Officer comment: The Secretary of State’s revocation of Regional Strategies has been ruled by the High Court to be unlawful and they remain part of the statutory Development Plan.*]; proposal does not comply with the priorities of the National Brownfield Strategy or the aims and objectives of PPS3; the presumption in favour of developing garden land has been removed (ref PPS3)

(3) Adverse impact to the character of the area; would lead to an excessive density of development; out of keeping; visually intrusive; “would destroy the heart of one of the few remaining large green areas” formed by the expanse of undeveloped, mature rear gardens, from Nos. 100 to 124, which are a haven for wildlife

(4) Adverse impact to highway safety; concerns over proposed access; would exacerbate existing issues re congestion; the existing levels of on-street parking have created a highway safety issue in the vicinity of the site (two principal sources are named, i.e. the shop at 126 Station Rd and the alleged use of land rear of 126 Station Rd for “customizing cars”

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

(6) Not comprehensive development; not on allocated land; not a proposal for affordable housing. Not averse to well planned, sustainable developments within Harborough district, e.g. development that includes a Section 106 agreement to benefit residents and local communities with life enhancing facilities such as a leisure centre or green space provisions.

(7) [One objector] Does not believe that the land behind him (i.e. what is understood by HDC to be the rear garden of No. 124) is owned by any one individual and that this area can be adopted by anyone who can show that they will maintain the area; this land is not currently maintained; the objector would therefore like to express an interest in adopting this land to add to his garden [*Officer comment: It is understood that the land mentioned, although not part of the application site, is indeed owned by the occupiers of No. 124*]

(8) HDC's view of these proposals has materially changed (i.e. refusals of applications for similar development on land rear of 112 and 118-124 Station Road, plus an outbuilding at 112 Station Road)

(9) Why should the greed of one householder triumph over their neighbours' objections?

Other Information

This application is being reported to the Planning Committee for determination because five or more letters of counter representation have been received.

Relevant planning history

10/01743/ETF – Erection of three dwellings and creation of access (extension of time of 07/01886/FUL) (Land rear of 118-124 Station Rd) – refused 16.02.11, allowed at appeal 08.07.11

08/00469/OUT – Erection of bungalow (means of access, layout and scale to be considered) (revised scheme of 07/00458/OUT) – granted with conditions, 22.05.08

07/00458/OUT – Erection of four dwellings (layout & access to be considered) (revised scheme of 06/01876/OUT) – granted, conditions, 06.06.2007

Planning Considerations:

As this is a Reserved Matters application for the erection of a new dwelling 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, including that the design 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.

Principle

The Outline permission granted consent for (i) means of access, (ii) layout and (iii) scale, and therefore the principle of the development has been established. While the recent refusals of planning applications for three dwellings at Land Rear of 118-124 Station Road (10/01743/ETF), a single dwelling at Land Rear of 112 Station Road (10/00585/FUL), and a detached outbuilding in the garden of 112 Station Road (11/00629/FUL) are all noted, it remains the case that Outline permission has been granted for a single dwelling on land to the rear of 126 Station Road, and this permission was extant at the time of submission of the Reserved Matters (20.05.2011). In addition, the appeal lodged against refusal of

10/01743/ETF was allowed 08.07.2011, and a copy of the Inspector's decision letter is attached (see Appendix).

The remit of the current application is solely to: (1) Assess the proposal's appearance; (2) assess the proposed landscaping, and (3) Assess whether the submitted proposal complies with the Outline consent in all other respects.

Are there any changes in the proposal from the Outline permission?

The application site is identical to the approved 1:500 site plan (drawing number "RED 08.004.02"); the dwelling is of the same width (13 metres) and overall depth (11 metres) and in the same siting (10 metres to the rear boundary at the closest point, 2 metres from the western side boundary and 6 metres from the eastern side boundary). In addition the detached double garage is of the same width (5.6 metres) and depth (6.0 metres) and in the same siting (3.2 metres to the rear boundary at the closest point and 0.5m from the eastern side boundary). The proposal's layout therefore accords with the Outline permission.

The proposed dwelling has an eaves height of 2.48 metres, and a ridge height of 5.8 metres and therefore in respect of its scale (i.e. height and overall footprint) accords with the Outline permission. In addition, its means of access is unchanged from that approved under the Outline application.

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 (land to the rear of 132-134 Station Road, 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 a more nucleated form – its linear core has been extended by a series of estates and closes, with extended development at the rear of properties on the road frontages.

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.

As per the Outline consent, the proposed dwelling has a simple form and mass, with a pitched roof, left-to-right central roof ridge, and a subservient front-projecting element. Standard brick sills and soldier course headers are proposed, with multi-light casement windows, i.e. with lateral glazing bars to divide smaller windows into two panes, and larger windows to four or six. Materials for walls, windows and roof are not indicated, but their submission has been conditioned under the Outline Permission, which still applies.

The proposed landscaping consists of the following: A tarmac access drive; block paving for the section of access drive in front of the proposed dwelling and the parking area to the side of the dwelling; a grassed rear garden; retention of the existing hedge to the rear and western side boundaries; and planting of various trees and shrubs. Five *Prunus Sargentii* (Sargent Cherry) trees are proposed, along the northern and eastern sides of the access drives, along with a variety of shrubs, including *Rubella Skimmia* (3), *Clematis* (3), *Cotoneaster* (4), *Christmas Berry* (4), *Lavender* (6), *Berberus Green Carpet* (9) and *Winter Creeper* (8) along the same borders as the Cherry trees.

Immediately in front of the dwelling, *Oregon Grape* (2), *Iris* (7), *Potentilla* (4), *Cotoneaster* (4) and *St John's Wort* (4), *Lydia Broom* (5), *New Zealand Flax* (3) and *Periwinkle* (6) are

proposed. The proposed landscaping is shown in detail on drawing "4452/B". The proposed landscaping is considered to be acceptable.

In summary, the design and architectural detailing proposed for the dwelling are considered to be acceptable, and to result in a form of development that preserves the character and visual amenity of the surrounding area. The application therefore accords with Policy HS/8 of the Harborough District Local Plan, Supplementary Planning Guidance Note 3, and PPS3 Housing.

Residential amenity

The rear elevation of the proposed dwelling would be situated 26 metres from that of 15 Knighton Close and 35 metres from that of 17 Knighton Close. Apart from 124 Station Road (separation distance of 35 metres) and 126 Station Road (distance of approx. 40 metres), no other neighbouring resident would face directly or near-directly on to the proposed dwelling. The occupiers of 11 and 19 Knighton Close may experience minor changes to their outlook, but would be at sufficient distance (26 metres, possibly more) from the proposal to not be significantly affected.

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, either through overlooking, or scale or proximity of development. Given the spatial relationship between the proposed dwelling and its neighbours, there would be no impact to any neighbour through loss of light. This can be demonstrated by the use of light loss calculation charts.

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

Means of access was approved at the Outline application stage. The Highway Authority states that it has, "no comment on this proposal as there are no outstanding Highway issues to be resolved." The proposal accords with the plans approved at Outline stage in all respects that relate to access and parking, 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 31 March 2011, establishes that Harborough District has 4.49 yrs (1455/324) or 89.8% (1455/1620) of regionally-set housing targets (which HDC has agreed to continue with). This is an important material consideration with regard to PPS3¹. This proposal, while modest, would make an important contribution to housing supply and merits favourable consideration as required by PPS3.

Conclusion:

The proposed dwelling would constitute an appropriate form of development, would have a form, appearance 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.

¹ Although the Secretary of State's letter of 27 May 2010 (and the subsequent letter from Mr Quartermain the head of DLCC) advise that decisions on housing supply will rest with Local Planning Authorities without the framework of regional numbers and plans, the High Court ruled on 27 May 2011 that these letters have little or no weight (Ref. EWCA Civ 639).

Conditions / Reason:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: "4452/A", "4452/B" and the Location Plan. Where any discrepancy exists, the elevation plans shall take precedence over the layout or roof plans, unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interests of good planning, and for the avoidance of doubt.
2. 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 dwelling hereby permitted at first floor level or above, including its roof, 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.
3. 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.
4. 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.
5. 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.

Notes to applicant:

The applicant is advised that Conditions 1, 2, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21 and 22 of the Outline permission 08/00469/OUT remain applicable. Of the above, Conditions 4, 5, 6, 11, 12 and 21 require the submission of further details before any works may commence on site. An application for discharge of conditions will be required, for which there is a fee of £85 for each application.

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, badgers and skylark 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.

11/00756/FUL – Ullesthorpe
Watson Hayes Ltd

Erection of one 66m high wind turbine and
associated works, Land OS 7743, Mere Lane

Target Date: 15/08/2011

Recommendation

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

JUSTIFICATION

The development hereby approved would provide energy from a renewable source contributing towards general objectives to achieve this as outlined in documents such as PPS1 – Planning and Climate Change, PPS22 – Renewable Energy and the East Midlands Regional Plan. Furthermore, notwithstanding the size and scale of the proposal, it is not considered that, within the context of benefits towards addressing climate change, it would significantly detract from the character and appearance of the landscape or other considerations including ecological or archaeological interests, residential amenity, or give rise to additional traffic which would lead to a road safety hazard. The proposal is therefore considered to comply with the aims and objectives of PPS1 and PPS22, Policies 39 and 40 of the East Midlands Regional Plan and Policies 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 application site is located approximately 1km to the south of the village of Ullesthorpe, 2km to the north east of Willey 2.5km, south west of Ashby Parva and approximately 3km west of Bitteswell. The turbines themselves are located approximately 800m from Manor Farm, 820m from Lodge Farm and 835m from the Mere Farm Travellers Site. The landscape is rural, with patchwork arable and grazing farm land, scattered farm buildings, and occasional hedgerows and trees. A disused railway line passes adjacent to the turbine location and Magna Park is located approximately 850m to the south east. The A5 passes approximately 1350m to the south west of the site. The site is not located within an area designated as Particularly Attractive Countryside, and it does not benefit from any National Landscape designations.

The Proposal

The installation consists of one 330kW Enercon E33 turbine, with a three bladed horizontal axis turbine mounted on a single mast with a hub height of 49m and a rotor diameter of 33.4m, giving a blade tip height of 66m. The applicants see the turbine as a way of diversifying the farm for the future and of increasing the sustainability of their farming practices.

Policy

National Policy:

PPS1: Delivering Sustainable Development & (Supplementary) PPS1. Planning and Climate Change
PPS9: Biodiversity and Geological Conservation
PPG13: Transport
PPS5: Planning for the Historic Environment
PPS22: Renewable Energy & Planning for Renewable Energy: A Companion Guide to PPS22
PPG 24: Planning and Noise

Development Plan:

The Development Plan for the purpose of this application consists of the Regional Spatial Strategy for the East Midlands, adopted in 2009 and the 'saved' policies of the Harborough District Local Plan, adopted in 2001, however, consideration should be given to the Government's intention to abolish the RSS.

Regional Policy: RSS8 – Regional Spatial Strategy for the East Midlands

Policy 1 – Regional Core Objectives
Policy 26 – Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 27 – Regional Priorities for the Historic Environment
Policy 29 – Priorities for Enhancing the Region's Biodiversity
Policy 31 – Priorities for the Management & Enhancement of Region's Landscapes
Policy 39 – Regional Priorities for Energy Reduction and Efficiency
Policy 40 – Regional Priorities for Low Carbon Energy Generation
Appendix 5 – Renewable Energy Targets

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/11 – Development (affecting) Conservation Areas
EV/16 – Listed Buildings: setting
EV/20 - Landscaping
EV/23 – Control of Pollution and Nuisance
TR/3 – Development Impacts on the Existing Road Network

Local Guidance:

Wind Turbines – A Developer Guidance Note (HDC) – July 2009

Other Documents

UK Renewable Energy Strategy (DECC, 2009)
Meeting the Energy Challenge – a White Paper (HMSO, 2008)
Planning for a Sustainable Future: White Paper (DCLG, 2007)
Wind Energy and the Historic Environment (English Heritage, 2005)
Climate Change Programme (DCLG, 2006)
The Planning for Climate Change Report (IT, 2008)
Harborough District Landscape Character Assessment (2007) (LCA)
Market Harborough Landscape Character Assessment and Landscape Capacity Study (2009)
ETSU-R-97
Planning for Growth Statement (2011)

Local Development Framework:

Harborough District Council is in the process of producing its Local Development Framework. The draft LDF objectives contained within the Core Strategy includes the desire: "to minimise

energy demand and maximise the use of renewable energy resources” The Core Strategy has been submitted to the Planning Inspectorate for examination.

Consultations / Representations:

Highways Agency:

No Comments

Highway Authority:

No Comments

Leicestershire County Council (Ecology):

We note from the ecology reports that habitat creation is recommended as part of the development. We would endorse these recommendations and would request that they are highlighted to the applicant.

The Great Crested Newt Assessment indicates that great crested newts have been recorded in ponds immediately adjacent to the application site. We are satisfied that these newts can be mitigated for throughout the development to ensure that the development does not impact on the population. However, to ensure that the mitigation is completed and adequate for the development we would recommend that a detailed separate mitigation strategy be submitted and followed. This should be forwarded as a condition of the development: 'Prior to commencement a detailed mitigation strategy for great crested newts must be submitted to and approved in writing by the LPA. This should then be implemented throughout the development'.

We note from the ecology survey that bat activity surveys have not been completed. However, in this particular instance, the turbines have been sited well away from any existing habitat feature. Due to this and the absence of evidence of bat roosts within the vicinity, I see no reason for further surveys to be completed in support of this application. However, should further evidence be produced to the LPA, we will happily review this and our recommendations if appropriate.

Additionally we would request that the following conditions be added to any permission granted:

- Prior to the decommissioning of the wind turbines, a further protected species survey must be completed. This will ensure that no protected species are harmed during the removal of the turbines
- Throughout the active phase of the wind turbines, any incidental records of bat and bird strike must be reported to the LPA. This will enable a broader picture of the impact of turbines on bats and birds to be gained.

Environmental Health (HDC):

Having reviewed the submitted noise assessment, I can confirm that I have no objections to the proposal, subject to the imposition of conditions in order to protect residents amenities.

English Heritage:

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Ministry of Defence:

No comments received.

Blaby District Council:

No comments

Rugby Borough Council:

Consideration should be given to the potential cumulative visual impact of the proposed turbine when considered alongside two nearby sites within Rugby Borough (at Churchover and High Cross in either planning or scoping) plus two other nearby schemes in Harborough District.

It is considered that in some circumstances it may be preferable to group turbines together rather than erect them as isolated structures in order to prevent sporadic development in the countryside.

Civil Aviation Authority:

No comments received.

National Air Traffic Service:

No safeguarding objection to the proposal

Ullesthorpe Parish Council:

Support the proposal raising the following issues: 1) No objections to this application. 2) This must not lead to more turbines in the area. 3) Environmental good. 4) visually bad. 5) Mixed feelings on local turbines

Cllr Page:

I have been to see some people and the Ullesthorpe PC chair today .It appears that there are some objections around Ullesthorpe to this application on the grounds of visual intrusion , shadow flicker and noise .

The siting of the structure will have a very negative visual impact on the surroundings but especially on South Avenue ,Ullesthorpe and on the above mentioned grounds grounds I must strongly object .

As the visual impact will be quite far reaching I can not understand why you haven't receive any letters from the public given the importance of the matter .

Bitteswell Parish Council:

Letter 1 22nd July: The Parish Council object to the proposal, and raise the following issues: 1) The proposal relates to the erection of a single wind turbine generator in open countryside at Mere Lane, Bitteswell. As no documentary evidence is available, the installed capacity and other details of the wind turbine are unknown. 2) Policies which specifically address the issues which attach to wind turbine developments are not included in the Development Plan that currently governs development in the Harborough District. There are, however, policies in the Harborough District Local Plan that are of particular relevance to the proposed development. In formulating this Policy the District Council has explained that the purpose of defining Limits to Development is to prescribe the outer boundaries of villages and towns within which development may be acceptable, and that in setting these boundaries the District Council has had regard to the protection of the setting of villages and towns and the form and character of existing development. As the proposed development would be located outside the Limits to Development for Ullesthorpe and Bitteswell, the proposed development is contrary to Policy HS/8. 3) Policies that Safeguard the Character and Appearance of the Countryside and Protect the Amenity of Residents. The following policies have the objective of safeguarding the countryside; in particular, its character and appearance. They also have regard to the protection of the amenity of those living nearby to developments. The relevant criteria are highlighted in the following paragraphs. This overarching policy cites several criteria with respect to the standards of development. Important among these is the following: *Protection of amenities: New development should not adversely affect the*

amenities of neighbouring uses.' In the case of the proposed development the dominant 'neighbouring use' is residential occupation in the nearby settlements. 4) This Policy is directed to preventing intrusion of development into the countryside and to protecting the individual character of settlements. Under the primary criterion of this Policy the District Council would seek to refuse proposals for development which: '*Adversely affect undeveloped areas of land important to the form and setting of a settlement.*' It is beyond dispute that the presence of a 66m tall wind generator would be wholly incongruous in the setting of the surrounding settlements and, thus, would be contrary to policy HS/7. 5) This policy aims to safeguard the environment. In particular, it requires of development proposals that: '*The development does not adversely affect the character and appearance of the countryside.*' and; '*The development does not adversely affect the amenities of residents in the area.*' Clearly, the proposed development would adversely affect the character and appearance of the countryside and, therefore, would fail to satisfy the requirements of this Policy. 6) It is outside the scope of reasonable argument that the erection and operation of a massive structure, in open yet settled countryside would result in the following major impacts: (i) adversely affect the character and appearance of the countryside; (ii) be wholly alien to the setting and form of nearby settlements; (iii) result in irreparable harm to the amenity of all people living in the vicinity of the proposed development; (iv) seriously impair the amenity of everyone resident in the much larger zone which would envelope every sight-line from within the locality to the tip of the rotor blades of the wind turbine. 7) It is plain from the above-mentioned planning considerations that implementation of the proposed development would be contrary to several of the criteria in the policies identified above, including, Policy HS/8; Policy IN/1; Policy HS/7, and Policy EV/5. Thus, it is clear on many counts that the Application is an express departure from the Development Plan and should be advertised as such. 8) In accordance with the fundamental principle of the Plan-Led System, to which the District Council continues to be committed, there is need for identification of valid material considerations that may justify each of the departures from the Development Plan. As we have no documented information relating to this Application it is unknown whether the Applicant has adduced any other material considerations. However, in view of the significance of the proposed development it is obviously important that, if other material considerations are advanced by the Applicant, or by any other party in support of the Application, each is presented to Members of the Planning Committee clearly and without ambiguity. 9) It is certain that the implementation of the proposed development would create enduring damage to the character of the countryside locally and over a wider area. The communities of Ashby Parva, Ullesthorpe and Bitteswell, and of the surrounding settlements would be condemned to suffer the chronic eyesore that the proposed development would create. The energy benefit that may result from the proposed development would be of such an absurdly low magnitude that it is derisory. With the exception of those having a pecuniary interest in the development, it is highly improbable that anyone else in the affected communities would regard the minute energy gain to be justification for the acute environmental penalty the development would impose. 10) In addition to the adverse visual impact of the proposed development, the issue of noise generation is of great concern to our community, in particular the issue of amplitude modulation. In the case of the Den Brook wind farm in Devon, the Court of Appeal ruled that this issue should be accorded special attention, and it is our expectation that the District Planning Authority will ensure that such special attention is given to amplitude modulation in relation to this Application. 12) To compound the total absence of documentary evidence provided in support of this Application, there has been a complete lack of any engagement of the community. Although the realization of the proposed development would have profound adverse consequences for residents within and beyond the settlements nearby to Mere Lane, as of this time, there is no evidence of any initiative by the District Council with regard to meaningful community engagement. 13) In the case of the proposal for the Low Spinney Wind Farm the management at Coventry Airport expressed serious concerns over the potential for adverse influence on the radar systems and radio navigation aids. It will be

important for the District Planning Authority to confirm that, in the case of the present proposal, similar concerns do not exist. *This letter is available for inspection.*

Letter 22nd July: Comments in detail about difficulty in commenting without hard copies of plans etc being provided and that the supplied DVD is highly inconvenient and a barrier to effective consultation. *This letter is available for inspection.*

Representations:

7 letters of objection have been received from the following areas (Ullesthorpe x4; Ashby Parva x3) raising the following points: 1) I will fight my objection and use the ECHR legislation if necessary. 2) The proposal will have a serious impact on the landscape of my property. 3) Furthermore, I feel that the Council should be reminded that in the last 10 years alone, South Avenue residents have had to put up with the extension of Magna Park, the Gypsy Site and now a wind turbine. 4) Apart from the undesirable visual impact of such a towering monstrosity, the latest information suggests that wind turbines are hopelessly inefficient. 5) We already have four at Gilmorton, this area seems to be being targeted. 6) These are the modern day equivalent to Steven Spenders "nude giant girls that have no secrets". 7) The turbine would be visible from a large percentage of the District. 8) Wind turbines are known to generate noise in certain weather conditions. 9) Flickering affects caused by sunlight through the blades is said to cause problems up to 2km away. 10) We read in the National Press that Amplitude Modulation can be an issue, how will this affect us? 11) The turbine could lead to the demise of rare species. 12) there may be archaeological remains in the area, therefore there should be no excavation on the site. 13) The two proposed sites in Rugby Borough along with the Low Spinney ones will form a triangle around Ashby Magna.

Policy Overview

National Guidance:

The Energy White Papers of 2003 and 2007 provide the broad context for planning policies concerned with renewable energy. These state that renewable energy is key to the Government's strategy for tackling climate change and deploying cleaner sources of energy. It has a target that aims to see renewables grow as a proportion of the UK's electricity supplies to 10% by 2010, with an aspiration for this level to double by 2020.

In addition, key principle (ii) in **PPS1 – Delivering Sustainable Development** states:

"Regional Planning Bodies and local planning authorities should contribute to global sustainability by addressing the causes and potential impacts of climate change – through policies that reduce energy use and emissions and promote the development of renewable energy."

PPS22: Renewable Energy (published in August 2004) and its companion guide - **Planning for Renewable Energy: A Companion Guide to PPS22** (published in December 2004) – provide guidance to be used in the determination of renewable energy proposals.

PPS22 outlines the potential role of renewable energy in reducing greenhouse gas emissions and encourages local planning authorities to include renewable energy policies in their Development Plans. It highlights issues that should be considered when assessing the merits of a renewable energy project. The guidance notes that (para 1(iv)):

"The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission."

It recognises such development will almost always have some local environmental effects. The importance of minimising any impacts is stressed. The PPS notes that (para 20):

“Of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. However, in assessing planning applications, local authorities should recognise that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved, and that these impacts may be temporary if conditions are attached to planning permissions which require the future decommissioning of turbines.”

In respect of the historic environment the statutory requirements of Sections 66(1) and 72(1) of the **Planning (Listed Buildings and Conservation Areas) Act 1990** are of particular relevance. The first requires that special regard shall be paid to the desirability of preserving Listed Buildings or their settings or any other features of special architectural or historic interest which they possess. The second requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The closest conservation area is Leire at approximately 2.6km to the east of the site.

PPG24: Planning and Noise guards against harm upon residential amenity which stems from noise. Para 10 of the PPG states:

“Much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise... Nevertheless, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance...they may wish to consider the use of appropriate conditions.”

Although there is no specific guidance within PPG24 with regards to Wind Turbines, the general principles of the guidance still apply. For detailed guidance in relation to Noise and Wind Turbines, EHOs are pointed towards ETSU – R – 97, and it is upon this document that the advice set out in the relevant section earlier in this report has been given by HDC’s Environmental Services department.

PPG8: Telecommunications guards against interference of signals caused by wind turbines and states:

“In any development, significant and irremediable interference with other electrical equipment of any kind can be a material planning consideration...The Radiocommunications Agency (RA) has statutory powers for dealing with this type of interference.... Only if there is clear evidence that significant electromagnetic interference will arise, or will probably arise, and that no practicable remedy is available, will there generally be any justification for taking it into account in determining a planning application....”

Regional Policy:

Regional Spatial Strategy for the East Midlands (RSS8)

There are six main policies within RSS8 which relate to Renewable Energy and Biodiversity within the Region (Policy 1, Policy 26, Policy 27, Policy 31, Policy 39 and Policy 40). Renewable Energy targets for the Region which are set out in Appendix 5 of RSS8.

Appendix 5

Renewable Energy Targets (Policy 39) Note that all targets are indicative

Renewable energy Technology	Current Capacity (2006) GWh/y	Current Capacity (2006) MWe	Target for 2010 GWh/y	Target for 2010 MWe	Target for 2020 GWh/y	Target for 2020 Mwe	Indicative Target for 2026 GWh/y	Indicative Target for 2026 MWe
On shore Wind	142	54 ¹	319	122	460	175	460	175
Biomass Wet agricultural waste	0	0	42	5	42	5	77	10
Biomass Poultry Litter	0	0	118	15	210	27	210	27
Biomass Energy Crop	38	5	344	46	1,012	136	1,114	150
Hydro	14	3	39	9	62	14	73	16
Micro-generation Wind	0 (negligible)	0 (negligible)	9	10 ²	1,832	2,091	1,832	2,091
Micro-generation PV	0 (negligible)	0	52	59 ³	1,018	1,162	1,018	1,162
Landfill Gas ⁴	438	53	438	53	438	53	358	43
Anaerobic Digestion	11	1	39	5	64	8	72	9
Total ⁵ (%)	3%		6 %		20%		20%	

1. Includes 2 wind farms in construction in 2006 (now in operation).
2. Micro wind corresponds to 2000 installations of 5kw turbines.
3. PV corresponds to approximately 2kw PV on half of the new properties to 2010.
4. Landfill gas is not a natural renewable resource but it is eligible for renewable obligations certificates. Note that landfill gas contribution will begin to tail off after 2020 due to reduced organic waste going to landfill.
5. In addition to the Regional onshore targets offshore generation targets are 1,315GWh/y for 2010; 3,000GWh/y for 2020; and 3,483GWh/y by 2026. Percentages are electricity generation as a % of regional electricity consumption.

Renewable targets based on modified scenario 4d of RFF report, with reduced 2010 targets to be more realistic.

As set out, Appendix 5 of RSS8 sets out that the East Midlands is to provide a minimum of 122W of installed capacity from on-shore wind by 2010 and 175MW by 2020. Based on agreed figures submitted to the Low Spinney Inquiry, it is not disputed that there are deficits against both the 2010 and the 2020 targets. It is also apposite to note that the 2020 target, in particular, is could be revised significantly upwards, given the nature of Government thinking set out in the UK Renewable Energy Strategy.

Local Policy:

Harborough District Local Plan:

There are no specific saved policies within the Harborough District Local Plan which relate to Wind Turbines or Renewable Energies. However, it is considered that there are a number of Policies which do have an influence upon the consideration of such an application: IN/1, EV/4, EV/5, EV/16, RM/10, EV/23 and TR/3.

Policy IN/1 states that the District Council will grant planning permission for new development which achieves a good standard of layout and design, is in keeping with the scale and character of its surroundings and where the appropriate criteria, are met.

Policy RM/10 relates to habitats and protected species and states that the District Council will grant planning permission for development that maintains or improves the ecological and geological diversity of the district are met:

Policy EV/5 relates to development in the open countryside and states that development in the countryside will be strictly controlled. The District Council will refuse planning permission for development proposals in the countryside unless the appropriate criteria are met.

Policy EV/16 which relates to Listed Buildings states that proposals for development on land within the curtilage of a Listed Building or within the setting of a Listed Building or a building of character in a conservation area should respect the setting of the building.

Policy EV/23 which relates to the control of noise and pollution states that where appropriate the District Council will impose conditions on planning permissions to ensure that development does not have an adverse effect on the character of its surroundings, or harm the amenities of nearby uses, through noise, smell, dust, dirt, grit, air or soil pollution, or an unacceptable level of traffic.

Policy TR/3 addresses the impact of development upon the Highway network and states that the District Council will refuse planning permission for new development where the traffic flow generated by the development would create a substantial adverse effect on the existing road network unless satisfactory and environmentally acceptable improvements can be implemented to alleviate the impacts of the development.

Planning Considerations

The government supports the generation of electricity by renewable energy sources. The supplement to PPS1 'Planning and Climate Change' places spatial planning in a key position to create a successful response to climate change. It has key planning objectives which include a role for planning authorities to prepare and deliver spatial strategies that make a full contribution to delivering the Government's climate change programme and energy policies.

Current national policy and regional policy is clearly very supportive of the principle of renewable energy development. Each proposed development will present material considerations which must be assessed individually and then balanced together before making a final judgement on the merits of the detailed proposal in question. Each of the principal land-use planning considerations is assessed in turn under the following section headings:

- Landscape and Visual Impact
- Visual Intrusiveness and Impact to Residential amenity
- Access and Parking
- Visual distraction to road users
- Noise
- Conservation
- Ecology
- Shadow flicker & TV signal interference
- Other Matters

Landscape:

The site falls within the Upper Soar area identified by the Harborough District Landscape Character Assessment (2007) (LCA). The LCA states the character of the area has been encroached by urban character of settlements. Overall, it advises the Upper Soar represents a relatively developed landscape with the capacity to accommodate further change. Identified key issue include that the open landscape is vulnerable to adverse visual impacts, with appropriate mitigation being important, and care should be taken to conserve remaining landscape features.

The application is for the erection of one wind turbine with a maximum overall height of 66 metres to the tips of the blades (49metres in height to the hub of the turbine). The application site is not in an area which benefit from any local, regional or national landscape designation. The proposed turbine could be considered to be alien to the landscape, and any other environment, and the siting of the turbine on elevated ground, do nothing to help

minimise any visual harm to the surrounding area from any public vantage points, particularly when viewed from the A5. Having said this, just because the structure will be visible does not automatically mean that they will cause adverse harm to the character of the countryside. Furthermore, the proposal is located within 1km of the Magna Park development, a large area of storage and distribution warehouses which already have a significant impact on the surrounding landscape. Therefore, despite the fact that the proposal will undoubtedly introduce a potentially intrusive alien feature to the surrounding landscape, the benefits of renewable energies are, in this particular instance, felt to outweigh any harm and therefore although the proposal does not completely comply with Policy EV/5 and Policies IN/1 of the Harborough District Local Plan, the design is considered to be acceptable.

The proposal lies within 5.5km of the Low Spinney wind farm and there is potential for both schemes to be visible in the same view when looking from the west of the site. However, given the scale of this proposal, and the distances involved between the schemes, it is not considered that there would be any detrimental impact caused by the cumulative impact of the two schemes. This view is reinforced by the Inspectors consideration of the same issue in the Low Spinney case, where the cumulative impact of (amongst others) Low Spinney and Swinford, both 125m to tip and 7km apart, was considered at para 30 of the report which stated:

“My attention has been drawn to a number of projects at various stages of the planning process, in the vicinity of the appeal site. In my view, neither those constructed or permitted are sufficiently close to the appeal site to lead to any harmful cumulative impact.”

It is therefore considered that there would be no detrimental cumulative impact arising from the proposal.

Visual Intrusiveness and Impact to Residential Amenity:

It is a well held planning principle that there is no “right to a view” such that an attractive or cherished outlook from a private property can be protected from development that would adversely affect it. The fact that the proposed wind turbine may be seen from a number of dwellings and viewpoints in the surrounding area, and in some cases could be prominent and would significantly change views of the countryside, is not determinative in itself. A change in the view is simply that and how it is perceived depends in part on how the viewer is disposed to the development in question.

However, private and public interests may coincide where a proposal would have such a severe adverse impact on the outlook from a property that it would make it a significantly less attractive place to live, as perceived by a reasonable observer without strong views for or against the type of development in question. In such a situation, protecting the amenities of a dwelling may be a legitimate and material planning consideration.

The Inspector’s comments at an appeal in South Cambs are helpful in this regard:

12.34 “...the outlook from private property is a private interest, not a public one, and the public at large may attach very different value judgements to the visual and other qualities of wind turbines than those who face the prospect of having to live close to them. Equally, however, people pass through a diverse variety of environments when going about their daily lives, whether by car or when using the local rights of way network, and I find nothing generally objectionable in turbines being part of that broad experience” (South Cambs)

Thus the size and scale of the proposal and its relationship to nearby amenities must be considered in order to assess, for example, any overbearing or oppressive effect. In this instance, the residential properties most likely to be affected are 48, 50 & 52 South Avenue, Normanton House, Milestone Cottage, Happy Valley Cottage, Hillside, Hillcrest, The Old Stables and Chuckey Hall (all Lutterworth Road, Ullesthorpe). A number of principal

windows of these homes look out in the direction of the wind turbines, at a distance of 850m – 1000m, however, it is not considered that the proposal will have an impact upon the residential amenity. This is because the size, scale, proximity of the proposal relative to these properties reduces its intrusiveness.

Access and Parking:

The application does not propose the loss of any parking, and the highways officers comments have not been sought given the type of application. However it is officers opinion that the application would not be significantly detrimental to the highway safety and the application is therefore considered to be in accordance with Policy TR/10 of the Harborough District Local Plan.

Visual Distraction to Road Users:

PPS22 Companion Guide discusses this matter: *“Concern is often expressed over the effects of wind turbines on car drivers, who may be distracted by the turbines and the movement of the blades. Drivers are faced with a number of varied and competing distractions during any normal journey, including advertising hoardings, which are deliberately designed to attract attention. At all times drivers are required to take reasonable care to ensure their own and others safety. Wind turbines should therefore not be treated any differently from other distractions a driver must face and should not be considered particularly hazardous. There are now large numbers of wind energy developments adjoining or close to road networks and there has been no history of accidents at any of them”*.

Notwithstanding the proximity of the proposed development to the A5, and concerns raised by local residents, in light of the above matters it is not considered that the proposal would cause any significant distraction to drivers that could justify refusal on these grounds. Furthermore, no objection has been received from the Highways department. The application is therefore considered to be acceptable from a highway safety perspective.

Noise:

The Companion Guide to Planning Policy Statement 22: Renewable Energy (PPS22), issued in December 2004, states that the 1997 report by ETSU for the Department of Trade and Industry (DTI), *“The Assessment and Rating of Noise from Wind Farms”* (ETSU, 1997), should be used to assess and rate noise from wind energy developments.

Since the release of the ETSU guidance there has been further work undertaken into the effects of noise from wind farms commissioned by both the DTI and DEFRA. Following the release of reports into wind turbine noise undertaken by Hayes McKenzie and Salford University the Government issued a robust advice note in 2007 stating that ETSU-R-97 should continue to be followed for the assessment of noise from wind farms. Paragraph 10 of Planning Policy Guidance Note 24 *“Planning and Noise”* (PPG24) also gives guidance.

Noise from turbines is measured in accordance with a specific methodology in ETSU. The recommendations of this report established accepted background noise levels and the extent to which they may be reasonably exceeded, i.e. by setting a 5 dB (A) level above background levels (at both day and night) at the nearest noise sensitive properties. HDC EHO's have assessed the submitted noise impact assessment and are happy that a noise level of a maximum of 43dB(A) at the boundary of the nearest residential property can be achieved and would be acceptable. It is therefore considered that the proposal is in accordance with the aims and objectives of PPS22 and its associated companion guide.

Conservation Issues:

The proposal is sufficiently separated and distant from heritage assets to have no adverse impact.

Ecology:

The proposal is accompanied by ecology reports and recommendations that have been verified by County ecology and no adverse impact is identified.

Interference and Shadow Flicker:

If a reduction in television reception quality occurs in the surrounding area, it is most likely to be noticed when the wind energy development becomes operational. To mitigate this, a planning condition might be imposed, requiring the applicant to assess current television signals in advance of development and take measures necessary to mitigate post-development where effects are attributable to the wind energy development. However, there is no evidence that this is required and therefore a commensurate approach to this proposal. Such a condition might require the applicant to meet the cost of investigating and rectifying any problems should they arise.

Shadow flicker occurs when turbine blades intersect the line of sight between a window of a building and the sun, causing a flickering effect in the affected room. The probability of this happening and its severity depends on a number of factors including: the relationship between the turbine, the dwelling and the path of the sun; the height of the turbine, rotor diameter and its distance from the dwelling; the time of year; and the proportion of daylight hours when the turbine is operating.

In the UK, only properties within 130 degrees either side of north, relative to the turbines, can be affected. Generally the residential property must also be within a distance of 10 times the rotor diameter of the turbine, i.e. within 334 metres in this instance. As there are no residential dwellings within 334m radius of the proposed wind turbine, it is considered that the application is in accordance with the guidance contained in PPS22 in terms of shadow flicker.

Conclusion:

Planning Policy establishes a welcoming stance to renewables projects in general where (mirroring PPS22) environmental, economic and social impacts can be addressed satisfactorily. Saved policies in the HLP do not refer to renewables projects at all. As matters currently stand, there is an absence of specific development plan policy at local level related to wind energy. There is general policy related to development and the open countryside. The broad thrusts of national planning guidance (PPG's and PPS's) acting in combination with adopted RSS and policy related development and open countryside provides the policy basis for the determination of applications for wind turbine proposals.

The need to maintain continuity and security of energy supply nationally, regionally and locally in the face of diminishing resources of fossil fuels is indisputable. More particularly, wind energy is an integral component of the Government's desired energy mix for reasons of diversity and security of supply, and sustainability. These points are made in PPS22 and reflected in RSS8. Whether the claimed output and carbon savings from this scheme are achieved, compliance with Government aims is not in question. Paragraph 3 of PPS22 also affirms that the fact that a target has been reached should not be used in itself as a reason for refusing planning permission for further renewable energy projects.

As discussed above, the electricity generation / renewable energy delivery benefits offered by development are relatively small but still of significant weight.. It is with this in mind and that no harm to any material interest is identified that officers recommend that the application should be approved subject to the conditions set out below.

Conditions / Reason:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The planning permission is for a period from the date of this permission until the date occurring 25 years after the date of first export to the grid of the development. Written confirmation of the date of first export to the grid of the Development shall be provided to the Planning Authority no later than 1 calendar month after that event.
Reason: To ensure that the turbines are removed from the site at the end of their operational life in the interests of protecting the character of the countryside from derelict and unkempt structures and to meet the aims and objectives of with PPS22.
3. No development approved by this permission shall commence until full details of the turbine including their colour, finish, precise location (no closer to the hedgerow than 10m), air safety lighting and the warranted sound power level and full details of the control cabinet (including appearance and siting) have been submitted to and approved by the local planning authority.
Reason: In the interests of the amenity of the area and to ensure that environmental and natural heritage assets on the site are protected and to meet the aims and objectives of with PPS22.
4. Prior to the erection of the turbine hereby permitted, details of the materials to be used in the construction of the external surfaces of the hereby approved control cabinet and any other ancillary structures approved as part of this consent shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
Reason: In the interests of protecting the character of the area in accordance with PPS1 and PPS22.
5. All construction and decommissioning works shall be carried out only between the hours of 07:00 to 19:00 Monday to Friday, 07:00 - 16:00 Saturdays and at no times on Sundays and Bank Holidays; without the prior approval of the Local Planning Authority. Notwithstanding the hours stated above, the Local Planning Authority may approve deliveries outside these hours on prior application from the Developer.
Reason: In the interest of protecting local amenity in accordance with PPS1 and PPG24
6. Noise levels at the boundaries of the closest residential properties shall not exceed an L_{A90} level of 43dB(A) up to wind speeds of 10m/s at 10m height.
Reason: To ensure that the residential amenity of surrounding properties is not adversely affected by the Wind Turbine by means of unacceptable noise and to ensure compliance with the aims and objectives of PPS22, its companion guide and ETSU-R-97.
7. Within 28 days from the receipt of a written request from the Local Planning Authority following a complaint to it, the turbine operator shall, at its own expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind farm at the complainants property following the procedure described in the attached Guidance Notes. The results of the assessment as to whether a breach of the noise limits in Condition 1 has been established shall be reported to the Local Planning Authority.
Reason: In the interest of protecting local amenity in accordance with PPS1, PPS22 and PPG24.

8. Upon notification in writing from the Local Planning Authority of an established breach of the noise limits in Condition 2 the turbine operator shall, within 28 days propose a scheme to the Local Planning Authority to mitigate the breach to prevent its future occurrence, including a timetable for its implementation. Following the written approval of the scheme by the Local Planning Authority it shall be activated forthwith.
Reason: In the interest of protecting local amenity in accordance with PPS1, PPS22 and PPG24.
9. No lighting, symbols, signs or logos or other lettering, other than those required for health and safety, traffic management and aviation safety, shall be displayed on any part of the turbine or any other building or structures without the written consent of the Planning Authority.
Reason: In the interests of the amenity of the area
10. Throughout the active phase of the wind turbine, any incidental records of bat and bird strike must be reported to the LPA. Furthermore, prior to the decommissioning of the wind turbine, a further protected species survey must be completed. The results of both surveys shall be submitted to the LPA a minimum of 2 months prior to the decommissioning of the turbine, and decommissioning of the turbine shall not commence until such time that the details of the reports have been agreed by the LPA.
Reason: To ensure that no protected species are harmed during the removal of the turbines and to enable a broader picture of the impact of turbines on bats and birds to be gained.

11/00758/FUL – BITTESWELL
Mr S Beighton

Alterations and extensions to remodel
existing bungalow, at Woodby Lodge,
Woodby Lane

Target Date: 01.08.2011

Recommendation

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

The development hereby approved, by virtue of its design, size and siting, would not adversely affect the amenity of local residents nor result in a sub-standard level of off street parking, nor result in an unacceptable reduction in open space around the dwelling. While it would not be subordinate to the main dwelling or of harmonious form or materials, the proposal would not adversely affect the visual amenity of the locality or the open character of the countryside or the Area of Separation, and therefore complies with Policies IN/1, EV/3, EV/5 and HS/12 (2 - 5) 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 comprised of a detached, residential property to the south of Woodby Lane, located in open countryside, between Magna Park to the west and the village of Bitteswell to the east. The application site is bounded on three sides by open fields and by the highway to the north.

The Proposal:

The current proposal is for alterations and a series of single storey extensions, to the east, south and west elevations.

Policy

National:

PPS1 – Delivering sustainable development
PPS7 – Sustainable development in rural areas

Regional Spatial Strategy for the East Midlands (RSS8):

Policy 4 – Promoting better design

Harborough District Local Plan:

IN/1 – Standards of development
RM/10 – Maintenance/protection of habitats
EV/3 – Separation area
EV/5 – Development in the countryside
HS/12 – Residential extensions and outbuildings
TR/10 – Parking requirements

Local Guidance:

SPG Note 1 – Design principles

SPG Note 5 – Extensions to dwellings

Consultations / Representations:

Highway Authority:

No comments received

Parish:

Comments received 22.07.11: "...the proposed changes to the existing property are so extensive that they do not fall within the requirements of Policy HS/12 covering domestic extensions".

Representations:

None received

Other Information

This application is being reported to the Planning Committee as the proposal is a departure from Local Plan policy and guidance.

Planning history:

07/00504/CLU – Certificate of Lawfulness for the occupation of a dwelling with an agricultural tie by persons not employed in agriculture – granted with conditions, 20.06.2007

Planning Considerations:

Policy Assessment:

As this application is for the erection of extensions to a residential dwelling in the countryside and in an area of separation, Policies EV/3, EV/5 and HS/12 are considered most relevant. Policy HS/12 requires a number of criteria to be met, such as the proposal must not have a detrimental impact on the residential amenity of neighbouring properties, the proposal must be subordinate in scale, form and design to the main building, not have a detrimental effect on the visual amenities of the surrounding area and not result in a sub-standard level of on-site parking.

Design and Visual amenity:

The proposed extensions are of significant scale and bulk relative to the existing dwelling. For example, the resultant dwelling would have an external footprint of 395 square metres, an increase of 111% over that of the existing dwelling (187.4 sq m).

The existing dwelling has a gable ended, pitched roof with a central left-to-right ridge, with a side extension, plus a garage at right angles to the rear, both of similar form to the main dwelling. The proposals involve demolition of the side extension and garage, and erection of three extensions:

(1) A pitched roof extension to the side, to provide three bay garage, utility, pantry and study;

- (2) A flat roofed, 4 metre high extension to the southern ('front') elevation, to provide a new kitchen, extended lounge and a master bedroom; and
- (3) A smaller, pitched roof side extension to provide a fourth bedroom.

By reason of their cumulative scale, as well as the design of the large, flat roofed extension to the southern elevation, it is considered that the proposal cannot be described as subordinate to the existing dwelling. While the two side extensions may be described as harmonious in design and form, the proposed extension to the southern elevation would transform the character and form of the dwelling. By definition, this element of the proposal would therefore be an inharmonious addition. Lastly, the materials proposed are not in keeping with the existing dwelling – a combination of white rendered blockwork and cedar cladding is proposed for the walls (existing dwelling is brick) and windows are proposed to be aluminium (existing dwelling has painted softwood). The proposal therefore fails to comply with Policy HS/12 (1) of the Harborough District Local Plan.

However, the resultant dwelling would sit comfortably within its residential curtilage, and given its siting relatively close to Magna Park, with which the large southern elevation extension would arguably be very in keeping, and the external materials proposed (especially white render and cedarwood), it is considered that the proposal would not have any demonstrably harmful effect on the visual amenity of the locality or the open character of the countryside or the Area of Separation. In addition, although the southern elevation extension would be visible from the public highway (Woodby Lane), its full extent could not be readily appreciated in these views, the main view remaining that of the northern elevation.

For the same reasons, it is considered that the proposal would not adversely affect the character or appearance of the countryside or the predominantly open character of the land, or compromise the reasons for the area's designation as an Area of Separation. In addition, relative to its overall footprint, the form of the extension disguises its massing. It is therefore considered that the proposal would accord with Policies EV/3, EV/5 (2, 5) and HS/12 (2 and 4) of the Harborough District Local Plan.

Residential amenity

There are no neighbours in close proximity to the application site, and therefore no residential amenity implications arising from the proposal. The application therefore accords with Policies IN/1 and HS/12 of the Harborough District Local Plan in amenity terms.

Access and Parking

The proposed building is likely to create demand for additional parking, but there is abundant space within the site for this to be provided. The proposal would have no material impact to highway safety, the Highway authority has raised no objections to the application, and the proposal therefore accords with Policies IN/1 and TR/10 of the Harborough District Local Plan.

Conclusion:

The proposal would not be subordinate to the existing dwelling or of harmonious design, form or materials, but would not have a demonstrably harmful effect on the

visual amenity of the locality or the open character of the countryside or the Area of Separation, would not adversely affect residential amenity, and there is satisfactory parking provision; and thus the proposal would comply with Policies IN/1, EV/3, EV/5, RM/10 and HS/12 of the Local Plan and SPG5 Extensions to dwellings.

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. Except where amended by Condition 3, the development hereby permitted shall be carried out in accordance with the following approved plans: "SB / Existing Building", "SB / Proposed Plan" [sic], "SB / Existing Plot", "SB / Proposed Plot Changes" and the Location Plan. Reason: For the avoidance of doubt.
6. Notwithstanding the details on the submitted plan "Proposed Plot Changes", the residential curtilage (garden area) of the resultant dwelling shall be implemented in accordance with the submitted plan "Existing Plot" and the Location Plan, and retained as such in perpetuity. Reason: In the interests of preventing encroachment into the open countryside and to accord with Policies IN/1 and EV/5 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.

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.

11/00806/ETO – BROUGHTON ASTLEY
Mr. G. Deacon
Target Date: 07.09.2011

Erection of holiday lodges, creation of lake and erection of shop/office and other ancillary structures in relation to adjacent golf club (access, siting and scale to be considered) - (Extension of Time of 09/00153/OUT)

Sutton Circuits, Sutton Lane, Sutton In The Elms, Broughton Astley, Leicestershire

Recommendation

APPROVE for the following reason:

The development hereby approved would increase the provision of self catering accommodation within the District and Region. The location of the development is considered sustainable and the development would benefit economic growth objectives. The layout and scale of the lodges and motor homes will not adversely affect the character and appearance of the surrounding area, and the proposal will not be detrimental to residential/neighbouring amenities and will not result in an unsafe highway situation. The proposal, therefore, complies with Policies IN/1, EV/5, EV/7, EV/22, EV/23, LR/6, LR14, TR/3 and TR/10 of the Harborough District Local Plan, Policy 42 of the East Midlands Regional Plan and the aims and objectives of PPS1, PPS4, PPS7 and PPG13.

Committee Decision Requirement

This application is being reported to the Planning Committee for determination because of the number of counter representations received.

Site

The site relates to an operational Go-Kart Track (1.6ha) and an adjacent field to its northeast. The site is accessed from the head of Sutton Lane (formerly called Leicester Road), which runs through the village of Sutton in the Elms to terminate (for vehicular traffic) at the entrance to the application site.

The Go-Kart Track was granted permanent consent in 1996 (95/02058/3P refers) and comprises track, pit area, spectator facilities and offices (within the existing single storey building) and parking area. The existing building measures 247.76sqm and is constructed of brick and cladding.

The Go-Kart Track and field are separated from each other by a mature native species hedgerow. To the northwest of the site is the B4114, which is well screened from the site by trees and bushes. Immediately to the northeast of the application site field is a former part of Sutton Lane, blocked off to vehicular access, which functions as a pedestrian path. On the northeastern side of this footpath/disused road the land rises and currently forms part of a partially completed golf course. To the southeast and southwest of the site are further parts of the golf course. The southwest of the site is screened by an earth mound/bund and the southeast of the site is screened by trees and bushes. The site/surroundings generally slope away to the southwest.

The applicant currently resides at 'The Exchange', located at the entrance to the Go-Kart facility. The closest residential property not connected to the development is 180 Leicester Road, which is more than 160m away from the entrance to the site.

The Proposal

The current application seeks an Extension of Time to extant planning permission 09/00153/OUT (permitted on 06/05/09, with REM details required by 06/05/12). Application 09/00153/OUT granted "outline planning permission for 42 holiday lodges, 8 motor home parking spaces, and the creation of a fishing lake and the conversion of the existing single storey building to ancillary leisure facilities (a shop, café and office). 'Appearance' and 'Landscaping' have been reserved for subsequent approval." (extract from 09/00153/OUT Committee Report).

The proposal involves re-development of the existing Go-Kart track / area of land, but not is proposed on the field which is included within the submitted red site line plan.

Policy

National:

PPS1 – *Delivering Sustainable Development*
PPS4 – *Planning for Sustainable Economic Growth*
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*

Other National Policy/Guidance:

Greater Flexibility for Planning Permissions – Guidance (DCLG: October 2010)

The Good Practice Guide on Planning for Tourism (May 2006)
Model Standards 2008 for Caravan Sites in England (April 2008)
Circular 11/1995 – The Use of Conditions in Planning Permissions
Circular 05/2005 – Planning Obligations
Community Infrastructure Regulations 2010

The Government's 'Plan For Growth' agenda, including Greg Clark, Minister of State for Decentralisation, 23 March 2011 Written Ministerial Statement – "Planning for Growth"

East Midlands Regional Plan:

Policy 2 – Promoting Better Design
Policy 24 - Regional Priorities for Rural Diversification
Policy 42 – Regional Priorities for Tourism
Policy 41 - Regional Transport Objectives

Other Regional Guidance:

East Midlands Tourism 'Building the Visitor Economy', Strategic Plan (2008-2011)

Harborough District Local Plan:

IN/1 – *Standards of Development*
RM/2 – *Flood Protection*
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/19 – *Protection of Trees*
EV/20 – *Landscaping*
EV/22 – *Light Pollution*
EV/23 – *Control of Pollution and Nuisance*
LR/6 – *Golf*
LR/14 – *Tourism – Self-Catering Accommodation*
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 – *Development for Sport and Recreation in the Countryside*
SPG Note 8 – *New Uses For Old Buildings*
SPG Note 9 – *Landscape and New Development*
SPG Note 10 – *Trees and Development*
SPG Note 11 – *Hedges and Development*
SPG Note 12 – *Lighting in Town and Country*
SPG Note 13 – *Crime Prevention and Reduction*
SPG Note 14 – *Access for People with Disabilities*
SPG Note 19 – *Development and Flood Risk*

Planning Obligations – Developer Guidance Note (June 2009) – Adopted 21/09/09

Other Local Considerations

LDF Core Spatial Strategy (undergoing Examination at time of writing).

Consultations / Representations

Leicestershire County Council Highway Authority

The County Highway Authority has no comment on this proposal as this application seeks an extension of time only.

Harborough District Council Drainage Engineer

Existing drainage conditions apply as per application 09/00153/OUT – no additional comments for this application.

Environment Agency

The Environment Agency has no objection.

Severn Trent Water

No objection to the proposal subject to the inclusion of a surface water and foul sewage drainage plan Condition.

LCC Ecology

Although we appreciate that we are unable to request ecological surveys for this type of application, we would request that the applicant is made aware that an updated ecological survey will need to be submitted with the full application. We have records of badger on site

and the final site design must take into account the presence of these (and any other protected species).

LCC Archaeology

No comments received for this ETO application.

For 09/00153/OUT the following comments were received:

This site is an area of archaeological potential. Although, the previous archaeological work undertaken did indicate that the concentration of Saxon settlement remains was further to the south, the undated remains closer to the application site are still not fully understood and the application site itself is untested (presumably because it had a racing circuit on it). It is also in close proximity to the Roman road which further increases the likelihood for activity here. As such trial trenching is required prior to determination to evaluate whether remains are present and to determine the impact any landscaping associated with the racing track may have had upon these.

LCC Police – Architectural Liaison Officer

A financial contribution is sought to be used within the associated Local Policing Unit. See application file for full response/letter justification from this Consultee.

It is considered that, notwithstanding the LCC Police justification, such a contribution is not essential to make the proposal acceptable and, therefore, a refusal of permission based solely upon its absence is not warranted. This assessment is made within the context that, whilst further s106 guidance has been produced since 09/00153/OUT was assessed and approved, the adopted Development Plan policy remains as per the previous decision, at which point an obligation for a contribution was not provided.

Parish Council (Broughton Astley)

The Parish Council strongly objects to the proposal until additional infrastructure is in place to support further development in the village. Concerns are raised over the size of the chalets, the numbers of vehicles shown, the letting terms of the chalets, could the chalets be used for permanent residence. It is felt that Leicester Road [now Sutton Lane] is not an adequate access for the number of cars and service vehicles required if this is the only way in. The viability of such a project raises concerns and the Parish is apprehensive that a permanent housing development could replace the holiday park if it failed. The Parish is concerned that the leisure development and golf course will not be available for Parishioners – thereby removing a leisure facility that has been made to appear to be for the benefit of the village. Concerns are raised over flooding. The area towards the B4114 Coventry Road has flooded in the past and building on land nearby could increase the risk of further flooding. The Parish is concerned about the detrimental effect on existing wildlife.

Representations

4 letters of objection have been received from 4 addresses.

The following issues were raised:

- 1.) The associated traffic to and from 42 lodges should not occur up and down Sutton Lane, a narrow country residential lane. The road is used by lots of horses, dogs and children in the area. Many vehicles already race down this road far in excess of the speed limit;
- 2.) I only object to the access route;
- 3.) In terms of viability, is it realistic to think that these chalets would be financially viable? It would be informative to be advised whether a consultative report considering occupancy rates against return on capital/debt servicing costs has been produced/considered albeit I wholly understand this will not be for public over-view. If the venture fails what are the owners/developers strategy for alternate uses, will we

then be faced with a change of use to wholly residential and what are your thoughts on this?

- 4.) The LCC Highways Department report prepared by Dominic Young on 25.02.09 is totally inaccurate and has been prepared by a desk top tick the box and scoring procedure totally unrealistic for this particular application. A more realistic approach to the road suitability would be to visit the area at a time when the impact of the plan would be felt most, i.e., evenings, weekends and holiday periods. The proposal for construction vehicles to enter the site through Sutton-in-the-Elms is totally unacceptable. The traffic may damage the foundations of old structures/listed buildings which lack modern foundations.

Site/Area Planning History

- 09/00153/OUT – Erection of holiday lodges, creation of lake and erection of shop/office and other ancillary structures in relation to adjacent golf club (access, siting and scale to be considered) – Approved 06/05/09.

Go-Kart site history

- 95/02058/3P – Formation of all weather karting track with associated earth works and erection of portal framed building for use as a reception area and pit area – Approved 15/02/96.
- 94/00114/3P – Use of land for off road karting – Approved 03/03/94.

Golf Course site history

- 02/01406/FUL – Construction of 18 hole golf course – Approved 04/04/03.
- 01/00532/FUL – Change of use of agricultural land to golf course – Approved 04/09/02.

Policy Assessment and Principle of Development

The policies and guidance listed in the “Policy” section above are considered to be pertinent.

Application 09/00153/OUT was supported by Leicester Shire Promotions, East Midlands Tourism (EMT) and Harborough District Council’s Economic Development & Tourism Officer (post no longer exists at HDC).

National guidance** on this type of planning application explains that this specific measure to seek an extension to the time limit for implementing planning permissions was introduced to make it easier for developers and local planning authorities to keep planning permissions alive for longer during the economic downturn so that they can be implemented more quickly when economic conditions improve. It advises local planning authorities to take a positive and constructive approach towards planning applications which improve the prospect of sustainable development being taken forward quickly. In making their decisions, they should focus on development plan policies and other material considerations which may have changed significantly since the original grant of permission. However, they may refuse such applications where changes in the development plan and other material considerations indicate that the proposal should no longer be treated favourably.

[**Greater Flexibility for Planning Permissions – Guidance (DCLG: October 2010)]

Having regard to the national guidance on this type of application, the main issue is whether there have been any significant changes to the development plan policies and other material considerations since the original grant of planning permission which would warrant refusal of an extension of time for a Reserved Matters (REM) application to be submitted.

In his 2011 Budget, the Chancellor of the Exchequer published proposals to help rebuild Britain's economy. The planning system has a key role to play in this and on 23 March 2011 Greg Clark, Minister of State for Decentralisation, made a Written Ministerial Statement – "Planning for Growth" – which sets out the Government's commitment to reforming the planning system so that it promotes sustainable growth and jobs. The Government expects that proposals for economic development and growth should, wherever possible, be allowed except where this would compromise the key sustainable development principles set out in national planning policy.

PPS4 (Planning for Sustainable Economic Growth) (published on 29/12/09) has also been introduced since 09/00153/OUT was approved. PPS4 directs Local Planning Authorities to attach significant material weight to proposals which benefit sustainable economic growth (*"Growth that can be sustained and is within environmental limits, but also enhances environmental and social welfare and avoids greater extremes in future economic cycles"* – PPS4 extract).

The current proposal is considered to promote economic growth and job creation without compromising the key sustainable development principles set out in national planning policy. Significant additional weight in favour of the proposal is, therefore, attached to the above material considerations which have been introduced since 09/00153/OUT was approved.

No other development plan policies and material considerations are judged to have changed significantly since the original grant of permission to now indicate that granting of an extension of time to permission 09/00153/OUT should not prevail.

Conditions and Reasons

1. The reserved matters shall be submitted within three years of the date of this permission and the approved development shall have begun within two years of the approval of such details. Reason: To comply with the requirements of Section 92 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. No development shall commence on site until detailed plans showing the appearance of the proposed lodges and the landscaping of the site have been submitted to and approved in writing by the Local Planning Authority. Reason: To comply with the Town and Country Planning (General Development Procedure) Order 2010 as this is a planning permission in outline only.
3. No development shall commence on site until detailed plans showing the scale and appearance of the maintenance shed and manager's lodge have been submitted to and approved in writing by the Local Planning Authority. Reason: To comply with the Town and Country Planning (General Development Procedure) Order 2010 as this is a planning permission in outline only.
4. No development shall commence on site until full details of the existing and proposed ground levels and finished floor levels of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure a satisfactory form of development which is compatible with the character and appearance of the surrounding area and to accord with Policies IN/1, EV/5 and EV/20 of the Harborough District Local Plan.

5. No development shall commence on site until full details of facilities for the storage of refuse and materials for recycling 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 as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure the adequate provision of facilities, in the interests of visual and general amenities and to accord with Policies IN/1, EV/5 and EV/23 of the Harborough District Local Plan.
6. No development shall commence on site until a schedule and/or samples of the materials to be used on all external elevations of the approved buildings 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 as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interests of visual amenity, to ensure that the development will harmonise with its surroundings and to accord with Policies IN/1, EV/5 and EV/7 of the Harborough District Local Plan.
7. This consent relates to the application as amended by revised plan no.s 09/000153A/FUL (Site Layout) and 09/00153B/FUL (Site Location) attached to and forming part of the original 09/000153/FUL consent. Reason: For the avoidance of doubt.
8. No development shall commence on site until full details of facilities for the secure and covered parking of bicycles have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved prior to the first occupation of the development and, thereafter, maintained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure the adequate provision of facilities, in the interests of promoting non-car modes of transport and to accord with Policies IN/1 and EV/5 of the Harborough District Local Plan.
9. No development shall commence on site until full details of all external lighting to be erected 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 as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason: To control light levels at the site, in the interests of visual and general amenities and to accord with Policies IN/1, EV/5 and EV/22 of the Harborough District Local Plan and the aims and objectives of PPS23.
10. Unless otherwise agreed in writing by the Local Planning Authority, the shop/café shall only be used by persons staying in the lodges/on site and shall only be used between the hours of 8am to 6pm Monday to Friday, 9am to 5pm on Saturday and 9am to 3pm on Sunday, Bank or Public Holidays. Reason: In the interests of residential/neighbouring amenities and to accord with Policies IN/1, EV/5 and EV/23 of the Harborough District Local Plan.
11. Unless otherwise agreed in writing by the Local Planning Authority, the lake shall only be used for recreational fishing, shall remain ancillary to the lodges hereby approved and shall only be used by persons staying in the lodges/on site. Reason: In the interests of highway safety and to accord with Policies IN/1, EV/5 and TR/3 of the Harborough District Local Plan.
12. Unless otherwise agreed in writing by the Local Planning Authority, deliveries to the shop/café shall only be received or despatched from the site between the hours of 9am to 5pm Monday to Friday and at no time on Saturday, Sunday, Bank or Public Holidays. Reason: In the interests of residential/neighbouring amenities and to accord with Policies IN/1, EV/5 and EV/23 of the Harborough District Local Plan.

13. Unless otherwise agreed in writing by the Local Planning Authority, the premises shall be used for a retail shop, café and office in connection with the lodges and fishing lake and for no other purpose (including any other purpose in Class A1, A3 or B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended). Reason: To ensure the use remains compatible with the surrounding area, in the interests of highway safety and to accord with Policies IN/1, EV/5, EV/7 and TR/3 of the Harborough District Local Plan.
14. 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 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 proposed development includes a properly designed and suitably landscaped amenity area, in the interests of visual amenity and ecological diversity and to accord with Policies IN/1, RM/10, EV/5, EV/7 and EV/20 of the Harborough District Local Plan.
15. No development shall commence on site until the existing trees and hedges to be retained on site have been securely fenced off. Details of the protective fencing to be used and its position around the trees/hedges shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing and shall comply with British Standard 5837:2005 'Trees in Relation to Construction' and in accordance with BS3998:1989 and all subsequent arboricultural best practice guidance. The protective fencing, as approved, shall be retained and maintained during the complete course of construction. Reason: To ensure that trees and other vegetation to be retained are not damaged during construction works and to accord with Policies IN/1, EV/5, EV/19 and EV/20 of the Harborough District Local Plan.
16. The existing hedges together with the trees on the site shall be retained and in no way disturbed. Any proposed alterations to the trees or hedges, including any pruning or selective removal and/or replacement, shall first, in the form of a detailed scheme, be submitted to and approved in writing by the Local Planning Authority. Thereafter, the detailed scheme shall be carried out as approved and maintained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure that existing trees and/or hedges on the site can be retained, to enhance the development and safeguard the appearance of the area and to accord with Policies IN/1, EV/5, EV/19 and EV/20 of the Harborough District Local Plan.
17. There shall be no vehicular access between the site and the adjacent golf course. Reason: In the interests of highway safety and to accord with Policies IN/1 and TR/3 of the Harborough District Local Plan.
18. The occupation of the lodges shall be for holiday purposes only; no lodge shall be occupied as a person's sole or main residence. The site owners/operators shall maintain an up-to-date register of the name/s of the owners/occupiers of individual lodges on the site, and their main home address, and shall make this information available upon request at all reasonable times to officers of the Local Planning Authority. Reason: To prevent otherwise unrestricted residential development in the open countryside, to support tourism objectives, to ensure the use remains compatible with the surrounding area and would not have a significant harmful effect on the countryside and to accord with Policies IN/1, EV/5 and LR/14 of the Harborough District Local Plan. An unrestricted development of dwellings for permanent occupation on this site, which lies outside a sustainable settlement, would not be permitted.

19. No more than 42 lodges (excluding the Manager's lodge) and 8 motor home (RV) spaces shall be created on the site and these shall be sited in accordance with plan 09/00153A/OUT. Reason: To ensure a satisfactory form of development which is compatible with the character and appearance of the surrounding area and to accord with Policies IN/1, EV/5 and EV/20 of the Harborough District Local Plan.
20. The Manager's lodge shall only be occupied by a person/persons solely or mainly employed in the running/operation of the development, or a dependant of such a person/persons residing with him/her, or a widow or widower of such a person. Reason: To prevent otherwise unrestricted residential development in the open countryside, to support tourism objectives, to ensure the use remains compatible with the surrounding area and would not have a significant harmful effect on the countryside and to accord with Policies IN/1, EV/5 and LR/14 of the Harborough District Local Plan. An unrestricted development of dwellings for permanent occupation on this site, which lies outside a sustainable settlement, would not be permitted.
21. No development shall commence on site until a surface water drainage plan/scheme for the development, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the use of the proposed lake as a surface water balancing system and the use of porous surfaces to reduce runoff. The scheme shall be carried out as approved prior to the first occupation of the development and, thereafter, maintained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure the satisfactory surface water drainage of the site and prevent an increased risk of flooding, to protect water quality, to improve ecological habitats and general amenities, to ensure the satisfactory maintenance and retention of the above and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPS25.
22. No development shall commence on site until a foul sewage drainage plan/scheme, based on disposal to a private treatment plant, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved prior to the first occupation of the development and, thereafter, maintained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure the satisfactory foul sewage drainage of the site, to protect the water environment and to accord with Policy IN/1 of the Harborough District Local Plan.
23. In the event that land contamination is found, or is suspected to be present, at the site when carrying out the approved development, then development works shall be halted (unless otherwise agreed in writing with the Local Planning Authority) and the contamination, suspected or otherwise, must be fully reported in writing to the Local Planning Authority. Prior to the recommencement of the development, an investigation and risk assessment must be undertaken in accordance with the requirements of BS10175 Year 2011 "Investigation Of Potentially Contaminated Sites Code of Practice", BS8485 Year 2007 "Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments", and CLR 11 "Model Procedures for the Management Of Land Contamination" (published by The Environment Agency 2004) and any Remediation Proposals shall be submitted to and agreed in writing by the Local Planning Authority. Reason: To ensure that any contamination is dealt with to the satisfaction of the Local Planning Authority, in the interests of the environment and future occupiers of the site, and to accord with the aims and objectives of PPS23.
24. Prior to the first occupation of the development/site, written confirmation that no contamination was found or suspected or, if remedial actions were required, independent Validation that proposed remedial measures have been carried out in accordance with

the agreed scheme, shall be submitted to and approved in writing by the Local Planning Authority. The Validation report shall contain:

(i) A full description of the works undertaken in accordance with the Remediation Proposals.

(ii) Results of any additional monitoring or testing carried out between the submission of the Remediation Proposals and the completion of remediation works.

(iii) Movement permits of all materials taken to and from the site.

(iv) A statement signed by the developer, or the approved agent, confirming that all the works specified in the Remediation Proposals have been completed. Reason: To ensure that any contamination is dealt with to the satisfaction of the Local Planning Authority, in the interests of the environment and future occupiers of the site, and to accord with the aims and objectives of PPS23.

25. There shall be no vehicular or pedestrian access between the site and the B4114 Coventry Road. Reason: In the interests of highway safety and to accord with Policies IN/1 and TR/3 of the Harborough District Local Plan.
26. Prior to the first occupation of the development/site, all areas to be used by vehicles and pedestrians shall be surfaced, sealed and drained in accordance with details that have previously been approved in writing by the Local Planning Authority. Reason: In the interests of vehicle/pedestrian safety, to achieve a satisfactory layout and to accord with Policies IN/1, EV/5, EV/7, EV/20, TR/3 and TR/10 of the Harborough District Local Plan.
27. No development shall commence on site until details of a 1.8 metre wide footway linking the site to the existing footpath along the western side of Sutton Lane have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the footway shall be provided as approved prior to the development being brought into use, unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interests of highway safety, to allow for safe pedestrian access to and egress from the site and to accord with Policies IN/1, EV/5 and TR/3 of the Harborough District Local Plan.
28. Vehicle wheel washing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the public highway. The wheel washing facilities provided shall be maintained for the operational period of the development hereby approved. Reason: In the interests of highway safety, to reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users and to accord with Policies IN/1 and TR/3 of the Harborough District Local Plan.
29. Prior to the first occupation of the development/site, drainage shall be provided within the site such that surface water does not drain into the Public Highway and, thereafter, shall be maintained as such in perpetuity. Reason: In the interests of highway safety, to reduce the possibility of surface water from the site being deposited in the highway and causing dangers to road users and to accord with Policies IN/1 and TR/3 of the Harborough District Local Plan.
30. No works shall take place until the applicant or developer, or their agents or successors in title, has submitted a complete set of development details to Heritage Services, Leicestershire County Council (as archaeological advisors to the Local Planning Authority), and the details have been approved in writing by the Local Planning Authority. The details should include existing and proposed ground levels and layout and depths of all foundations, service trenches, drains, landscaping and other ground works. Reason: To enable assessment of the development impact and to ensure the preparation of an

appropriate scheme of archaeological mitigation and to accord with PPS5 (Planning for the Historic Environment).

31. No development shall take place within the application area until the applicant or developer, or their agents or successors in title, has secured the implementation of a programme of archaeological work, commencing with an initial stage of exploratory trial trenching. This work shall be conducted in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure satisfactory archaeological investigation and recording and to accord with PPS5 (Planning for the Historic Environment).

Notes to Applicant

1. You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 821090). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.
2. 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.
3. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (Tel: 0116 3052104 / 0116 3052202 / 0116 3050001).
4. Prior to submitting material samples, please contact your case officer as the Local Planning Authority is establishing a material library and, as such, a material may not be required. If a sample is required please ensure that it is packaged safely.
5. Please note that the Local Planning Authority now charge to discharge pre-commencement conditions (£25 per application for householder and £85 per application on non-householder). Application forms for this can be downloaded from www.harborough.gov.uk/planning

11/00830/OUT – Ashby Magna
Mr JM Thompson

Erection of a dwelling (All matters reserved)
(revised scheme of 07/00828/OUT), The Gate
House, 9 Gilmorton Road

Target Date: 30th June 2011

Recommendation

REFUSE for the following reason:

- (1) The proposed dwelling is sited outside the Limits to Development of Ashby Magna and no evidence has been submitted to demonstrate that it is necessary for the purposes of agriculture, forestry, horticulture or similar rural enterprises, or that it will sustain or benefit the rural economy. It is therefore an unjustified encroachment into the countryside which, if permitted, would result in inappropriate development in the countryside, contrary to EV/5, PPS7, PPS3 and SPG note 4.
- (2) The application site is located in a remote and unsustainable location with poor accessibility to local services, community facilities and public transport. Occupiers of the development would lack viable transport alternatives and thereby be overly reliant on the use of a private motor vehicle. The proposal would therefore result in an unsustainable form of development that would be contrary to Policy IN/1 (G and P) of the Harborough District Local Plan, and the aims and objectives of PPS1, PPS3, PPG13 and PPS7. Furthermore it is contrary to the Council's emerging Core Strategy.

Site

The site is an area of land at the rear of The Gate House which forms part of the garden and residential curtilage of this house. It has mature trees in the garden, with shrubs, post and rail fencing, and a brick wall marking the boundaries. Beyond the rear boundary is the residential curtilage (garden) of Oaktree Barn, with paddock land beyond, further to the east. The countryside generally slopes down to the east. The site is outside of the Limits to Development of Ashby Magna.

The Proposal

The application is in outline form, and is for the erection of a detached dwelling and garage. Although all matters are reserved, indicative dimensions within the Design and Access Statement show a 3 bedroom bungalow with a pitched hipped roof. Indicative layout is also shown within the application.

Reason for Reporting to Planning Committee

The application is reported to the Planning Committee at the request of the Ward Member, Cllr Bannister.

Policy

National Policy:

PPS7 – Sustainable Development in Rural Areas
PPS3 – Housing
PPS5 – Historic Environment

PPS1 – Sustainable Development

Harborough District Local Plan:

IN/1 – Standards of Development
EV/5 – Development in the Countryside
EV/16 – Historic Buildings – setting
HS/8 – Limits to Development

Guidance:

“Planning for Growth” ministerial statement 23rd March 2011
Supplementary Planning Guidance note 4 – Residential Development in the Countryside

Consultations / Representations

Leicestershire County Highways:

No comments received to date.

Ashby Magna Parish Council:

Objects to the proposal:

- 1 – no change to previous reasons for refusal
- 2 – insufficient information regarding impact on trees
- 3 – insufficient information regarding possible impact on setting of the adjacent Listed Building

Representations:

3 letters of objection received to date stating: 1) outside curtilage of village; 2) no mention of impact on Listed Building adjacent; 2) trees should be protected; 3) footpath is used; 4) features adjacent to the site have not in essence changed since 2007; 5) loss of land around host building; 6) other gardens outside permitted development area; 7) Oak Tree Barn garden is undeveloped and retains a rural aspect; 8) “unique garden within the village with close links to the church and should be retained as an area intact in the long term”; 9) could lead to more ambitious plans for development with even greater impact on the church and its surroundings; 10) loss of privacy to garden of Oaktree Barn; 11) 2m high fence out of keeping with area.

[note from case officer: it is assumed that references to permitted development area and curtilage of village refer to the Limits to Development]

History:

07/00828/OUT – Erection of a dwelling (access and layout to be considered) – Refused; subsequently dismissed at appeal as it would “harm the character and appearance of the rural area and of this area of countryside and would be contrary to saved Local Plan Policy EV/5...”.

Further information:

The applicant has submitted additional information in the form of a letter (received 27th July 2011), with arguments in support of his proposal. This is available to view in the file and online. Most issues are addressed in the report below, with the exception of two points:

1 – “most unusual for the garden of a house to be excluded from the planning envelope”

This is not uncommon and is found in other settlements within the District. The introductory text to HS/8 explains why Limits do not always follow property/ownership boundaries.

2 – “A house was built in the garden of the Vicarage in Dunton Bassett .approximately 15 years ago”

Assuming this is the Old Vicarage, adjacent to the church of St Andrew, the planning permission was for the conversion of stables to a separate residential dwelling, rather than a new dwelling within a garden (various applications, firstly 78/01246/3O, latterly 85/00751/3R).

Planning Considerations

Policy Assessment:

As the proposal is for the creation of a dwelling in the countryside, policy EV/5 is considered most relevant. This policy requires a number of criteria to be met, including that the development should sustain or improve the rural economy; should not adversely affect the character and appearance of the countryside or residential amenity; should not adversely affect areas of ecological or archaeological significance; should not generate traffic that would be of a level or type harmful to the character and appearance of the area; and that adequate parking should be provided within the site.

EV/16 is also relevant, as the site is close to Listed Buildings. This policy ensures that the development respects the setting of Listed Buildings.

The emerging Core Spatial Strategy is subject to examination at present, and carries weight in the determination of this application. Policy 17 does not identify Ashby Magna as a settlement which is suitable for development as it currently lacks at least two of six key services (identified as food shop, GP surgery, library, post office, primary school and pub).

Principle of Development

As clearly shown within the application, the site is outside the Limits to Development of Ashby Magna. The Local Plan explains that Limits are defined to show the areas within which development may be acceptable, and that beyond this, countryside policy applies (in this instance, EV/5). Limits may not follow domestic property boundaries where there are houses with extensive grounds on the edge of a village and where development within the grounds would harm the setting of the village. Therefore as the site is outside the Limits to Development, and in policy terms is designated as countryside, the impact on the countryside will only be justified if it is essential for the operational requirements of agriculture, horticulture, forestry etc, or is likely to sustain or improve the rural economy. The application has not been submitted with any such justification.

The Council's emerging Core Strategy does not identify Ashby Magna as a settlement within which new residential development would be permitted due to the lack of key services. Limited infill within Limits to Development is allowed under Policy 17; however the site cannot be considered infill. Development on greenfield land adjacent to the Limits is only allowed for identified Rural Centres and Rural Villages, which does not currently include Ashby Magna. There does not appear to be a regular bus service to the village. For these reasons, future occupiers of the development would lack transport choice and would be overly reliant on the use of a private motor vehicle contrary to the sustainability objectives of PPS1, PPS3, PPS7 and PPG13.

PPS3 has removed the presumption in favour of developing gardens, as this land is no longer defined as previously developed land. This change in definition weighs against the proposal.

The ministerial statement of 23rd March 2011 "Planning for Growth" supports the swift and favourable determination of planning applications, in order to promote sustainable economic growth, except where this would compromise the key sustainable development principles set out in national planning policy. However, the site is not within a sustainable location and no evidence has been submitted that the proposal will support or sustain economic growth.

Although the site is garden land, it falls outside the definition of previously developed land, and in policy terms is classed as countryside. The proposal does not meet EV/5 of the Local Plan, Policy 17 of the emerging Core Strategy, and fails PPS1, PPS3, PPS5, PPS7, and PPG13. The principle of development is therefore unacceptable.

Housing Land Supply

The Council cannot demonstrate a 5 year housing land supply based on targets in the RSS. Since the Council supports the levels of District housing provision set out in the RSS this shortfall is an important material consideration and the proposal, although modest, will help to address this. This carries weight within terms of Planning Policy Statement 3 (particularly paragraphs 68-71) in favour of the proposal. Government restated by letter 10th November 2010 that its intention to revoke the RSS is a material consideration.

Design & Impact on the Countryside

Although design is a matter reserved for subsequent approval, the application indicates a bungalow with hipped roofs to a maximum ridge height of 5.75m and eaves height of 2.2m. The overall footprint of the dwelling is 128 square metres. The design has been amended since the previous refusal and whilst the scale is modest and generally suitable for development on the edge of a village, and the facing hipped roofs will minimise impact, the dwelling will be partially visible from the open countryside to the west. Current views are mainly rural and undeveloped in nature, with the tower of the church and the gable end of Hall Farm visible at points along the public Right of Way. The intrinsic character of the countryside and edge of the village is of undeveloped land with hedges and trees marking boundaries. The berberis hedge referred to in the application is taller than when previously viewed by the inspector, however it is still of insufficient height to completely screen the proposal, and many of the surrounding trees are deciduous so will not provide the same level of screening in winter. The garden of Oaktree Barn lies between the site and the open countryside. This was the case at the previous application and was considered by the inspector at the time. Permitted Development rights have been removed for this barn, requiring Planning Permission for any development within the garden. This allows the Planning Authority to control development within the residential curtilage, and any impact on the countryside. It is also noted that this part of the garden is still rural in nature, lacking flowerbeds or formal landscaping.

The proposal will make an impact on the countryside which is unjustified and therefore harmful to the character and appearance of the countryside. Furthermore, the proposal represents encroachment of the built form of the village into the countryside, outside the Limits to Development, which, if permitted, would be harmful to the setting and character of this part of the village. It is therefore contrary to EV/5.

Residential Amenity

Three letters of objection have been received, the parish also object to the proposal. The site is of sufficient size to accommodate a dwelling, amenity space and parking areas without detriment to nearby neighbours, although it is noted that the rear elevation of Oaktree Barn does not meet the 21m minimum separation distance. However the submitted plan is an indicative layout and this issue would be addressed at Reserved Matters stage.

Impact on Heritage Assets

Listed Buildings lie to the north (Hall Farm, and The Cottage) and south (Church of St Mary – Grade II*) and the proposal's impact on the setting of these is a material consideration, as stated in PPS5. Hall Farm and The Cottage lie 62 – 67 m away from the proposed bungalow. Both have an oblique relationship with other buildings in between, and both are two storey dwellings. The proposed building will not dominate these, or compete with them visually, and therefore it is considered that proposal will not be harmful to the setting of these Listed Buildings. The Church of St Mary is adjacent to the site and the tower and west end is

prominent within the landscape. Although there is screening of the proposal, this is from predominantly deciduous trees which would not provide the same level of screening in the winter. The Church and churchyard are currently surrounded by undeveloped and largely open areas to north, south and east (albeit some gardens) contributing to the experience of its setting, and the proposed dwelling would probably affect this. However, whilst it is considered that the proposal could be harmful to the setting of this Listed Building it is noted that the appeal inspector did not mention this issue previously and found no impact on the setting of St Mary. This is therefore not included as a refusal reason for this proposal.

Access and Parking

The submitted plans show an access driveway to the south of the site and whilst this is again a matter reserved for subsequent approval, it is the same as that considered under the 2007 application. For this application, Highways generally objected as Ashby Magna is not a good transport choice location and the proposal would result in a property where the occupiers would heavily rely on the use of the private motor vehicle, resulting in unsustainable development contrary to PPG13. Conditions were also suggested, were that application to be recommended for approval. Highways comments for this application have yet to be received, but given the lack of public transport within the village, they are likely to object as the proposal would seem to conflict with their recently adopted policy LTP3.

Conclusion

Although the proposed scheme differs in small ways from the previous refusal, and despite the modest contribution a single dwelling will make to the District's current shortfall in housing provision, this does not outweigh the harm to the setting of the village and its intrinsic undeveloped character at the edge of the village, and the unjustified impact on the countryside and heritage assets caused by the proposal.