

PLANNING COMMITTEE: 13th June 2017
SUPPLEMENTARY INFORMATION

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

Correspondence received is available for inspection.

All Items

United Kingdom Supreme Court JUDGMENT 10 May 2017

Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents)
Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant).

The Councils’ appeals were dismissed so that the Richborough Estates planning permission in Cheshire is preserved and the Hopkins Homes appeal against the Suffolk Coastal refusal will have to be re-determined. The judgement includes:

84. If the policies for the supply of housing are not to be considered as being up to date, they retain their statutory force, but the focus shifts to other material considerations. That is the point at which the wider view of the development plan policies has to be taken.

85. Paragraph 49 merely prescribes how the relevant policies for the supply of housing are to be treated where the planning authority has failed to deliver the supply. The decision-maker must next turn to the general provisions in the second branch of paragraph 14.....

Council published 3rd December 2012 a report on the new Local Plan. At its appendix A it contained a review of core Strategy and NPPF compliance. This includes:

Review of Core Strategy

NPPF Compatibility - Policies in need of review:

Policy CS1: Spatial Strategy

As the overarching policy, CS1 should include reference to 'presumption in favour of development' and may need to be changed to reflect any other policy changes.

Policy CS2: Delivering New Housing

The policy should take into account of objectively assessed housing needs for market and affordable housing and ensure sufficient flexibility to adapt to rapid change. Not building on the G L Hearn report evidence leaves the Council open to attack at appeal.

Policy CS4: Providing for Gypsy, Traveller and Travelling Showpeople Needs

The needs set context for identifying and maintain a 5 year supply of specific, deliverable sites against locally set targets and develop sites/broad locations for 6-10 years and where possible 11-15 years.

Policy CS6: Improving Town Centres and Retail

CS policy needs to define town centres and primary shopping areas based on a clear definition of primary and secondary frontages in designated centres and include policies that make it clear which uses will be permitted in such locations.

Policy CS7: Enabling Employment and Business Development

CS7f needs to be reviewed to reflect para 28 of the NPPF (supporting a prosperous rural economy) as it is overly restrictive at present in its approach to controlling the type of employment / business development in countryside locations.

Policy CS 11: Promoting Design and Built Heritage

Both sections of the policy would benefit from updating in order to improve content and clarity in light of the NPPF. In respect of the historic environment, the policy makes no reference to impact on significance or substantial and less than substantial harm in line with NPPF.

Policy CS12: Delivering Development and Supporting Infrastructure

On-going work in relation to CIL setting has identified a high risk of a funding gap. This could impact on the ability to deliver infrastructure and this policy along with the Infrastructure Schedule may need to be changed to reflect this work.

Policy CS17: Countryside, Rural Centres and Rural Villages

Policy needs to reflect paragraphs 28 (supporting a prosperous rural economy) and 55 (new isolated homes in the countryside) of the NPPF as it is overly restrictive at present in terms of development in the Countryside.

16/01660/LBC	Retention of works involving the removal of internal walls from ground floor kitchen and reception rooms; removal of kitchen fireplace and staircase; replacement of rainwater pipes; reroofing and new lead work to roof; installation of a boiler and flue; repointing and repairs to castellations; exposing and cleaning of second floor timber; repointing internal stone walls; refurbishment to entrance doors and removal and replacement of plaster within portico and alterations to second floor layout including insertion of partition walls. Skeffington Hall, Rolleston Road, Skeffington
--------------	--

17/00023/FUL	Erection of two storey dwelling and detached garage The Firs Mill Hill Road Arnesby
--------------	--

- Part of the site is located in Area of Important Open Space (retained Local Plan policy HS9 applies – see below). However, this is only partial and impact on the overall character of the land could be controlled, not harmed and potentially be enhanced via the recommended landscaping condition.

POLICY HS/9

THE DISTRICT COUNCIL WILL REFUSE PLANNING PERMISSION FOR DEVELOPMENT PROPOSALS ON THE AREAS OF IMPORTANT OPEN LAND INDICATED ON THE PROPOSALS MAP INSETS UNLESS THE PROPOSED DEVELOPMENT WOULD:

- 1. CAUSE NO HARM TO THOSE ASPECTS OF THE LAND WHICH CONTRIBUTE TO THE FORM AND CHARACTER OF THE SETTLEMENT OR LOCALITY; OR**
- 2. RESULT IN POSITIVE BENEFITS TO THE CHARACTER AND APPEARANCE OF THE SETTLEMENT OR LOCALITY WHICH OUTWEIGH THE IMPACT OF THE DEVELOPMENT; OR**
- 3. BE ESSENTIAL FOR THE OPERATIONAL REQUIREMENTS OF THE LAND USE OCCUPYING THE SITE AND NO ALTERNATIVE SITE IS AVAILABLE.**

- One additional objection received 13/06/17:
 1. The Firs is an old character house and gardens which with a bit of updating would make a lovely family home. If this development was permitted it would spoil the rear of the house.
 2. The cottages on Robert Hall Rd are tightly packed with small quirky gardens. The proposed building and garage are much to close to these , which will be detrimental to all affected. The proposed site should be viewed from the rear of these gardens to get the full affect of the impact.
 3. Gardens are as important as houses and should not be built on. I think it is such a shame that this situation is increasing. It is causing discord among the villagers.

17/00177/REM	Erection of 79 dwellings (phase 1) (Reserved Matters of 11/00112/OUT including details of layout, scale, appearance, and landscaping); Land at Airfield Farm, Leicester Road, Market Harborough
--------------	---

1. Following receipt of additional drawings:

- 17132_CIV_SA_90_024 J1 Roundabout Geometry B02
- 17132-CIV-SA-90-025 - J1 Roundabout Tracking Bus - A02
- 17132-CIV-SA-90-057 - J1 Roundabout Tracking Fire Tender - A01-Sheet 1
- 17132-CIV-SA-90-058 - J1 Roundabout Tracking Car - A01-Sheet 1

County Highways have confirmed they are generally satisfied with what is shown and the areas requiring further amendment and detailed geometry configuration can be bottomed out at the technical approval stage. It is expected that further revisions and amendments might be required with the continuing detailed S38 appraisal however need not be addressed now in the planning arena.

Paragraph 5.7 refers to comments being awaited by the Lead Flood Authority. These were received prior to publication, confirming that the LLFA has no objections.

2. The Canal and River Trust responded that based on the information provided:

We note that although the houses proposed for Phase 1 are set well away from the canal, the application site extends to include the land around, and over, the canal that is required to provide the highways infrastructure, including the new road bridge over the canal. It is indicated that these works will form part of the first phase of the development.

No details directly relating to the design of the bridge crossing or the associated works to construct earthworks embankments either side of the bridge appear to be included in the current application, although we are aware that this matter can be controlled via Conditions 30 and 31 of the outline planning permission which cover the bridge design and any earthmoving/excavation works near to the canal embankment.

[Officer Note] The red line boundary relating to this application does not encompass the canal. These works are encompassed within Conditions and Technical works associated with the outline approval.

17/00205/OUT	Change of use from office accommodation (B1) to create 7 no. residential (C3) apartments and the demolition of 2 no. existing single-storey modular office outbuildings to the rear; and the erection of three 3-bedroom detached dwellings: Brooklands Social Services, 34 Northampton Road, Market Harborough, Leicestershire
--------------	---

17/00212/OUT	Outline application for residential development of up to 48 dwellings with associated infrastructure and public open space (means of access to be considered): Land off Winckley Close, Houghton on the Hill, Leicestershire
--------------	--

Statutory & Non-Statutory Consultees

East Leicestershire and Rutland CCG (NHS)

A consultation response was received by the East Leicestershire and Rutland CCG (NHS) on 7th June 2017. Their response is as follows:

We have contacted the Billesdon surgery but we have not had any response. Therefore we are unable to submit a S106 application on their behalf.

On this basis, the NHS have made no request for developer contributions, which re-affirms the position outlined within Appendix A.

Local Community

A letter of representation was received from the Houghton Residents Group on 9th June 2017. Their comments relate to the following matters:

- The weight to be applied to “Saved” Policy HS/8 of the Harborough District Local Plan, as well Policy CS2 (a) and elements of CS17 of the Harborough District Core Strategy in light of the Supreme Court gave judgement on 10th May 2017 in connection with an appeal against the decision reached by The Court of Appeal dated 17th March 2016 in respect of the Suffolk Coastal District Council v. Hopkins Homes Limited and Secretary of State for Communities and Local Government appeal.
- Landscape and Visual Impact of the proposed development. Concerns are raised regarding the potential for mitigation to minimise the impact of the proposal on the countryside and setting of the village of Houghton on the Hill.
- Paragraphs 6.83 and 6.84 of the Committee Report – Planning Appeal reference APP/F2415/W/16/3155037, in connection with planning application reference 16/00037/OUT, was quashed and reference to the Planning Inspector’s assessment of the appeal scheme should not have any bearing on the Local Planning Authority’s consideration of this planning application. It has been requested that reference to this is removed from the report.
- Outlined the local community’s position on this and previous applications; and requested that Planning Committee refuse planning permission in this case.

A further 3 no. objections have been received. Key points/concerns relate to the following matter(s):

- Visual impact on the village;
- Proposed access off Winckley Close and the associated traffic implications and highway safety concerns this will have on the surrounding roads and the village itself;
- The proposal will change the character of Houghton on the Hill;
- Loss of open countryside, and development on greenfield land which is located outwith the village boundary;
- Loss of ridge and furrow; and

- Loss of wildlife.

Correspondence from Agent (7th June 2017)

In previous correspondence, I have indicated the intention of my client to submit a draft unilateral undertaking to the Council, as a proactive step in support of this outline planning application. I am now able to submit the draft undertaking, which is attached.

The undertaking follows the general structure of equivalent undertakings submitted in relation to applications and appeals for this site, and as such I do not anticipate that the Council will have any issues with the draft in that regard. The financial contributions have been inserted to reflect the consultation responses on the current application, as summarised in the appendix to your report to 13 June 2017 Planning Committee.

Nonetheless, I would be grateful if you could review the attached draft prior to the Planning Committee meeting and advise me of any issues that may arise (albeit none are anticipated). I would also be grateful if you could ensure that Members are aware that my client has demonstrated a commitment to delivering the necessary infrastructure to meet the needs arising from this development.

Officer comment: The Draft Unilateral Undertaking appears consistent with the developer contributions set out in Appendix A of the Officer's Committee Report. If the approval recommendation is accepted instructions will be issued to HDC legal to verify this.

Correspondence from Agent (12th June 2017)

A Hydology Assessment report (reference R-HA-U8737WR-01-A, dated June 2017), prepared by JPP Consulting, was submitted by the Applicant in support of the application. This report is prepared in anticipation of Conditions 16 to 18 of the Officer's Committee Report, following the consultation response received from Leicestershire County Council Local Lead Flood Authority.

Officer comment: This report has been received late in which case it was not possible to undertake further consultation with the Local Lead Flood Authority prior to Planning Committee. Notwithstanding this, suggested Conditions 16 to 18 remain applicable in the event that outline planning consent is to be granted.

Officer Clarification

Paragraph 4.26 of the Officer's Report refers to an online petition via Change.Org which has been registered by the Houghton Residents Group. At the time of writing the Committee Report, 103 no. signatures had been registered to this petition; however, to date, 142 no. signatures are registered.

Paragraph 6.17 of the Officer's Report is to be replaced with:

Under the 4 no. options being assessed, Houghton on the Hill is allocated a range of between 0-130 no. dwellings as at 30th March 2015. This is inclusive of the committed and/or completed 70 no. dwellings under application reference 15/01975/OUT, but is exclusive of the committed and/or completed 16 no. dwellings under application reference 13/01641/OUT which is in addition to this provision. This would suggest the outstanding requirement for Houghton on the Hill would be approximately 60 no. dwellings. This position will be updated before the Pre-Submission Local Plan is published. It is considered that the emerging Local Plan housing requirement can be given little weight at this time.

Planning Appeal APP/F2415/W/16/3155037 is to be re-determined by the Planning Inspectorate on a de novo basis. Paragraph 6.83 of the Officer's Committee Report reports a factual outcome of the appeal now to be re-determined. The re-determined appeal may have a different outcome and the issued decision, therefore, cannot to be relied upon. The conclusion at Paragraph 6.84 that landscape impact is acceptable is still reached by Officers if the appeal decision is not taken into consideration.

17/00496/FUL	Erection of mast with rotatable amateur radio antenna (revised scheme of 16/01490/FUL)34 Coales Gardens, Market Harborough, Leicestershire, LE16 7NY
--------------	--

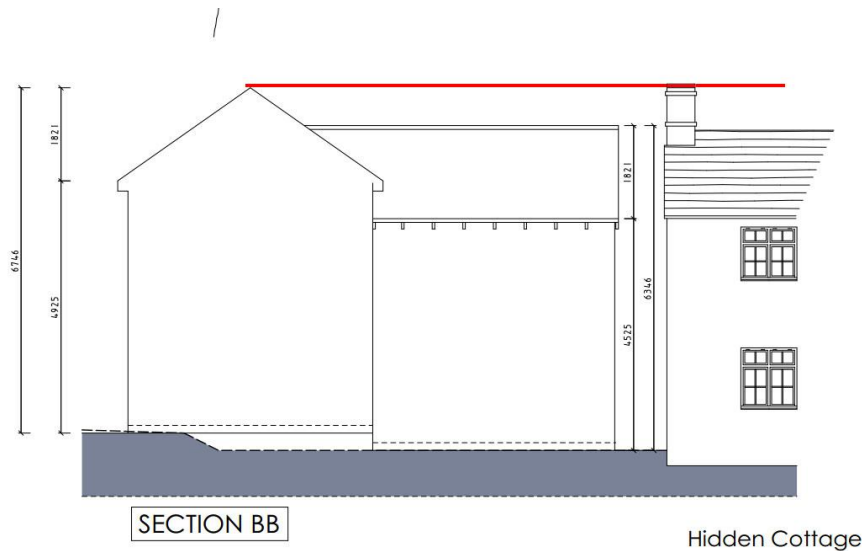
17/00569/FUL	Erection of a detached dwelling (revised scheme of 16/01198/FUL); Land at Ridley Lane, Kibworth Beauchamp
--------------	---

1. Email 05.06.17 from occupant of Hidden Cottage

The occupant of Hidden Cottage, who objects to the application, submitted an email to identify how the ridge of the north/south leg of the L-Shape is one metre above hidden Cottage, not level as suggested.

Drawing below created by the occupant.

[Officer Note: the level element of the proposed dwelling is the directly adjacent east/west leg of the 'L']



The Occupant says that 'It will therefore have a greater impact than the previous application (16/01198/FUL). The view - as you walk up our path to our front door - will be more overbearing. We will be faced with an even larger expanse of red brick wall'.

2. Email 05.06.17 – Occupant of Hidden Cottage computer generated Sun Tracking

The objector has used a computer generated programme to illustrate the potential impact of the proposed dwelling on his house and garden at different times during both the summer and winter solstice. Although not verified as accurate, this information has been available on line for viewing, and a copy is available to members in the event that they wish to view it. A photograph was included within the information to illustrate the current levels of light through the living room window.

He expresses his concern that as he already gets limited light in his living room during the summer, and that the proposed dwelling would darken it still further.

[Officer Note: Copies of this information are available to view at Committee should they wish to do so].

In his email, the objector, in addition to noting the increased size, reiterated the reasons for refusal of the previous application which was permission:

'The proposed dwelling by virtue of its positioning and design...

- **would not preserve the character and appearance** of the Kibworth Beauchamp Conservation Area
- and would **harm the significance of Hidden Cottage**, a non-designated heritage asset
- Furthermore the dwelling would **overshadow and reduce the amount of sunlight into Hidden Cottage, to the detriment of residential amenity'**

(Objector emphasis)

3. Email 09/06/17 Occupant of Hidden Cottage

This email brought to attention concerns regarding statements made in the Planning Committee Report for 17/00569/FUL with regard to size and scale comparisons drawn with the previous application (16/01198/FUL).

The objector included the following measurements.:

- 16/01198/FUL Lowest ridge line - East Elevation: $3287 + 2700 = 5987$
17/00569/FUL Highest ridge line - East Elevation: $4925 + 1821 = 6746 < \text{HIGHER}$
- 16/01198/FUL Highest ridge line - South Elevation: **6460**
17/00569/FUL Lowest ridge line - South Elevation: $4525 + 1821 = 6346 < \text{HIGHER}$

The objector indicates that

"If you rotate the previous application (16/01198/FUL) through 180 degrees and do the comparison - you will see both sets of eaves and ridge heights are **higher** in the latest application (17/00569/FUL).

What is worse - the previous application's *lowest* ridge line was on the East Elevation. The latest application has the **highest** ridge line on the East Elevation - the elevation with greatest impact on Hidden Cottage. The difference in size being almost a meter - making it appear much larger from our vantage so will have greater massing, be even more imposing, overbearing and overshadowing than the previous application".

The objector made reference to the mention several times in the report with regards to the proposal being acceptable in terms of scale, design, size, massing.

Most particularly he points out paragraph 6.6 of the Officer Report which says:

'6.6 The eaves and ridge heights of the proposed dwelling have been reduced from the previous application'

His express concern is that Members will have formed an impression based on this paragraph.

[OFFICER COMMENT:

- **It is agreed that paragraph 6.6 of the Officer Report is incorrect in stating that the eaves and ridge heights are reduced, when in fact the measurements are higher for which I apologise to Members and the objector. However, in spite of this the overall conclusions with regards to the application recommendation remain the same].**

4. 13.06.17 Agent Shadow analysis

The applicants agent forwarded an email which also contained a shadow drawing of the proposed dwelling. This shows shadows cast at 17.00 in April, July and August. The email contains commentary relating to other times.

[Officer Note: Copies are available for Members to view should they wish to do so at Committee].

Planning Committee Speakers List – 13th June 2017

Speakers please note that the Council's constitution requires evening meetings to end at 9.30pm, unless the Committee votes to continue the meeting. If a meeting does adjourn at 9.30pm, remaining business will be considered at a time and date fixed by the Chairman or at the next ordinary meeting of the Committee and the existing speakers list will be carried forward.

Application no.	Parish	Speaker	Type
16/01660/LBC	Skeffington	Ian Lockyer Ian Graves	PC AG
17/00023/FUL	Arnesby	Mrs Judith Mace Tracy Chorlton Andy Pilling Richard Waterfield	O O O O
17/00177/REM	Lubenham		
17/00205/OUT	Market Harborough		
17/00212/OUT	Houghton on the Hill	Ann Sleath Mr Peter Beretta Mr Alan Mangham Prof Alan Wells	PC O O O
17/00496/FUL	Market Harborough	Mr Lawrence Mr Peter Rivers	S A
17/00569/FUL	Kibworth Beauchamp	Rhiad Jaffar Martyn Jones Cllr Holyoak	O AG WM

Key to Speaker Type: O = Objector, S = Supporter, PC = Parish Council, A = Applicant/on behalf of applicant, AG = Agent, WM = Ward Member