

Planning Committee Report

Applicant: Hazelton Homes (Midlands) Ltd

Application Ref: 21/02089/REM

Location: Land at Uppingham Road, Billesdon

Parish/Ward: Billesdon / Billesdon

Proposal: Erection of 35 dwellings (Reserved Matters of 16/01819/OUT, including details of access, appearance, landscaping, layout and scale)

Application Validated: 30.11.2021

Weekly List Expiry Date: 07.01.2022

Consultee Expiry Date: 04.10.2022 (re-consultation)

Neighbour Expiry Date: 04.10.2022 (re-consultation)

Site Notice Expiry Date: 31.12.2021

Advertisement Expiry Date: 30.12.2021

Target Date: 01.03.2022 (EOT Agreed)

Reason for Committee Decision: Major Application (>25 units)

Recommendation

Planning Permission is **APPROVED*** for the reasons set out in this Committee report, subject to

- The Planning Conditions detailed in Appendix A

*Subject to amended plans satisfying LCC Highway comments.

1. Site & Surroundings

- 1.1 The application site is formed by two agricultural grazing fields. The site is approximately 2.38ha in size.
- 1.2 The site is presently countryside. It lies to the northern side of the Selected Rural Village settlement of Billesdon, adjacent to but outside the Limits to Development established in 2001. Immediately to the north of the site is the A47 culvert.
- 1.3 The site is an Allocated Site within the Billesdon Neighbourhood Plan “for a target of a minimum of 35 dwellings” (Policy BP4) and has an outline planning consent for 35 dwellings (16/01819/OUT)

- 1.4 Vehicular access to the site is proposed from Uppingham Road, near to The Coplow Centre. An existing field access which runs between Nos 9 and 11 Uppingham Road would be upgraded. In the southwest corner of the site a secondary access is proposed, serving just pedestrians / cyclists, to provide optimal linkages to village shops and services.
- 1.5 Mature hedgerows and hedgerow trees define the boundaries of the two fields. This foliage is generally well established and provides a strong degree of enclosure. It is noted that an established hedgeline runs through the site, separating the two fields.

Figure 1: Site Area



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



Site Context (Design Statement)

- 1.6 There are significant levels changes across the site, with the northeastern corner of the site representing the highest land (~194.68m AOD**) and levels falling towards the southwestern corner of the site where it is proposed to link to Long Lane (~176.41m AOD). This is a substantial fall of 18.27m across this 230m diagonal span of the site (1 in 12.6).

(**AOD = "above ordnance datum". Mean sea level is used for the datum.)
- 1.7 Three residential properties adjoin the southern boundary of the site (No.s 8 and 9 High Acres and No.9 Uppingham Road). No.s 8 and 9 High Acres appear to date from a 1975 planning approval. No.9 Uppingham Road dates from a 1957 planning approval. There is also an open paddock adjoining the southern boundary of the site.
- 1.8 No.11 Uppingham Road lies to the east of the proposed site access, with The Coplow Centre beyond this dwelling. The rear grounds of the Coplow Centre contain an Area Tree Preservation Order (Area TPO 115). The Area TPO would not be affected by the proposal.
- 1.9 At the top of Long Lane on the small parcel of land adjacent to the southwest corner of the site, there is a now lapsed consent for demolition of the existing storage sheds and

erection of a single dwelling (Ref: 17/01448/FUL; refused but allowed on appeal 13.11.2018).

- 1.10 The Conservation Area of the settlement runs along part of the southern boundary of the site and incorporates the aforementioned paddock, Long Lane and the 17/01448/FUL site.
- 1.11 The closest Listed Building curtilage lies approximately 87m to the south of the site along Long Lane. Given this distance and intervening buildings, it is judged that the proposal would not affect the setting of Listed assets.
- 1.12 Public Footpath C60 runs northwards from the top of Long Lane, through the field to the west of the site, across rising ground, before dropping down to cross the A47. A short section of Bridleway C58A is noted running along the eastern boundary of the site. Both Rights of Way would provide opportunities to observe the proposed development, although established boundary foliage provides a reasonable degree of screening even during non-leaf bearing months.
- 1.13 The site displays evidence of ridge and furrow earthworks, particularly the easternmost of the two fields. The site has been identified as having a high potential to contain buried archaeology.
- 1.14 A high voltage overhead line cuts through the northwestern corner of the site.

Planning Officer Site Visit Photographs

Image 1: Approved route of site access from Uppingham Road. No.9 Uppingham Road dwelling on left of shot (taken 22.12.16).



Image 2: Approved route of site access from Uppingham Road; summertime.



(Source: Google Streetview)

Image 3: View outwards from approved route of site access (taken 22.12.16).



Image 4: Southeast corner of site, looking along the back of No.s 8 and 9 High Acres and No.9 Uppingham Road (taken 22.12.16).



Image 5: View from Public Footpath C60, looking south towards Long Lane. This image shows the dense western hedgeline boundary of the site (taken 22.12.16).



Image 6: View northwards of the head of Long Lane (taken 22.12.16).



Image 7: View southwards of Long Lane (taken 22.12.16).



2. Site History

2.1 The site has the following relevant planning history:

- 19/00148/PCD - Discharge of Condition 11 (archaeology WSI) of 16/01819/OUT

2.2 A piece of land to the south-west of the site had permission for a single dwelling (Ref: 17/01448/FUL; allowed on appeal 13.11.2018); although the consent has now lapsed.



17/01448/FUL – site fenced off (photo taken 15.08.2022)

3. The Application Submission

a) Summary of Proposal

- 3.1 The application seeks approval of the reserved matters to Planning Permission 16/01819/OUT
- 3.2 The gross site area is 5.96 acres (2.41 hectares). The nett site area is stated to be 4.12 acres. This is 1.67 hectares and relates to the land upon which 35 dwellings would be constructed (the site area excluding land required for public roads, public open space and the local play area). This would result in a density of 21 dwellings per hectare.
- 3.3 Vehicular access which was approved under 16/01819/OUT will be via a new T-Junction on to Uppingham Road in the southeast corner of the site. The planning layout shows there will be one primary road within the development built to adoptable standards, with private drives branching off this road.
- 3.4 A pedestrian / cycle access link in the southwest corner was also approved at outline, in order to reduce walking distances from the majority of dwellings to village shops, services and bus stops. The pedestrian link would facilitate access to Public Footpath C60. This link was also a requirement of Policy BP4 of the Neighbourhood Plan.

b) Schedule of Plans / Documents for Assessment

- 3.5 In addition to the application form the following documentation was submitted
- Design Statement (09.12.21 Rev C DNW/ADA/KB)
 - Housetypes (inc. Garages)
 - Location Plan (1144-00 Rev B)
 - Planning Layout (41184 071A)
 - Boundary Treatment Plan (41184 027E)
 - Landscape Masterplan 7587.ASP3.LSP
 - Planting Plan Overview (7587.PP.1.0 A)

- Planting Plan 1 of 1 (7587.PP .1.1)
- Planting Plan 1 of 2 (7587.PP .1.2)
- Timber edge above surface Hoggin path (detail)
- Landscape Briefing Note (7587.LBN.001)
- Tree Protection Plan 01
- Tree Survey
- Tree Survey and Constraints Plan 01

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| c) Amended Plans and/or Additional Supporting Statements/Documents |
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3.6 During the course of the application, additional information and amended plans have been submitted to address consultee and case officer comments. The amendments include:

May 2022 (re-consultation expiry 08.07.2022)

- Revised Housing Mix
- Reduction in the height of dwellings on the northern edge of the site
- Reconfigured the layout and changed the dwelling typologies on the north western corner of the site (3d type to 3f type)
- Amendments in design and scale to specific plots
- Revised boundary treatments / landscaping
- Updated tree protection plan and survey

September 2022 (re-consultation expiry 04.10.2022)

- Drainage Strategy
- Engineering Layout
- Adoptable Highway drawings
- Perspective sketches
- Site Cross Sections
- Revised Planning Layout (071K)

October 2022 (re-consultation expiry 26.10.2022)

- Technical Note to respond to points made in the recent LHA response (04.10.2022)
- A drawing issue sheet confirming the latest drawing versions
- Updated drawings:
 - a. Plot 35 – 41184/63C
 - b. Plot 17 – 41184/077A
 - c. Site Cross Sections – 41184/078C
 - d. Boundary Treatment Plan – 41184/027K
 - e. Planning Layout – 41184/071M

- Updated engineering drawings:
 - a. FW1162 SK12 No9 Vehicle Tracking
 - b. FW1162-D-400-01 [A4] Drainage Strategy Sheet 1 of 2
 - c. FW1162-D-400-02 [A4] Drainage Strategy Sheet 2 of 2
 - d. FW1162-E-500-01 [A5] Engineering Layout Sheet 1 of 2
 - e. FW1162-E-500-02 [A5] Engineering Layout Sheet 2 of 2
 - f. FW1162-E-501-01 [A3] Adoptable Highway Surfacing Sheet 1 of 2
 - g. FW1162-E-501-02 [A3] Adoptable Highway Surfacing Sheet 2 of 2
 - h. FW1162-E-502-01 [A2] Adoptable Long Sections Sheet 1 of 3
 - i. FW1162-E-502-02 [A2] Adoptable Long Sections Sheet 2 of 3
 - j. FW1162-E-502-03 [A2] Adoptable Long Sections Sheet 3 of 3

4. Consultations and Representations

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

a) Statutory & Non-Statutory Consultees

LCC Planning Obligations

As this is a REM application no co consultation response to be provided as all our contributions have been secured in the legal agreement attached to 16/01819/OUT

Contaminated Land and Air Quality Officer

No comment regarding land contamination

LCC Ecology

I have reviewed the planting plan overview alongside my colleagues previous comments and note that the plant species have not been amended to reflect her recommendations. These previous comments still stand.

LCC Archaeology

No further comments to make and recommend you refer to our previous comments reminding the applicant to abide by condition 12 of the outline permission

LLFA

Subsequent to the previous LLFA response and the last LLFA consultation of 16/01819/OUT in August 2017 the planning layout has been amended. A new drainage strategy plan has been submitted to suit the designed layout that corresponds to the principles approved in the application for outline planning consent.

LCC Highways

Site Access - Drawing No 41184/071A titled 'Planning Layout' illustrates site access arrangements, which mirror the site access details previously approved under the outline application.

Internal Layout - The internal layout is currently not considered to be suitable for adoption. Therefore the LHA request the applicant to address the concerns outlined

Public Right of Way - Public Footpath C60 runs adjacent to the proposed development and Public Bridleway C58a runs along the proposed development. No information has been submitted relating to Public Bridleway C58a or regarding its treatment, and how it will be incorporated into the design of the proposed access to the site.

HDC Strategic Housing and Enabling Officer

The amended schedule now conforms with my comments submitted in February 2022

HDC Environmental Health Officer

A Construction Method Statement should be attached to any consent

HDC POS Officer

I have reviewed the landscape plans and specifications. In my view the plant species used are generally suitable for their locations (including Vinca minor in swale mix 1 – which appears to be on edge of the swale so will not be permanently in wet conditions – comment by LCC Ecology).

Tree species size and specifications are satisfactory. Sorbus aria may be better replaced with a damp tolerant species such as Alnus glutinosa.

All specification for supply and landscaping are to the relevant British Standard.

The specification for the paths is satisfactory except for the paths being 150mm out of the ground – I don't understand why this is the case. Perhaps the developer can give their reasoning?

The specification of the hoggin material should be given. Breedon Gravel is the preferred option. I would suggest that the path edges are level with the surrounds as per Breedon Gravel recommendations.

Billesdon Parish Council

The creation of the Neighbourhood Plan for Billesdon in 2014, supported by the community, included the proposed site and development details. The creation of the 35 dwellings proposed, are in line with the Neighbourhood Plan details. This site is seen as an important part of Billesdon's development as part of Harborough's core strategy. To that end the Parish Council support these plans.

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|---------------------------|
| b) Local Community |
|---------------------------|

4.3 The application has generated 6 objection comments. The comments are summarised as follows:

- Footpath to the top of Long Lane regularly floods;
- Long Lane is a quite, dead end lane. The footpath access will increase foot traffic 100 fold. Impact to our privacy and noise disturbance
- Being a dead end lane, the area where the footpath is to join Long Lane is a turning circle for vehicles. There is increased risk to pedestrians
- It is unclear where the drains for these properties will feed into?
- There is already a 3-4 week wait for a doctors appt;
- Construction noise and disturbance
- I have not seen any documents relating to protected species
- Building in open countryside
- The siting and scope of this development will increase the likelihood of flooding

- The Flood Risk Assessment & Drainage Strategy does not satisfactorily address the issue of the prevention of run-off from the site into the SW corner and surface water flooding into Long Lane.
- Increased risk of road traffic accident on Uppingham Road
- Degradation of internet speed as a result of significant additional internet traffic passing through the junction box
- Increased noise and dirt
- The plans do not show any barrier at the SE corner to defray noise from existing properties. Is it the intention to include a fence to counteract the noise and for the green area in the corner to be discourage ball games etc?
- The site access plans are not complete
- The proposed access is on dangerous bend
- The plans do not highlight the entrances opposite and adjacent
- The site must not be developed until expansion of the drainage system is completed

5. Planning Policy Considerations

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

a) Development Plan

- 5.2 The DP for Harborough, as relevant to this site, comprises:

- Harborough Local Plan (adopted, April 2019)
- Billesdon Neighbourhood Development Plan (2014-2028);

5.3 *Harborough Local Plan*

Policy GD1; GD2; GD5; GD8; H2; H5; HC1; GI1; GI2; GI5; CC1; CC3; CC4; IN2, CC1

5.4 *Billesdon Neighbourhood Development Plan (2014-2028)*

Policy BP2: Housing Provision

Policy BP3: Housing Allocations

POLICY BP4: LAND TO THE NORTH OF HIGH ACRES, UPPINGHAM ROAD (Site A)

Land is allocated for housing development to the north of High Acres, Uppingham Road, as defined on the Policies Map. Development will be permitted subject to the following criteria:

- a. the development provides for a target of a minimum of 35 dwellings. At least 40% of the dwellings shall be affordable housing. A mix of housing types will be required. The affordable housing and mix of housing requirements to be informed by the most up to date Strategic Housing Market Assessment or other local evidence. A proportion of dwellings shall be designed to achieve *Code for Sustainable Homes* level 4 or above, or equivalent. All these requirements to be subject to viability, in accordance with paragraph 173 in the NPPF;
- b. principal access to the site is to be from Uppingham Road. There should be no vehicular access to Long Lane;
- c. a footway and/or cycleway link to be provided from the west of the site to Long Lane;
- d. approximately 4,000 sq.m. of green open space is to be provided along the northern boundary of the site. A local play area for young children shall be provided elsewhere within the site;
- e. a landscaping scheme should be implemented to provide for an improvement in biodiversity and include:
 - i. the retention of important trees and hedgerows;
 - ii. additional planting along the southern boundary of the site to protect the residential amenities of existing residents;
 - iii. additional planting along the northern boundary of the site to minimise the impact of noise and disturbance from A47 traffic on residential amenities;
 - iv. an appropriately designed, constructed and maintained sustainable drainage system; and
 - v. the green open space identified in criterion d above;
- f. undertake an archaeological field evaluation.

Policy BP7: Design (including Village Design Statement)

Policy BP9: Superfast Broadband

Policy BP12: Retention of Key Services and Facilities

Policy BP13: Infrastructure

Policy BP14: Water Management

Policy BP17: Parking

Policy BP18: Countryside and Landscape

Policy BP20: Biodiversity

Policy BP21: Climate Change

b) Material Planning Considerations

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

5.6 *The National Planning Policy Framework (The Framework / NPPF)*

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

5.7 *National Planning Practice Guidance*

5.8 *Planning (Listed Buildings and Conservation Areas) Act 1990*

Section 72 imposes a duty on Local Planning Authorities to pay special regard/attention to Conservation Areas when considering whether to grant planning permission for development. For Conservation Areas “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area” (Section 72).

5.9 The Equality Act contains the Public Sector Equality Duty (PSED), which came into force on 5 April 2011. Public authorities are required, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010. The Equality Duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all.

d) Other Relevant Documents

5.10 The following documents should be noted:

- The Community Infrastructure Levy Regulations 2010, S.I. No.948 (as amended)
- Circular 11/95 Annex A - Use of Conditions in Planning Permission
- ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)
- Leicestershire County Council Planning Obligations Policy
- Leicestershire County Council Local Transport Plan 3 (LTP3)
- Leicestershire Highways Design Guide
- Development Management SPD (December 2021)

6. Assessment

Principle of Development

6.1 The principle of development has been established under the outline permission.

6.2 The Committee report for the outline permission considered a variety of matters including locational sustainability, site access; agricultural land classification, landscape character and landscape capacity, site access, archaeology, ecology, arboriculture, flooding and drainage, amongst others. As such, these will not be repeated here unless relevant to the reserved matters.

6.3 The reserved matters to be assessed are:

- a) *The scale of the development;*
- b) *The layout of the development;*
- c) *The external appearance of the development; and*
- d) *The landscaping of the site (including specification of the children’s play area).*

6.4 These reserved matters are considered under the ‘Design’ below.

Reserved Matters – Design

- 6.5 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
- 6.6 An illustrative layout (“Planning Layout”) was provided together with supporting design information (contained within the Design and Access Statement) as part of the outline application, which provided an understanding of how the site could be satisfactorily developed for 35 dwellings, associated infrastructure & open space, taking into account the constraints of the site.



Illustrative Planning Layout submitted as part of the outline application



Proposed Planning Layout (Amended October 2022)

- 6.7 The current proposals (illustrated above) are in keeping with the general arrangement and spirit of the original outline, notably in terms of access, internal street layout and distribution of open space. The principal change to the layout from the illustrative layout presented with the outline planning application is to the west of the site opposite the retained hedgerow. This area has been broken up into two smaller blocks compared to the previous larger one to avoid overly large gardens, create a better frontage onto the retained hedgerow and use land for affordable bungalows. In addition of a large area of open space has been created at the site entrance.
- 6.8 The development provides a large amount of public open space, with a local area of play, and satisfactory private space. Frontage planting is proposed to create an attractive sense of place. Parking provision is on plot. The total number of parking spaces across the development (including garages) complies with the county highway

and district council requirements. Hardstanding for 3 wheelie bins is provided in the rear of each plot.

Mix

6.9 Policy BP4a says

the development provides for a target of a minimum of 35 dwellings. At least 40% of the dwellings shall be affordable housing. A mix of housing types will be required. The affordable housing and mix of housing requirements to be informed by the most up to date Strategic Housing Market Assessment or other local evidence. A proportion of dwellings shall be designed to achieve *Code for Sustainable Homes* level 4 or above, or equivalent. All these requirements to be subject to viability, in accordance with paragraph 173 in the NPPF;

6.10 The District wide data from the HEDNA says:

- 8.38 The focus in the market mix is on two and three bedroom properties. This is weighted to meet the need for younger families but also to allow for older persons occupying larger stock the opportunity to downsize.
- 8.39 The suggested mix of market housing is set out in Table 55 below. On the basis of the factors set out in the section relating to the HMA it is considered that the provision of market housing should be more explicitly focused on delivering smaller family housing for younger households.

Table 55: Suggested Mix– Market Housing

| | 1-bedroom | 2-bedrooms | 3-bedrooms | 4+ bedrooms |
|------------|-----------|------------|------------|-------------|
| Harborough | 0-10% | 25-35% | 35-45% | 15-25% |

- 6.11 HLP Policy H5 advises major development should provide a mix of house types that is informed by up to date evidence of housing need.
- 6.12 Officers queried the initial schedule of accommodation in terms of the affordable and market mix proposed (January / February 2022). The schedule of accommodation has since been amended (as shown below) and a justification has been provided for this mix by the Applicant.

| ACCOMMODATION SCHEDULE | | | | | | | |
|--|--------|------|----------|-------|-----------------|----------|-------|
| 41184 - Billesdon - 35 Dwelling Scheme | | | | | | | |
| HOUSE TYPE | STOREY | Beds | NUMBER | sqm | SQ. FOOTAGE | | % |
| Affordable | | | | | | | |
| 1B Aff (Bungalow) | 1 | 1 | 4 | 48.6 | 523.1255 | 2092.502 | 11.4% |
| 2B Aff-V1 | 1 | 2 | 1 | 83.8 | 902.0148 | 902.0148 | 2.9% |
| 2B Aff-V2 | 2 | 2 | 2 | 83 | 893.4037 | 1786.807 | 5.7% |
| 3E-V1-Aff | 2 | 3 | 3 | 83.8 | 902.0148 | 2706.044 | 8.6% |
| Affordable Sub-total | | | 10 | | | | 28.6% |
| Private | | | | | | | |
| 2C | 2 | 2 | 2 | 77 | 828.8203 | 1657.641 | 5.7% |
| 2D Bungalow | 1 | 2 | 1 | 102.7 | 1105.453 | 1105.453 | 2.9% |
| 3A | 2 | 3 | 1 | 110.8 | 1192.64 | 1192.64 | 2.9% |
| 3C | 2 | 3 | 2 | 88.6 | 953.6815 | 1907.363 | 5.7% |
| 3D (V1, V3 & V4) | 2 | 3+ | 4 | 126.5 | 1361.633 | 5446.533 | 11.4% |
| 3F - Bungalow | 1.5 | 3 | 4 | 149.3 | 1607.05 | 6428.201 | 11.4% |
| 4C | 2 | 4 | 4 | 144.8 | 1558.613 | 6234.451 | 11.4% |
| 4F | 2 | 4 | 3 | 186.4 | 2006.391 | 6019.173 | 8.6% |
| 4G | 2 | 4 | 3 | 177.2 | 1907.363 | 5722.089 | 8.6% |
| 5A | 2 | 5 | 1 | 231.9 | 2496.148 | 2496.148 | 2.9% |
| Private Sub-total | | | 25 | | | | 71.4% |
| | | | | | | | |
| | | | | | | | |
| TOTALS: | | | 35 | | | 45697.06 | |
| Total Site Area: | | | 2.38 | | Hectares | | |
| Total Site Area: | | | 5.88 | | Acres | | |
| Developable Area: | | | 1.65 | | Hectares | | |
| Developable Area: | | | 4.08 | | Acres | | |
| Developable Density: | | | 8.58 | | Units / Acre | | |
| Developable Density: | | | 21.21 | | Units / Hectare | | |
| Sq. Feet/Acre | | | 11208.24 | | Sq. Feet/Acre | | |

Accommodation Schedule (Amended)

6.13 The amended affordable provision reflects the comments provided by the Council's Strategic Housing and Enabling Officer, back in February 2022, and provides the following affordable mix:

- 4 x1 bed bungalows on a 1 for 2 basis (equal to 8 units) (one storey)
- 3 x 2 bed houses (one and two storey)
- 3 x 3 bed houses (two storey)

Total = 10 units

6.14 The location of the affordable plots shown with a blue dot on the site layout

6.15 In terms of the open market mix, the following is proposed:

- 1 x 2bed one storey bungalow
- 2 x 2 bed two storey dwellings
- 3 x 3 bed two storey dwellings
- 4 x 3 bed one and half storey dwellings
- 4 x 3+ bed two story dwellings
- 10 x 4 bed dwellings
- 1 x 5 bed dwelling

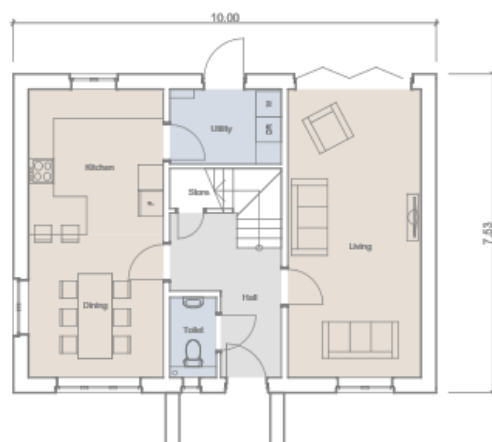
Total = 25 units

- 6.16 Below is a table which provides a comparison between the % of bedroom housetypes provided on the scheme against the % of bedroom housetypes recommended by HEDNA

| | House Type | Number | % of Scheme | % HEDNA Recommended |
|------------------|------------|--------|-------------|---------------------|
| Affordable Units | 1 Bed | 4 | 40 | 35-40 |
| | 2 Bed | 3 | 30 | 30-35 |
| | 3 Bed | 3 | 30 | 25-25 |
| | Total AH | 10 | | |
| Market Units | 2 Bed | 3 | 12 | 25-35 |
| | 3 Bed | 11 | 44 | 35-45 |
| | 4+ Bed | 11 | 44 | 15-25 |
| | Total AH | 25 | | |

Comparison between scheme and HEDNA

- 6.17 As can be seen from the table above of the 25 open market dwellings, 11 would be 4+ bedroom dwellings, which is higher than that suggested within the HEDNA. This increases further if you include the 3+ house type within the 4 bedroom category (as the floorplan shows 4 rooms large enough to be bedrooms (2 x doubles, 2 x singles)).



Ground Floor Plan 1:100



First Floor Plan 1:100

3+ house type – Floor plans

- 6.18 However, the Applicant has suggested this house type should remain in the 3 Bed category: *“The house type offers buyers an upstairs room to designate for their particular needs, this could be a home office or a hobby room, which reflects changing lifestyles and the increase in home working”.*
- 6.19 Including the 3+houesype with the other 3 beds meets the range suggested within HEDNA. Although the number of 2 beds is significantly less than the range suggested. However, if you add all the 2, 3 and 3+ house types together, this equates to more than half of the open market dwellings proposed which would overall promote

“smaller family housing for younger households” and “allow older persons to downsize”

- 6.20 Officers also accept that the HEDNA is guidance and that if a specific mix or requirement was required on this site it should have been conditioned accordingly at outline stage. As such Officers agree with the Applicant overall *“the proposed development exhibits a ‘satisfactory balance’ in respect of housing mix”* which *“has been carefully devised and based upon the optimal commercial considerations to Hazelton Homes, balanced against the requisite technical evidence and matters relevant to this reserved matters application (i.e. appearance, landscaping, layout and scale).”*

Scale/appearance

- 6.21 The Design Statement (December 2021) advises: *“During the design development phases the existing character of Billesdon was analysed and used to influence the built form and appearance of development. This was done in order to compliment the existing townscape present in the village... Following pre-application discussions with HDC Officers in late 2020 and early 2021, it was felt a third character type was required to complement the “Rustic Farm” and “Formal Georgian” housetype typology. The “Cottage” was added.*
- 6.22 The three housetype typologies proposed, whilst distinct in design are complimentary to each other and respect the village vernacular as identified within the Design Statement.



Rustic Farm Character Typology

Rustic Farm

The Rustic Farm character type has the following key characteristics:

- Main facing materials: ironstone, brick and render
- Details: stone quoins, brick plinths, gable vents, stone headers and sills, decorative timber bargeboards, brick chimneys
- Fenestration: typically white frames (occasionally green) with horizontal and vertical glazing bars (3x2 panes or single horizontal bars)
- Roof coverings: slate appearance



Cottage Typology

Cottage

The Cottage character type has the following key characteristics:

- Main facing materials: red brick.
- Details: brick plinths, arched brick headers, brick sills,
- Fenestration: typically white frames with horizontal and vertical glazing bars (2x2 panes or single horizontal bars)
- Roof coverings: slate appearance



Formal Georgian Character Typology

Formal Georgian

The Formal Georgian character type has the following key characteristics:

- Main facing materials: brick & render
- Details: formal door surrounds, pediment, plinths, brick headers (flat brick arch, arched and brick soldier) stone sills
- Fenestration: white frames with horizontal and vertical glazing bars (3x2 or 4x2 panes)
- Roof coverings: slate appearance

- 6.23 Based on these housetype typologies, a total of 16 house types have been created for this development, which creates variety and choice within the development
- 6.24 In terms of scale, the majority of the dwellings are two storey in height, with the maximum height proposed being 10m, although the average height is approx. 7.5-8m. Overall, the scale and appearance of the dwellings are judged to reflect the vernacular of the Billesdon.
- 6.25 Perspective sketches have also been submitted to demonstrate how the development will look as you enter the development and as you approach the northern open space



CGI Perspectives

6.26 In addition cross sections have been provided to show how the development will work with the levels of the site



Cross Sections

Landscaping

6.27 The landscape strategy plan (as illustrated below) has been designed to reflect both the site characteristics and the local character of the area and include:

- Native hedgerow planting
 - Ornamental hedgerow planting
 - Attenuation Basin Wet Grass Mix
 - Tree planting, both in the street and within the POS (including Maple, Birch and Hornbeam)
 - Species Rich Wildflower Grass Mix
 - Proposed Local Area of Play (LAP) with timber play equipment
 - Timber seating within POS
 - Timber swale bridge and swale planting
 - Timber-edge hoggin path around POS and leading from the development to Long Lane
 - Existing native hedge to be retained (where shown)
 - Landscaped area at site frontage
- Avenue tree planting has been incorporated within the site along the spine road, with interspersed native species set further into the open space
 - A variety of hard surface finishes
 - Larger specimen species and native varieties are included where space allows within the POS to the northern boundary and to the south

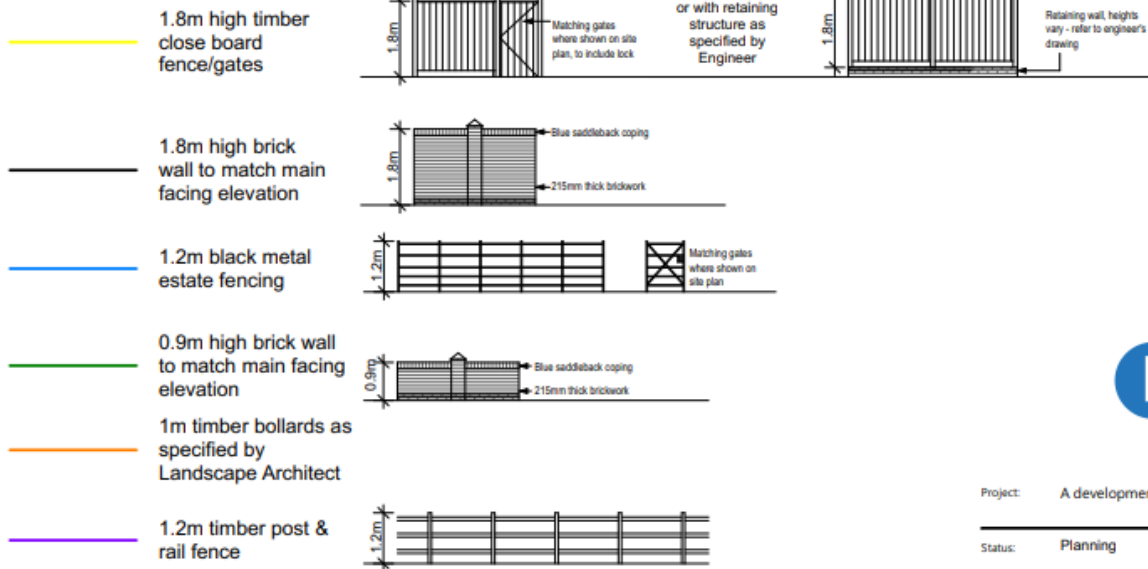
- 1.8m high timber close board fence to sub-divide the rear garden of plots.
- 1.8m high brick wall to match the brick of the dwelling is proposed on Plots 6, 7, 17, 20, 27 and 35.
- 1.2m high black metal estate fencing is proposed on plots 1, 2 13-15; 17-18; 23-24.
- 0.9m high brick wall to match brick on Plot 11 is proposed;
- 1m timber bollards to delineate the POS from the highway and
- 1.2m high timber post and rail fence at the rear of Plots to delineate rear gardens from the adjacent eastern and western hedgerow.

6.31 Where the 1.8m brick walls are proposed which overlook POS, the landscaping plans shows a native hedgerow will be planted in front on them. Due to the levels of the site, retaining walls will be necessary.



Boundary Treatment Plan

Key:



Boundary Treatment Details

Project: A development at L

Status: Planning

6.32 Overall the information submitted to satisfy the reserved matters are judged to be acceptable (subject to conditions) and accords with development plan policies.

Arboriculture

6.33 A tree survey was carried out by Hillfort Tree Care in 2016 in support of the outline application. As part of this reserved matters application, an updated assessment has been undertaken to inform the reserved matters. The conclusions of the survey are:

6.3 The Low Category field maple tree T1, and ash trees T3 and T4, and the mixed species in the group G6 are located on the site boundaries. They are of insufficient merit to warrant a higher classification. The ash tree T4 and those in the group G6 have been downgraded to a Low C because of their susceptibility to Chalara ash dieback disease and condition. The ash tree T2 has deteriorated in condition. It is given a U Unsuitable for Retention Grade and in that respect may be retained only as a standing stem to provide a habitat.

6.4 The hedgerows G1, G3, G5 and G7 have been unmanaged for a long time. They have merit as a habitat but convey only moderate amenity value to the surrounding landscape. Hence, they are given a Low C Grade accordingly. The mixed species group G2 of young to semi-mature trees on the A47 Trunk Road embankment to the north of the site have considerable longevity and amenity and screening value. They are upgraded to High A Classification accordingly.

6.5 Being situated on/or just outside the western boundary the self-seeded poor quality ash trees in the group G4 are given a Low C Category.

- 6.34 The main change from the outline relates to the ash tree T2, which was proposed to be retained. The supporting documents advise that the landowner of T2 (not the Applicant) has agreed to remove the tree in light of the trees condition. Whilst the loss is unfortunate, new tree planting is proposed on the development site which will mitigate for its loss.

Sustainability

- 6.35 The outline permission pre-dates the HLP and therefore Policy CC1 (Climate Change) Notwithstanding this, the Design Statement advises there is a commitment to explore sustainable and environmental initiatives which include (amongst others):
- EV chargers to be installed to at least 60% of the dwellings
 - Superfast broadband to dwellings to allow people to work from home more easily
 - A transport strategy to encourage low and zero carbon forms of transport including walking and cycling
 - A landscape strategy to ensure significant bio diversity enhancements as well as the use of high carbon absorbing plants and trees.
 - High levels of thermal insulation to conform to latest building regulations

Heritage Impact

- 6.36 The Conservation Area of the settlement runs along part of the southern boundary of the site and incorporates the adjacent paddock, Long Lane and the 17/01448/FUL site. Although the site lies outside the Conservation Area, development of the site has the potential to affect the character and appearance of the Conservation Area. Accordingly, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" (Planning [Listed Buildings and Conservation Areas] Act 1990, Section 72).
- 6.37 The outline permission confirmed that development on this site would in principle not be harmful to the setting of the Conservation Area, subject to an appropriate layout etc. to be agreed at the reserved matters stage.
- 6.38 Officers are satisfied that the reserved matters would preserve the character and appearance of the adjacent Conservation Area and would accord with the Act, the NPPF, Policies GD8 and HC1 of the HLP and the Billesdon Neighbourhood Plan in this respect.

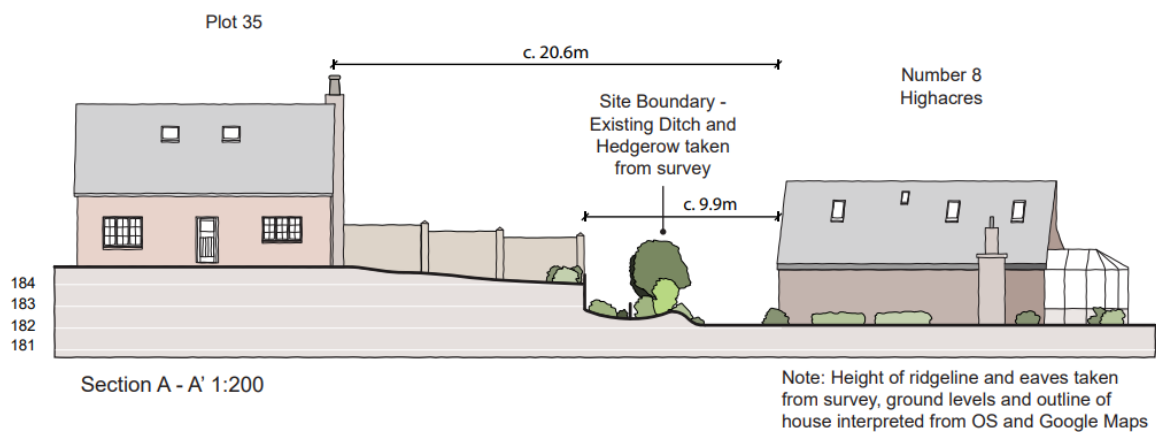
Residential Amenity

- 6.39 In terms of built development; Plot 35 is the closest of all the plots proposed to existing properties. It will have a direct relationship with No.8 High Acres.



View towards the rear of No.8 High Acres

- 6.40 The submitted cross section shows there is a difference in ground levels (with No.8 High Acres being on a lower ground level than Plot 35)



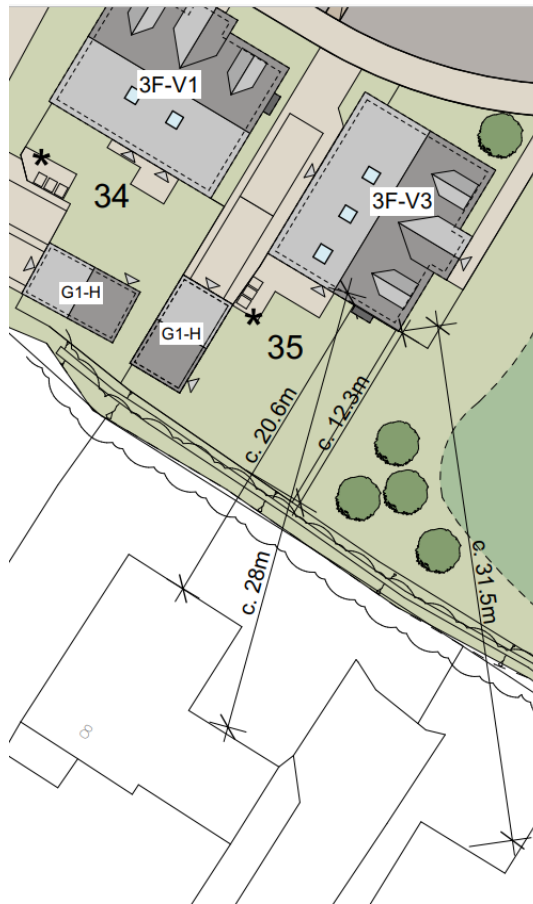
Cross-section between Plot 35 and No.8 High Acres

- 6.41 Plot 35 (house type 3F-V3) is a one and a half storey property (7.42m ridge) and is located to the north of No.8 High Acres.



Plot 35 – House type 3F Variation 3

- 6.42 At its closest, the separation distance between the side elevation of Plot 35 and the rear elevation of No.8 is 20.6m. No 1st floor windows are proposed for the side elevation of Plot 35. Given this, combined with the separation distance, it is judged the amenity of No.8 will be safeguarded.



Separation Distance between Plot 35 and No.8 High Acres

- 6.43 The other plots located along the southern boundary will be sited in excess of the Council's separation distances (even accounting for the difference in levels), such that it is judged existing residential amenity will be safeguarded.
- 6.44 During construction there may be some adverse impacts on residential and general amenities in the locality. Condition 10 of the outline permission requires the submission of a Construction Method Statement.

Planning Obligations

- 6.45 A S106 Agreement was signed prior to the issuing of the outline planning consent. The S106 will provide financial contributions towards primary sector education, public open space typologies and community facilities.

Equality Act

- 6.46 *In regard to the Equality Act 2010 – given the site's topography – the Applicant has advised how the scheme has responded to residents with protected characteristics*

"The mix of homes includes both affordable and market bungalows which provide bedrooms at ground floor level for residents with reduced mobility. The layout includes some bungalow dwellings at the southern part of the site closer to the site entrance. Regardless, all dwellings are designed to comply with the requirements of Part M of the Building Regulations.

Notwithstanding the prevailing topography, all but one of the dwellings deliver level threshold access (only plot 8 requires a modest 150mm step).

The landscaping scheme will be further developed to include measures to enable access for people with reduced mobility, reduce obstructions and provide places to rest and navigate effectively.”

- 6.47 Officers are satisfied the scheme achieves the objectives set out under s149 of the Equality Act 2010

7. Conclusion

- 7.1 The proposed scheme is judged to provide a suitable form of development which overall reflects the original aspirations for the development as set out in the outline approval and the Billesdon Neighbourhood Plan. Approval and subsequent construction will bring social, economic and environmental benefits

8. Suggested Conditions

- 8.1 If Members are minded to accept the Officer recommendation, the following conditions are suggested

1. Permitted Plans /Documents

The reserved matters hereby approved shall be implemented in accordance with the amended Drawing Issues Sheet (PJ.002.002.FM) (submitted 12.10.2022)

REASON: For the avoidance of doubt

2. Landscape Plans

Notwithstanding the details submitted, no works above ground level shall commence until updated landscape plans and details of the footpath specification which address the comments made by both the LCC Ecologist and HDC Public Open Space Officer, have been submitted to and approved in writing by the LPA. Thereafter the details shall be implemented as approved.

REASON: To enhance the appearance and bio-diversity of the development, in the interests of visual and general amenities having regard to Harborough Local Plan policies GD8 and GI5.

3. Parking

No residential unit shall be occupied until the parking and turning facilities associated with that unit have been implemented in accordance with the approved plans. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

4. Remove PD rights (open plan)

Notwithstanding the provisions of Part 1 and Part 2 to Schedule 2 of the Town and Country

Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure, and no building as defined in Section 336 of the Town and Country Planning Act 1990 other than those shown on the approved plans, shall be erected between the front or side wall of any dwelling and the new estate roads which the curtilage of the dwelling fronts or abuts.

REASON: To safeguard the character and appearance of the area having regard to Harborough Local Plan Policy GD8, and the National Planning Policy Framework.

5.Remove PD rights (Classes A-E)

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extension, buildings, structures or works as defined within Part 1 of Schedule 2, Classes A-E inclusive of that Order, shall be erected or undertaken on Plot 35

REASON: To safeguard the residential amenities of adjoining dwellings having regard to Harborough Local Plan Policy GD8, and the National Planning Policy Framework.

6.No openings

No1st floor windows shall be inserted into the side (south) elevation of Plot 35.

REASON: To safeguard the residential amenities of adjoining dwellings having regard to Harborough Local Plan Policy GD8, and the National Planning Policy Framework.

Note to Applicant

The Applicant is reminded that the following outline conditions still require formal discharge:

- Condition 5 – Landscape Management Plan
- Condition 8 – Materials
- Condition 10 – CMS
- Condition 12 – Archaeological Mitigation Strategy
- Conditions 13-16 – Drainage
- Condition 21 – Land Contamination Assessment
- Condition 22 – Verification Report

Committee Report

Applicant: Davidsons Developments

Application Ref: 22/00301/REM

Location: Land South Of, Kettering Road, Market Harborough

Proposal: Erection of 313 dwellings and associated highways, landscaping, public open space, pedestrian and cycle links (Phases 3 and 5) (Reserved matters of 19/01989/VAC, including details of access, appearance, landscaping, layout and scale)

Parish/Ward: Market Harborough

Application Validated: 09.02.22

Application Target date: 11.05.22 **Extn. of Time agreed** 26.10.2022

Reason for Committee Consideration: Major application

Recommendation

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

1. Introduction (including Site & Surroundings)

- 1.1 The overall development site is located to the south-eastern edge of Market Harborough settlement. It is positioned to the south-west of the A6, on the south side of the Kettering Road, close to the junction with the A6. The site is to the north side of the mainline railway line London- Market Harborough). Agricultural fields extend to the east (Kettering Borough Council). To the west is the Little Bowden Rise, The Heights and Glebe Road residential development including the public open space. To the north is a wide verge (no footpath) to the Kettering Road, Clack Hill and a residential development beyond. The total site area is 35.7 hectares and slopes from the north-west corner to the south-eastern corner AOD 125 – 90 AOD.
- 1.2 The overall development site consists of three fields. The north-western field is the smallest piece of land, known locally as The Knoll (Clack Hill). The largest field is to the east and slopes down from the Kettering Road to the railway line.
- 1.3 This application (phase 3 and 5) relates to most of the eastern field, which is between Kettering Road at the top of the site and phase 4 of the local centre. Railway line at the southern end of the site and fields beyond the eastern boundary. Phase 1 is along the western boundary of the site.

Location plan (revised)



- 1.4 The site is designated under the Harborough Local Plan policy MH1 as a large-scale residential development site. The site has no national and local designations. No rights of way cross the site.
- 1.5 Phase 1 construction works plus the infrastructure works for the whole site are being undertaken by the applicant and another company.

2. Site History

- 2.1 The Site has the following site history:

15/02006/OUT Outline application for the erection of up to 600 residential dwellings, a primary school, a local centre comprising A1, A2, A3 and D1, provision of public open space and play areas, new roundabout access off Kettering Road, new vehicular link from Overstone House, construction of footways and cycleways, regrading of the site by means of 'cut and fill' and construction of structures to accommodate sustainable urban drainage systems (access to be determined). Approved subject to S106

19/01989/VAC Variation of Condition 4 (approved plans), 6 (proposed site access roundabout), 7 (link road), 8 (A6 junction with Kettering Road), 15 (lighting), 22 (housing mix), 24 (archaeology) and 32 (ground and finished floor levels) of 15/02006/OUT to seek minor amendments to the approved access details and other minor corrections/amendments to facilitate the delivery of housing Approved Subject to a Deed of variation.

20/01047/FUL Creation of temporary construction access, haul road, compound areas, vehicle parking and associated drainage infrastructure related to residential-led development approved under application reference 15/02006/OUT Approved

20/01342/REM Construction of main spine road through the site, connecting the main access roundabout through to Phase 1 and the adjacent housing development to which it connects (Reserved Matters of 19/01989/VAC including details of appearance, layout and scale) Approved

20/01480/FUL Earthworks reprofiling within the site to facilitate the construction of associated site infrastructure Approved

20/01612/REM Erection of 164 dwellings and associated highways, landscaping, public open space, play areas and pedestrian and cycle links (Phase 1) (Reserved matters of 19/01989/VAC, including details of access, appearance, landscaping, layout and scale) Approved

20/02076/NMA Proposed non-material amendment to 19/01989/VAC - Variation of condition 6 (site access roundabout) to be completed prior to the occupation of the first dwelling Approved

21/01792/ADV Installation of 1 non-illuminated hanging sign, 9 non-illuminated hoarding signs and 10 non-illuminated flag pole signs Refused

21/02182/REM Erection of 124 dwellings and associated highways, landscaping, public open space, and pedestrian links (Phase 2 of the development, as shown on the phasing plan approved under 21/02259/PCD) (Reserved Matters of 19/01989/VAC including details of access, appearance, landscaping, layout and scale) Approved

21/02258/NMA Substitution of Illustrative Masterplan and Illustrative Phasing Plan (proposed non-material amendments to 19/01989/VAC) Approved

22/00302/REM Erection of a Primary School and Local Centre (comprising A1 Retail units, an A3 Cafe unit and a D1 Community Facility) and associated highways, landscaping, public open space, play area and pedestrian and cycle links (Phase 4) (Reserved matters of 19/01989/VAC including details of access, appearance, landscaping, layout and scale) Pending Consideration

22/00507/ADV Installation of 11 non-illuminated flag poles, 2 non-illuminated main sign, 2 non-illuminated small hoarding signs, 2 non-illuminated stack signs, 1 non-illuminated hanging sign and 1 non-illuminated double sign Approved

22/00803/FUL Erection of two substations and gas governor Approved

Various PCD applications

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal is a reserved matters application for phases three and five of the larger site known as Overstone Park. Phase three is for 157 dwellings and Phase five is for 156 dwellings making a total of is for 313 dwellings with access, layout, appearance, scale, and landscaping to be determined at this stage, following the approval of outline consent in 2015 and 2019 for 600 dwellings. This part of the site is mostly housing with

a series of small and large scale green spaces throughout the phases, including a continuous line of large trees along the entire length of the spine road.

Proposed planning layout plans (as revised)

Phase 3



Phase 5



- 3.2 The development parcels are served by the spine road through the whole site, that links up with phase1's spine road. There are a number of cul-de-sac roads off the Spine road, with Road 22 serving the local centre and school and Road 11 winding down to phase five linking up with road 14 that serves the bottom of the site and other cul-de-sacs.
- 3.3 Phase 3 due to the road layout is split into 7 small development parcels and phase 5 is split into 7 small development parcels consisting of 232 market dwellings plus garages and 81 affordable dwellings across the phase, these are a mixture of house types, detached, semi-detached, terrace, and bungalows.

Market and Affordable Housing (phases 3 & 5):

| | Affordable Housing | Market Housing | Total |
|--|--------------------|----------------|------------|
| 1 bedroom semi-detached | 14 | - | 14 |
| 2 bedroom bungalows | 14 | - | 14 |
| 2 bedroom semi/terrace | 30 | 49 | 79 |
| 3 bedroom terrace/ semi-detached/detached | 19 | 100 | 119 |
| 4 bedroom detached | 4 | 63 | 67 |
| 5 bedroom detached | - | 20 | 20 |
| Total | 81 | 232 | 313 |

- 3.4 This application of 313 dwellings along with the two previously approved schemes (164+123) equals 600 dwellings, 441 market housing and 159 affordable housing. This is in accordance with Condition 35 of 19/01989/VAC that required no more than 600 dwellings. The S106 required 30% affordable housing requirement of 600 houses, this equates to 180 affordable dwellings. In total 159 affordable housing units are provided across the whole site, 21 of these are bungalows, bungalows count for 2 affordable units, therefore 180 affordable units have been provided across the whole site in accordance with the legal agreement.
- 3.5 In phase 5 part of the site is blocked out green this will form a new application for extra housing, that the council expects will include a legal agreement for all the additional dwellings. This area will be conditioned (7) to be green space until such a time as the site is developed. The Gas Governor at the top of the site has been approved separately under application 22/00803/FUL. At the bottom of the site is a pumping station, in the middle of the site is an electricity substation.
- 3.6 There are three greenspaces within the two phases. The first of these spaces is 'Top Green' near the top part of the spine road, this space is enclosed by timber bollards and hedging to the shared driveway behind and there are three trees planted on the open space. The second open space is the whole of the eastern boundary is a linear piece of open space, of varying widths 15-65metres. Lastly, a lung of open space across the bottom of phase 3 to the west and east side of road 11. There are also two smaller open space areas one at the top of phase three which consists of one large feature tree in front of plot 418 at the junction of the spine road and road 23. The second is at the bottom of phase five again a triangular piece of land with three trees at road junction 14/17.
- 3.7 In phase 3 there is a LEAP within the lung of open space. The plans also include the bottom area of open space and attenuation pond adjacent to the railway line, this links up with phase 1 open space that goes along the entire length of the southern boundary with the railway line. The attenuation pond in phase 5 has been re-designed to be longer and narrower, therefore this amendment is included within this application.
- 3.8 Along with the reserved matters details to be submitted that of scale, appearance, layout and landscaping, other conditions within 19/01989/VAC requested information to be submitted with each reserved matter. These were:
- Condition 5: a statement explaining how the proposal conforms with the Design Code; see Design Code compliance statement dated Feb. 2022
 - Condition 12: a further noise assessment; Acoustic Assessment (25040-04-NA-03 Rev. A Feb. 2022 & Overheating assessment)
 - Condition 15: lighting assessment achieving a max. 1 lux at the hedgerows; see street lighting layout plan and Lighting Calculation Report Rev D.
 - Condition 18: Landscape and Ecological management plan
 - Condition 31: full details indicating the method and nature of construction of the paths, drive/parking areas in relation to the trees; this condition isn't relevant to this application as there aren't any trees affected by the construction of parking and roads as the few existing trees that are present are located within public open space.
 - Condition 32: details of existing and proposed ground levels and finished floor levels see FFL & retaining feature plan and Existing levels plan.
- 3.9 Amendments:
- Enhancement to the character areas;
 - Addition of a LEAP;
 - Retaining walls and FFL information;

- Improved pedestrian connectivity;
- Section plan of the split levels housing;
- Re-location of a substation;
- Trees in front of plots 473-478 have been given more open space;
- Key buildings identified on the plans;
- More landscaping added to the SuDs and parking areas;
- Minor layout alterations;
- Boardwalk added at the side of the central attenuation basin;
- Materials information; and
- +9m dwellings, bungalows and split-level dwellings plan.

b) Documents submitted in support of the application

3.10 Documents:

- Planning compliance Statement (nineteen 47 dated Aug. 2022) and Section 4 Addendum dated 27.09.22
- Design Code Compliant Statement (nineteen47 dated Feb. 2022)
- Landscape and Ecological Management plan Rev. B dated 8th Feb. 2022
- Noise Assessment and appendices (dated Feb. 2022)
- Acoustic led Overheating assessment July 2022
- Affordable housing mix – whole site
- Outdoor lighting reports

3.11 Plans:

Location plan: (revised)
 Planning layout plans (revised)
 Highway layout plans (revised)
 Soft landscaping proposals 1-8 (revised)
 Plot landscape plans 1-7 (revised)
 Street lighting layout plan
 Affordable Homes plans
 Garages/car ports
 Market Homes Plans
 Materials and boundary treatment plans (revised)
 Bollard lighting plan
 FFL & retaining wall plans (revised)
 Sections plan
 Street scene plan (plots 400-406-top of the site)

3.12 Additional supporting information:

CGI images and photo montages

4. Consultations and Representations

4.1 A summary of the technical consultees and representations received is set out below. Where appropriate the responses will be discussed in more detail within the main body of the report. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning

4.2 *Highways:* No objection subject to conditions relating to approved plans, parking, site drainage, private access driveways and Informative.

Holding objection 8.03.22 raised a number of points relating to highway geometry, speed control, forward visibility, bend widening, surface finishes and parking provision.

- 4.3 *Urban Design Consultant:* No objection, subject to conditions. The proposals perform well against the Building for a Healthy Life considerations. There are areas where improvements are required (see 'Back of Pavement, Front of Home'), this can be resolved via condition. The scheme performs much better than the requirements specified in the Design Code. Of particular note, the submitted proposals achieve a much stronger relationship between buildings and the street; and as such I consider that the proposals exceed the design standards set out in the Code. The proposals offer a good standard of design.

Holding objection dated 12.4.22: improve the connections between the street by using the footpath network; the perimeter blocks are generally well formed some building interfaces and positions could be improved; the principle street continues the avenue of trees with the adjacent phase, although this could be strengthened by widening the verge and the space available for the trees to grow; the inclusion of a boardwalk alongside the attenuation basin along a desire lane; legibility need to be improved and making of a focal space and key buildings; dense landscaping to screen long rear boundary walls; use avenue of tree planting along paths in open space; more extensive use of spilt level housing is welcomed. Cross section to show how levels work, the important point being to avoid a sea of anti-fall barriers between plots; Use mature Oaks in key locations to create more memorable places; and frontage parking needs to be broken up more.

- 4.4 *LCC Ecology:* comment, the soft landscape plans are satisfactory, I have already accepted the Landscape and Ecological management plan. Lighting is acceptable.

- 4.5 *Neighbourhood and Greenspaces officer:* no objection

Holding objection 4.7.22

- *A further LEAP is required.*

- *Landscape Plans:*

- *Trees, hedgerow and shrub species are satisfactory;*
- *Top soil and mulch are to standard depths;*
- *Specialist grass seed mixtures;*

Requirements:

~specify topsoil depth below amenity grass areas and tree staking specification.

~ paths specifications missing.

- The Landscape Management Plan give assurance that the implementation of landscaping and subsequent maintenance will be satisfactory;

- 4.6 *Network Rail:* Informative regarding electrification of line & landscaping

- 4.7 *LCC Archaeology:* no objection/comment

- 4.8 HDC Env. Health: no objection subject to the condition relating to the finds/recommendations of the overheating report.

Holding objection dated 2.07.22 The original noise report discusses proposed mitigation of those exposed properties, and details acoustic specification requirements to bring noise levels to a good internal level in compliance with BS8233. The original report also details that for internal thermal comfort there will be a requirement for a potential whole house ventilation system, to allow residents to keep their windows closed in warm weather. The opening of windows to deal with thermal comfort would negate the benefits of the acoustic treatment to the properties, and lead to much higher internal noise levels, which would not be acceptable under BS8233. The latest noise assessment details that the initial AVOG (Acoustic ventilation and overheating guide)

assessment would require a level 2 assessment for those exposed facades. This needs to be undertaken as part of this process, and any ventilation requirements built into the design of the properties, as this is very difficult to undertake retrospectively.

4.9 HDC Land contamination Officer: no comment

4.10 *Severn Trent*: no comment

4.11 *Lead Local Flood Authority*: no concerns

4.12 *Police (Designing out crime officer)*: Informative covering street lighting columns, CCTV coverage of key access points supported by lighting, appropriate signage, natural surveillance (maintain soft landscaping), Alarm System to BS with coverage of garages included where applicable etc.

4.13 *Civic Society*: no comment

4.14 *Braybrooke Parish*: no comment received

5. Planning Policy Considerations

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

a) Development Plan

5.2 The DP for Harborough comprises:

National Planning Policy Framework Sections:

- Section 2 Achieving Sustainable Development
- Section 4: decision making
- Section 5 Delivering a sufficient supply of homes
- Section 8 Promoting healthy and safe communities
- Section 9 Promoting sustainable transport
- Section 11 Making effective use of land
- Section 12 Achieving well-designed places
- Section 14 Meeting the challenge of climate change, flooding and coastal change
- Section 15 Conserving and enhancing the natural environment

Harborough Local Plan 2011-2031

- SS1 - The Spatial Strategy
- GD2 – Settlement Development
- GD8 – Good design in development
- H1 provision of new housing
- H2 – Affordable housing
- H5 – Housing mix, mix and standards.
- GI1 – Green Infrastructure networks
- GI5 - Biodiversity and geodiversity
- CC1 - mitigating climate change
- CC3 - Managing flood risk
- CC4 – Sustainable drainage
- IN1 - Infrastructure
- IN2 – Sustainable transport

- MH1 – Overstone Park

b) Statutory Duties, Material Planning Considerations and other relevant documents

5.3 Material considerations include any consideration relevant in the circumstances which has a bearing on the use or development of land.

- The National Planning Policy Framework ('the Framework') 2019
- Planning Practice Guidance
- National Design Guide
- Circular 11/95 Annex A - Use of Conditions in Planning Permission
- The Leicestershire County Council Highways Design Guide (2018)
- Development Management SPD (December 2021)

6. Officer Assessment

a) Principle of Development

6.1 The principle of residential development across the site has been established under Policy MH1 – Overstone Park in the Harborough Local Plan and planning applications 15/02009/OUT and 19/01989/VAC both have a legal obligation relating to various off-site contributions, including the provision of on-site open space, affordable housing, school and community facility, and highways contributions.

6.2 Housing mix is to be informed by the Housing, Employment Development Need Assessment HEDNA (Condition 22) meaning that overall the site should have greater numbers of 2 and 3 bedroom properties than 4 and 5 bedroom dwellings. It can be seen from the table in the proposals section that breaks down the houses by type and bedrooms, that there are predominantly 1, 2 and 3 bedroom dwellings proposed in phase 3 and 5=226 (72 %), with 87 four and five bedroom dwellings proposed. The proposed housing mix for both phases has heeded the advice in the HEDNA and as such is welcomed. There are also 14 affordable bungalows spread across the site.

b) Layout and scale

6.3 The scale and layout of the proposed development are two of the reserved matters to be dealt with following the approval of the outline consent.

6.4 The significant levels drop towards the railway line, was the main challenge for the developers who aligned the roads with the contours of the hill, to lessen the impact upon residents and however, it has inevitably resulted in several unavoidable retaining wall features across the development. An Urban Design consultant has advised the Council throughout the detailed design process, to ensure the whole scheme is well designed and these challenges are appropriately dealt with through the design process.

6.5 The overall layout of this phase of development is of dwellings close to the street with grass and shrubs to the front of the dwellings, with modest rear gardens. Parking is generally to the side of the dwelling and garages located to the rear. Bin collection points are indicated across the site where necessary and show x2 bins per dwelling.

6.6 Three important urban design principles have been successfully executed on this phase. The proposed dwellings face/address the open space, this can be seen along the bottom of the site, to the east and at the central lung. Thereby resulting in open and verdant views from habitable rooms at the front and an enclosed private and quite

amenity space to the rear. It also means that in this particular case back gardens are protected from the noise of the railway line.

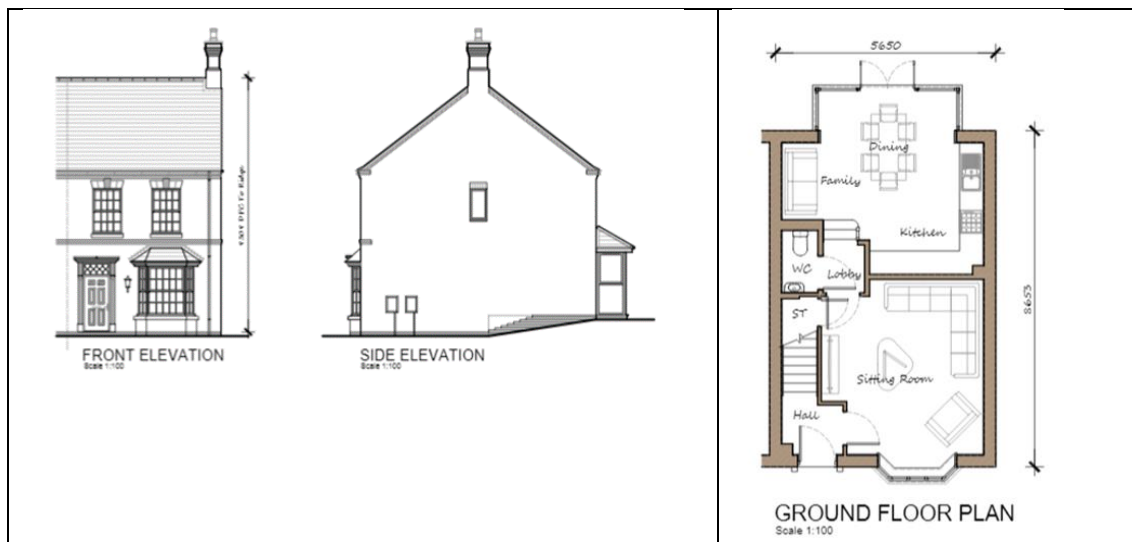
- 6.7 Secondly, create localised character areas including '*internal vistas*' for example at the entrances to the site, most notably the first 7 dwellings at the very top of the site (plots 400-406) where the dwellings present themselves to the phase entrance, and as the entrance to the whole site (see street scene below). *Top Green* at the junction to the local centre and school therefore providing a welcoming view, as opposed to seeing garages or other secondary featureless structures. Plots at the end of adopted Road 11 with Road 14 in Phase 5 now create a cohesive internal vista (see image). In addition, the 'Avenue of trees' along the spine road that continues into Phase 1 also creates a strong vista.
- 6.8 Lastly, retain existing landscape features, in these phases the only landscape feature to protect and retain is the eastern field boundary hedgerow, this was protected from the outset with the wide strategic landscape feature from top to bottom set out on the original parameter plan known as Nethercote Park, and is a feature on the planning layout plans of phases 3 and 5. These design tools were successfully incorporated across the site and improved upon following various discussions that included the Design consultant.

Street scene - Plots 400-406 at the top of the site.



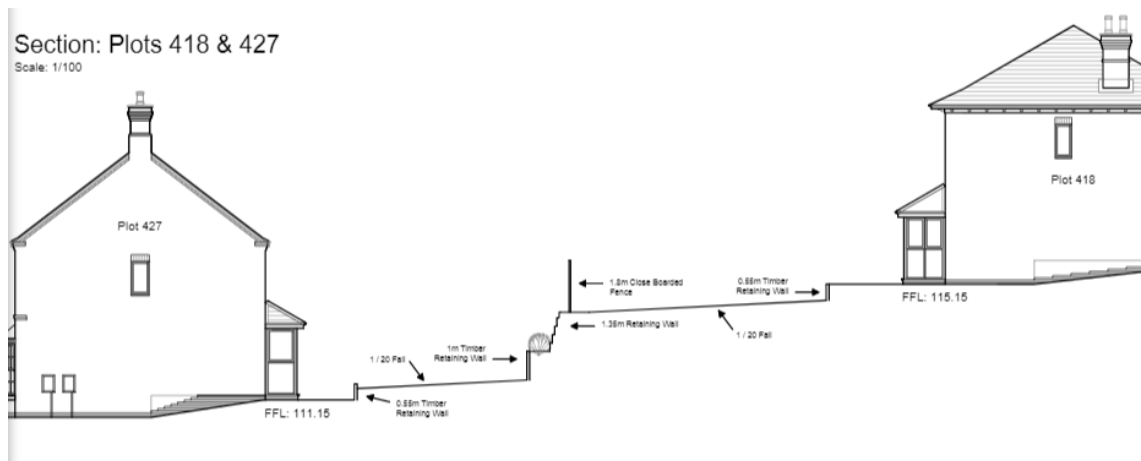
- 6.9 Most bungalows are located at the top of the site near the school and local centre, therefore enabling people to easily access nearby facilities which is important for people in this type of accommodation. There are also bungalows on the eastern edge aiding a transition from denser taller development to the heart of the scheme to the countryside. There spilt level dwellings on phase 3 and a few on phase 5, these house-types are designed internally with 3 steps up or down within the property (see plan below). This is another design tool necessary on a steeply sloping site. The spilt level dwelling below is repeated 10 times along Road 21 creating another strong localised character area.

Spilt level house – SL303VE-4



- 6.10 On the original outline consent following detailed analysis in the landscape and visual impact assessment, the parameter plans stipulated that dwellings should be maximum of 9metres high, unfortunately this criteria did not convert onto the approved parameter plans for the subsequently approved 2019 application. However, it is still a key consideration when dealing with the details of this scheme. On this site, height is used in key positions to emphasis entrances to streets and key entrances. There are a total of 20 dwellings above 9m across both phases of development, these are primarily at the corners of roads. The location of these higher dwellings was carefully considered, as the dwellings would impact upon rear amenity spaces.
6. 11 Due to the sloping nature of the site there are a number of retaining walls across phases 3 and 5 these generally vary in height from 0.3-1.5 metres. In order to deal with these significant levels differences the roads run parallel with the slope and central landscaped areas are used to step down the site. In addition, gardens have been stepped, to ensure that the gardens are still usable, a narrow patio area is provided with steps down-to a garden area. However, there are three development parcels where the retaining structures are higher than 1.5metres, as retaining walls and gravity retaining features plus 1m planters (timber) have been utilised. Plots 500-512 utilises 1.5m retaining wall and 1m timber planter and plot 557-565 (phase 5) have used the same approach, in conjunction with split-level dwellings.
- 6.12 For example, Plots 413 to 433 have a gravity retaining wall where there is a landscape section on top of 1m timber retaining wall, then a stepped high retaining wall with 1.85m close boarded fence (see section plan). Whilst this is not ideal, it is inevitable on such a site where the topography is steep. The other development parcels generally have lower retaining walls of 900mm and less, with some plots not needing any retaining walls.

Section plan



- 6.13 Connectivity has been carefully considered through-out the design process, ensuring that desire lines for pedestrians are useable, attractive and safe, this is evident by footpaths throughout the southern and eastern stretches of public open space that then link up with the cul-de sac roads and the adjacent phase 1, these connections were made stronger in the revised plans. For example, a path meeting up with the path through the school site (phase 4) that then links to phase 1. Plus, a path alongside the central attenuation pond that now forms a continuous link from the bottom path to the top path, thereby providing a direct link from the bottom of the site to the Local centre and school (previously known on the original masterplan as Jordan Park).
- 6.14 The affordable housing provision of 81 dwellings across the two phases has been split into four separate areas. One area faces the school playing field (plots 440-454 incl.). The other area is along the bottom of the site facing the open space plots 610-629 and 641-660 incl. Adjacent to the eastern boundary is another 18 affordable units with a small central pocket of 6 dwellings. The dwellings are spread over 6 small development parcels within the site, this pepper-potting of the affordable housing units is acceptable as it integrates the housing across the site.
- 6.15 The affordable housing area along the southern, western and eastern edges of the two phases allows nearly all of the plots to have views (front) of open space as they are adjacent to the public and school open spaces on and off site. In terms of the parking there is a mixture of parking in front of the dwelling, to the side and in broken up sections to the front beyond the road these are screened by proposed hedging and separated by tree planting.
- 6.16 Within phase 5 are a substation and pumping station, the details of the structures are not known although one is likely to be a small brick hipped roof structure. The facilities are located at the end of cul-de-sacs within the open space for accessibility reasons, surrounded by planting, the boundary treatment is not known, so these details will be conditioned 8. Sub-station was re-located as it was in a prominent position in public open space and adjacent to a main road. A further LEAP was added to the central open space to ensure the overall site provision was met.

Character areas:

- 6.17 On the original outline consent the whole site was divided up into 5 character areas, however, with one housebuilder building out the whole site, this is difficult to achieve. On this phase there is an opportunity at the main site entrance, individual streets and road junctions. Additional character areas were added during the course of dealing with the application as phase 5 lacked focal points, this was addressed in revised plans. These character areas are assessed below.

7 key buildings at the top of the site (see above plan)

- 6.18 From the main roundabout on Kettering Road as you enter the site on the spine road that goes through the entire site the first houses you see are plots 400-406 these dwelling have been designed as one, with a high level of elevational detailing including chimneys and the use of render (see previous street scene).

Top Green

- 6.19 As the future residents approach the first main junction, the dwellings, open space and shared driveway are designed to form a curved open space feature, that becomes a memorable part of the development. The agent has explained that *“As you travel down the spine road, you are welcomed to the right-side by Plots 434-436. All three proposed buildings have been hand-selected to work with one another and show off their distinctive characteristics, such as rendered facades, architectural details, various boundary treatments and large feature trees planted within the green open space..... Opposite Plots 434-436, Plots 419-423 step down the hill as you travel down the spine road. Plots 420-422 are rendered buildings which are knitted closely together to create a key vista, not only as you step down the hill, but also as a vista when coming out of Road 22. Plot 423 is a dual-aspect house type, which looks both onto the spine road and Road 21.2*

View of Top Green



Feature Area (road junction 11/14)

- 6.20 The agent explained the urban design concept for this feature area is that *“This area is formed of a bespoke block of three houses (Plots 634-636), which creates a vista*

as you travel down Road 11 and welcomes you into Phase 5. As well as this block, particular attention has been paid to the opposite Plots 585 & 595, where symmetry is used to create a feature space within the raised block paved area. Boundary treatments such as metal railings and hedgerows have also been proposed to enforce the feature area.”

View of Feature area road 11/14



Manco. shared driveway in Phase 3 between road 10 & 22 (plots 437-439 & 455-472)

6.21 Here the houses have a slightly closer relationship than elsewhere on the site with the shared driveway all keyblok instead of tarmac thereby creating a different local environment. Trees also line the road on both sides with bin storage at both ends of the road.

View of shared driveway



Feature area in Phase 5 at Road 14/17

6.22 A triangular piece of open space with three trees, defined by a hedgerow to the back boundary with the shared driveway.

View of phase 5 triangular open space.



c) Appearance

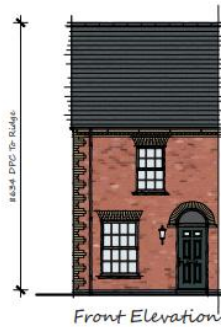
- 6.23 The external appearance of the development is one of the reserved matters to be dealt with, following the outline approval. Davidson's dwellings tend to have a higher level of elevational detailing than other volume house builders. The dwellings across this phase also exhibit a variation in designs, there are the arts and craft design of dwellings adjacent to road junction 11/14 plots 634-636 (see image above).
- 6.24 Some, but not all dwellings have chimneys, however the properties with chimneys have been carefully chosen due to their prominence in the street scene i.e. on street corners. Also, it should be noted that the design of the chimneys is quite detailed and appears like a traditional stack.
- 6.25 There are 20 dwellings out of 313 that are above 9metres high. In a large-scale housing development varying the height of the dwellings is one way to add interest to the street scene and whilst very high buildings can create problems in terms of residential amenity in the correct place, they can be a very useful tool, and in this case allow for some very special architecturally designed dwellings in a modern residential housing estate (see images below).

1 bedroom (affordable).



AH16B-4

Selection of 2 bedroom market and affordable housetypes:



DH200GE-4



DH202B-4



AH21BE-4 affordable



AB21GI-4-affordable

- 6.26 Proposed garages are either single or double with a hipped or gable end roof design. Most of the garages are set alongside the dwellings or within the rear gardens. There are also small parking courtyards which due to their proximity to dwellings on all sides have good surveillance and are very close to the dwellings they relate to and have direct access to gardens, therefore are likely to be utilised.
- 6.27 The private gardens are generally enclosed with high walls or fences. Where there are garden boundaries to the road, they have proposed walls with a curve rather than right angle, which positively adds to the overall design of the site. Walls are also proposed to the boundary of a small parking areas to a back garden. To the front gardens are mostly grass and shrubs, with some dwellings having a small hedgerow and 0.9m 4 bar railings.

Selection of market and affordable 3 bedroom properties



DH301GE-4 – 9.3m high



DH308GE-4



DH313



DH320



DH 328



DH330

- 6.28 Most of the dwellings are brick (5 varieties, plus 2 contrasting bricks) and concrete tiles (5 varieties) with some dwellings across the phases with render either to all or some of the elevations. The Design consultant pointed out that Gemini and SL8 tiles are to be welcomed as Gemini are small format and cambered; with SL8 larger but with a thin leading edge giving a slate effect. Another interesting elevational detailing is the addition of contrasting bricks, this has been added to one side of a street (plots 462-471) and other groups of dwellings to re-enforce their identity and location in the street. The road surfacing is either tarmac or Marshall keyblok.

Selection of market and affordable 4 bedroom housetypes



DH409



DH 419



Affordable -AH41GE-4



DH427

DH430B-4

- 6.29 Some of the dwellings have a curved frontage as they address a curved section of road see plot 420 as the Spine Road curves round. Others are semi-detached dwellings with the frontage at different angles to each other as they address a curve in the road see plots 421/422.
- 6.30 Dual aspect house-types are also important in this phase of development. Key plots that face the Spine Road and side roads such as plots 434, 423, 479, 481, 473, 491, 496, 497, 505) as exhibited below have two detailed frontages (front and side elevations) this provides interest to the street scene as well as surveillance. There are also semi-detached properties that have one plot facing one road and the other front elevation facing another road (see plots 405/406).

Dual frontage housetypes (front and side elevations)



DH501 9.5m high

DH425

A five bedroom market dwelling



DH532

Affordable Housing:

- 6.31 The elevational detailing is similar to market housing with window and door headers and cills treatment, therefore there is no obvious visual differentiation between market and affordable housing, which is a welcomed approach.

d) Landscaping and play areas

- 6.32 Landscaping of the site is the last reserved matters to be dealt with, and for phase three and five covers the housing area, one small public open space, a lung of open space in the middle, the whole of the eastern boundary linear open space and the open scape to the bottom of the site. Landscaping reserved matters deal with the soft landscaping details such as species, planting regime and size. The impact of the development upon the wider landscape and the site itself has already been addressed through the Landscape and Visual Impact Assessment which accompanied the Environmental Impact assessment.
- 6.33 It is worth noting that the overall site generated a requirement for 5ha. of open space and yet the proposal will eventually deliver over 12ha of parkland and other public open space, therefore the site significantly exceeded requirements. In so doing provides the public access to more local open space and will enhance biodiversity of the site, due to the SuDs and parkland areas, which can be designed as semi-natural areas that includes meadow planting, which will encourage more wildlife. It should also be acknowledged that arable land has a low ecological value and most of the trees and hedgerows are retained. Green spaces on this development site perform a dual function of breaking up the built form and working with the topography by creating sloping open space.
- 6.34 An important soft landscape theme throughout the whole site are street trees, this is mainly re-enforced along the main spine road through the site. Firstly, along the northern boundary of the site where there is a slice of soft landscaping in-between the Kettering Road and the Spine Road here there is a line of 11 trees. Then on the opposite side of the road the line of trees (3) continues within open space that is part of phase 4 (ref: 22/00302/REM). Hopping over the road again is a large 18-20cm dia.) tulip tree in its own open space, within the same view is Top Green that features 2 Pear trees and 1 beech tree all substantial young trees at 18-20cm in diameter. There is

then a line of 9 Lebanese Wild apple and Turkish Hazel trees to the front of plots 473-478. To ensure the long-term future of the trees they are not in the resident's ownership but the management company and they now sit in 6.5m wide verge. This deep verge and open spaces will afford the trees the space to grow and in time break the ridge line of the new homes creating a distinctive feature of the development and a memorable place. Trees also feature along the shared driveway between road 10/22 and in-between parking bays, therefore breaking up the hard surfaced area.

- 6.35 Within the central lung of open space, southern and eastern linear open space there is a wide variety of trees including Oak trees. Within these open spaces the footpath connectivity has been improved. The gardens of the dwellings are magnolias, apple and birch trees, along with an extensive selection of shrubs and herbaceous plants and specimen shrubs and hedgerows (Portuguese laurel) to the frontages of dwellings. On the shared driveway in phase three on both sides of the road in the ownership of the management company are Lebanese Wild Apple trees.
- 6.36 The re-designed drainage basin forms part of the long linear open space at the bottom of the site, in common with the other SuDs on the site details of the headwalls are requested so they are not concrete and no fencing around the perimeter (see Conditions 10 and 11). The Strategic Greenspaces officer finds the landscape plans and Landscape management plan (LMP) acceptable.

| | |
|-----------|----------------------------|
| e) | Residential amenity |
|-----------|----------------------------|

- | | |
|------|--|
| 6.37 | In the main the Councils separation distance guidelines as set out in Supplementary Planning Document (SPD) Note 2 have been adhered to across this phase of the development. In terms of the Councils 21metre rear to rear facing elevation separation distances, when there is a direct relationship, this distance has often been exceeded which is welcomed, particularly when there are retaining walls between. For example, between plots 413-433 off roads 21 and 23 where there is a 1-1.9m retaining wall plus 1m timber retaining wall, the separation distances are more than 21metres. |
| 6.38 | Where the development turns a corner on some small development parcels the relationship between dwellings is a bit tighter, but this is not unusual for a modern housing estate. |
| 6.39 | The tall dwellings (over 9metres) generally corner plots backing onto dwellings at an acceptable distance (+21m or +14m) and often separated by driveways and garages. |
| 6.40 | The rear elevation to side elevation separation distance ranges from 13-15metres, again there are a few plots where the distance is less than 14m in the Council guidance, however, this will be a buyer beware situation. It is noted that on some of the larger 5 bedroom house types there are very deep rooflights. There was concern that these were the type of rooflight to create a balcony feature, however, onsite inspection of the house type shows that they are split in half with the lower section fixed, this enables more light to enter the room, but with the same function as a normal rooflight in terms of views out. |
| 6.41 | The dwellings along the southern edge of phase 5 all face the railway line, thereby resulting in the rear amenity spaces that are consequently shielded from the intermittent noise of trains along the railway line by the proposed dwellings. The noise survey required with each reserved matter's application (Condition 12 of the 19/01989/VAC) recommended a whole dwelling ventilation in the form of either window mounted trickle vents or through wall ventilation measures for dwellings most exposed to the railway line. The Environmental Health Officer raised concerns about the acoustic implications during periods of hot weather should residents open their windows. An initial |

overheating assessment required a more detailed assessment to be carried out, this has been carried out and additional mitigation measure suggested to achieve suitable internal acoustic conditions during periods of overheating. The Environmental health officer now has no objection, subject to these mitigation measures being conditioned (see condition 9).

f) Highways

- 6.42 The main accesses into the site off Kettering Road and Little Bowden Rise have previously been approved under 15/02209/OUT and 19/01989/VAC and the alignment of the spine road itself has already been approved under ref: 20/01342/REM. Also, the use of the roads through Little Bowden Rise to serve traffic from the resultant development site has also been approved at outline stage.
- 6.43 The spine road goes through phase 3 with four adopted cul-de-sac roads and one shared driveway off the main spine road. Road 11 in phase 3 off the Spine Road serves phase 5. This road has three adopted cul de sac roads and two shared driveways. There is a long and short raised table constructed of keyblocks along the spine road and another at the junction of road 11/14, at this point it not only serves as a speed reduction feature but a place making element too.
- 6.44 Some of the shared driveways have been spilt due to their length by collapsible bollards. Road 14 in phase 5 meets Road 7 of phase 1, these have not been joined to avoid a rat run scenario, however, there is a pedestrian connection with 6 bollards, this detail is related to application 22/00843/PCD. There are pavements on both sides of the road to the adopted roads, on the private driveways (5m wide) there are no pavements.
- 6.45 Parking for the dwellings includes driveway and garage parking and is policy compliant, with frontage courtyard parking areas used which are much better than rear parking courtyard solutions. The Highways Officer initially had several queries relating to speed controls, visibility, access to the school, bend widening and surface finishes. Revised plans addressed the above points, and the Highways Officer has no objection to the plans, subject to conditions relating to parking and drainage (see Conditions 3 & 4).

g) Ecology

- 6.46 The County Ecologist has no objection to the scheme, explaining that the Landscape plans and Ecological Management plan are acceptable. Condition 15 relates to lighting of the phase and light spill over 1lux at the edge of retained hedgerows. Lighting profiles have been submitted with the application. The County Ecologist has no objection to these proposals finding there are no areas where the spill is over 1lux onto retained and created habitats.

h) Other matters

- 6.47 There was no requirement in the original outline planning permission (15/02006/OUT) or 19/01989/VAC, in terms of energy efficiency or use of energy. It would therefore be unreasonable for the Council to impose compliance with Policy CC1 on any phase of the development the subject of an application for reserved matters consent, with planning permission having already been granted. Notwithstanding this, however, the Agent explains that Davidsons takes sustainability considerations seriously, supporting the Government's 'Future Homes Standard' to future-proof homes with low carbon heating. In early 2018, the Applicant worked with one of the leading insulation manufacturers to deliver a 100% recyclable insulated structural board thermal floor system to its developments. The Applicant will have completed its first show home

utilising an air source heat pump, which forms part of its journey towards delivering zero carbon homes.

- 6.48 The Equality Act contains the Public Sector Equality Duty (PSED), which came into force on 5 April 2011. Public authorities are required, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010. The Equality Duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. This proposal includes some split-level dwellings, with internal steps, on a sloping site. Overall there shall be a range of dwellings with various accessibility options, subject to separate approvals such as building regulations and highway adoption. The PSED is satisfied by this approach.

7. Conclusion

- 7.1 The proposal development delivers extensive landscaped open spaces, appropriate housing mix including affordable housing, a range of high quality character areas, that provide way markers for residents on a large scale residential development scheme and as such an enhanced environment to live and play.
- 7.2 The proposal has resolved all technical matters in particular highways. It is therefore acceptable in terms of layout, scale, appearance and landscaping and accords with Local and National planning policies.
- 7.3 Condition 5 (Design Code Compliance); Condition 12 (a further noise assessment); Condition 15 (lighting assessment); Condition 18 (landscape & Ecological management plan) Condition 31 (details of the paths, drive/parking areas); see Tree & Hedge Protection Plan (GL1290 03E) and 32 (levels) are acceptable and discharged for phases 3 and 5.
- 7.4 If Members agree with the recommendation to Approve the application, the following conditions are suggested:

Suggested Conditions:

1. Revised and approved plans:

The development hereby permitted shall be carried out in accordance with the following approved revised plans:

Location plan ref: KRPH3&5_400 Rev. P03

Planning layout plan (phase 3) ref: 2006_100 Rev. P03

Planning layout plan (phase 5) ref: KRPH5_100 Rev. P04

Section plan ref: 2006_103 Rev. P01

Materials and boundary treatment plan ref: 2006_200 Rev. P03

Materials and boundary treatment plan ref: KRPH5_200 Rev. P04

Highway's layout plans ref: 2006_101 Rev. P04 sheets 1 & 2

Highway's layout plans ref: KRPH5_101 Rev. P04 sheets 1 & 2

Building plan (phase 3) ref: 2006_102 Rev. P03

Building plan (phase 5) ref: KRPH5_102 Rev. P03

FFL's and retaining walls plan ref: E256-00-90 to 98 (inclusive) Rev. B

Infrastructure Soft landscape plans ref: GL1290 913 to 920 Rev D (inclusive)
Plot Landscaping plans ref: GL1290 921 to 927 Rev B (inclusive)

Market homes, Affordable Homes and Garages- Drawing schedule P07:

Design Code Compliance Statement (Feb 2022)
Landscape & Ecological Management Plan Rev B dated 08.02.22
Acoustic Assessment 25040-04-NA-03 Rev. A (Feb 2022) & Acoustic led Overheating
Assessment 25040-ENV-0401 (July 2022)
Lighting plan ref: LL1409-001 rev. D

2. Parking

No residential unit shall be occupied until the parking and turning facilities associated with that unit have been implemented in accordance with:

Kettering Road Phase 3 - Planning Layout - Drawing No. 2006_100 Rev P03

Kettering Road Phase 5 - Planning Layout - Drawing No. KRPH5_100 Rev P04.

Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

3. Drainage

No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2021).

4. Private driveways

Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG20 of the Leicestershire Highway Design Guide. The private access drives should be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, and to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

5. Remove PD rights (open plan)

Notwithstanding the provisions of Part 1 and Part 2 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure, and no building as defined in Section 336 of the Town and Country Planning Act 1990 other than those

shown on the approved plans, shall be erected between the front or side wall of any dwelling and the new estate roads which the curtilage of the dwelling fronts or abuts.

REASON: To safeguard the character and appearance of the area having regard to Harborough Local Plan Policy GD8, and the National Planning Policy Framework.

6. Remove PD rights Classes A-E)

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extension, buildings, structures or works as defined within Part 1 of Schedule 2, Classes A-E inclusive of that Order, shall be erected or undertaken on Plots 413-420, 500-504 and 557-560.

REASON: To safeguard the residential amenities of adjoining dwellings having regard to Harborough Local Plan Policy GD8, and the National Planning Policy Framework.

7. Green space

No more than 50 dwellings in Phase 5 of the development shall be occupied until a detailed landscaping scheme for the areas shown shaded green either side of Road 18 in Planning Layout KRPH5 P04 has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include a timetable for the implementation of the landscaping scheme on site and details of the means of its maintenance and management. Thereafter, the scheme shall be carried out in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the development includes landscaping, planting, boundary treatment and surfacing appropriate to the area having regard to the Harborough Local Plan GD2, GD8 and the national Planning Policy Framework.

8. Details of pumping station and sub-station

Prior to the first occupation of any of the hereby approved dwellings, details of the Pumping and Sub-stations including the enclosure shall be submitted to and approved in writing by the District Planning Authority and implemented as approved.

REASON: In the interests of visual amenities of the development and its surrounding having regard to the Harborough Local Plan policy GD8 and the National Planning Policy Framework.

9. Noise report

The Acoustic led Overheating assessment and report by MEC Development technical Consultants ref: 25040-ENV-0401 (July 2022) findings and detailed plot mitigation measures shall be implemented in accordance with the approved report.

REASON: To safeguard the future occupiers of the dwellings having regard to Policy GD8 of the Harborough Local Plan and the National Planning Policy Framework

10. No fencing to SuDs

There shall be no fencing around the attenuation basins, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of visual amenities of the development and its surrounding having regard to the Harborough Local Plan policy GD8 and the National Planning Policy Framework.

11. Drainage basin headwall design

Prior to the construction of the drainage basins, details of the external finish/design of headwalls (inlets and outlets) including any barriers, service ladders and grills shall be submitted to and approved in writing to Harborough Local Planning Authority and implemented as approved.

REASON: In the interests of visual amenities of the development and its surrounding having regard to the Harborough Local Plan policy GD8 and the National Planning Policy Framework.

Informative:

1. Building regs.
2. Highways
3. Police/crime prevention
4. Discharge of Conditions
5. Network rail

Planning Committee Report

Applicant: Mr Richard Houghton

Application Ref: 22/01200/FUL

Location: Horseshoe Lodge, 5 Alexander Close, Great Bowden

Parish/Ward: Great Bowden / Market Harborough and Great Bowden and Arden

Proposal: Erection of a boundary fence (retrospective)

Application Validated: 21.06.2022

Weekly List Expiry Date: 28.07.2022

Consultee Expiry Date: 21.07.2022

Site Notice Expiry Date: 17.08.2022

Advertisement Expiry Date: n/a

Target Date: 16.08.2022

Reason for Committee Decision: Call in request by Cllr Knowles made 08.06.2022 “*on the grounds that it contradicts and countermands previous conditions as laid out in former planning consents*”. Call in request repeated 18.07.2022 “*on the grounds of transparency. Particularly as this is contra to an earlier permission*”

Recommendation

Planning Permission is **APPROVED** for the reasons set out in this Committee report, subject to the conditions outlined in Appendix A

1. Site & Surroundings

- 1.1 The property forms part of a new development of 6 dwellings located on the northern edge of Great Bowden.
- 1.2 The southern site boundary is aligned by residential development located off Welham Road and the western site boundary is aligned by Langton Road. The eastern boundary is aligned by No.4 Alexander Close, beyond which is “Hursely Park” – Mulberry Homes residential development. The northern boundary is aligned by 6 Alexander Close.



Site Location



View from Langton Road



View of landscape buffer looking towards substation on Langton Road



View of fence looking towards No.4 Alexander Close



View towards fence from No.4 Alexander Close

2. Site History

2.1 The site has the following relevant planning history (and relevant conditions):

19/00661/REM - Erection of 6 dwellings with associated garages (Reserved Matters of 17/00416/OUT including appearance, landscaping, layout and scale) APPROVED

Condition 4 - The development shall be implemented in accordance with the Landscape Management Strategy and Maintenance Notes detailed on the approved Landscaping Layout plan (Dwg No. SK111 Rev J).

REASON: In the interests of the establishment and management of the landscaped areas.

Condition 6 - The 5m depth landscape buffer to the southern boundary of the site (adjoining the rear of properties on Welham Road) as shown on the approved landscaping layout plan (Dwg No. SK111 Rev J) and its associated 1.8m high close boarded fence and 1.2 post and rail fence shall be implemented before above ground works commence and shall be maintained until established and thereafter retained in as a landscape buffer in perpetuity. Any trees, hedges or plants which, within a period of five years from the date of first occupation of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.*

REASON: In the interests of the establishment and management of the buffer zone area and to safeguard residential amenity.

*the trees planted include apple tree, robin hill tree, magnolia , sheerwater seedling and cherry bloosm

Condition 9 – Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 2, Class A, to Schedule 2 of this Order shall take place within the site hereby approved, beyond that shown in the approved plans.*

REASON: In the interests of visual amenity and the character and appearance of the area.

**aka means of enclosure e.g. fences. walls etc*

17/00416/OUT - Outline planning application for the erection of 6 dwellings with associated garages (all matters are reserved, except for access) APPROVED

Condition 7 – The landscaping details to be submitted in accordance with Condition 1 shall include:

(h) details to five metre landscape buffers to boundaries and their future maintenance

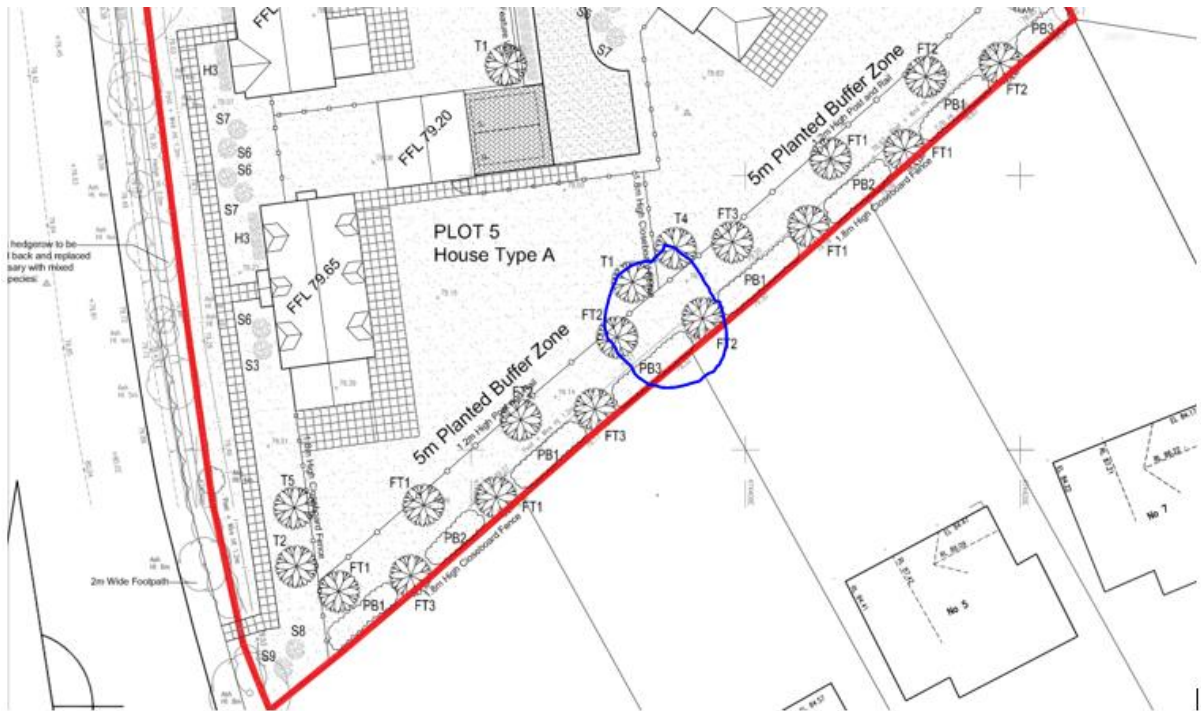
REASON: To enhance the appearance of the development in the interest of the visual amenities of the area

Condition 21 – PD Removal (Part 1 Classes A-H – aka extensions)

3. The Application Submission

a) Summary of Proposal

- 3.1 The application seeks retrospective planning permission for the erection of a fence. The application has been submitted following an enforcement investigation.
- 3.2 Planning permission is required because the fence panel as erected was not shown on the approved drawings and because permitted development rights have been removed (Condition 9 of 19/00661/REM)
- 3.3 When the fencing was installed to separate Plot 5 and 6, the fencing was continued through the approved 5m buffer zone to the southern boundary fence; rather than stopping at the post and rail fence as shown on the approved plan.



Extract of approved landscaping plan

- 3.4 The application has been accompanied with a 'supporting letter'

I can advise that with regards to this application we do not intend to change the use of this buffer zone area to a residential garden, as we are very pleased with the extra wildlife we are seeing in this area of our grounds and intend to keep and maintain it accordingly. The fence was in situ when we bought the house and we are now simply trying to ensure we retain it as a boundary fence with the privacy it provides us, and therefore make the above application retrospectively.

- 3.5 The approved landscaping plan, shows a close boarded fence running right up to the site boundary between Plots 1 & 2 and 2 & 3 and 3 and 6 (indicated by a blue circle); The fence in question is shown by the yellow highlight:



Extract of Approved Landscape Plan

4. Consultations and Representations

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

a) Statutory & Non-Statutory Consultees

Great Bowden PC – No comments received

b) Local Community

4.3 The application has generated 2 objection comments, a summary of the concerns raised is outlined below

- The plans show no 1.8m dividing fences between each resident's section on any parts of the buffer zone to the southern boundary.
- Surely it is a very dangerous precedent if such conditions can be overturned within weeks of new residents occupying a development.
- The purpose of the buffer zone, as the name suggests, is to act as a screening buffer between the gardens of the Welham Road residents and the gardens belonging to the residents on Alexander Place (the new development) as it keeps the rear boundaries of the gardens of newly erected houses at a distance which helps with maintaining visual privacy and the minimisation of noise nuisance.
- One of the problems of fencing off sections of the screening buffer zone with a 1.8m close boarded fence is that the zone will essentially become part of a resident's garden and planting will become discontinuous. It will be very difficult to enforce the maintenance of a sectioned off 5m strip of land as individual buffer zones.
- The other concern that I have about a 1.8m fence dividing the buffer zone is that, the continuity of the buffer zone is destroyed. The buffer zone should have a similar planting regime along its whole length.
- It was suggested to Ecton during the application stage that the buffer zone should be organised in the same way as that for the Mulberry development in that the 1.8m fence would form the boundary for the new properties and the post and rail fence would form the boundary to the adjoining gardens of the houses on Welham Road. This would have been beneficial to all concerned as the new residents would not have to manage the buffer zone.
- The occupants have removed some of the post and rail fence and have ornaments and stone bench* within the planted buffer zone. Will they be removing the mentioned garden artifacts from the buffer zone and reinstating the post and rail fence?
- All the neighbours of Welham Road adjoining the Mulberry Development have wire grid fence attached to their post and rail 1.2m fence to stop access for domestic dogs and loose toddlers
- The 1.8m close boarded fencing is visually and physically dividing the planted buffer zone.
- No dividing fence was ever planned or suggested
- We hope the integrity of this planted screening buffer zone is kept along with the conditions it was agreed by when approved.

**Following a site visit by the Case Officer these have since been removed.*

4.4 The application has generated 1 supporting comment, a summary of the comment raised is outlined below:

- The fence acts as a reasonable and expected security measure
- It doesn't impact any of the properties which back on to it.
- As the buffer is fully owned by no.5 and no.4 respectively it offers no benefit to any other
- There is no advantage to insisting on its removal

- The application is a waste of resources and simply an obstruction to people's wellbeing and security
- The height of the fence is within the planning rules

5. Planning Policy Considerations

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

a) Development Plan

- 5.2 The DP for Harborough, relevant to this site, comprises the Harborough Local Plan (adopted, April 2019) and the Great Bowden Neighbourhood Plan Review
- 5.3 The relevant policy is GD8.

6. Assessment

- 6.1 When considering outline planning for the erection of 6 dwellings at Langton Road, Planning Committee requested a 5m landscape buffer along the southern boundary of the site. The reserved matters showed this 5m buffer zone, comprising of a 1.8m high close boarded fence adjacent to the existing fence with properties on Welham Lane, followed by a 5m planted strip, separated from the gardens of Plots 5 and 6 by a 1.2m high post and rail fence. A 1.8m fence was also shown separating Plot 5 and Plot 6, terminating at the 1.2m high post and fail fence.
- 6.2 However, the 1.8m fence separating Plot 5 (now known as No.5 Alexander Close) and Plot 6 (now known as No.4 Alexander Close) has been extended into the area identified as a landscape buffer. This was undertaken by the developer prior to the occupiers moving in.
- 6.3 The occupiers of No.4 and No.5 Alexander Close advised that they wish to keep the fence panel in situ for privacy and security purposes. It was suggested on site by the Case Officer that the fence could be replaced by a post and rail fence with native hedge either side in order to address their privacy and security concerns, but the Applicant was not keen on this suggestion and asked for the fence to remain.
- 6.4 It has therefore been necessary to assess the level of harm that would be caused if the fence remained in situ.
- 6.5 The Case Officer, whilst acknowledging the concerns raised by adjoining neighbours is satisfied, subject to the conditions suggested in Appendix A, that the extended fence will result in no harm to the intended purpose of the landscape buffer and will not set a precedent. For members will be aware, each application is judged on its individual merits. Furthermore, the adjacent site referred to is different in that the landscape buffer runs for a significant length and affects more than just two properties. The layout of the buffer is also different in that the buffer falls within the ownership / responsibility of residents along Welham Lane, rather than the occupiers of Mulberry Homes.

7. Conclusion

- 7.1 No harm can be identified as a result of the erection of the fence within the landscape buffer, subject to the suggested conditions outlined. The application should therefore be approved.

8. Conditions

- 8.1 If Members are minded to approve the application the following conditions and note to applicant is suggested

Condition

1. Within three months of the date of this decision the fence shall be altered to allow access for hedgehogs and similar sized wildlife. Evidence in the form of photographs showing this alteration has been undertaken shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the fence shall remain as altered in perpetuity.

REASON: In the interests of wildlife having regard to Harborough Local Plan policies GD8 and GI5

2. No garden furniture artifacts or similar paraphernalia shall be placed within the landscape buffer.

REASON: To safeguard the integrity of the landscape buffer having regard to Harborough Local Plan policies GD8 and GI5.

3. At no time shall the landscape buffer form part of the residential garden of No.4 and No.5 Alexander Close.

Note to Applicant

1. The Applicant is reminded that the 5m buffer should be maintained in perpetuity to ensure the longevity of the plants/shrubs and hedges planted within it.

2. The Applicant is advised to remove any non-native planting species which may have recently been planted within the landscape buffer.

Planning Committee Report

Applicant: Mr Clive Mason

Application Ref: 22/01447/FUL

Location: 4 Roman Way, Market Harborough, Leicestershire

Parish/Ward: Market Harborough / Market Harborough and Great Bowden and Arden

Proposal: Demolition of existing dwellinghouse and construction of 9no. studio apartments for temporary housing and associated bin storage area including renovation and internal alterations to the existing retained structure within the curtilage of 4 Roman Way forming part of 2 Roman Way

Application Validated: 15.08.2022

Weekly List Expiry Date: 23.09.2022

Consultee Expiry Date: 13.09.2022

Site Notice Expiry Date: 18.10.2022

Advertisement Expiry Date: 29.09.2022

Target Date: 10.10.2022 – EOT AGREED

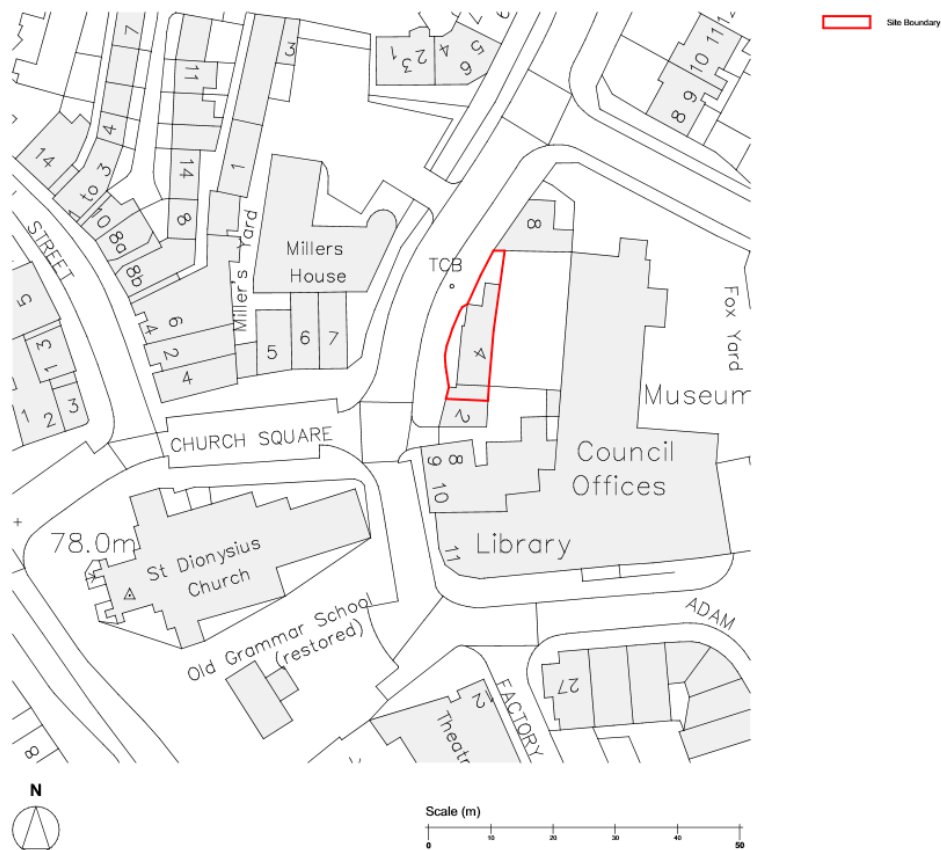
Reason for Committee Decision: HDC is the Applicant

Recommendation

Planning Permission is **APPROVED** for the reasons set out in this Committee report, subject to the conditions outlined in Appendix A

1. Site & Surroundings

- 1.1 The application site is located to the eastern side of Roman Way within the town centre of Market Harborough.



Site Location

- 1.2 The property is located within the Market Harborough Conservation Area and within close proximity to listed buildings including The Symington Building (Grade II listed), St Dionysius Church (Grade I Listed), Old Grammar School (Grade I listed) and 1 and 8 Church Street (Grade II listed).
- 1.3 The property is currently unoccupied and was last used as a private residential dwellinghouse.
- 1.4 The property also incorporates a segment of 2 Roman Way, a hipped pitched structure with party wall under

Case Officer Site Photos (27.09.2022)





2. Site History

2.1 The site has the following relevant planning history:

17/01760/FUL - Demolition of existing residential dwellinghouse (Use Class C3) and erection of a replacement mixed-use (Use Classes B1a (Office) and A2 (Professional Services)) building - APPROVED



17/01760/FUL – Approved Plan

20/01458/FUL - Change of use from residential to mixed-use (use classes E(c)- (professional services) and E(g) - (office)) and works approved under permissions 17/01760/FUL & 18/00835/NMA - APPROVED

This application retained the external appearance of the previously approved scheme, but amended the internal layout to the first and second floor plan arrangement.



20/01458/FUL – Approved Plan

PREAPP/22/00127 - Proposed Sheltered Housing

- 2.2 The LPA provided a response to the pre-application enquiry May 2022. The LPA advised the principle of the proposal was acceptable, but made some design suggestions.

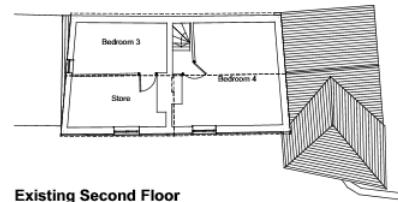
3. The Application Submission

a) Summary of Proposal

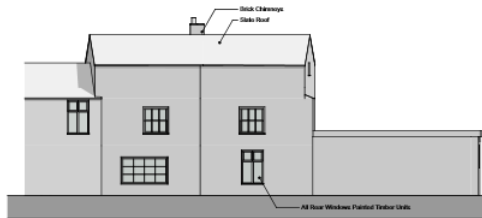
- 3.1 The application seeks planning permission for the demolition of the property and the erection of a replacement building for shelter housing for the homeless in the form of 9 individual studio flats.
- 3.2 Each flat will be independently accessible from a communal hallway and independently serviced (i.e. no shared facilities). The part of the property that occupies the building relating to 2 Roman Way shall be retained and refurbished to form independently accessible office space and associated ancillary space, which shall be utilised for day time on site management of the studio flats.
- 3.3 The scheme has been designed to allow for singles and couples and has disabled access.



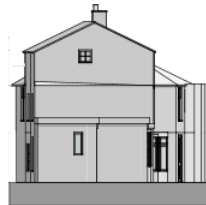
Existing Front (West) Elevation
Scale: 1:100



Existing Second Floor
Scale: 1:100



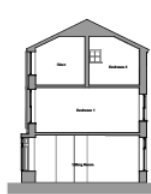
Existing Rear (East) Elevation
Scale: 1:100



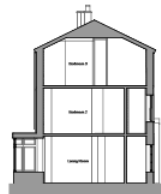
Existing Side (North) Elevation
Scale: 1:100



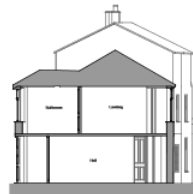
Existing First Floor
Scale: 1:100



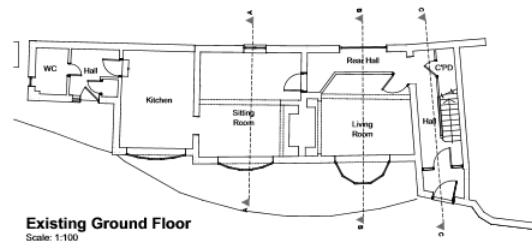
Existing Section A - A
Scale: 1:100



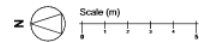
Existing Section B - B
Scale: 1:100



Existing Section C - C
Scale: 1:100



Existing Ground Floor
Scale: 1:100



Existing Plan



Proposed Plan

4. Consultations and Representations

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

a) Statutory & Non-Statutory Consultees

Historic England

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers.

LCC Archaeology

We recommend that you advise the applicant of the following archaeological requirements, for historic building recording. This repeats our advice offered in relation to the previous scheme, 20/01458/FUL.

We would also recommend that specialist advice is obtained in order to assess any potential

impacts of the development upon the setting and significance of the conservation area and nearby designated listed buildings..

The proposal involves the demolition of 4 Roman way, a circa 17th C. building with 19th and 20thC.modifications.

Appraisal of the Leicestershire and Rutland Historic Environment Record (HER) indicates the building is, or has the potential to constitute a heritage asset (or assets) with a significant archaeological and heritage interest (National Planning Policy Framework (NPPF) Section 16, paragraph 189 and Annex 2).Appraisal of the Leicestershire and Rutland Historic Environment Record (HER) indicates the building is, or has the potential to constitute a heritage asset (or assets) with a significant archaeological and heritage interest (National Planning Policy Framework (NPPF) Section 16, paragraph 189 and Annex 2).

We therefore, recommend that the planning authority require the applicant to complete an appropriate level of building recording prior to and during alteration, to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (NPPF Section 16, paragraph 199). This should be secured by condition on any approved planning application.

LCC Highways

The site as existing does not benefit from a site access and is located in the heart of Market Harborough town centre, where multiple facilities and amenities for future residents are readily available within easy walking or cycling distance.

Additionally there is easy access to buses and the railway which would provide public transport links to nearby regional towns and cities. Based on the location of the proposed development the LHA is satisfied that future residents wouldn't necessarily need to own a vehicle.

The town centre location also means that there are off street car parking facilities available elsewhere for example major town centre car parks (Commons, Fairfield Road, Doddridge Road and Springfield Street) for any visitors.

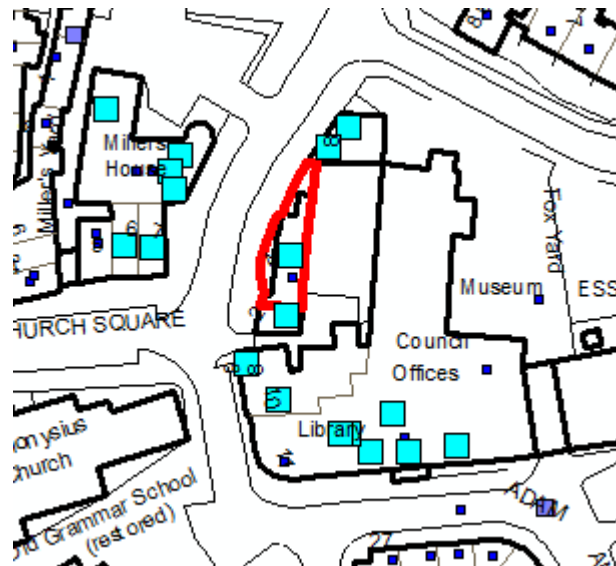
Therefore it is not considered that this development proposal would lead to a severe or unacceptable highway impact in the context of the NPPF and as such the LHA would not seek to resist this application.

b) Local Community

4.3 The application has generated 1 objection comment.

- *There are no plans attached to the application*

The case officer emailed the objector (02/09/22) to advise that the plans were available to view on the website. No further response was received.



Neighbours directly consulted

5. Planning Policy Considerations

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

a) Development Plan

- 5.2 The DP for Harborough, relevant to this site, comprises the Harborough Local Plan (adopted, April 2019)

- 5.3 The relevant policies are

--GD1
--SS1
--GD2
--GD8
--RT2
--IN2

b) Material Planning Considerations

- 5.4 Material considerations include any consideration relevant to the circumstances which has a bearing on the use or development of land. The material considerations to be taken in to account when considering this application include the DP referred to above, the Framework, the national Planning Policy Guidance, further materially relevant legislation, policies and guidance, appeal decisions, planning case law and court judgements, together with responses from consultees and representations received from all other interested parties in relation to material planning matters.
- 5.5 *The National Planning Policy Framework (The Framework / NPPF)*
- 5.6 *National Planning Practice Guidance*
- 5.7 *Planning (Listed Buildings and Conservation Areas) Act 1990*

Section 72 imposes a duty on Local Planning Authorities to pay special regard/attention to Conservation Areas when considering whether to grant planning permission for development. For Conservation Areas “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area” (Section 72).

d) Other Relevant Documents

5.8 The following documents should be noted:

- Circular 11/95 Annex A - Use of Conditions in Planning Permission
- Leicestershire County Council Local Transport Plan 3 (LTP3)
- Leicestershire Highways Design Guide
- DM SPD (December 2021)

6. Assessment

Principle of Development

- 6.1 Planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 The Harborough Local Plan is the development plan and its policies GD2, GD8, HC1 and RT2 are especially relevant to this proposal.
- 6.3 The site is located within the town centre of Market Harborough, with easy access to local facilities, shops and public transport routes.
- 6.4 A Structural Inspection Report, prepared by MK Design Associates Limited, dated November 2017 was submitted in support of the 2017 planning application for demolition of the building and erection of a replacement building for B1/A2 use.
- 6.5 This report outlined that the building had experienced historical damage (cracking) which would be classified as ‘Category 5 (severe)’ in accordance with the BRE Digest 251. In addition, the building had experienced historic movement which would be classified as ‘Category 4 (serious)’ in accordance with the BRE Digest 251. The report concludes, with the recommendation, that the building should be demolished. It outlines that it would be very difficult or impossible to undertake any improvements and/or alterations to the weakened structure of the building without the risk of localised, partial or even complete collapse. In addition, no additional loads would be able to be placed on the structure due to its existing condition. Furthermore, the existing building in its current condition would be unsuitable for modern-day use. In view of this, the proposed demolition of the building was considered acceptable in 2017.
- 6.6 As part of the current application a ‘cover note’ has been provided which says:

We have briefly reviewed the Structural Inspection Report produced by MK Design Associates (attached), herein referred to as 'the report'.

As an overview we can say that given the report was produced around 5 years ago, it is likely to still be relevant to the current condition of the structure. Assuming that no remedial works have been carried out since the report, the structure is likely to have deteriorated further.

Further to the aforementioned, it is likely that the findings and recommendations within the report are still relevant to the structure.

With specific reference to chapter 5.0, it is likely that the statements and recommendations given within sections 5.01, 5.04 and 5.05 are still relevant to the structure.

Any future works regarding the structure, should consider the comments and recommendations made within the report.

We can't comment further without undertaking an inspection ourselves, however I hope the above helps.

- 6.7 In light of the above, the demolition of the building is still deemed to be acceptable.
- 6.8 The replacement building for the homeless would in principle satisfy development plan policies GD2 and RT2, subject to the building enhancing its immediate setting, achieving a high standard of design and where it protects, conserves or enhances the significance, character and appearance of the heritage asset – of which are discussed in more detail below.

Design and impact upon the streetscene

- 6.9 Policy GD8 permits development where it achieves a high standard of design.
- 6.10 The replacement building would occupy a larger built footprint and will be taller than that of the existing building* but is reflective of the previous consents and would reflect the heights of some of the surrounding properties.

*Existing upper ridge height:

86.40 OAD (average)

Proposed upper ridge height:

88.56 OAD

Existing upper eaves height (front elevation):

84.99 OAD (average)

Proposed pitched roof eaves height (front elevation):

86.49 OAD

Existing GIA of structure to be demolished:

147.4m²

Proposed GIA of new build:

247m²



Proposed Front (West) Elevation



Proposed Block Plan

Outline of existing footprint (pink) shown against proposed footprint (grey)



Sketch visuals

- 6.11 The proposal would clearly be visible within the immediate streetscene including along Roman Way and Church Square.
- 6.12 In Officers opinion, the design of the building is an enhancement over the previous consents in terms of architectural detailing and materials (precise details would be agreed by condition). It is also acknowledged that the Applicant has amended the design of the building to take on board comments made by Officers in relation to the pre-application proposal.
- 6.13 Overall, subject to a condition requiring precise external materials, it is judged the design achieves a high standard of design, taking design cues from nearby buildings.

Heritage Impact

- 6.14 The property is not listed, nor is it locally listed. However, the property is within the Market Harborough Conservation Area and in close proximity to listed buildings, including the grade I listed church of St Dionysius. The conservation area and the listed buildings are designated heritage assets.
- 6.15 In determining this application, the LPA must have special regard to the statutory duties imposed by sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66(1) requires the local planning authority in considering whether or not to grant planning permission for development which affects a listed building or its setting "...to have special regard to the desirability of preserving the building or its setting or nay features of special architectural or historic interest which it possesses" Section 72 (1) requires the local planning authority when considering proposals within a conservation area to pay special attention "...to the desirability of preserving or enhancing the character or appearance of the area"
- 6.16 "When considering the impact of a proposed development on the significance* of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"

*The Framework defines the significance of a heritage asset as the value of a heritage asset to this and future generations because of its heritage interest. The NPPG also notes that

'significance' derives not only from a heritage asset's physical presence, but also from its setting.

6.17 Harborough Local Plan policy HC1 reflects the NPPF/NPPG.

6.18 Whilst no specific mention is made of the application site, the Market Harborough Conservation Area Character Statement says of the area in which the site is situated:

The space of the original medieval market space and street can be considered in three parts:

ii) a middle section including the space around the Church (Church Square) and infill street (Church Street); The middle section of the original market space now comprises the lower High Street, Church Street, Church Square and Adam & Eve Street. This is the traditional retail hub of the town. It is an area of small-scale buildings of varying ages. Spatially it is an intimate area. The centre of this area is Church Square dominated by three buildings, the first two on island sites rising from the pavement. First is the great Church of St. Dionysius with its soaring spire of white limestone. The Church rises directly from the pavement without a churchyard, as it was until 1901 a chapel of the Parish Church at Great Bowden 2 miles away. Secondly, alongside the church is the former Grammar School of 1614; it is a small scale timber framed building with an open ground floor designed to "keepe the market people drye in tyme of fowle weather" and having above it the former school room. This building represents the close of the timber framed tradition of buildings in the area. The third building overlooking the Church and Square is the Council offices, Library and Museum. It is a 4-storeyed former corset factory of 1889 having a tall tower surmounted by steep roof and lantern turning the corner from the Church Square to Adam and Eve Street. This tower, though subservient to that of the Church is a notable feature of the town's skyline. The variety of small and specialist shops, the intimacy of the street and Church Square and the setting of these three major buildings are the characteristics of this middle section. Not only is there a great variety in the apparent age of these buildings, but their frontages have in many cases been added to earlier buildings, such that 16 Church Street has 17th and early 16th Century structures and 63 High Street has an early 18th century staircase, both defying the buildings' external appearances.

6.19 Whilst the application site is not considered a non designated heritage asset because in and of itself it has not got historic significance of such designation i.e. the existing building has been significantly modified and is structurally unsound, it does have value as part of the Market Harborough Conservation Area.

6.20 Given that the replacement building is judged to be of a high standard of design the proposal will not cause harm to the designated heritage asset which is the Conservation Area.

6.21 Given that the replacement building would occupy a larger built footprint and will be taller than that of the existing building it is judged there could be some harm to the setting of the St Dionysius Church and the Symmington Building, although this is judged to be on the lower end of less than substantial harm.

6.22 The Framework advises where harm is identified, this should be weighed against the public benefits of the proposal.

6.23 The proposal would involve economic and social benefits from the construction and operation of the facility. The construction benefits would carry limited weight as they would only be temporary but the use of the building for housing the homeless is judged to a significant public benefit, which would outweigh the less than substantial harm identified.

Sustainability

6.24 The proposal has been designed to provide a sustainable, energy efficient building by adopting a 'fabric first approach' and meeting the latest building regulation targets.

Residential Amenity

6.25 It is not considered that the proposal would lead to any unacceptable residential amenity impacts, given the use of the building for residential purposes. The nearest 'residential unit' appears to be above the Garage Bakehouse, adjacent to the site. This flat contains a side window which faces towards the proposal. It is acknowledged the view from this window will be significantly altered and may even reduce the amount of light it receives (the window is south facing); however there is a large window at the front, which will not be impacted by the proposal and appears to serve the same room. On balance this relationship is judged to be acceptable.



Windows within flat above Garage Bakehouse

6.26 It is accepted that during the demolition, site clearance and construction phase there may be some disturbance to nearby residents and as such a construction management plan is suggested.

Highways

6.27 The site as existing does not benefit from a site access and is located in the heart of Market Harborough town centre, where multiple facilities and amenities for future residents are readily available within easy walking or cycling distance.

Additionally there is easy access to buses and the railway which would provide public transport links to nearby regional towns and cities. Based on the location of the proposed development the Local Highway Authority is satisfied that future residents wouldn't necessarily need to own a vehicle.

The town centre location also means that there are off street car parking facilities available elsewhere for example major town centre car parks (Commons, Fairfield Road, Doddridge Road and Springfield Street) for any visitors.

Therefore it is not considered that this development proposal would lead to a severe or unacceptable highway impact in the context of the NPPF and as such the Local Highway Authority would not seek to resist this application.

7. Conclusion

- 7.1 The proposal would provide much needed accommodation to support the homeless. The design of the building is judged to be reflective of the local vernacular and would not give rise to any adverse residential amenity impacts.
- 7.2 However the proposal is judged to result in less than substantial harm to the setting of designated heritage assets, albeit this harm is judged to be at the lower end of less than substantial. However, the public benefits of the proposal in this case accommodation for the homeless would significantly outweigh the harm identified.

8. Conditions

- 8.1 If Members are minded to approve the application the following conditions are suggested

1. The development hereby permitted shall begin within 3 years from the date of this decision.

REASON: To meet the requirements of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall be implemented in accordance with the following plans:

--Proposed Plans and Elevations H241-BRP-00-00dr-A-0210-P04

REASON: For the avoidance of doubt

3. Prior to commencement of development, full details of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the LPA. The development thereafter shall be constructed in accordance with the approved details.

REASON: To ensure that the development includes materials which are appropriate to the character and appearance of the development and the surrounding area, which include designated heritage assets having regard to Harborough Local Plan Policies GD8 and HC1

4. The development hereby permitted shall not be occupied until such time as secure (and under cover) cycle parking shall be provided in accordance with details first submitted to

and agreed in writing by the Local Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use. REASON: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2021).

5. No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For the land and structures that are included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

--The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

--The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WS

REASON: To ensure a satisfactory historic building survey and to record and advance understanding of the significance of the affected resource prior to its loss.

6. No development (including any site clearance/preparation works) shall be carried out until a Construction Environmental Management Plan has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the period of development:

a) the parking of vehicles of site operatives and visitors;

b) loading/unloading and storage of construction materials

c) a detailed reactive and proactive road cleaning schedule, incorporating the use of road sweepers, on-site wheel wash facilities and the use of hand brooms on wheels and roads where necessary

d) measures to control the emission of dust and noise during construction;

e) a scheme for recycling/disposing of waste resulting from site preparation and construction works;

f) hours of construction work, site opening times, hours of deliveries and removal of materials;

g) full details of any piling technique to be employed, and the control of hours of use if relevant;

h) location of temporary buildings and associated generators, compounds, structures and enclosures

i) routing of construction traffic and indication of signage locations to assist those delivering to the site

j) Contact details for site manager, including how these details will be displayed on site.

k) full details of preventative measures to avoid surface water run-off during construction

REASON: To minimise detrimental effects to the neighbouring amenities and the amenities of the area in general, having regard to Harborough Local Plan Policy GD8 and the National Planning Policy Framework.

Notes to Applicant

1) Party Wall

If the plans deposited involve the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.

2) Building Regs

You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 821090). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.

Planning Committee Report

Applicant: Harborough District Council

Application Ref: 22/01519/FUL

Location: Land North Of Leisure Centre, Northampton Road, Market Harborough

Proposal: Change of use from amenity greenspace to cemetery extension

Application Validated: 16.08.2022

Consultation Expiry Date: 03.10.2022

Target Date: 11.10.2022 (Extension of Time agreed to 25.10.2022)

Site Visit Date/s: 12.09.2022

Reason for Committee Decision: HDC is Applicant & landowner.

Recommendation

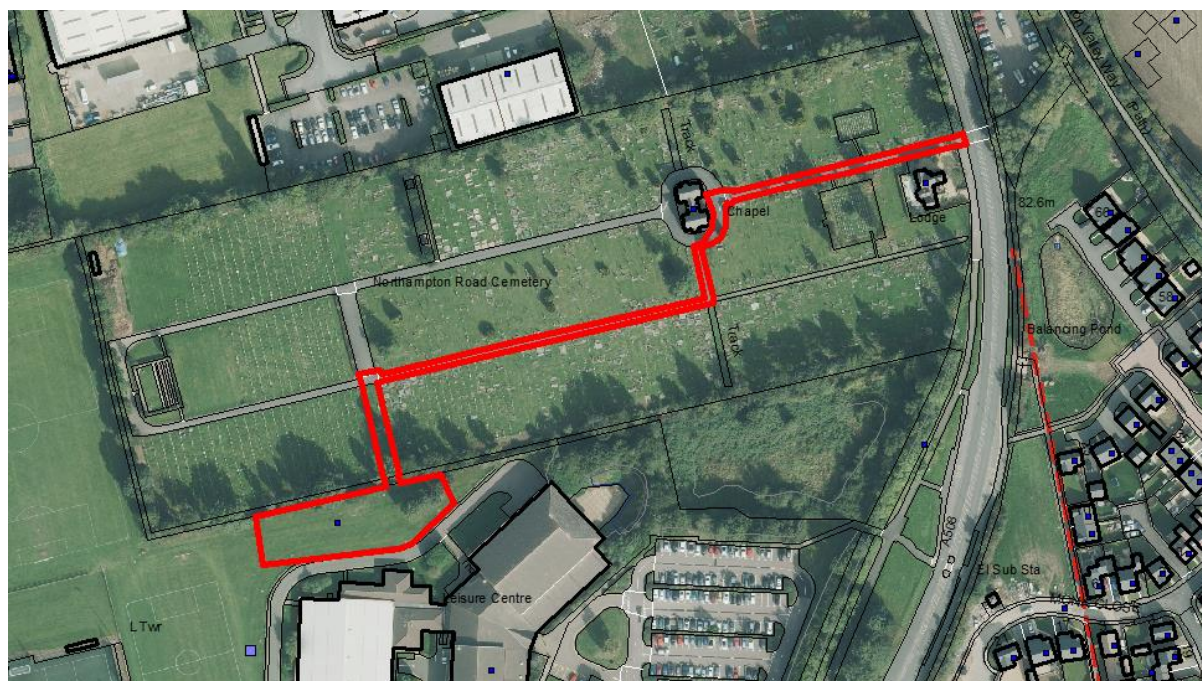
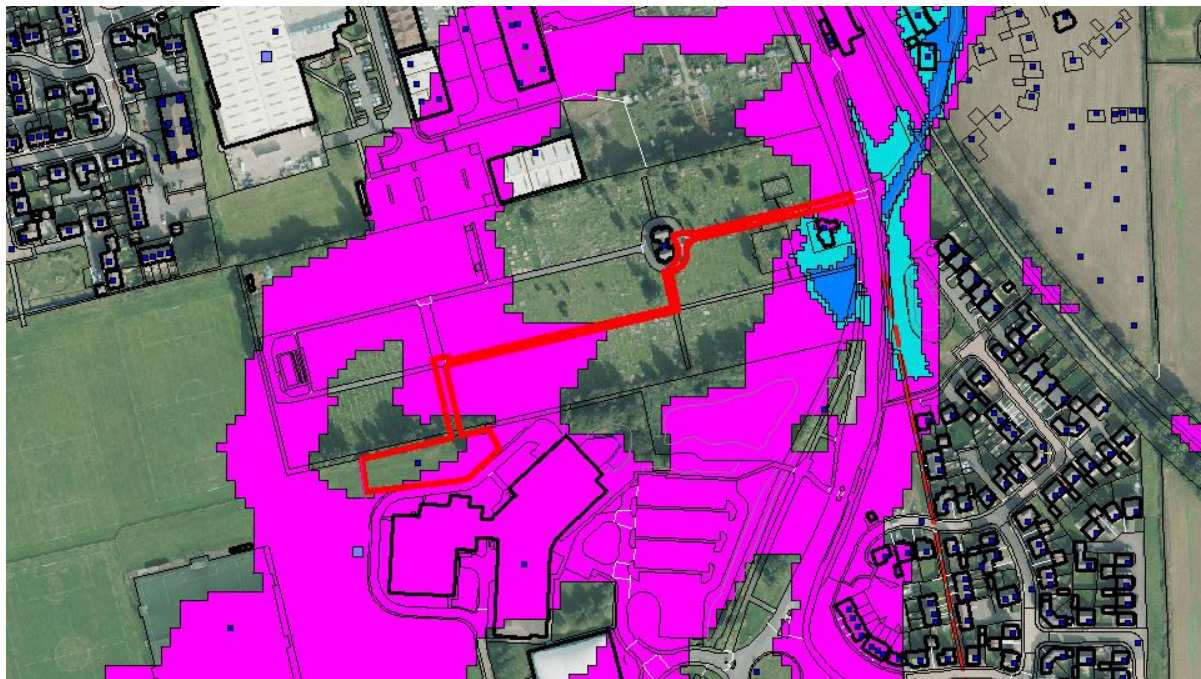
Planning Permission is **APPROVED** for the reasons set out in this Committee report and subject to the Planning Conditions recommended in Appendix A.

1. Site & Surroundings

- 1.1 The application relates to a small parcel of recreation land adjacent to the existing cemetery. The cemetery adjoins the north side of the site.
- 1.2 The land sits between the existing cemetery and, on its south side, the rear environs of the Harborough Leisure Centre. The southern boundary of the site is immediately bounded by a service road.
- 1.3 The site and wider area is land protected in the HDC Local Plan for “Open Space, Sport and Recreation” (Policy GI2).
- 1.4 Public footpaths, and formal and informal sports pitches and recreational areas are noted in the immediate locality. Various sport, recreation, community and business buildings and uses lie to the south of the site.
- 1.5 Access, parking and service arrangements for the development would be maintained via existing cemetery facilities (from Northampton Road). Vehicle access to the site is not proposed – foot access only would be created from the existing cemetery, involving the removal of a small number of low quality trees/shrubs.
- 1.6 The land is not subject to fluvial flood risks, but, like much of the area (including parts of the existing cemetery), it is partly affected by the lowest-risk tier of surface water flooding during times of heavy precipitation, as shown on the first HDC Uniform Map extract below.
- 1.7 The closest dwellinghouses are approximately 140m or farther from the extension site.

1.8 The site does not lie within a Conservation Area or affect the setting of Listed assets.

1.9 A water easement runs lengthways through the site, which has dictated the placement of burial plots. 4 semi-mature trees within the site have also affected the placement of plots.





(Source: HDC Uniform Maps, circa 2018 imagery)

2. Site Planning History

None which is directly relevant, but the approval of the Leisure Centre application is noted, along with the apparent origins of the use of the site & wider area for recreation purposes:

- 2.1 90/00044/3D – Erection of Leisure Centre inc. swimming pool, sports hall & changing rooms, outdoor facilities and car park – Approved 08.02.1990.
- 2.2 86/01657/3D – Change of use of land from agriculture to recreation – Not Determined.

3. The Application Submission

a) Summary of Proposal

- 3.1 The application seeks planning permission to change the use of the land from open space, sport & recreation use to form a cemetery extension.
- 3.2 The outer boundaries of the site would be demarcated by 4m high ball stop (chain link) fencing to the short western boundary, and 2m high green weldmesh fencing to the other (south and east) boundaries.
- 3.3 Associated screen planting in the form of trees and hedges is proposed.
- 3.4 The Applicant's Planning Statement introduces the proposal as follows:

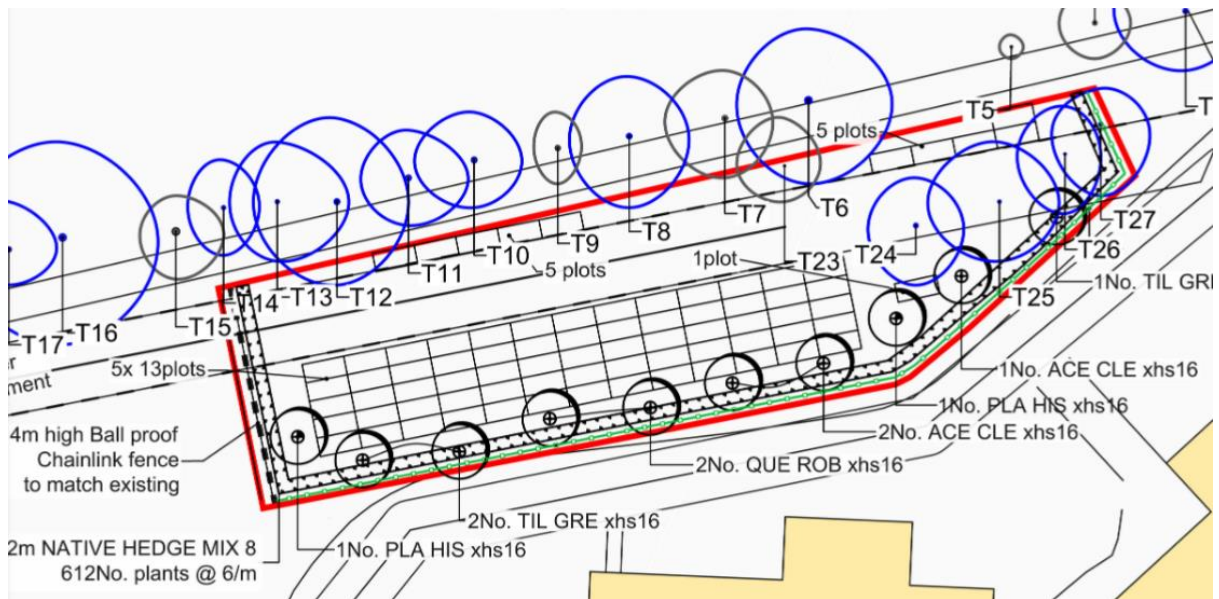
- 1.1.1 Enzygo Ltd has been instructed by Harborough District Council (HDC) to submit a planning application for the change of use of land north of Harborough Leisure Centre ('the site') to create a small extension to the existing Northampton Road cemetery.
- 1.1.2 The proposed cemetery extension is modest in scale (application area of circa 0.2ha) and would utilise an underused, irregular shaped amenity greenspace that is adjacent to the formal sport pitches to the west of the leisure centre. There is a significant shortfall in burial space and cremations ashes in the District for the Local Plan Period, 2011 – 2031, which is evidenced by the Cemetery and Burial Strategy (2016).
- 1.1.3 The proposed cemetery extension would create an additional 99 burial plots along with improved landscaping to the site boundary, so the cemetery is better enclosed to the wider leisure uses so making the cemetery a more tranquil location for families and friends to remember loved ones.

b) Amended Plans

- 3.5 As a result of the need to leave adequate space for hedge and tree planting (and its future growth), the Applicant was requested to reduce the proposal from 99 burial plots to 76, as indicated here (the 23 lost plots are marked by red Xs):



- 3.6 The original layout above would have required hedge maintenance to step on the 6 westernmost plots, and little space was left along the southern site boundary for hedge and tree thickening/establishment.
- 3.7 The following plan extract shows the final amended layout. Planting has been thickened and there is extra space for future growth. Some of the trees have been moved out of the hedgerow to create a slightly more organic/natural planting arrangement.



c) Selection of Planning Officer Site Photos (taken 12.09.22)









d) Schedule of Plans / Documents

3.8 The application assessment is based on the following plans and documents:

- Application Form
- Drawing Title: Location Plan; Drawing No. SHF.1287.005.PL.D.001; Dated July 2022 (Enzygo Consultants)
- Drawing Title: Site Layout; Drawing No. SHF.1287.005.PL.D.002; Dated July 2022 (Enzygo Consultants)
- Drawing Title: [Existing] Pitch Arrangement; Drawing No. SHF.1287.005.PL.D.003; Dated July 2022 (Enzygo Consultants)
- Drawing Title: Landscape Scheme; Drawing No. 1287-002-ENZ-XX-00-DR-LA-45-101; Revision PL03; Dated 11/10/2022 (Enzygo Consultants)
- Planning Statement (Report No. SHF.1287.005.PL.R.001.01; August 2022) (Enzygo Consultants)
- BS 5837:2012 Arboricultural Survey (Report No. 1287-005-ENZ-XX-00-RP-AR-45-101; Status PL04; October 2022) (Enzygo Consultants)
- Tier 1 and 2 Groundwater Risk Assessment (Report No. SHF.1287.005.HY.R.001; August 2022) (Enzygo Consultants)
- Phase I Geo-Environmental Report (Report No. SHF.1287.005.GE.R.001.A; May 2022) (Enzygo Consultants)

e) Pre-application Engagement

3.9 The applicant has engaged with Sport England to achieve informal agreement that the proposal is unlikely to conflict with SE policy.

f) Environmental Impact Assessment Screening

- 3.10 It is considered that the proposal relates to development falling within the Schedule 2 development table [Regulation 2(1)]: Column 1 “*Description of development*”; Row paragraph 10 “*Infrastructure projects*”; (b) “*Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas*”, noting also Row paragraph 13(b) “*Any change to or extension of development of a description listed in paragraphs 1 to 12 of column 1 of this table, where that development is already authorised, executed or in the process of being executed.*”

Row paragraph 10(b), Column 2 “*Applicable thresholds and criteria*” clarifies that if “(i) *The development includes more than 1 hectare of urban development which is not dwellinghouse development; or (ii) the development includes more than 150 dwellings; or (iii) the overall area of the development exceeds 5 hectares*” the development represents Schedule 2 development.

Row paragraph 13(b), Column 2 “*Applicable thresholds and criteria*” clarifies that if “*Either— (i) The development as changed or extended may have significant adverse effects on the environment; or (ii) in relation to development of a description mentioned in column 1 of this table, the thresholds and criteria in the corresponding part of column 2 of this table applied to the change or extension are met or exceeded.*” the development represents Schedule 2 development.

The proposal does not meet or exceed the applicable thresholds.

The proposal did not need to be evaluated against the Schedule 3 [Regulation 5(4)] “*Selection Criteria for Screening Schedule 2 Development*”.

4. Consultations and Representations

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

a) Statutory & Non-Statutory Consultees

4.4 Sport England

“Conclusion

Having assessed the application submission, Sport England is satisfied that the proposed development meets exception 3 of our playing fields policy in that it would affect only land incapable of forming part of a playing pitch and would not prejudice the use of the remaining playing field.

This being the case, Sport England does not wish to raise an objection to this application which would be in accordance with Sport England’s playing fields policy and paragraph 99 of the NPPF.”

4.5 Anglian Water

“Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.”

4.6 Environment Agency

“We have reviewed the following reports submitted in support of this application:

- Tier 1 and 2 Groundwater Risk Assessment Northampton Cemetery Extension; Harborough District Council report dated Aug 2022, by Enzygo Ltd.*
- Phase I Geo-Environmental Report; Harborough District Council Cemetery Extension, LE16 9HF; Harborough District Council report dated May 2022, by Enzygo Ltd.*

The pre-application work has confirmed that this development poses a low risk to groundwater and we have no further comments to make.”

4.7 Leicestershire County Council Highway Authority

No objections given the modest size of the proposal and existing safe and suitable access, parking, turning and servicing provisions. No Conditions or Informative Notes are recommended.

4.8 Leicestershire County Council Ecology

As the proposal will involve works to trees an Informative Note should be added to any permission regarding nesting birds and the Wildlife & Countryside Act 1981 (as amended).

4.9 HDC Environmental Services

“no issues from a noise perspective.”

4.10 HDC Neighbourhood and Green Spaces Officer

Not consulted given the nature and scale of the proposal.

4.11 Market Harborough Civic Society

Not consulted. The Civic Society reviews the Weekly List to identify planning applications which they wish to comment on.

4.12 Ward Councillors

No comments received.

| |
|----------------------------------|
| b) Public Representations |
|----------------------------------|

4.13 One comment received “neither objecting to or supporting”, stating:

“My comment is not an objection to the application or the extension of the cemetery rather an observation regarding sports facilities within Harborough district and at the Northampton Road site. Specifically, it relates to the 'potential' for sports pitches shown yellow on the submitted site plan.

I support the pre-app comments received from Sport England in the response to the loss of pitches in the original proposal and the recognition by Enzygo of the 'shortage of playing field provision' in Harborough.

I request not only the retention or replacement of the existing goal frame that sits parallel with the existing southern cemetery boundary but also the marking out of the proposed pitches and that these pitches remain in the control of Harborough District Council and not transferred to Harborough Town Football Club. This will address the

need and use of the space for members of the public and children already using the space to play football and undertake training sessions.”

5. Planning Policy Considerations

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

a) Development Plan

- 5.3 The current Development Plan consists of the Harborough Local Plan, adopted April 2019.

Key Policies:

- Policy SS1 The spatial strategy
- Policy GD1 Achieving sustainable development
- Policy GD8 Good design in development
- Policy GI2 Open space, sport and recreation
- Policy GI3 Cemeteries
- Policy GI5 Biodiversity and geodiversity
- Policy CC3 Managing flood risk
- Policy IN2 Sustainable transport

- 5.4 Neighbourhood Plan – N/A.

b) Material Planning Considerations

- 5.5 Material considerations include any matter relevant to the application which has a bearing on the use or development of land. The material considerations to be taken into account when considering this application include the National Planning Policy Framework, the national Planning Policy Guidance, further materially relevant legislation, policies and guidance, appeal decisions, planning case law and High/Appeal court judgements, together with responses from consultees and representations received from all other interested parties in relation to material planning matters. Some key documents are listed below.
- 5.6 *The National Planning Policy Framework (The Framework / NPPF) (July 2021)*
- 5.7 *National Planning Practice Guidance (PPG)*
- 5.8 *Development Management Supplementary Planning Document (SPD) (December 2021)*
- 5.9 *Institute of Highways and Transport “Guidelines for Providing for Journeys on Foot” (2000)*
- 5.10 *Chartered Institute of Highways and Transport “Planning for Walking” (2015)*
- 5.11 *Leicestershire County Council Local Transport Plan*

- 5.12 *Leicestershire County Council Highway Design Guide*
- 5.13 *ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)*
- 5.14 *Circular 11/95 Annex A - Use of Conditions in Planning Permission*

c) Reason for Committee Decision

- 5.15 HDC is the Applicant & landowner, therefore the application must be determined by Planning Committee.

6. Assessment

a) Principle of Development

- 6.1 The site lies within a designated HDC Local Plan Policy GI2 “Open space, sport and recreation” area, where Criteria 1. and 2. are relevant:

GI2 Open space, sport and recreation

1. The District's open space, sport and recreation facilities (as shown on the Policies Map) and any future additional facilities provided as part of new development will be safeguarded and enhanced through improvements to their quality and use.
2. Development resulting in the loss of or reduction in defined open space, sport and recreation facilities will not be permitted unless it can be clearly demonstrated that:
 - a. a robust assessment clearly demonstrates that the space or recreational facility is surplus to local requirements and will not be needed in the long term in accordance with local standards; or
 - b. replacement areas will be at least equivalent in terms of quality, quantity and accessibility, and there will be no overall negative impact on the provision of open space in accordance with local standards; or
 - c. the proposal is for alternative recreational provision which meets evidence of local need in such a way as to outweigh the loss.

- 6.2 As the proposal “*is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field*” as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595) (Schedule 4, Para z), consultation with Sport England has been a statutory requirement.
- 6.3 The proposal has been tested against “Exception 3” of Sport England’s playing fields policy, which states:

The proposed development affects only land incapable of forming part of a playing pitch and does not:

- *reduce the size of any playing pitch;*
- *result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);*
- *reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;*

- *result in the loss of other sporting provision or ancillary facilities on the site; or*
- *prejudice the use of any remaining areas of playing field on the site.*

Sport England is satisfied that the proposed development meets Exception 3 and, accordingly, SE do not object to the application.

6.4 HDC Local Plan Policy GI3 is noted:

GI3 Cemeteries

1. The Council will ensure sufficient burial provision continues to be provided in the District in the following ways:
 - a. Extensions to existing burial sites will be permitted where there is a demonstrable requirement for additional capacity for burials and cremation ashes and this cannot be met within the curtilage of an existing site;
 - b. New burial sites will be permitted where there is a need for additional capacity for burials which cannot be met through extending existing sites, including provision for the East of Lutterworth and Scraftoft North SDAs; new sites should be located as close as possible to the assessed need;
 - c. The need for a new burial site to serve the needs of Market Harborough and surrounding villages has been identified. A broad location for this new site has been identified on land to the east of Harborough Road (B6047) to the north-west of the town, as shown on the Policies Map. In the event that a new burial site to serve the town is not delivered through b. above beforehand and subject to further technical work to demonstrate the site is suitable, a new burial site in this broad location should be provided as a component of the town's future expansion as part of a Local Plan Review.

6.5 The Applicant reports the following in their Planning Statement:

- 2.1.5 It must also be acknowledged that HDC has to balance a number of competing development pressures as the population of the District increases, alongside open space, sport and recreation provision.
- 2.1.6 One such requirement is burial capacity. Enzygo completed a Cemetery and Burial Strategy (2016) that concluded;
 - Within Market Harborough there are around 367 burial spaces, and at least 100 spaces for cremation ashes;
 - Between 2016-2039 there is a requirement for 1,163 burial spaces and 1,060 spaces for cremation ashes. Within the plan period these figures are 771 and 703 respectively. In addition, between 2011-2016 Market Harborough experienced a proportionately large amount of growth, with almost 45% of all housing completions within the District taking place within the Parish.
 - Therefore, there is a significant shortage of both burial space and space for cremation ashes within the plan period. The current burial capacity is likely to be depleted before 2022, and the current cremation ash capacity is likely to run out before 2018.

- 2.1.7 In the short term, new burial capacity and space for cremation ashes must be found which will enable time for a new strategic cemetery site to be identified, which is currently underway. Once a suitable, available site is identified planning permission must be secured and the new facility constructed before the additional capacity can be made available.
- 2.1.8 In conclusion, **there is a significant shortage in burial capacity and space for cremation ashes** in the District and particularly within Market Harborough for the Local Plan Period, which has significantly deteriorated as no new burial space has been delivered since the Cemetery and Burial Strategy was published in 2016.
- 6.6 The above information and associated background research is judged to represent “a *demonstrable requirement*” – the proposal is judged to accord with GI3(1.a.) and to be acceptable in principle.

b) Design and Visual Amenity

- 6.7 Amendments to the scheme were judged to be required in order to achieve an adequate balance between the strategic need to increase cemetery plot provision and the importance of ensuring a satisfactory standard of provision.
- 6.8 In terms of the quality of cemetery provision, it is considered to be important to create a visual and sensory buffer between the internal cemetery environs and the external environment. The external environment consists of the functional rear aspects of the Leisure Centre & service road, and the publicly accessible and sport/recreation environs of the recreational land.
- 6.9 The adjacent land uses also create the potential, for example, for balls being kicked over, trespass and noise disturbance (including from the rear doors & patio of the Leisure Centre café, from which noise was observed at site visit).
- 6.10 An adequate standard of visual quality and amenity (sense of privacy, tranquillity and security), and the aesthetics expected for a person’s final resting place, must be considered. For example, peace of mind that that there will not be children trespassing over a loved-one’s grave to fetch back lost footballs.
- 6.11 It is judged that the amended scheme, which affords a greater tree and hedgerow planting buffer around the inner edges of the site (and proposes larger “Advanced Heavy Standard”^{***} trees to be planted), would achieve a satisfactory standard of cemetery amenity and overall design.
- ^{***}16-18cm girth at 1m above ground; approx. height at planting of ~4.00m+.
- 6.12 A Condition is recommended to secure the proposed planting during the first appropriate planting season, so it can start to become established at the earliest opportunity in advance of burials. This may require the fencing to be installed first, so new planting does not obstruct installation works, or installation does not damage new planting.
- 6.13 Another Condition is recommended to ensure that the development takes place in accordance with the advice contained in the submitted Tree Survey and Methodology, so as to protect existing trees and hedges.

- 6.14 The proposal is judged to accord with the Policy GD8 of the Local Plan in the above respects.

c) Access and Highway Safety

- 6.15 Given the scale of the proposal relative to the existing safely-operating cemetery, the proposal is not considered to have significant highway safety implications. All current access, parking, turning and service arrangements would remain in place.

d) Residential and General Amenities

- 6.16 Noting the scale and nature of the development, the existing established use of the site and the distance separation to neighbouring properties, the proposal is not judged to have negative residential and general amenity impacts.
- 6.17 The proposal is considered to accord with Development Plan and national policies in this respect.

e) Archaeology

- 6.18 N/A.

f) Ecology

- 6.19 The proposal is not judged to have negative ecological/biodiversity impacts.
- 6.20 Tree removal and pruning has been amended at Officer request so it is limited to minimum requirements.
- 6.21 Additional hedge & tree planting will have biodiversity, carbon-sequestration and natural drainage benefits.

g) Flooding and Drainage

- 6.22 The proposal is not judged to exacerbate flood risks, nor be subject to unacceptable flood risks itself.

h) Contaminated Land and Air Quality

- 6.23 Environment Agency comments are noted. No concerns.

7. Conclusion / Planning Balance

- 7.1 The NPPF requires LPAs to grant planning permission for sustainable development. Paragraph 8 of the Framework states:

“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

- 7.2 The proposal would, on balance, achieve all 3 objectives in a positive and mutually beneficial way. The proposal has significant Local Plan Policy impetus in terms of ensuring sufficient burial provision continues to be provided in the District.
- 7.3 The proposal is satisfactorily designed; it would preserve the character and appearance of the area (which includes the existing cemetery), and it would deliver a suitable standard of cemetery provision.
- 7.4 The proposal would not cause significant and demonstrable harm to highway safety interests.
- 7.5 The proposal would not harm neighbouring or general amenities in the area.
- 7.6 The proposal would not be detrimental to ecological, arboricultural, archaeological, drainage and flood risk, nor other material interests.
- 7.7 The proposal complies with the policies of the Harborough Local Plan (Development Plan) and the NPPF taken as a whole. No other material considerations indicate that the policies of the Development Plan should not prevail. As the proposal accords with an up-to-date development plan it should be approved without delay.
- 7.8 The application has been assessed in accordance with Paragraph 38 of the NPPF, which requires LPAs to “*approach decisions on proposed development in a positive and creative way*” and “*work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*”

APPENDIX A – Recommended Conditions and Informative Notes

Recommended Conditions:

1. Development to Commence Within 1 Year – Prescriptive

The new hedgerow and tree planting shown on the approved plans shall be implemented during the first appropriate planting season and within 12 months from the date on which this Planning Permission is granted.

All planted material shall be maintained and replaced as necessary by the applicant and/or owner(s) of the land at the time for a period of not less than 5 years from the date of planting.

Thereafter, the hedgerow and tree planting shall be retained in perpetuity.

REASON: To meet the requirements of the Town and Country Planning Act 1990 (as amended), to ensure the establishment of satisfactory hedgerow and tree planting in a timely manner, as well as its retention, in the interest of the character and appearance of the development and its surroundings, to achieve satisfactory amenities for the existing cemetery and its extension, and to accord with Harborough Local Plan Policies GD8 and GI5.

2. Approved Plans – Prescriptive

The development hereby approved shall be carried out in accordance with the following plans:

--Drawing Title: Location Plan; Drawing No. SHF.1287.005.PL.D.001; Dated July 2022 (Enzygo Consultants)

--Drawing Title: Landscape Scheme; Drawing No. 1287-002-ENZ-XX-00-DR-LA-45-101; Revision PL03; Dated 11/10/2022 (Enzygo Consultants)

REASON: For the avoidance of doubt and to ensure a satisfactory form of development.

3. Existing Tree and Hedge Protection

The development shall be undertaken in accordance with the advice and methodology contained in the submitted Arboricultural Survey (Report No. 1287-005-ENZ-XX-00-RP-AR-45-101; Status PL04; October 2022) (Enzygo Consultants).

REASON: To protect arboricultural & biodiversity interests and the setting of the existing cemetery, and to accord with Harborough Local Plan Policies GD8 and GI5.

Informative Notes:

NONE.

Planning Committee Report

Applicant: Mr and Mrs Haines

Application Ref: 22/01609/FUL

Location: 4 Trefoil Close, Broughton Astley

Proposal: Erection of a single storey rear extension

Application Validated: 02/09/22

Target Date: 28/10/22

Consultation Expiry Date: 07/10/22

Site Visit Date: N/A – Applicant provided photographs

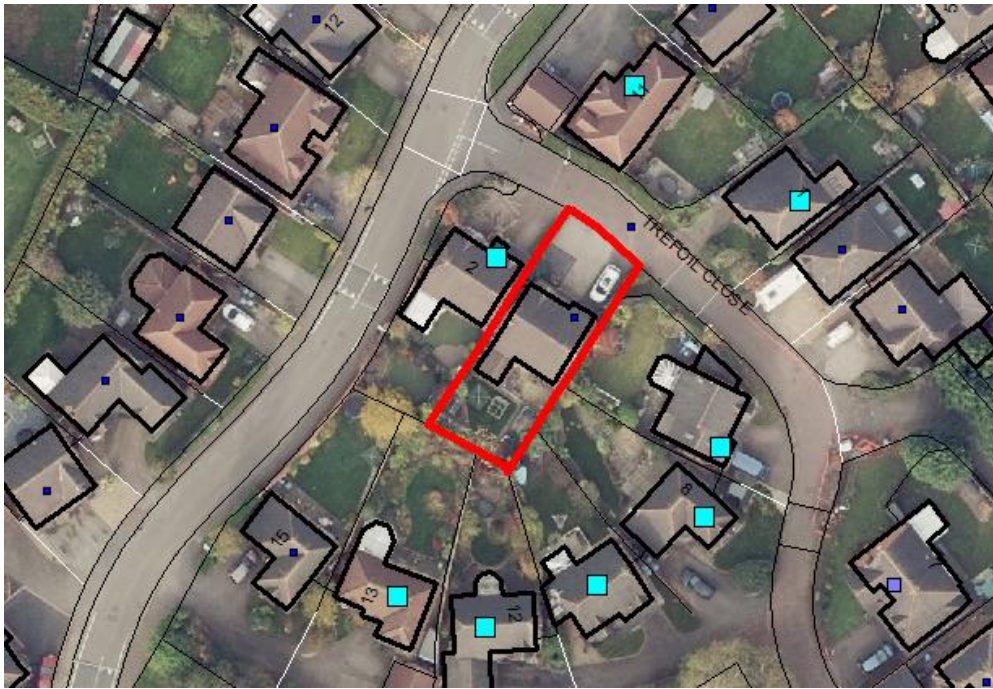
Reason for Committee decision: Applicant is employed by Harborough District Council

Recommendation

Approve - The development hereby approved, by virtue of its nature, siting and use would not adversely affect the character and appearance of the dwelling, or residential amenity. The proposal is therefore considered to comply with the Harborough 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.

1. Site & Surroundings

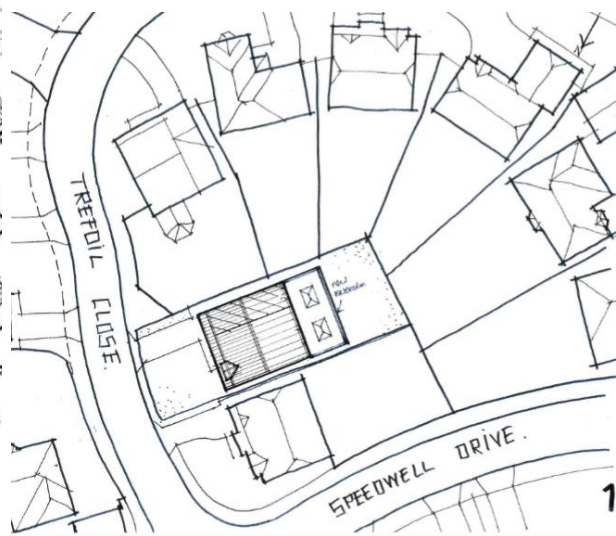
The application relates to a two-storey detached brick-built dwelling. The property is located on Trefoil Close, a cul-de-sac to the south-east of Broughton Astley. To the rear of the property is an existing single storey rear extension, patio area and lawn. The property is not Listed and does not lie within a Conservation Area.



Site Location and neighbours notified (Uniform)



Location plan



Block plan



Front elevation



Rear elevation

2. Site History

- 2.1 22/00833/CLU - Certificate of Lawfulness of Proposed Development for the erection of a single storey rear extension - permitted 27/5/22 at Committee

04/00514/FUL - Erection of first floor side and single storey rear extensions – permitted 04/06/04

3. Reason for Referral to Committee

- 3.1 The application has been referred to Committee as the applicant is employed by Harborough District Council.

4. Proposal

- 4.1 The proposal is to part demolish the existing single storey rear extension and replace with a larger single storey rear extension. A Certificate of Lawfulness was granted earlier this year, to which works have commenced, however, due to the unavailability of matching bricks, the extension is now proposed to be finished with Cladco Vertical Charcoal coloured Composite Cladding instead of all brick. There will be a flat roof, parapet wall and two roof lanterns, with black aluminium bi-fold doors to rear.



Colour Charcoal



About this product

Cladco Composite Wall Cladding is a wood-plastic Composite Cladding solution for exterior walls, providing a sophisticated, modern look. Available in 3.6m lengths, external Cladding Boards can be installed either horizontally or vertically and are environmentally friendly.

Proposed cladding

Proposed Dimensions

Depth: 4m

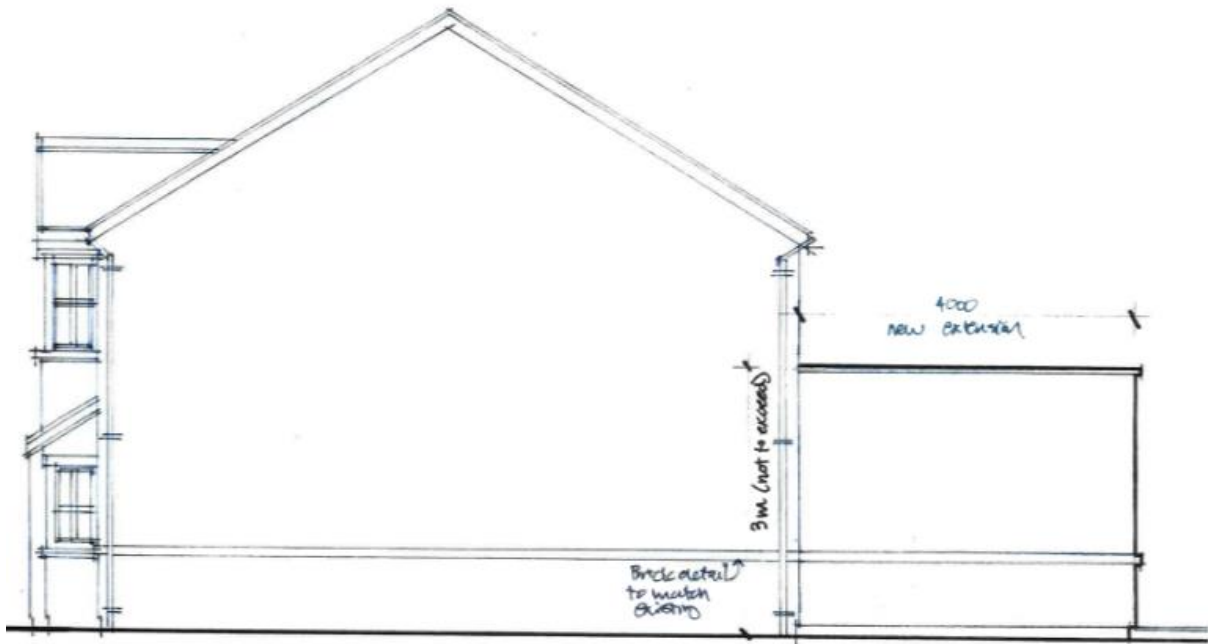
Width: 8.4m

Height: Plan annotated as 3m (not to exceed). Appears to measure approximately 3.25m to top of parapet wall (flat roof with parapet walls).

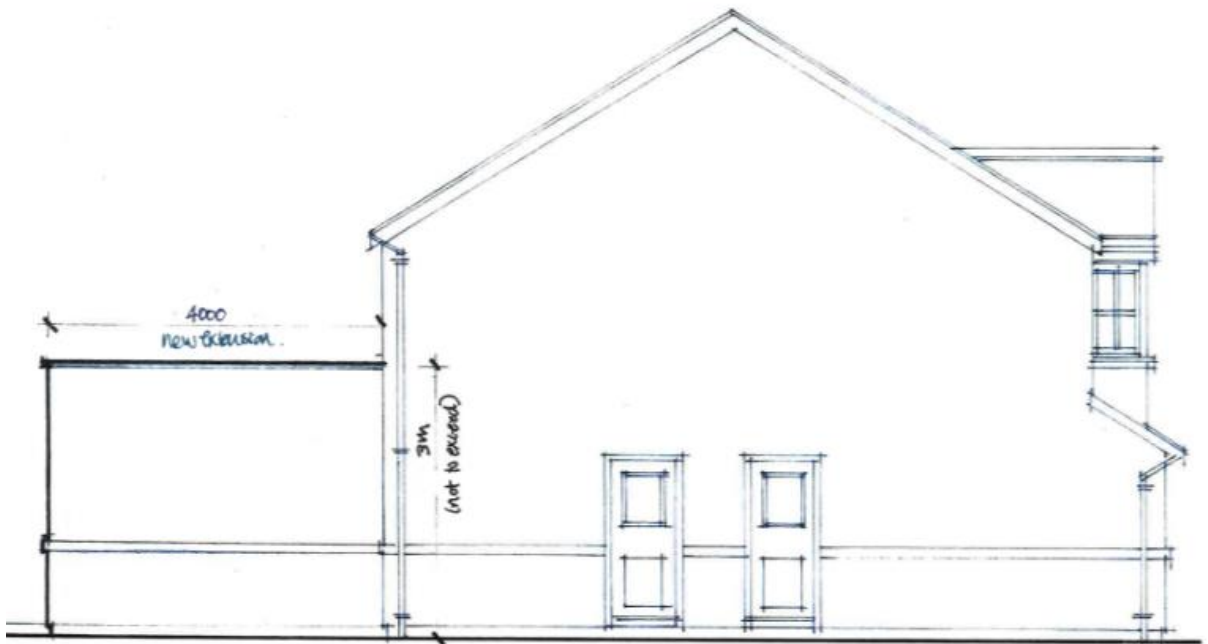
Proposed elevations



rear (southwest)



Side (northwest)



Side (southeast)

5. Consultations and Representations

Eight neighbouring dwellings consulted – No comments or objections.

Broughton Astley Parish Council –

Members, having noted the changes to materials, can see no impact on the street scene or neighbours so no objections.

6. Planning Policy Considerations

Policy Assessment:

Policy GD8 of the Local Plan states that design must be of a high standard and be inspired by, respect and enhance local character and distinctiveness of the settlement, where appropriate be individual and innovative yet sympathetic to the local vernacular, including in terms of building materials, in areas with high heritage value reflect those characteristics that make these places special, respect the context and characteristics of the individual site, street scene and the wider local environment to ensure it is integrated as far as possible into the existing built form, and minimise impact on the amenity of existing and future residents by not having a significant adverse effect on the living conditions of existing and new residents through loss of privacy, overshadowing and overbearing impact.

Neighbouring Amenity

The existing extension extends to a depth of 3.5m and to a width of approximately 3.2m and is in-line with the existing side elevation of the dwelling, it has a dual pitched roof with a ridgeline of approximately 3m. The proposed extension is to project a further 50cm from that of the existing extension to a depth of 4m, it will span the full width of the rear elevation. It is set in off the boundaries. A flat roof is proposed with parapet wall and two roof lanterns. The plan is annotated as 3m (not to exceed), although appears to measure approximately 3.25m to top of parapet wall. The flat roof structure will result in more massing than that of the pitched roof, however the fence boundary treatment will limit any risk of overbearing impact. No proposed windows or openings pose a risk of loss of privacy or overlooking. No. 2 Trefoil Close appears to have a utility window nearest to the boundary with the host site and then a kitchen window. It is considered that residential amenity is safeguarded, and that the proposal therefore complies with Policy GD8 of the Harborough Local Plan. In any event, the dimensions of the proposal are permitted development and the change in materials will have no greater impact than the fall back “permitted” development.

Design and Visual Impact

The proposal will not be particularly visible, if at all from the street. Speedwell Drive to the West of the site is raised, and the host site is on a lower level than that of the neighbouring property at no. 2. The extension is subordinate to the main dwelling and the change in materials is considered sympathetic in the context of a modern housing development where a range of modern materials are seen. The proposal is considered to comply with Policy GD8 of the Local Plan.



From Speedwell Drive towards no. 2 and 4



From no. 4 towards no. 2 and Speedwell Drive



From Trefoil Close

7. Conclusion

The principle for the development is established by virtue of the Certificate of Lawful Development, and the change to materials is considered acceptable as described. The development hereby approved, by virtue of its nature, siting and use would not adversely affect the character and appearance of the dwelling, or residential amenity. The proposal is therefore considered to comply with the Harborough 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.

Conditions / Reason:

1. The development hereby permitted shall begin within 3 years from the date of this decision.

Reason: To meet the requirements of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be in accordance with the following approved plans:

Proposed floorplans, elevations, section and roof plan, received 02/09/2022.

Reason: For the avoidance of doubt.

3. The external materials, including windows, used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained in perpetuity, unless prior written consent is obtained from the Local Planning Authority.

REASON: To safeguard the appearance of the development and the character and appearance of the area, having regard to Harborough Local Plan Policy GD8 and National Planning Policy Framework.