



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-987-8927
Switchboard 0117-987-8000
Fax No 0117-987-8769
GTN 1374-8927

Mr I Althorpe BA DipTP MRTPI
1 Millers Yard, Roman Way
Market Harborough
Leics
LE16 7PW

Our ref: APP/F2415/A/95/253612/P6
Cnd ref: TEW/SAF P/2/2
Date:

16 JUL 1996

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY WELLAND LAND AND R J MITCHELL HOLDINGS
APPLICATION NO: 95/0430/30

1. As you know, I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Harborough District Council to refuse planning permission for residential development and alterations to existing highway on land off Glebe Road, Market Harborough. I held an inquiry into the appeal on 5 & 7 March 1996.
2. It is the local plan position which is of direct relevance, in the primary consideration I give to the development plan. The Market Harborough Local Plan 1984 was to subsist till 1991. Though it is now historic, it is relevant that the text introducing Policy 1 of the Plan made the point that the town lies in a natural 'bowl' within the Welland valley, and that development is confined by the ridges created by the valley sides. According to para 3.7, "it is considered important that any new development should not intrude over the ridges and that the ridgelines remain free from development."
3. You yourself, when you gave evidence for the Council at an appeal against a planning refusal in 1982 for a site including the present appeal site, explained that "these ridge lines are of equal significance when viewed from within the town itself. The appeal site is visible from various parts of the town and the development would impinge upon the natural horizon. In summary, the District Council considers that no development should be allowed to visually 'break' the ridge line as seen from outside and within the town."
4. A consultative review of the Plan was published, but was superseded by what is now the emerging draft District Local Plan. The Plan does not seek in the same specific terms as its predecessor to protect the rural setting of Market Harborough, but makes the point, in para 10.4, that though development has spread out from the valley floor, it is still contained by the

ridgelines surrounding the town. It goes on to set limits to development, which in the immediate vicinity of the site follow the existing pattern of building.

5. Though it was proposed that an area of land substantially including the appeal site should be included within the development limits during the local plan consultations, in the event this was not approved by the Council. Your view is that the 30 or so dwellings the appeal proposal might contribute to the housing stock would not, numerically, have a material bearing one way or the other on the plan strategy, and I agree.

6. Accordingly, in the light of the development plan, and all the evidence in the case, I consider I have mainly to decide whether the proposed development would materially harm the character and appearance of the surroundings.

7. The site is a significant element in certain views. As you say, it is visible from various places within the town, though not from the wider surrounding countryside. It is part of the undeveloped setting for the built up area which the planning process has long recognised as an important characteristic.

8. The draft local plan does of course acknowledge that building has spread up the higher ground around the town in places, and it may be, though it is not for me to decide, that the balance of planning interests will be in favour of further encroachment elsewhere. However, Windy Ridge, including the site, still provides a mainly rural backdrop to Little Bowden and the riverside town centre, providing a landscape largely unaffected by the limited development which has taken place off Kettering Road. Nor would any other planned development, such as that at Rockingham Road, affect the character or appearance of this sector of the urban background.

9. Development of the site would, however, have a considerable impact. Whether or not the ridgeline would be broken is not the crucial question. At very least, a significant area of prominent green hillside would be covered with built development, to the detriment of the prevailing character and appearance of the area. The former quarry and tip within the site would be left as open space, but nonetheless an appreciable area of development would be observable.

10. More locally, a change is appreciated on Glebe Road from the urban aspect of the northerly part, to the rural appearance which prevails to the south. The site frontage, and that opposite, fringe what has become by then a country lane, unmade and passing through open land with roadside hedges. However sympathetically laid out, development as proposed would destroy that rural character.

11. For these reasons, my judgement is that development of the appeal site as proposed would materially harm the character and appearance of the surroundings.

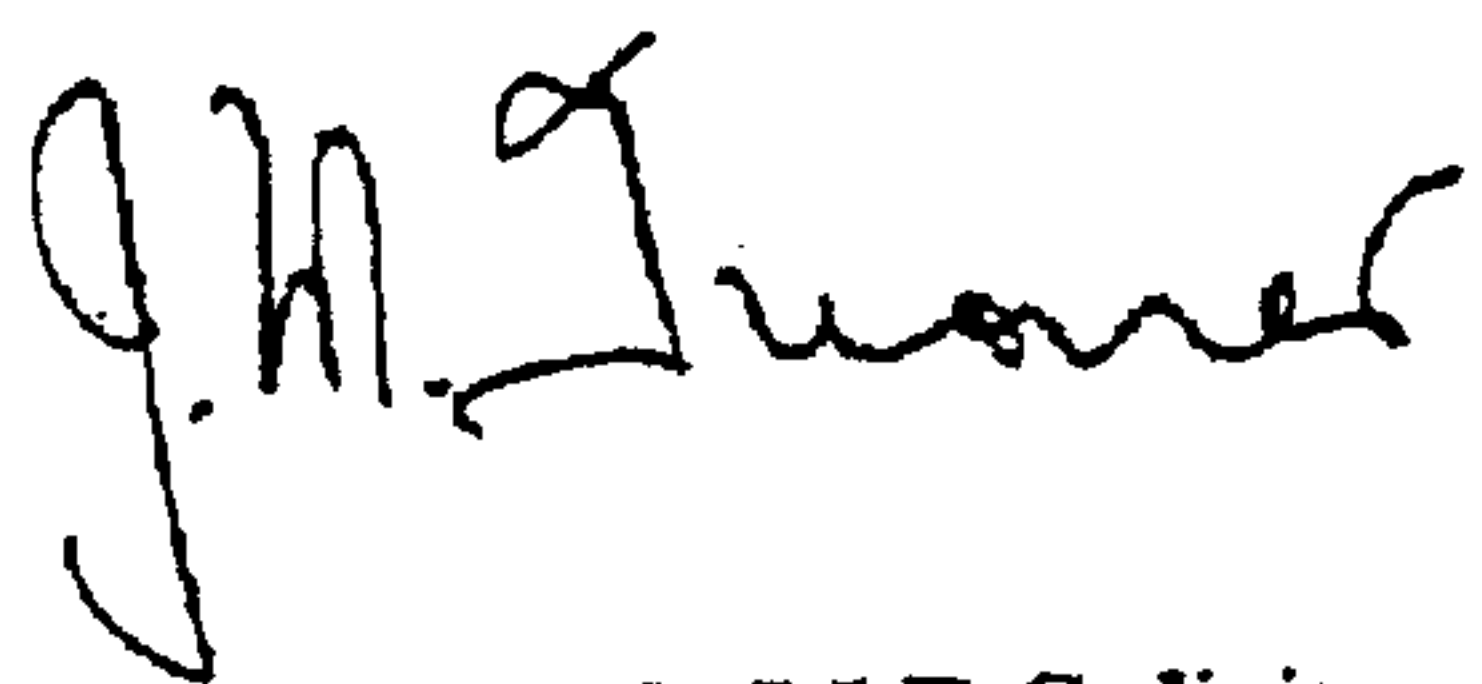
12. You make the point that no designation is proposed under Policy HS/8 - as important open space. I note the wording of the Policy demonstrates an intention to protect identified areas within the development limits which might otherwise be regarded as suitable for development. Outside the limits, the plan assumption is that development would not be appropriate, anyway. That would provide a reason why the site has not been so designated,

but it is not for me consider the point further. It does not affect what I consider to be the physical position.

13. I have considered all other matters raised in the case, including the provisions of the completed section 106 agreement, but I have found nothing to outweigh my assessment of the harm the scheme would cause, and thus I decide against it.

14. For the above reasons, and in exercise of the powers transferred to me I hereby dismiss this appeal.

Yours faithfully



J M TURNER LLB Solicitor
Inspector

FOR THE APPELLANTS

Mr P Marron, Solicitor

Messrs Marron Dodds
1 Meridian South, Meridian Business Park
Leicester LE3 2WY

He called:

Mr I Althorpe BA DipTP
MRTPI

- 1 Millers Yard, Roman Way
Market Harborough, Leicester LE16 7PW

FOR THE LOCAL PLANNING AUTHORITY

Mr P Hunt, Barrister-at-law

Principal Legal Officer

He called:

Mr A P Ashcroft BA MA
MRTPI

- Principal Planning Officer (Planning Policy)

both with Harborough District Council

INTERESTED PERSONS

Mr M Randall MRTPI
Planning Aid Volunteer

- RTPI Planning Aid Service
4 Medway Close, Market Harborough
Leicester LE16 8BU

represented some local
residents and called:

Mr P Urmston

- 37 Scotland Road, Little Bowden
Market Harborough
Leicester LE16 8AX

Mr M Maddox

- 14 Dunslade Road, Little Bowden
Market Harborough
Leicester LE16 8AQ

DOCUMENTS

- Document 1 Lists of persons present at the inquiry
- Document 2 Notification of inquiry and circulation list
- Document 3 Appendices to Mr Althorpe's proof of evidence
- Document 4 Extract from report to Planning (Policy) Committee, 31 January 1995
- Document 5 Extract from report to Council, 28 February 1995
- Document 6 Appendices to Mr Ashcroft's proof of evidence
- Document 7 Extract from Structure Plan explanatory memorandum
- Document 8 Extract from Mr Althorpe's inquiry evidence after 1982 planning refusal
- Document 9 Sections through appeal site
- Document 10 Copy planning refusal - no 82/0211/30
- Document 11 Appendices to Mr Randall's proof of evidence
- Document 12 List of those represented by Mr Randall
- Document 13 Schedule of proposed conditions
- Document 14 Section 106 Agreement
- Document 15 Bundle of representations

PLANS

- Plan A Copy application plans
- Plan B Site plan, objection no 123/14/9 to Market Harborough Local Plan
- Plan C Plan showing Derelict Land Clearance Area

PHOTOGRAPHS

- Photo 1 Little Bowden Brickworks Pit, produced by Mr Maddox
-

Appendix B

Janet Hopcroft

From: Rachel Jones [racheljones@marrons.net]
Sent: 05 August 2009 17:30
To: Joseph Qureshi
Cc: Adrian Eastwood; Brett Culpin; Janet Hopcroft; Stephen Pointer; Steve Mitchell; Alan Pole
Subject: Glebe Road Market Harbourough

Sent on behalf of John Edmond

Dear Mr Qureshi

Thank you for your e-mail of 29 July 2009 seeking clarification on a small number of points arising from the Land Availability calculation tables (labelled Tables 1 and 2 as attached), which I left with you following our meeting at your offices together with Steve Pointer and Steve Mitchell on 10 July 2009.

As discussed at our meeting the above tables are based upon the information in the Council's June 2009 AMR. The Council contend, upon the AMR, that it possesses a deliverable 5 year supply of housing land – in fact it contends that 6 years supply is deliverable.

We demonstrate in the table provided that this conclusion is flawed based on the Council's own figures in the AMR.

As you will appreciate PPS 3 advises:

1. Para graph 54 – LPA's should identify sufficient specific deliverable sites to deliver housing in the first 5 years. To be considered deliverable sites should be available, suitable and achievable (there must be a reasonable prospect that housing will be delivered on the site within 5 years)
2. Para graph 58 – LPA's should not include sites for which they have granted planning permission unless they can demonstrate, based upon robust evidence, that the sites are developable and are likely to contribute to housing at the point envisaged (i.e. within the 5 year period)
3. Para graph 71 – Where a LPA cannot demonstrate an up to date 5 year supply of deliverable sites they should consider favourably planning applications for housing.

It is therefore the case that in assessing the 5 year housing land supply position in your District the period to relevant consider is from 1 April 2009 to 31 March 2014.

The Council has instead adopted a 6 year period against which to assess a 5 year supply. That, put simply, is the wrong approach and fails to apply correctly the advice in PPS 3. The Council's conclusions accordingly contained in the AMR in respect of land supply are erroneous.

That is why we demonstrate in the table we have produced, that applying PPS 3 and utilising the Council's AMR figures the Council cannot demonstrate an up to date 5 year supply of deliverable sites.

Dealing specifically with the matters you seek clarification upon:

- Row E 2009 – 2014 Table: with respect the figure of 1609 is correct. It is arrived at as follows – Council's estimation of completions 2009/10 (441) + Appendix B projected completions 2010/11 – 2014/15, which have been averaged and then 20% deducted. Therefore $441 + 1168 = 1609$.
- Row E 2010 – 2015 Table: you are correct and the figure should be 1460 (this results in the 5 year supply being adjusted from 4.29 years to 4.4 years).

Even if we took the approach to the 2009 – 2014 table and applied the Council's projected completions for the years 2010/11 to 2013/14 the Council still cannot achieve a 5 year deliverable supply of housing land. I attach a further Table demonstrating this (Labelled Table 3). This Table shows the supply available as being 441 (2009/10) + 1205 (total projected completions 2010/11 to 2013/14) = 1646. Using this method the Council will still only have 4.9 years supply of deliverable sites. The 'presumption' contained in paragraph 71 of PPS 3 would still apply to the determination of housing proposals.

The approach to date has not challenged the Council figures contained in the AMR (June 2009). However, on closer examination of the Council's assumptions in the AMR it is clear that a number of issues arise that lead

06/08/2009

to the conclusion that the land supply position identified above is as robust as it can be for the Council.

In particular it is clear from the AMR that:

- a) Appendix C of the AMR contains a 5 year site delivery schedule. It is our informed position that
- Former Tungsten Batteries site, Lathkill Street – the AMR records 52 properties to complete. We understand that this figure is overstated and a more realistic figure to include would be 30 units to complete. This no doubt you can verify on site and via your Building Control Officer;
 - Former De Montfort Campus, Scraftoft – the AMR records under 'Available' 198 dwellings already completed. This is plainly wrong. We are reliably informed that there are about 67 dwellings outstanding on this development and NOT the 93 relied upon by the Council in the AMR

Taking these matters into account this would reduce the 1609 figure in the Table currently with you to 1559, thereby producing only 4.65 years land supply.

- Sites MH/3 and GG2 – have deliverability and therefore 'achievability' issues given the current economic climate. These sites cannot reasonably contribute to the housing supply at the levels the Council anticipate as shown in Appendix C of the AMR. These are sites upon which the Council place significant reliance in relation to its conclusions on land supply in the current 5 year period.
- Similarly considerable doubt exists as to the realistic contribution to be made in the current 5 year period by the Harborough Rubber Co site, the Brandon Tool Hire site Market Harborough (where a current business trades from + the permission relates to a retirement scheme) and Wycliffe garage Lutterworth, where the revised scheme strongly leads to the conclusion that the extant permission will not be implemented and even if the current proposals for 48 units was approved given the site is occupied by an exiting business together with the existing economic climate it is unrealistic to expect this to significantly contribute (if at all) to housing provision in the current 5 year supply period. It is likely, we understand, to come forward as a retirement scheme and accordingly not traditional market housing.

b) Small sites allowance – Analysis of the AMR figures justifying the Council's conclusion that 40 dwpa should be allowed for as a small site allowance demonstrates that this annual figure is wholly overstated. In 2007/08 only 4 dwellings on greenfield sites came forward. In 2008/09 the figure was 13. Having regard to the fact that previously developed land is a finite resource, there is a limit

to the number of conversions that can be undertaken and constraint on housing in the rural villages we can see no reasonable basis upon which a reliance of 40 dwpa for small sites coming forward can be justified and is wholly overstated.

All of these additional factors demonstrate that the actual 5 year land supply position of the Council to 31 March 2014 falls well below the 5 year requirement of deliverable sites. Axiomatically, paragraph 71 of PPS 3 applies to the proposed development at Glebe Road and it should be 'considered favourably'. PPS 3 at paragraph 72 clearly advises 'Local Planning Authorities should not refuse applications solely on the grounds of prematurity'.

The above taken together with the facts that:

- The Council accepts that the landscape and visual impact issues have been fully addressed by the evidence of Mr Thomas for the applicant;
- Our Engineer Consultants have been in dialogue with the County Highways Officer and subject to formal confirmation tomorrow, we have been advised that the current objection will be withdrawn. Therefore we understand that there are no other technical objections to preclude the grant of planning permission;
- The development will deliver as a 1st phase (before any Open Market Housing – not flats - can be occupied) 30% (i.e. 42) affordable units through a RSL, with construction on site possibly occurring as early as late spring 2010.

The Council has already acknowledged that the site accords with the relevant policies of the development plan. There are no other material considerations to suggest permission should not be granted subject to conditions and the completion of a S106 Agreement.

We await your response to the above.

Yours sincerely,

John Edmond

MARRONS

1 Meridian South, Meridian Business Park, Leicester LE19 1WY
DX 710910 LEICESTER MERIDIAN
Tel : 0116 289 2200 Fax : 0116 289 3733 www.marrons.net

The partners are corporate partners wholly owned by solicitors and the firm is regulated by the Solicitors Regulation Authority.

Partners: Peter Marron Ltd (company no 04960803), Kevin Sumner Ltd (company no 04960853), John Edmond Ltd (company no 04960000), Nicholas Robinson Ltd (company no 04960015), Morag Thomson Ltd (company no 04960097), Simon Stanion Ltd (company no 04960084), Louise Mee Ltd (company no 04964164). Each company is registered in England with the registered office address above.

This email and the information it contains are confidential and may be privileged and copyright protected. If you have received this email in error please notify us immediately and you should not copy it for any purpose, or disclose its contents to any other person. Internet communications are not secure and therefore Marrons does not accept any legal responsibility for the contents of this message as it has been transmitted over a public network. If you suspect the message may have been intercepted or amended, please call the sender.

This email has been scanned by the MessageLabs Email Security System.
For more information please visit <http://www.messagelabs.com/email>

Harborough DC

Table 1

EAST MIDLANDS REGIONAL PLAN 2006-2026		
Land Supply Calculation 1 April 2009 – 31 March 2014		
		District
A	Total dwelling requirement 2006-2026 (350x20yrs)	7000
B	Completions 2006-2009 (31.3.09)	1299
C	Residual requirement to 2026 (A-B)	5701
D	Annual residual requirement 2009 - 2026 C/17	335
E	Supply available 2009 -2014 (commitments/allocations) Figures from AMR June 2009 at paragraph 4.8 (1168 + 441) ¹	1609
F	Five year supply calc (EMRP) E/D	4.80 yrs ²

Table 2

EAST MIDLANDS REGIONAL PLAN 2006-2026		
Land Supply Calculation 1 April 2010 – 31 March 2015		
		District
A	Total dwelling requirement 2006-2026 (350x20yrs)	7000
B	Completions 2006-2009 (1299 + 441)	1740
C	Residual requirement to 2026 (A-B)	5260
D	Annual residual requirement 2010 - 2026 C/16	329
E	Supply available 2010 -2015 (commitments/allocations) Figures from AMR June 2009 at paragraph 4.8	1460
F	Five year supply calc (EMRP) E/D	4.4 yrs

¹ 1609 extrapolated by (i) 2010-2011 – 2014-2015 estimated completions = 1460; (ii) estimated completions 2009/2010 = 441. (i) + (ii) = 1609 as supply 1 April 2009 – 31 March 2014

² Including small sites allowances

Table 3

EAST MIDLANDS REGIONAL PLAN 2006-2026		
Land Supply Calculation 1 April 2009 – 31 March 2014		
		District
A	Total dwelling requirement 2006-2026 (350x20yrs)	7000
B	Completions 2006-2009 (31.3.09)	1299
C	Residual requirement to 2026 (A-B)	5701
D	Annual residual requirement 2009 - 2026 C/17	335
E	Supply available 2009 -2014 (commitments/allocations) (1205 + 441) ³	1646
F	Five year supply calc (EMRP) E/D	4.90 yrs ⁴

³ Using 441 (09/10) + next 4 years (441+182+283+464+276 = 1646)

⁴ Including small sites allowances

Appendix
C

Fletcher Homes Ltd

c/o

mulberry
Partnerships

Unit 6 Twigden Barns
Brixworth Road
Creton
NN6 8NN

Tel. 08449 060120
Fax. 01604 505942

4th August 2009

Mrs J Hopcroft
Planning Officer
Harborough District Council
Council offices
Adam and Eve Street
Market Harborough
LE16 7AG

Dear Janet

RE : Glebe Road , Market Harborough Application no 09/00589/OUT

Further to our recent discussion 10th July 2009 with your colleagues Steve Pointer and Joel Qureshi, to which we await a response based upon information presented, we have been undertaking a review of Affordable Housing in the District set against those targets adopted under the Affordable Housing SPD – Feb 2006, information contained in the Core Spatial Strategy Alternative Options Report & Housing Monitoring Paper 2008/9.

I would like to refer to the following points made in those reports :-

HDC's CSS – Alternative Options Report - Theme 7 Affordable Housing' - Harborough has more acute affordability issues than the regional norm. The recently completed Leicester and Leicestershire Strategic Housing Market Assessment (SHMA) estimates that there is an **annual shortfall of 264 new affordable homes in Harborough District to meet the housing needs of people who cannot afford prices.** This equates to **75%** of the requirements for new housing in the District as set out in the RSS. Whilst meeting this need is unrealistic in view of other factors such as **land availability, financial viability** of new development and ensuring mixed tenure to promote sustainable and inclusive communities, it does serve to highlight the degree of housing need in the District.'

Since 2001 to 2009 there have been **3012** completions (**page 7 Housing Monitoring Information Paper 2008/09**) of this total **only – 367 affordable** units have been provided which represents **12.18% of total completions** over the same period

It is stated that in 2007/2008 Harborough met its corporate target of delivering 80 affordable units per annum for the first time (**page 38 CSS.A.O Paper & page 7 para 3.9 HMIP**). However set against a back drop of **586 completions 2007/08** (**page 5 Housing Monitoring Information Paper 2008/09**) this equates to only a **15.3%** delivered provision of Affordable Housing stock for that year.

The Net completion figure for 2008/09 – 263 dwellings, is significantly lower than in previous two years and reflects the current level of market uncertainty within the development industry. This is a drop in completions of 55% (**2007/08**) and 42% (**2006/07**) respectively.

Continued/.....

(Para 3.3 – 3.4 page 5 HMIP) States the 263 total for 2008/09 was made up of 128 dwellings from large sites completions (10 dwellings or more), 103 dwellings from small sites (less than 10 dwellings) and the remaining 32 from completions on housing allocations.

However only 23 affordable units were completed during 2008/09. This is the lowest completion rate recorded and is directly related to the low number of market houses completed on sites of 5 or more dwellings. (Para 3.9 HMIP 2008/09).

This equates to a **supply of 8.7%** of the Total completions for 2008/09, being Affordable Houses, and therefore intensifying the already highlighted annual shortfall and undersupply of Affordable Housing in the District further.

Current Climate

Having taken the above on board and looking at the current climate where we have the following issues to contend with :-

1) New House Starts have dropped from peak output levels of 220,000 per annum Nationwide to a concerning low of 80,000 starts & completions Nationwide (forecast this year). When the economic climate returns to a level of stability and normal trading conditions, it will take at least 3 – 5 years for the National House Builders and Developers to re employ the infrastructure within their organisations to operate at the higher output levels. **Whilst acknowledging this problem, the recent Housing Monitoring Information Paper ignores such impact when forecasting its anticipated Trajectories going forward for the period 2009/2015.**

2) Large site allocations are currently stalled and at present and without support from the HCA- Kick Start Funding Programme are unviable and will not be delivered for sometime until the financial climate and the effects on cashflow are eased. Therefore Affordable Housing numbers that have been secured under S106 Obligations will also be stalled which in turn will further exasperate the **264 New Affordable Homes need per annum highlighted in the Leicestershire Strategic Housing Market Assessment. Furthermore the Housing Monitoring Information Paper fails highlight the Affordable Housing delivery trajectories going forward to 2015.**

3) Unemployment is rising and the Bank of England's Monetary Policy Committee predicts unemployment among the under 25's will hit 1 Million by September 2009, currently at 927,000. How many of these individuals are going to be able to afford to purchase their first property outright and how does the planning system propose to deal with this ever growing and real issue ?

What all this demonstrates is that there is a Housing Supply problem and not only that, it also is affecting the supply and deliverability of the correct type of stock. Harborough District Council should be addressing its Corporate Target to deliver well in excess of 80 Affordable Units per annum, in order to recover ground on an already intensifying need and requirement. This is before you set it against a very difficult Economic climate and outlook.

Significantly in respect of this application in order to deliver much needed Affordable Housing in terms of both mix and tenure (particularly houses **not** flats) to satisfy the undisputed need identified above, we would agree to a planning permission for this development to contain a condition that, inter alia, restricts the delivery of the Market Value Housing element until all of the Affordable Housing, secured through a S106 Agreement, are completed and/or transferred to an RSL.

Furthermore we have been in direct discussion with a number of RSL's with whom your Council operates affordable housing partnership arrangements and subject to planning permission being issued we would be confident that the delivery of the 42 Affordable Housing units could be commenced on site in the spring/early summer of 2010.

Continued.../..

This is a material consideration which in itself should be accorded significant weight in the decision to be made here, given the fact that little if any other affordable housing is likely to be delivered from the Council's key sites relied upon in the AMR in the foreseeable future. We trust that your Planning Committee Report will fully set out this significant benefit arising from this proposal.

The facts are that the land at Glebe Road is, as required by PPS3, available, viable and deliverable. For reasons I have considered above this cannot be said on any of the sites upon which the Council currently relies upon in terms of meeting its housing requirements, and in particular its annual 264 shortfall in affordable housing provision.

We have provided further information to Joe Qureshi in respect of land availability issues. Based on the Council's own information contained in the latest AMR, and having regard to the requirement of PPS 3 for the Council to have a 5 year deliverable supply of housing (i.e. from 1.4.2009 to 31.3.2014), it is clearly the case that the council cannot demonstrate (on its own figures) a 5 year deliverable supply within this period.

PPS 3 dictates that in circumstances such as this, local planning authorities should consider applications for housing favourably.

Our Engineer Consultants have been in dialogue with the County Highways Officer and subject to formal confirmation tomorrow, we have been advised that the current objection will be withdrawn. Therefore we understand that there are no technical issues to preclude the grant of planning permission. The issues raised by third parties raise no new issues not covered already in the submission made in support of the application.

Accordingly having regard to the development plan and other material considerations the case for releasing this site now for housing (in particular affordable housing) is compelling and we trust you will be able to recommend to the Planning Committee that permission should be granted subject to conditions and completion of a S106 Agreement.

Please do not hesitate to contact me should you need to discuss any of the above points further.

Yours sincerely

Steve Mitchell
Director & Director Fletcher Homes Limited
01604 500058
07957 837443

cc: J Edmond (Marrons)
R Mitchell (FH)
A Pole (MV)
B Culpin (HDC)
A Eastwood (HDC)
S Pointer (HDC)