

Planning Committee Report

Applicant: Mr M. Harris

Application Ref: 17/00450/FUL

Location: Manor Works, Main Street, Fleckney

Proposal: Demolition of existing buildings and erection of three dwellings (revised scheme of 15/01856/FUL)

Application Validated: 20/3/17

Target Date: 15/5/17 (extension. of time agreed)

Consultation Expiry Date:

Site Visit Date: 6/4/17

Case Officer: Naomi Rose

Recommendation

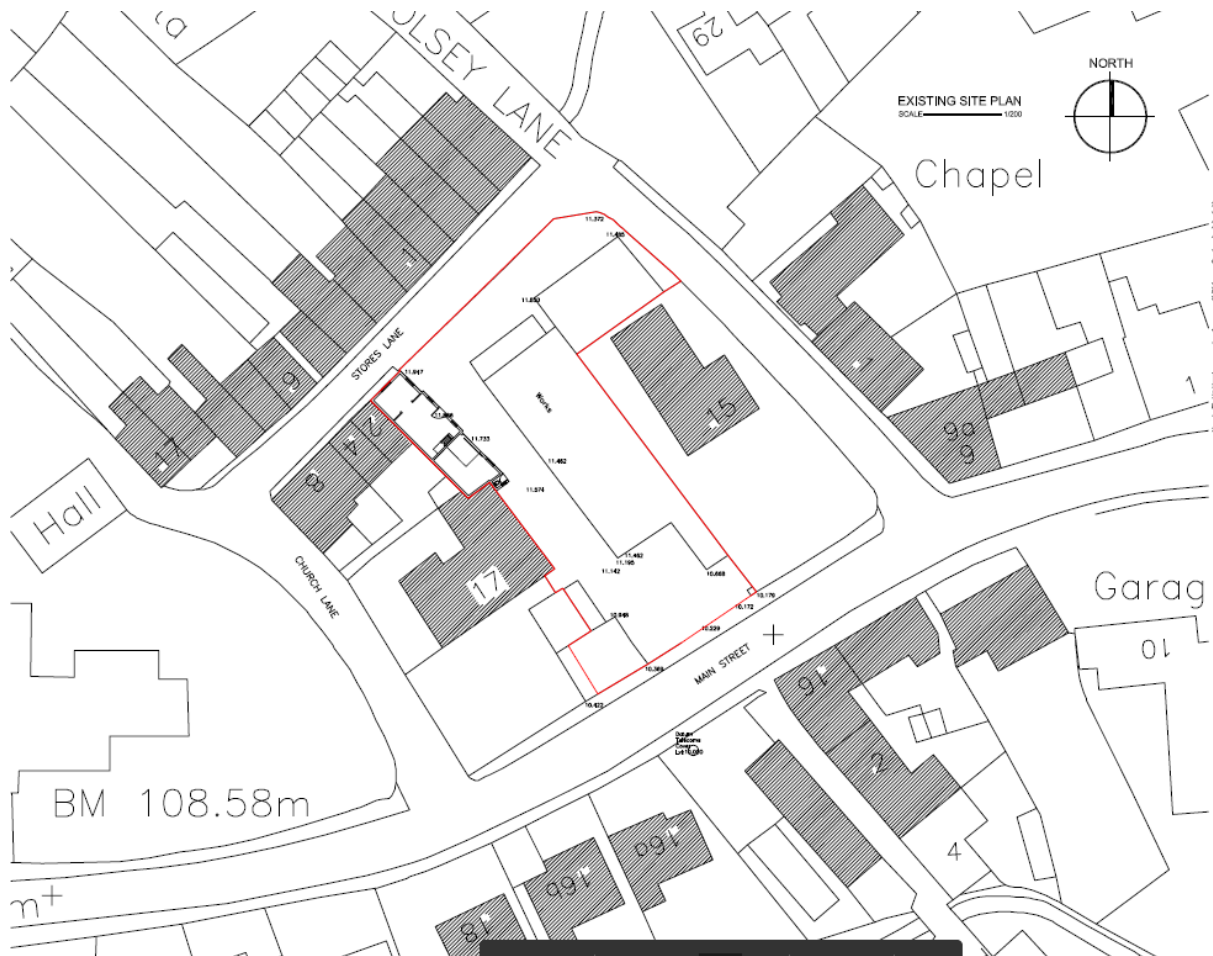
Planning Permission is **Approved** subject to conditions as set out in Section 8.

The development hereby approved would be in keeping with the form, character and appearance of the surrounding settlement, would not have an adverse affect on the amenity of adjoining residents, preserves the setting of the listed building and would not result in additional traffic which would give rise to a road safety hazard. The proposal is therefore considered to accord with Harborough District Local Plan Policy HS/8 and Core Strategy Policies CS2, CS5 & CS11 and no other material considerations indicate that the policies of the development plan should not prevail, furthermore the decision has been reached taking into account 186-187 of the National Planning Policy Framework.

1. Site & Surroundings

1.1 The site is to the west of the village centre, on the north side of Main Street. The site is currently a disused woodwork upholstery business that comprises of large single storey brick built building fronting onto Main Street along the north-east boundary. Plus a number of other detached brick and timber clad buildings of different ages on the rest of the site, those were also used in connection with the business. There is a small area off-street parking off Main Street and a tall decorative pillar to Main Street. Along Stores Lane and Wolsey Lane is a high brick wall with timber gates on the corner.

1.2 The site is predominately surrounded by residential properties, of mixed age, type and character. Either side of the Works are 17 and 15 Main Street both listed buildings (Grade 2) Opposite the site on Stores Lane are terrace properties, Also on Stores Lane and behind No.17 Main Street are three terrace properties, No.2 Stores Lane bounds the site.



Site location plan

1.3 Although the Industrial Buildings are currently not in use, and are in a fairly dilapidated state, the fall back position (i.e. a business use) and lawful use of the site is a material planning consideration that must be taken into account when determining this application.

Views (2) from Main Street





View from Stores Lane

1.4 Public Rights of Way:

n/a

2. Site History

2.1 The Site has the following planning history:

15/01856/FUL Erection of nine dwellings including change of use from light industry to residential (revised scheme of 15/00721/FUL) Refused 14.01.16 Appeal Dismissed 28/9/16

15/00721/FUL Erection of 9 no. dwellings including change of use from light industry (use class B1) to residential (Use class C3) Withdrawn

08/00904/FUL Erection of three dwellings and conversion of existing works unit to a dwelling Refused (Revised scheme of 08/003017/FUL)13/08/08

08/00317/FUL Erection of three dwellings and conversion of existing works unit to a dwelling-Withdrawn 30/4/08

03/00632/OUT Use of land for residential development (all matters reserved)
Approved 28/4/04

95/00722/3P Renewal of temporary planning permission for the siting of 3 containers
Approved 26/6/95

3. The Application Submission

a) Summary of Proposals

3.1 The proposal is for the demolition of all the buildings on site and the erection of three residential units to Main Street. One 2 storey three bedroom residential dwelling to Stores Lane, one 3 storey five bedroom residential unit to Wolsey Lane and one 3 storey six bedroom dwelling to Main Street. There is off-street parking and garaging to all units.

3.2 Unit 1 on Stores Lane has a new 1.8m footpath to the front and driveway to a single garage (part of a double garage) off Stores Lane. Unit 2 on Wolsey Lane has one off-street parking space to the front of the property and off Stores Lane a driveway to a single garage (part of a double garage), to Stores Lane is a new 1.8m wide footpath. Unit 3 to Main Street, behind tall brick pillars (as per existing) and metal railings there is a double garage and two off-street parking spaces to Unit 3. There are steps and a ramp up to the front lawn and front of unit 3 and a bins area.

3.3 **Amendment A** (submitted 16th June 2017):
Reduced the number of Units from 5 to 3 units;

Unit 1:

- set further back into the site;
- Addition of a detached garage with accommodation above;
- Two storey to three storey; and
- Front off-street parking space.

Unit 2:

- re-positioned in plot alongside and in-line with No.15 Main Street;
- Two storey to three storey; and
- Addition of a detached garage with accommodation above.

Unit 3:

- rear ground and first floor addition;
- Set further forward on the site;
- Raised front garden;
- Re-location of front double garage;
- Two storey to three storey; and
- re-orientate front door from side to front.

3.4 **Amendment B** (13th September 2107) :
• Footpath reduced in length and to 1.8m wide;

Unit 1:

- Re-sited further forward in the site and re-designed form;
- Accommodation over garage omitted;
- Three storey to two storey;
- Elevational details (dental course, plinth etc.) marked on plan;
- Rear elevation reduced windows

Unit 2:

- Accommodation over garage omitted;
- Rear dormer omitted;
- Front dormers reduced and re-designed;

Unit 3:

- Ground floor rear addition (Orangery and Games Room) re-sited;
- First floor rear addition (Bedroom 4 and en-suite) re-sited;
- Front dormers re-designed.

Amendment C: Unit 1 correction to elevations

Amendment D : omitted the rising kerb to the entrance of unit 3 car parking area.



Proposed site plan

b) Documents submitted

i. Supporting Statements

3.5 The application has been accompanied by the following supporting statements:

- Design and access statement March 2017
- Justification Statement March 2017

c) Pre-application Engagement

- 3.6 Post-application discussions took place with the Council following the appeal decision, regarding the design of the buildings, residential amenity, setting of the listed buildings and overdevelopment of the site.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application: firstly at the initial consultation stage and then following the receipt of additional information / amended plans.
- 4.2 A summary of the technical consultee responses received are set out below. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

4.3 Highways:

No objection, subject to conditions 22/09/17 relating to accesses, parking/turning facilities and hard-surfacing, design details of new footway, no gates or barriers and no windows or doors to overhang the highway.

The amended plans show sufficient parking provision for the three dwellings. The proposed new footway on Stores Lane is now acceptable subject to detailed design, with the view that the footway is to be offered up for adoption and future maintenance by the LHA. The amended scheme has removed all bollards and allocated parking in the highway, with the remaining bollards on private land. It is noted that the proposal includes an automatic raising kerb within private land at the driveway access for Unit 3 on Main Street. The LHA questions the need for such a measure and would not wish to affect the flow of traffic on Main Street as such a condition is advised.

Comments 25/4/17 Holding objection the proposal includes an extension of the footway along Store Lane. Given the existing adopted highway boundary it would appear the new footway would be largely located within the existing adopted highway and would reduced the width of the available carriageway. Whilst the LHA appreciates the intention to provide a new pedestrian facility the resulting narrowing of Stores Lane carriageway through the provision of a substandard footway in terms of width is not in the interests of highway or its users. The LHA encourages the submission of a revised plan to address the issues.

Comments 6/7/17 Holding Objection the LHA will not adopt a footway behind a parking bay that is to remain in private land. Therefore as the proposal parking bay and new footway on Stores Lane would form part of the adopted highway, the proposed on street parking bay on Stores Lane cannot be allocated to one property, as it will be available for any highway user as part of the adopted public highway. The raised bollards in the public highway are not acceptable. Sufficient parking for Unit 12 should be provided. Any parking bay within the [public highway will require a commuted sum for its on-going maintenance. The proposed arrangement of footway o the corner of Stores Lane and Wolsey Lane is not to standard.

4.4 HDC Contaminated Land Officer:

No objection, subject to condition relating to risk based land assessment and verification report.

4.5 *Conservation officer:*

No objection

4.6 *Archaeology:*

No objection, subject to programme of Archaeological works

4.7 *Ecology:*

No comment

4.8 *Severn Trent:*

No objection subject to a condition relating to surface and foul water drainage details.

b) Local Community

- 4.9 Parish: 11/4/17 welcome the reduction in numbers of dwellings and provision of more acceptable density and improved garden and amenity area and provision of off-street parking. Concerned regarding location of parking spaces, parking bays on Stores Lane, spaces between Unit 2 & 3 and remoteness of spaces from dwellings. Provision of a parking area to the front of Unit 5 detracts from the view.

Response to revised plans 14/7/17 (Amendment A): Objects: reduction in number of units from 5 to 3 is welcomed as it will provide acceptable density with improved garden areas and provision of off-street parking. However, serious concerns about 2 five bedroom properties on Wolsey Lane and Stores Lane. This part of the village is characterised by terrace properties. The two properties will be overbearing and out of keeping with existing properties due to their height and mass.

- 4.10 3 letters (including emails) of objects were received in response to the initial consultation process. A summary of the representations received is outlined below:

- Lack of parking;
- Access out of driveway;
- Risk to pedestrians including children;
- Access for emergency services and bin lorries;
- Reduction in light/overlooking;
- Too many dwellings
- Design not in keeping with area;
- Impact upon listed buildings.

- 4.11 Response to Amendment A 12 letters of objection from 11 separate households:

- three storey building on storey Lane, dominate Lane, overbearing, spoil character
- Loss of light;
- too big and modern for lane, proposal should be in keeping with originals;
- parking is a nightmare on Stores Lane and Wolsey Lane as they are narrow;
- Please to see a reduction in the number of dwellings;
- Still too many for restrictive plot most of previous objection still apply;
- Overlooking of front (private garden of No.15 Main Street;
- Car parking area to Unit 3 look like a car park not acceptable;
- Poor design;
- Cars park the length of Stores Lane, an access opposite is unbelievable;
- welcome such a project something definitely need to be done with the derelict structures;

- Access should only be off Main Street so re-build the walls on Stores Laneto retain character of the older part of the village.
- Can not park on private land on Wolsey Lane (for No.2 and 4 and the band hall);
- Plot lies in the heart of old original Fleckney care needs to be taken over development decisions;

4.12 Response to Amendment B: 9 letter of objection from 7 separate households

- comments as previous;
- making good/drainage of adjacent structures;
- Approval of Chapel to residential unit with no parking address to problems;
- Plans incorrect (Unit 1);
- plans imply the roads are wide enough for 2 cars to pass;
- pleased taken note of some of the concerns;

1 letter of support:

- It seems to meet most of the previous objections

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'), unless material considerations indicate otherwise.

a) Development Plan and material planning considerations

- 5.2 Please find the relevant policies in the front of the Agenda.

•*The Framework:*

Section 7: Requiring good design

Section 8: Promoting Healthy communities

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

•*Harborough District Core Strategy*

CS1 - Spatial strategy

CS2 – Provision of housing

CS5 – Providing sustainable transport

CS11 – Promoting design and built heritage

•*Supplementary Planning Guidance*

SPG Note 2/3 – Residential development

Planning (Listed Buildings and Conservation Areas) Act 1990 Section 66 & 72 imposes special duty to consider conservation areas and listed buildings/assets, including setting.

b) Other Relevant Information

- 5.3 This application is to be determined by Planning Committee because of the number of objections.

6. Assessment

a) Principle of Development

- 6.1 As this application is for the erection of a dwellings within the village boundary of Fleckney a sustainable rural centre and adjacent to two listed building's. Policy CS11 is considered most relevant. This policy requires a number of criteria to be met, such as the proposal should not have a detrimental impact on the residential amenity of neighbouring properties, the proposal should be subordinate in scale, form and design to the main building, it does not have a detrimental effect on the visual amenities of the surrounding area and it does not result in a sub-standard level of on-site parking. Heritage assets within the District and their setting, will be protected, conserved and enhance.
- 6.2 The principle of residential development has already been established and accepted on planning application 03/00632/OUT. The site is within the village limits of Fleckney. Fleckney is defined as a sustainable rural settlement. The Council currently does not have a 5 year supply go housing (4.45years) therefore any adverse impacts would have to significantly and demonstrably outweigh the benefits of the scheme. Given the above points the principle of development is acceptable, subject to other material planning considerations, such as residential amenity, setting of the listed building and highways concerns.
- 6.3 The proposal has significantly changed from the previous application that was dismissed at Appeal 28th September 2016 Ref: 15/01856/FUL Erection of nine dwellings including change of use from light industry to residential (revised scheme of 15/00721/FUL). The appeal was dismissed on residential amenity grounds, but not on the impact upon listed building or highways grounds.



Appeal 15/01856/FUL Proposed site plan

b) Design

- 6.4 The revised proposal involves the construction of a three storey detached dwelling on Main Street, 1 detached two storey dwelling on Stores Lane and 1 three storey dwelling to Wolsey Lane. This is considerably different from the appeal scheme of nine dwellings which proposed 3 three storey dwellings fronting Main Street, 2 two storey dwelling fronting Wolsey Lane and 4 two storey units to Stores Lane. The original plan for the application proposed 5 two storey dwellings and a two storey garage block. The revised proposal addresses elevational details and dormer window design.
- 6.5 The proposed three storey dwelling although tall and raised above the road by 1metre, are sitting between two grander three storey listed buildings (15 and 17 Main Street). Both buildings have been extensively extended to the rear with large two storey rear extensions. The overall height of the proposed dwelling sits comfortably between the heights of two listed buildings. The proposal being slightly lower than No.17 but with a higher ridge line than No.15 Main Street. The proposed dwellings respect the building line of the two listed buildings and as such reflect the layout of the street scene. The front garage block has been relocated since the original plan, this is

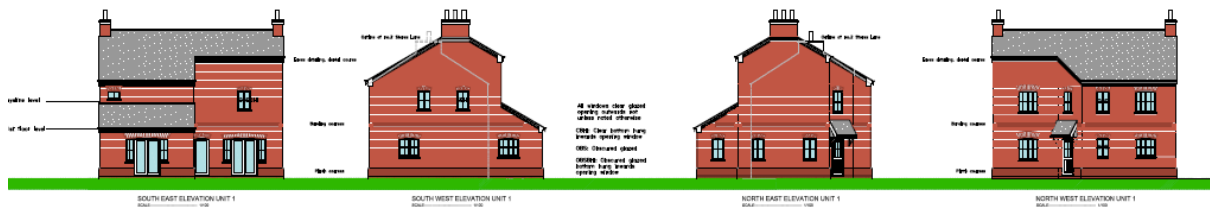
on balance considered acceptable due to the design being a fully hipped roof that reduces the massing of the structure, the fact there was previously an unsightly building in the same position. The retention of the old pillar and its replication along the frontage is welcomed and positively adds to the appearance of the street scene.

- 6.6 There is some additional detailing to the new dwellings, such as brick arched windows, string course, plinth and brick detailed eaves which serve to add interest to what would otherwise be a bland facade, it also picked up on detailing in the listed buildings. The window design (traditional vertical emphasis) reflects the appearance of the listed buildings.



Dwellings on Stores Lane

- 6.7 The revised dwellings on Wolsey Lane and Stores Lane both have frontages to the road and the siting of the dwellings reflect other dwellings in the street. The dwelling on Wolsey Lane has a more traditional appearance being next to No.15 listed building. It has similar elevational, window and porch details to Unit 3 on Main Street. The dwelling to Stores Lane reflect the terrace properties on Stores Lane, in terms of window arrangement, roof shape, simple porch details, internal chimneys, brick window arches and eaves detailing. The proposal therefore does not adversely affect the visual amenities of the street scene, and as such conforms with Policy CS11 of the Harborough District Core Strategy.



ROCKINGHAM D	
No.	1
Rev	L82 rev E
Client	Mr M & Mrs P H
Project	Residential Development
Address	11a Main Street
Location	Leicestershire LE
Scale	1:100
Drawn	GP
Checked	GP

Unit 1 proposed elevations



ROCKINGHAM DE	
No.	1
Rev	L83 rev B
Client	Mr M & Mrs P Harris
Project	Residential Development
Address	11a Main Street
Location	Leicestershire LE8 8A
Scale	1:100
Drawn	GP
Checked	GP

Unit 2 Proposed elevations

c) Heritage Issues

- 6.8 The application site lies between the curtilage of two listed buildings. Section 66 (1) of the Act requires that when considering development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting. Policy CS11 states that heritage assets within the district will be protected, conserved and enhanced. In The Framework development proposal that lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.9 The appeal Inspector on considering the impact of 9 dwellings on the setting of the listed buildings stated *"It is apparent that the site has been occupied for a number of years and consequently the buildings are in a poor state of repair. This given the site a neglected and forlorn appearance that detracts from what is otherwise a pleasant residential area on the edge of Fleckney village centre (para12).....In my view, the existing buildings by virtue of their condition and siting contribute little to the setting of either listed building (para.15)....Both No.15 and 17 whilst set back generously from Main Street, are hemmed in on most of their remaining boundaries by existing buildings on the appeal site and beyond. Their setting is not subsequently defined or characterised by a sense of spaciousness beyond their site boundaries. Whilst I concur with the Council that the proposed layout is cramped, that is currently the case now. The removal of the unsightly buildings which are of no historical merit and their replacement with modern residential buildings would lead to an element of visual enhancement and in those circumstances (para 16).....the proposal would preserve the setting of the listed buildings (para. 17).*



Previous proposal 15/01856/FUL Units 7-9 front elevation to Main Street



Proposed Unit 3 front elevation to Main Street

- 6.10 Given the appeal Inspectors comments, the previous scheme was acceptable with regard to the setting of the listed building. However given the overall result of the proposal at Appeal, the Council were able to negotiate a better scheme in terms of the overall design of the units. It can be seen from the two plans above that Unit 3 which is particularly important given its proximity to the Listed buildings on Main Street, is now designed more in keeping with the adjacent listed buildings in terms of height, window and roof design and elevation detailing i.e. chimneys plinth course, bonding courses, dental course and brick arches above the windows. The re-instatement of the piers to the frontage are considered an improvement to the street scene and setting of the listed building.
- 6.11 The Conservation Officer welcomes the re-development of the site. The Officer concludes that the number of dwellings proposed on this site has been reduced from the previous scheme, from nine to three. The design of the dwellings has also been altered and in my opinion this has resulted in a more complementary form of development which addresses concerns regarding the impact on the setting of the surrounding Listed Buildings. The three new dwellings proposed are designed not to dominate or detract from the neighbouring heritage assets. Furthermore the redevelopment of this site will result in the removal of existing poor quality buildings and therefore the proposal will, I believe result in an enhancement to the setting of the Listed buildings consequently not resulting in harm to the significance of the Heritage Assets, in accordance with chapter 12 of the NPPF. The proposal is therefore contrary to Policy CS11 of the Harborough District Core Strategy.

d) Residential Amenity

- 6.12 The original plans still had a number of residential amenity concerns relating to mainly overlooking and overbearing concerns. This resulted in the scheme being reduced from 5 units to 3 residential units. The Appeal Inspector with regard to 9 units of the application site stated *"the number of plots proposed is excessive. The limited plot size and separation distances would compound the feeling of too great a building mass for the plots and cumulatively with all none dwellings, for the whole appeal site (para 5).... I consider that the level of overshadowing, overlooking and useable amenity space for future occupiers is indicative of a poor design and overdevelopment of the site."* Para 9).
- 6.13 The revised proposed dwelling Unit 3 sits primarily alongside the adjacent dwellings. The windows to No.15 and 17 are not protected as they are landing windows/door (fire escape) bathroom, study or secondary bedroom windows, therefore the proposal is not considered to cause a loss of light or be overbearing to existing residents. Unusually, No.15 and 17 have their private amenity area to the front of the dwellings. It is considered that there is no adverse loss of privacy, as Unit 3 is slightly forwards of

No.15 and 17, therefore the front bedrooms views are of the middle/front of the private front gardens. It should be noted that even in normal arrangements the relationship would be the same. The proposed side windows to Unit 3 are to bathrooms and bedrooms (secondary), these can be conditioned to be obscure glazed. Therefore the proposal does not adversely affect the amenity of adjacent residents at No.15 and 17 Main Street.

- 6.14 The revised proposed dwelling to Stores Lane is built no closer to the road frontage of Stores Lane than the existing terrace of three properties (2, 4, 8 Stores Lane). Therefore the separation distances to the terraced properties opposite are comparable to the existing situation in the street. Also the existing and proposed dwellings front onto a road. Unit 1 is slightly taller than No.2 Stores Lane, at 8.2metres high, this is normal height for two storey dwellings and is not considered overbearing. Therefore whilst the distances between the proposed development and existing dwellings on Stores Lane do not adhere to the guidance in SPG 3, it is noteworthy that it is now only One dwelling (previously on Stores Lane - 4 at appeal and 3 original plans) it does reflect existing relationships within the street scene, and that the figures in the SPG are only guidance. The situation for No.2 Stores Lane is improved as Unit 1 is 1m away from the boundary, the section beyond the rear of No.2 Stores Lane is single storey and part of the side boundary is now open. Therefore the residents of No.2 Stores Lane and other dwellings opposite are not adversely affected by the proposal.
- 6.15 The revised proposed Unit 2 fronts a small piece of public open space off Forge Close, and is alongside the blank side wall of No.15 Main Street (garage with bedroom above), with small grassy strip to the rear; therefore it does not adversely affect the amenity of residents at No.15 Main Street. Also the reduction in height of the garage block (Unit 2/3) results in improved amenity to all future residents.



View of rear of 2 Stores Lane

- 6.16 The Supplementary Planning Guidance states that new dwellings should have useable garden area, the overall site proportionate to the size and type of dwelling. Previously the application at appeal had rear garden depths of 3-5metres. The rear gardens of Units 1-3 are now considered commensurate with the size of dwelling being 10-14metres wide and 7-8metres deep.
- 6.17 The rear to rear distance between the three storey dwelling (Unit 3) on Main Street and Unit 1 on Stores Lane is now approximately 14metres, the SPG guidance is 21metres, and therefore the proposal is significantly short. It should be noted that whilst Unit 3 is higher than Unit 1, Unit 1 is on slightly higher ground. However, given the benefit of developing the site to residential use, off-setting the positions of the dwellings and ensuring rear windows are either to rooms that can have obscure glazing (en-suites and bathrooms) or do not directly overlook rooms, it is considered that the reduction in SPG guidance is acceptable in terms of overbearing, overlooking and overshadowing for future residents amenity.
- 6.18 Unit 2 has a 7.5metres deep rear garden and the rear to side separation distance to the side wall of Unit 1 is 14metres this accords with the SPG guidance, this relationship is considered acceptable in terms of future residents amenity.
- 6.19 Overall the above factors now indicate that the site is not over-developed. The proposal does not adversely affect the amenity of future and existing residents and as such conforms with Policy CS11 of the Harborough District Core Strategy.

e) Highways

- 6.20 The existing access point on Main Street, as evidenced by an existing dropped kerb, is proposed to be utilised and formalised, by replicating the existing pillar on site at the entrance and within the front garden of Unit 3. A low wall and metal railing are proposed between the proposed pillars. The access is 6metres wide, pedestrian visibility splays are provided. An automatic rising kerb is also proposed however, this is not acceptable, so has been conditioned out by the Highways Authority.
- 6.21 Unit 3 is proposed to have a double garage plus 2 car parking spaces this is acceptable in terms of parking provision. On Stores Lane there is proposed an access point to serve a driveway and garages for Units 1 and 2 accommodating two off-street for each dwelling. In addition, Unit 2 has a parking space to the front of the property with electronic rise and fall bollards. Partly to the front and side of Units 1 and 2 is proposed a 1.8m footpath, with large radius kerb with drop for pedestrians.
- 6.22 The Highways Officer after a number of comments on the previous plans, now has no objection to the revised proposal subject to conditions relating to accesses, parking/turning facilities and hard-surfacing, design details of new footway, no gates or barriers and no windows or doors to overhang the highway. The Officer commented that parking provision was in accordance with standards.

f) Sustainable Development

- 6.23 The Framework identifies three dimensions to sustainable development – economic, social and environmental. Taking each of these in turn the following conclusions can be reached.
- Economic: new construction provide employment opportunities, new residents provide support to existing facilities in the village.

- Social: the site is in an accessible location, for doctors, school, shops and employment.
- Environmental: the revised design is acceptable in heritage and street scene terms.

7. The Planning Balance / Conclusion

- 7.1 The site would contribute to the Council's 5 year housing supply. There is also the fall back position of Industrial use on the site which given the close proximity of surrounding residential development is not considered the best way forward, therefore residential use is the preferred option. The proposal does not adversely affect visual amenity of the street scene, it preserves and enhances the setting of the listed building, does not adversely affect existing and future residential amenity, highway safety and parking. The proposal is therefore in accordance with policy CS11 and CS17 of the Harborough District Core Strategy.

8. Conditions

Commencement:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Amended plans

2. This consent relates to the application as amended by revised plans no. L01 Rev. B; L58 rev D; L59 Rev D; L60 Rev F; L61 rev D; L62 Rev F; L63 Rev B; L64 Rev D; L65 Rev B attached to and forming part of this consent.

REASON: For the avoidance of doubt.

Materials

3. No development shall commence on site until a schedule indicating the materials to be used on all external elevations of the approved dwellings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity.

REASON: In the interests of visual amenity and the character and appearance of the area and to accord with the Harborough District Council Core Strategy Policy CS11.

Access

4. No part of the development hereby permitted shall be occupied until such a time as the access arrangements for all plots as shown in drawing number L59 Rev C have been implemented in full.

Reason: To ensure that vehicles enter and leave the site in a slow and controlled manner in the interests of general highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

Parking/Turning

5. The car parking and any turning facilities shown on plan L59 Rev C within the curtilage of each dwelling shall be provided hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to accord with Harborough District Core Strategy Policy CS11.

Footway

6. Notwithstanding the submitted plans development shall not commence until details of the design for the new footway on Stores Lane have been submitted to and approved in writing by the District Planning Authority; and no dwelling shall be occupied until the footway scheme has been constructed in accordance with the approved details.

REASON: In the general interests of highway safety in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

No gates etc.

7. Notwithstanding the submitted plans and provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access on Main Street.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Paragraph 32 of the National Planning Policy Framework 2015.

Windows and Doors

8. Notwithstanding the submitted plans, any new/replacement windows and/or doors shall not overhang the public highway and shall thereafter be maintained as such in perpetuity.

REASON: In the interests of general highway safety in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

Risk Based land contamination

9. No development shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:
 - BS10175 Year 2011 Investigation Of Potentially Contaminated Sites Code of Practice;
 - BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
 - LR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

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

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- The Verification Plan shall be prepared in accordance with the requirements of:
- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

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

Verification and completion report

10. Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development. Prior to occupation of any part of the completed development, a report showing the findings of the Verification Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
 - Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
 - Contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - Demonstrate the effectiveness of the approved Remedial Scheme; and
 - Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

REASON: To ensure that the land is fit for purpose and to accord with Core Strategy Policy CS11.

Programme of Archaeological works

11. No development shall commence on site until the applicant has secured the implementation of a programme of archaeological work (Archaeological attendance during groundworks) in accordance with a written scheme of investigation which has

been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition and shall be retained as such in perpetuity. The archaeological works shall be carried out by a suitably qualified body acceptable to the Local Planning Authority. REASON: To ensure satisfactory archaeological investigation and to accord with the Harborough District Council Core Strategy Policy CS11.

Historic Building recording

12. No development shall commence on site until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition and shall be retained as such in perpetuity. The archaeological works shall be carried out by a suitably qualified body acceptable to the Local Planning Authority. REASON: To ensure satisfactory archaeological investigation and to accord with the Harborough District Council Core Strategy Policy CS11.

Landscaping

13. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
- (a) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - (b) finished levels and contours;
 - (c) means of enclosure;
 - (d) hard surfacing materials;
 - (e) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
 - (f) programme of implementation

Thereafter the development shall be implemented fully in accordance with the approved details and retained in perpetuity.

REASON: To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with Harborough District Core Strategy Policy CS11

Implementation of Landscaping

14. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees 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. All hard landscaping shall also be carried out in accordance with the approved

details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and to accord with Harborough District Core Strategy Policy CS11

Obscure glazing

15. To Unit 1 bedroom 3 side window and en-suite rear window and to Unit 3 bathroom rear window shall be glazed with obscure glass (at least Level 3) only and fixed with a ventilation stay restricting the opening of the window, and shall be permanently maintained as such at all times thereafter.

REASON: In the interests of residential amenity and privacy and to accord with Harborough District Core Strategy Policy CS11

Planning Committee Report

Applicant: Avant Homes Limited

Application Reference: 17/01108/REM

Location: Land Off Farndon Road Market Harborough

Proposal: Erection of 215 residential dwellings, with associated infrastructure, public open space, vehicular parking, and ecological mitigation

Application Validated: 10.07.2017

Target Date: 09.10.2017 (Extension of Time Agreed)

Consultation Expiry Date: 31.10.2017

Case Officer: Mark Patterson

Recommendation

Planning Permission is **APPROVED**, for the following reasons, and subject to the completion of a satisfactory Deed of Variation and for the appended conditions:

The development hereby approved is considered consistent with the outline consent (15/00746/OUT) and would be a significant contribution towards the housing provision, including affordable, in the District. By virtue of its scale, design, form and massing, it would safeguard the living conditions of neighbouring residents, would not adversely affect local highway safety or give rise to a road safety hazard. It would respond appropriately to the site's characteristics. In addition, the proposal would not adversely affect ecological or archaeological interests or lead to an unacceptable flood risk. The proposal therefore complies with Policies CS2, CS3, CS5, CS8, CS9, CS10, CS11 and CS17 of the Harborough District Core Strategy.

Note: The decision has been reached taking into account paragraphs 186-187 of the National Planning Policy Framework.

1. Site and Surroundings

- 1.1 The application site forms the phase 2 of an established residential area, of which phase 1 was granted back in 2007, and is nearing build completion. Phase 1 has been completed by a number of different residential builders, including Barratt Homes, David Wilson Homes, and Avant Homes.
- 1.2 The development site is approximately 10.5 ha in size, located off Farndon Road. It is roughly triangular in shape and slopes slightly from south west to north east. The northern boundary of the development is constrained by the River Wellend, the eastern boundary relates directly to the existing housing development, with open land to the south and west (see **Figure 1**).
- 1.3 The eastern boundary is defined by an existing brook that runs in a south-north direction and an existing row of trees and hedgerow that effectively screens the neighbouring residential development. The site is bisected by a public bridleway, which is bounded by existing mature hedgerows with similar established planting to the west and eastern boundaries. There is a man-made irrigation lagoon on the site which is related to the agricultural use of the site. A portion of the norther parcel of the site lies within Flood Zone 3, however, this was considered in detail during the Outline application.



Figure 1: Application site (Source: Google Maps)

- 1.4 Two access points are proposed to provide circulation around the development create a degree of permeability and connectivity, particularly for emergency vehicles. The main access road provides pedestrian links and connectivity throughout the proposal to the proposed open space that lies to the north, west and south of the development site. Further road spurs provide access and circulation around the development to serve plots with shared private drives provided towards the edges of the development.
- 1.5 The development sits to the west of the current "Foxton Place" development and our earlier site 'The Chase'. The wider residential development was part of a consortium with main infrastructure under the control of the landowner, and with properties also constructed by Barrett Homes and David Wilson Homes, with both developers having now completed their respective dwellings.

2. Site History

- 2.1 The site has Outline Planning Permission, for the erection of up to 230 residential dwellings and associated works - application reference number 15/00746/OUT (See **Appendix B**). The application was granted on the 6th April 2016 with all matters reserved, including access. **Figure 3** illustrates the Indicative Masterplan submitted in support of the outline planning application.
- 2.2 A Phasing Plan (see **Figure 2**) has been submitted as part of the application in accordance with the outline approval which required phasing details to be submitted with the Reserved Matters application.



Figure 2: Phasing Plan

3. The Application Submission

- 3.1 In accordance with Condition 1 of the Outline permission, this application is for approval of Reserved Matters for the first phase of the above permission (i.e. details relating to scale, layout, external appearance, and landscaping).
- 3.2 During the course of the application, minor amendments have been made to the original submission to take into account Consultee comments in relation specifically to highway requirements.
- 3.3 The applicants have also submitted information pursuant to some conditions on the Outline consent, in particular Construction Traffic Routing details

a) Summary of Proposals

- *Site Layout*
- 3.4 The overall scheme proposed has been designed to fit within the constraints of the general site area and locality and appropriately respond to the key principles and development blocks outlined by the approved Site Layout Masterplan (Drawing No. 52852-D02), Landscape Masterplan (See **Figure 3**) and Habitat Creation Plan (Rev. B).
 - 3.5 The layout and appearance of the proposal has been developed in an attempt to be sensitive to the general location and in particular the adjacent established residential built form. The dwellings proposed are a mix of two and 2.5 storey and have been broken into various groupings, with strong frontages established throughout the site.
 - 3.6 The overall layout proposes a simple street hierarchy and block structure that provides good access to the proposed open spaces, at the northern end, in the middle and at the southern end of the development. The existing bridleway dissects

the development, running east to west. This has been fully incorporated within the development.



Figure 3: 15/00746/OUT Indicative Landscape Masterplan

- 3.7 The site frontages propose a mix of house types and sizes to reflect the general character and development of the local area. This includes house types overlooking the new open spaces and specifically along the public right of way. New footpath links have been provided to connect from the proposed development through to the existing residential David Wilson scheme as well as permeating through the site.
- *Access*
- 3.8 The layout is to be accessed directly from the David Wilson Development, off of two separate spur roads (Measham Close and Charley Close) on the western boundary. Public Bridleway runs through the site, which is accessed from the Phase 1 David Wilson development, and runs through the entire development and out across to adjacent fields. The location of this will remain largely unaffected by the proposed scheme, with the public open space and roads factored around it. The route of the bridleway will not be altered.
- *Housing mix*
- 3.9 The 215-unit scheme is to comprise of 172 market plots and 43 affordable plots at 31 dwellings per hectare (net) overall. The market units are to be made up from a total of 11 private house types, with affordable provision to be made up from a combination of 5 house types. The breakdown of plots will be as per **Figure 4**.

Market Housing

Plot Name	Plot Type	No. of Bedrooms	No. of plots
Coleford	Semi/Terrace	2	8
Dalton	Detached	3	13
Kilmington	Semi	3	26
Kilmington	Detached	3	20
Thirston	Semi	3	8
Glastonbury	Detached	4	14
Ashbury	Detached	4	15
Hartlebury	Detached	4	12
Tetbury	Detached	4	26
Rosebury	Detached	4	5
Kirkham	Detached	5	13
Oakham	Detached	5	9

Affordable Housing

Plot Name	Plot Type	No. of Bedrooms	No. of plots
Fenwick	Terrace	1	8
Apford	Maisonette	2	6
Bridgeford	Maisonette	2	6
Cranford +	Terrace	2	15
Elston	Semi	3	8

Figure 4: Housing Mix

- *Landscape proposals*
- 3.10 Landscaping will be an important part of the scheme (see **Figure 5**), particularly through the public open space. In this regard the public open space will consist of an area of amenity grassland towards the north and south of the site, with a woodland area to the west. The area to the north of the site will incorporate surface water storage crates, as well as making provision for an ecological lagoon to facilitate the surrounding wildlife. Additional grassland areas to the south of the site, will make provision for a more formal open space, with provision for structured play, as well as seating and take arrangements.
- 3.11 An ecological corridor is provided along the eastern boundary, with the delivery of a swale, this is an enhancement of an existing drainage ditch, and will help to create additional ecological features within the development.
- 3.12 The public bridleway will also act as an additional green link running through the site. The areas delineating the housing / fronting private drives will be predominantly native meadow calcareous grassland and hedging. The grasslands will be broken up by feature ornamental shrubs and areas of defensible planting.



Figure 5: Landscape Masterplan

- *House Types and Materials*
- 3.13 The Applicants have drawn up the proposed street scenes (see **Figures 6 – 10**) in accordance with the context of the layout and their general aspirations of how the development should look and they have designed the individual house type elevations to a bespoke elevational finish in order to achieve this.



Figure 6: Indicative Streetscene

- 3.14 The applicants have undertaken a character study of the local area in order to inform their choice of elevation style and treatment to house types. The applicants have

attempted to include the more traditional and attractive elements of the town within the design. This includes architectural details such as:

- Wet verge construction to a prescribed detail;
- Rise and fall brackets for rain water pipes;
- Burnt red pantiles and grey slate affect roof tile;
- Georgian style windows;
- Red brick or painted (white) stone heads and cills;
- Painted brick, particularly to the side elevation on corner plots; and
- Simple brick eaves detail.



Figure 7: Indicative Streetscene

- 3.15 Given the above, the applicants have created two complimentary styles, taking details from the higher quality and more attractive examples in the area, in order to provide a scheme in keeping with the genera vernacular. The proposed character styles provide a subtle variation in appearance which draws influence from character of the more formal Georgian inspired villa/townhouse appearance (style 1) and informal countryside style (style 2), each picking up on key features and details of the surrounding area.



Figure 8: Indicative Streetscene

- 3.16 Style 1 focuses on the use of red brick with detail string course and Georgian and Edwardian styled windows that are framed by gauged arch stone heads, drawing inspiration from the local vernacular. Typical details include:
- Red multi brick facing material;
 - Anthracite (or similar) coloured roof tiling's;
 - Painted brick eaves with rise and fall brackets supporting black water pipes;

- Bargeboards & exposed rafter feet to larger house types;
- Georgian and Edwardian style windows;
- Gauged arch stone heads to windows;
- Occasional splayed bay windows to key feature properties;
- Painted glazed batten door;
- Chimneys to key plots.
-



Figure 9: Indicative Streetscene

3.17 Style 2 focuses on the use of brick detailing with influences of textured render and detailed design such as brick eaves and verges as well as black painted stone heads and cills to reflect the local vernacular. Typical details include:

- A lighter brown multi or buff facing material;
- Occasional use of stone details;
- Anthracite and antique brown coloured roof coverings;
- Half Georgian style windows;
- Red brick arch heads and black painted cills;
- Occasional use of splayed bays to feature and key plots;
- Painted glazed cottage style batten door; and
- Chimneys to key plots.

Typical House types are illustrated at **Figures 11 – 18)**



Figure 10: Indicative Streetscene



Figure 11: Typical one bed maisonette house type



Figure 12: Typical Two bed terraced house type



Figure 13: Typical Three bed semi house type



Figure 14: Typical Three bed semi house type



Figure 15: Typical Three storey semi house type



Figure 16: Typical Four bed detached house type



Figure 17: Typical Four bed detached house type



Figure 18: Typical Five bed detached house type

- *Surface Water Drainage and Sustainable Urban Drainage*
- 3.18 Within the outline planning submission the proposed use of swales for the Northern area of the site, whilst being excellent for SUD's, have very limited storage capability. The applicants calculations for the northern area alone require a volume which for

that location would not be achievable in a shallow swale format and certainly not within the indicative size shown.

3.19 Therefore the strategy included in the reserved matters application has been engineered to accommodate the actual volume of attenuation that will be required, and in a format which does address the original concept.

1. The reserved matters application includes for the attenuation of all surface water from the new development for a 1 in 100 year + 30% event. (drainage calculation sheets to follow)
2. The new strategy includes for online storage, in preference to the outlines 'off line' storage, we believe this to be more suitable in terms of SUD's as it treats all water and not just the excess in storm events.
3. The original design allowed for the use of an offline modular system laid beneath the swales whereas the new design includes for an online modular system, so the type of system proposed is not significantly changed.
4. The attenuation system is a modular system laid on a stone base as stated above, which maintains the suds approach whilst also reducing the rate of flow even in normal conditions.
5. The integration of the ecological lagoons into the drainage system would lead to the transference of diseases with fish stocks & wildlife features being compromised.
6. The existing watercourse along the eastern boundary has been retained and within the drainage proposals the SW for the southern part of the site will discharge into it via an online pond/detention basin, which ultimately discharges into the river. The watercourse is in no way being enhanced or included within the drainage strategy as a 'swale'
7. As part of the water strategy, the applicants will include for areas of permeable paving and filtration drainage, plus trapped gulley's to all vehicular areas, to minimise the risk of debris passing through the system.

The applicants have also confirmed also that the proposed Pumping station is for Foul Water discharge only, and is not part of any SUD's or surface water strategy.

○ *Construction access*

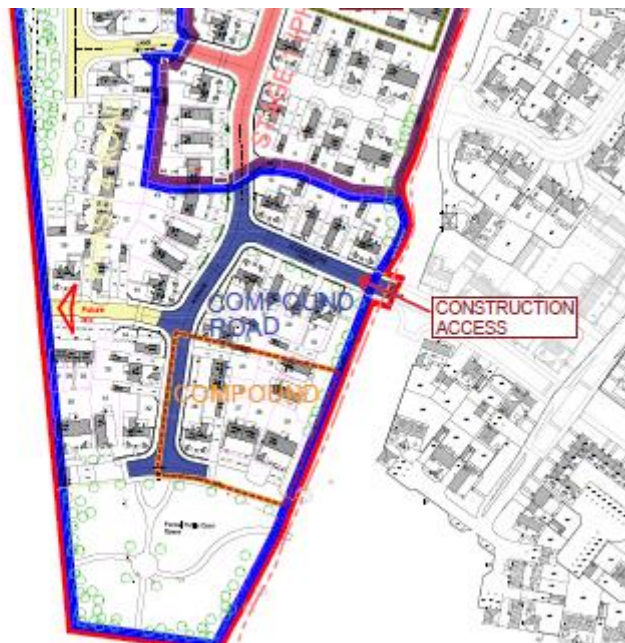


Figure 19: Extract from Phasing plan indicating Construction Access

- 3.20 Construction access to the site is proposed via the southern access to the site (Charley Close) as indicated at **Figure 19**. This would require Construction Traffic to leave Farndon Road at the Freshman Way roundabout and travel through the existing development along Freshman Way, Angell Drive and Charley Close before accessing the site.

c) Pre-application Engagement

- 3.1 Prior to submitting the planning application, the applicant held pre-application discussions with officers of the Council.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application.

a) Statutory & Non-Statutory Consultees

- 4.2 *Natural England*
Natural England has no comments to make on this application.
- 4.3 *Highways England*
The principle of the development has been agreed in support of the outline planning application subject to several conditions, none of which related to the strategic road network. As the above conditions relate to matters internal to the site, Highways England has no comments to make.
- 4.4 *Environment Agency*
We have no comments to make on this application from this perspective.
- 4.5 *Canal & Rivers Trust*
This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.
- 4.6 *Anglian Water*
We have reviewed the documentation provided by the applicant as part of this planning application. The submitted documents include no further information relating to foul drainage as part of this application. Therefore we have no comments relating to the submitted documents.
- 4.7 Anglian Water would wish to be re-consulted if any additional information relating to foul drainage is provided by the applicant. We have reviewed the applicants submitted surface water drainage information and the proposed method of surface water management does not relate to Anglian Waters operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involved the discharge of water into a watercourse.
- 4.8 Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to

ensure that an effective surface water drainage strategy is prepared and implemented.

4.9 *LCC Lead Local Flood Authority*

When determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment and will not put the users of the development at risk.

4.10 From the approved outline application to the reserved matters it appears that there have been significant changes to the surface water drainage scheme as well as a reduction in the number of dwellings from 230 to 215. The swale that was previously present along the northern boundary of the site appears to have been removed, whilst the ditch on the eastern boundary has been altered to become a swale. An underground attenuation tank is now proposed to the north whilst a pumping station has also been added. It is not clear if this pumping station is for foul or surface water.

4.11 These changes have ultimately removed the treatment train for the majority of the site, with surface water from the northern catchment expected to run straight to the tank before being discharged directly to the River Weiland. If this water were to pass through the proposed lagoons then this would not be an issue, however the plans suggest this is not the case.

4.12 Previously the swale would have provided some treatment and would have been counted towards the attenuation storage, provided that it did not lie within Flood Zone 3. Our main objection is that it is a relatively large site which appears to provide little in the way of water treatment for the northern catchment following the change in the proposals. Furthermore, this application seeks to fix the layout but no calculations have been provided demonstrating that the scale of attenuation provided is sufficient.

4.13 Leicestershire County Council as Lead Local Flood Authority advises the Local Planning Authority that the application documents as submitted are insufficient for the Lead Local Flood Authority to provide a detailed response at this stage. In order to provide a detailed response, the following information is required:

- Details assessing potential treatment trains for the surface water drained from the northern segment through the use of SuDS such as pervious paving within shared surfaces and the like.
- Details on whether the pumping station is for foul or surface water flows. Where this is for surface water, evidence should be provided demonstrating that a gravity outfall is not viable.
- Calculations supporting proposed scale of attenuation features.

4.14 *LLFA (In response to amended plans)*

An updated masterplan has been provided which shows that the proposed pumping station has been removed. Leicestershire County Council as LLFA advises the Local Planning Authority that the application documents as submitted are sufficient for the LLFA to support the reserved matters in terms of access, appearance, landscaping, layout and scale.

4.15 *LCC Archaeology*

Thank you for the opportunity to comment on the above scheme. A programme of archaeological investigation and recording was secured by condition on the previous outline planning permission (15/00746/OUT). This work, a staged trial trench investigation, has been largely completed and a initial report on the first phase of this

work has been submitted along with a proposed further mitigation programme (see ULAS Report 2017-096 and the Mitigation Strategy_V2).

- 4.16 Since the submission of both documents we have advised the applicant's archaeologist that the Strategy fails to adequately address the archaeological potential of the southern quarter of the development site, as such we would recommend that the planning authority request the developer resubmit both the Mitigation Strategy and the recently revised and updated Evaluation Report (ULAS Report 2017-113), the latter includes additional trenching undertaken by ULAS at the northern end of the development area.
- 4.17 *LCC Archaeology (In response to Additional Comments)*
I can confirm that the revised Strategy is satisfactory and consequently, subject to the replacement of the earlier mitigation proposal (See 17/01108/REM: Document ref. *Evaluation And Mitigation Proposal*) with the attached document (Mitigation Strategy V3), I can now recommend that Condition 21 (15/00746/OUT), is eligible for discharge.
- 4.18 *LCC Ecology*
I have no objections to this application, which is in accordance with the outline masterplan. The layout is satisfactory.
- 4.19 The ecology appraisal has been updated, and further great crested newt surveys of ponds have been done. Newts were not found in the newly created balancing ponds nearest the site, but a small population was still present in ponds 400m+ to the east; however I do not consider that this population would be impacted by the development, and specific mitigation as planning condition is not needed.
- 4.20 An updated badger survey and mitigation strategy has been provided and is satisfactory; implementation should be the subject of a planning condition, and will need to happen before development commences. The Badgers that are currently resident on site will need to move to a new artificial sett.
- 4.21 I believe an Otter mitigation strategy has also been done (ref 1.4 of the biodiversity management plan), but I cannot find it on your website. Please could this be sent to me? A new Otter fishing lagoon needs to be provided to compensate for the loss of the on-site lagoon; this also has to happen up-front and should be the subject of a planning condition. Details of design, water management, aftercare and fish-stocking will be needed.
- 4.22 The biodiversity management plan is satisfactory, apart from two points:
1. the newly created wildflower meadows must be managed by annual hay-cut and removal of arisings, otherwise they will lose value. The plan doesn't specify removal of arisings, therefore this amendment is required.
 2. The open space along the Welland should be managed as informal, not formal open space - see 1.3. I think this is a typo, but it is important to put it right!.
- 4.23 I recommend that all trees and shrubs planted along the western and northern boundaries to the river and open countryside, and the woodland to the south are of locally native species only. Details of this can be provided under planning condition.
- 4.24 Some trees have been identified as potentially supporting bat roosts (see 4.28 of the ecology appraisal); it is intended that these trees remain, but if plans changed and they have to be removed, bat surveys will be required before removal. Retention of bat foraging features and creation of new habitats along the Welland, to the south of

the site and along the western hedgerow are welcomed, and should ensure that impacts on bats are minimised.

- 4.25 I cannot comment fully until I have sent the otter mitigation plan; therefore I have a holding objection pending submission of the strategy.

4.26 *LCC Ecology*

I have a further comment following the submission of the Otter mitigation strategy. This is satisfactory and allows me to remove my holding objection.

4.27 *LCC Ecology (in response to amended plans)*

I am not sure what has changed since the previous consultations, as the landscape plans and planning layout appear the same. My previous comments are therefore still applicable - apart from one point relating to great crested newts.

- 4.28 Since the previous consultation, I have been sent evidence of a great crested newt at Limner St, adj to the site. The great crested surveys carried out by the applicants' ecologists (FPCR) in support of this application are satisfactory, and in accordance with national guidelines. I accept their findings that great crested newts were absent in 2016 from the irrigation pond on the application site (which will be destroyed) and from the balancing pond some 70m east of the application site.

- 4.29 The reported newt must be a stray individual from the known population over 400m away from the site. In my view it does not represent a significant population close to the application site. However, all individual great crested newts are protected by law, and therefore I feel it would be wise to revisit the mitigation section of FPCR's great crested newt report. I have contacted FPCR regarding this point. The possibility of colonisation of water bodies close to the site by this newt/s is also possible. The irrigation pond on the site is unsuitable, being stocked with fish that predate newt eggs/larvae, but the balancing pond (P3) to the east is given an 'excellent' assessment of GCN habitat suitability in FPCR's report. If newts became established in this pond, precautionary mitigation to prevent harm to newts during construction would be needed.

- 4.30 In my view, revisions to the strategy could be considered under a planning condition, along these line:

- Within the year before the start of development, follow-up great crested newt surveys of the balancing pond (P3 of FPCR's report) must be done, and the GCN mitigation strategy must be reviewed in the light of these survey results and information about other great crested newts found close to the development site. The mitigation strategy must be implemented.

4.31 *LCC Highways*

This is a reserved matters application for the erection of 215 dwellings with associated infrastructure, public open space, vehicular parking and ecological mitigation on land off Farndon Road in Market Harborough. Conditional outline planning permission for up to 230 dwellings was granted in April 2016 following the signing of a Section 106 agreement at which time the principle of site access off Measham Close and Charley Close was agreed.

- 4.32 The proposed internal layout has been subject to a preliminary design check and in summary at the present time, would not be considered suitable for adoption by the Highway Authority in the future for the following reasons:-

- There are inadequate traffic calming features. Residential access roads must achieve a design speed of 20mph. Traffic calming features will be required every 60m in chainage where the road doesn't incorporate 90 degree bends;
 - On residential access ways, the proposed design speed shall be no greater than 15mph. Therefore traffic calming features will be required every 40m in chainage where the carriageway is straight and doesn't incorporate 90 degree speed reduction bends;
 - Private drives shouldn't connect two prospectively adoptable highways i.e. between plots 152 and 138. The layout as presented will encourage rat-runs and an increased maintenance burden for residents;
 - Post and rail fencing may be required to safely enclose the public open space (POS) area and to prevent unwanted vehicles from accessing the POS;
 - Plot no 146 curtilage's is within the 25m bend visibility envelope; land within visibility envelopes must be dedicated as public highway to ensure no obstructions are placed within the highway that could have a detrimental effect to driver's line of sight. For further information please visit Part 3, table DG4 of the 6Cs Design Guide;
 - The raised speed table opposite plot no 44 compromises the access egress to said private drive and therefore the ramp position should be suitably relocated.
- 4.33 As identified at the outline planning application stage, Public Bridleway A105 runs through the proposed development. It was advised that in the interests of the desirability, safety and security of users of the right of way, the Bridleway should comprise of a 3 metre (min) wide surfaced path with 1 metre of open space on either side clear of planting or structures, in accordance with the County Council's Guidance Notes for Developers, which are incorporated within Part 3, Section DG7 of the 6Cs Design Guide. The application of these criteria should ensure that the routes do not appear narrow and unattractive to users, but retain a more open aspect instead.
- 4.34 This application has instead proposed to provide a 2 metre wide path for cyclists and pedestrians and 2 metres of grass for horse riders with soft landscaping. Not only would a grass surfaced used by horse riders become easily churned up, but soft landscaping can become an obstacle once it grows out, and a significant maintenance liability. Please revisit accordingly.
- 4.35 The applicant is also reminded that an application for the diversion of a bridleway, specifically to enable a planning consent to be implemented should be submitted to Harborough District Council. The applicant is not be entitled to carry out any works directly affecting the existing route of the Right of Way until a Diversion Order has been confirmed and become operative. In the meantime the applicant is required to ensure that the existing Right of Way remains accessible at all times and its surface is maintained in a satisfactory condition.
- 4.36 All of the proposed parking spaces only measure 5 metres in length; owing to the fact that cars are getting bigger the Highway Authority advocate that parking spaces have the minimum dimensions of 5.5 metres x 2.4 metres. Useable parking spaces are key to ensuring that future residents use them, as opposed to parking on street.
- 4.37 There are a number of parking spaces located some distance from the front door of the associated plots and should be relooked so the parking provision better relates to the plots. Examples of plots this affects include but are not limited to plot numbers 19, 32, 75, 91 and 182;

- 4.38 The Rosebury garage doors only measure 2.2 metres in width, as opposed to 2.3 metres.
- 4.39 *LCC Highways (In response to Additional Comments)*
Revised Comments awaited
- 4.40 *HDC Environmental Health*
No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
- a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - h) measures for the protection of the natural environment;
 - i) hours of construction work, including deliveries; and
 - j) measures to control the hours of use and piling technique to be employed
 - k) measures to control and minimise noise from plant and machinery
- has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and verified where appropriate.
- 4.41 *Leicestershire and Rutland Badger Group*
The proposed development site lies to the west of an area of similar size which has recently been developed. However, the environmental damage which will be caused if the new proposal is accepted will be on a much greater scale. At present this farmland supports a wide range of wildlife including otters and badgers. Its transformation into high-density housing will result in a great loss to the Harborough District.
- 4.42 In particular, there is an active badger sett near the centre of the site. It is proposed to replace this by an artificial see, but we consider this is unlikely to be satisfactory because it is about 200 meters as the crow flies from the current sett and much further as a badger walks!
- 4.43 In Section 4.43 of 'Badger Survey and Mitigation Strategy' it is stated that on-site coniferous woodland, hedgerows and scrub habitat, including hawthorn scrub growing over and around the main badger sett, is due to be coppiced and removed possibly sometime during the summer of 2017. This will affect all animals, including birds that are dependent on these for food.
- 4.44 The current feeding areas will be entirely destroyed; the few small areas of 'public open space' and 'woodland walks' will provide only a small fraction of the area which is currently available to the badgers. The mitigation and compensation proposed for the loss of food sources is limited to planting some fruiting bushes and trees and having areas of grassland that are regularly mown. None of these are likely to happen unless they are made under a section 106 agreement.
- 4.45 The straight 'spine road' running through the centre of the site will encourage speeding and increase the likelihood of wild and domestic animals being killed by

road vehicles. Again no mitigation measures are proposed to avoid this such as badger tunnels or crossings.

- 4.46 In Section 4.6 of 'Badger Survey and Mitigation Strategy' it is stated that "Badgers are known to have relatively high levels of tolerance to disturbance and as such it is unlikely that indirect disturbance i.e. increased noise, traffic and close proximity of housing will significantly affect the badger clan." In fact it has been found that in urban environments badgers delay leaving their sett to forage for food by about an hour compared with those in rural environments. (Harris (1982), Davison (2007)). It was suggested that this discrepancy is due to lack of cover and disturbance.
- 4.47 In making the above comments on behalf of the Leicestershire and Rutland Badger Group I have been guided by the government document dated March 28, 2015: Badgers: surveys and mitigation for development projects "Standing advice for local planning authorities who need to assess the impacts of development on badgers" at <https://www.gov.uk/guidance/badgers-surveys-and-mitigation-for-development-projects#mitigation-and-compensation-methods>
- 4.48 The proposal also conflicts with the National Planning Policy Framework which states that planning should aim to conserve and enhance biodiversity by applying several principles including, that if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused (paragraph 118)."

b) Local Community

- 4.49 Cllr Jo Brodrick
I still have significant concerns about access to the proposed new site not only for construction traffic but also for residential traffic once the site is occupied. The current proposed access is down two cul-de-sacs requiring some tight turns. These are totally inappropriate for construction traffic and represent a real danger to the residents of the roads concerned as well as causing major on going disruption to family life for what is likely to be years during the build out stage. Since other exploratory activity access has used access down a farm track I can see no reason why the builders should not look to use this for construction traffic and negotiate this with the land owners prior to the planning committee as a gesture of good will and acknowledgement of significant disruption on going building will create for current residents. This would also then allow the current roads to be completed to highways standards and start the process of adoption.
- 4.50 I also query to highways assertion that these roads are appropriate for hundreds of daily traffic movements following completion and urge the developer to consider alternative access options.
- 4.51 *Cllr Paul Bremner CC (Market Harborough West and Foxton)*
Residents have contacted me as their County Councillor to object to the plan and wish to highlight that construction traffic should be mitigated to avoid access along narrow residential streets in the estate, an Estate that has become home to many families.
- 4.52 I am personally concerned at the loss of ecological features and negative impacts upon the natural watercourses - that if changed or removed could increase flooding risk. I would like to see the ecological impact statement and the flood mitigation plan.

- 4.53 Could the developer consult with other land owners to achieve an alternative access to the site that avoids access along narrow residential lanes during construction?
- 4.54 *Harborough Civic Society*
We do not agree that the proposals should be registered as reserved matters. The reduction in affordable houses represents a significant change in the content of the development. With the reduction in affordable housing this should be a new application.
- 4.55 We do not consider that this proposal is an example of good design and does not create a sense of place contrary to NPPF. The layout and house designs will not deliver a development appropriate to Market Harborough.
- 4.56 As with 17/00339/REM, the development site is ringed with roads and driveways. A vision of parked vehicles will dominate the view from the surrounding open space.
- 4.57 Affordable housing, what there is of it, should be spread through the site.
- 4.58 It is totally unacceptable to run an access road across the bridleway. Moreover, the bridleway will be flanked by driveways on both sides which is equally unacceptable.
- 4.59 *Harborough Civic Society (In response to amended plans)*
Still objects to the reserved matters and wishes its comments made in August 2017 to be taken in to account. We find it strange that in a layout dominated by Highways, the developers have not included a single vehicle in the illustrative drawings. The Council should insist on more groups of trees to be planted.
- 4.60 *Farndon Fields Residents Group*
*(The Farndon Fields Residents Group have submitted a lengthy and detailed objection containing a number of photo's. The conclusion of the representation is reported below, and the full statement is included at **Appendix A** of this report.)*
- 4.61 To summarise, this application is out of line with Local and National planning policies. Whilst this site does not fall into an official area of separation, it will reduce important space between Lubenham and Market Harborough and it will have a significantly greater and irreversible damage to the environment, biodiversity and protected species. The quality and health and safety of residents should be a significant consideration to Market Harborough as the current road design, parking provision, childrens parks and walk areas do not lend themselves scope for further development.
- 4.62 83 letters of objection have been received from the local community raising the following issues:
- Principle of Development
 - Whilst I continue to understand the obligation to provide new housing, I feel that Market Harborough town is currently awash with new building projects and I would suggest that small developments to outlying villages in order to sustain their abilities to support pubs, schools, churches, etc would be more beneficial to the sustainability of the whole region.
 - Whilst we accept that outline planning permission has been granted and therefore the development of the area cannot be stopped we do have concerns about the way the developers have planned the extra housing. In doing so they have managed to trigger antipathy amongst the current residents

- Why does the huge "airfield" development not satisfy the expected housing demand?
- A number of areas seem to be at odds with the aim of the Councils Core Strategy plans.
- With numerous ongoing and planned developments, including major projects at Ashton Rise and Great Bowden, Market Harborough has sufficient new housing space available above the government set quota for new homes. The opportunity for affordable housing quotas have also been exceeded. Therefore, the council is under no pressure to support this application.
- Even though we acknowledge that the pressure on housing is undoubtedly a national issue, and one our region should actively confront, the case for this particular application (for over 200 new dwellings) is unclear and unpersuasive, given substantial residential development work taking place elsewhere in the town and district.
- Why don't you build on the empty land on the estate? That way nothing will need chopping down, animals and birds will not need to find new homes and it won't upset all the families that bought homes on the closes. If you have to build there, can another road not be built? Our roads are too narrow and there's already a lot of parking so it's often not safe to cross roads or ride our bikes.
- Access to Site
 - Traffic flow through the existing Farndon Fields site has increased considerably with predicted accidents now occurring due to poor parking provisions and lack of traffic management due to the non adoption on roads.
 - The short bit of Angell Drive leading to Charley Close is already a chicane whenever cars are parked as the road was never built appropriately for cars to be parked along it but without on street parking, there is insufficient space allocated to parking in the area.
 - The roundabout at the entrance to the Farndon Fields estate and the first stretch of Freshman Way leading into the estate from the roundabout would not adequately cope with the increased traffic either; this stretch is also already a chicane due to the original poorly planned road infrastructure for this estate. To increase traffic would be to compound an earlier error.
 - Both proposed access roads - Measham Close and Charley Close, have been built with the Council's full approval as 'Closes" and NOT as through roads.
 - With an anticipated 500% increase in traffic, including private cars, heavy construction traffic, lorry deliveries, large refuse vehicles, emergency services vehicles, there is clear indication that FATALITIES are highly likely.
 - THE FOOTPATHS that butt up to the ends of these Closes are used extensively by dog walkers, ELDERLY PEOPLE and YOUNG SCHOOL AGE CHILDREN in both directions - to the left there is the well used PLAY PARK and to the right is the pedestrian access to the LOCAL SCHOOLS and the gentle walk into TOWN that encourages the elderly to stay active. Yes FATALITIES ARE HIGHLY LIKELY IF THESE ACCESS POINTS ARE USED. Does the Council want to risk blood on their hands by repeatedly ignoring the concerns of local residence and risk being publicly disgraced? The recent memory of GRENFELL comes to mind here.
 - Parking - this is a massive issue with many people parking their cars on the road, some being double parked. This makes the roads narrow and hazardous, particularly when cars are parked opposite T junctions and on corners. The proposed access closes are not designed for heavy traffic and lots of cars - hence the name close!
 - While not opposed to further development, like many others, I think the access to this proposed development is totally inadequate. The two designated routes, Charley Close & Measham Close are not designed for heavy traffic - the clue is

in the name. Surely the provision of an alternative access route that avoids ongoing disruption to all the residents of Farndon Fields should be a condition for this development.

- Take the time and effort to create new roads to build these houses rather than effecting the current house owners.
- How many houses can be safely fed through a development that has been designed with windy, narrow roads, with no through roads, a development that has cars parked on kerbs in the evenings and weekends, due to the lack of parking provision.
- I do not want extra traffic movements each day on Burton St., Freshman Way, Angell Drive, Limner Street, Charley and Measham Closes.
- If the development proceeds, a realistic estimate would be 300 extra cars using an already inadequate road system. The majority of these cars passing the children's playground. Bravo.
- The Outline approval for this site considered that Measham Close and Charley Close could cope with the traffic of up to 240 houses. I must say that I disagree, but that is a mute point.
- Construction traffic
 - The proposed access points for Phase 2 through the existing Farndon Fields development are wholly unsuitable for any commercial vehicle over 18 tonnes. The road geometry coupled with residents parking due to insufficient off road parking provision will make large construction vehicle access pretty much unviable.
 - I would like to object to this application due to the increase in traffic from construction vehicles going through the estate. The roads are bad enough with park cars without having construction vehicles too. Is there no way construction vehicles could gain access to the estate from Lubenham Road?
 - I feel other access points should be explored I.e Lubenham Road or Willow Crescent Farndon fields estate already has issues with the volume of traffic from just two access points (Burton Street and Freshman Way) and additional 215 households will cause further problems with traffic flow and safety.
 - The use of Measham and Charley Closes for construction vehicles will create serious traffic problems. Neither road is wide and already there are issues when cars are parked on the road especially near corners.
 - We chose to move to this part of the development as we were under the belief that there would be no more development in the immediate area. The idea of construction vehicles using the narrow roads (Limner Street, Measham Close and Charley Close), is ridiculous. The potential noise, disruption and threat to the safety of road and pavement users is unreasonable and unjust.
- Ecology
 - There is clear and validated photographic evidence of recent Great Crested Newt migration through the existing development.
 - Building on the land will be detrimental to the local wildlife, particularly as it is proposed that the lagoon will be filled.
 - The woods and lagoon were originally man made but over the years they have become homes to wildlife which now sustain an identified Eco system of wild life including Otters, Bats, Badgers and Newts (all identified and on the endangered list and protected) as well as other mammals, fish and birds. This site would be a prime location for a Nature Reserve, (if resources were available) for Market Harborough, Leicestershire and the U.K. It should not be allowed to become part of a larger housing development just to satisfy housing quoters.

- We love living so close to nature. We often see bats, birds of prey, including Red Kites and hear owls at night. I am appalled at the lack of in depth research into the movements of protected species.
- I have seen deer, rabbits, and many species of birds while out and about around the estate. These species may not be protected but their habitat is important. There have been sightings of bats badgers and newts within the proposed site which do have special protection. I am not confident that the developers have planned sufficiently to protect these animals.
- Flooding
 - It does appear that flooding risk remains a concern and I wonder how this dialogue is going to be brought to a conclusion. I am presuming that Avant Homes will need to reply to this and then the Flood agency review that response. This seems to be a particularly unhelpful state of affairs given the time limited nature of the planning application process and the fact that clearly work is being undertaken to de-forest the area in question in preparation for building.
 - recent heavy rainfall has indicated that there is an ongoing drainage problem, even before this new tranche of building. Angell Drive regularly floods with significant ground drainage problems: the drains cannot cope with existing water levels, let alone that from new development.
 - I see no improvement to methods of flood control to manage the known surface water that flows through this site and has the potential to flood The town centre of Market Harborough.
 - The risk of flooding, this land is used to help control this.
 - The pond is filled from under ground source with many varieties of wildlife. Again where do you expect the water to go that currently fills this pond? The risk for subsidence and flooding is being increased consistently.
 - Has there been an assessment of the impact of fill in the lagoon on the flood risk lower down the River Welland.
 - The lagoon serves the town incredibly well throughout all seasons by holding vast quantities of water from entering the River Welland. I am concerned that this has not been considered.
 - I note from studies of O S mapping that 2 springs are situated between the site western boundary and Lubenham Lane, what consideration has been given to the close proximity of these springs and the long term consequences of interfering with the drainage of them.
 - In March 2016 the proposed site along with the adjoining River Welland suffered considerable flooding following what was officially classified as one night of moderate rainfall. Waters in the town were close to bursting their banks had levels increased. The proposed development site was flowing with surface water the flood plain was full and the lagoon levels rose several feet but held back an estimated 1.5 to 2 million gallons from entering the Welland.
- Infrastructure
 - Market Harborough cannot cope with an additional 215 homes on top of the hundreds already granted build authority.
 - The facilities (doctors, dentist, schools) are already struggling to accommodate those that require their services. Should the development go ahead, this needs addressing.
 - There was a school shown on the original plans for Phase 1 and 2 of the estate which has now been removed. The builders should be held responsible for their original commitments
 - I also believe that in 2017 we should be seeing a more sustainable development, there is no public bus service the nearest being at least

1000 metres from this new proposal, there is little or no infrastructure within Farndon Fields not even a post box and the nearest general shop/postoffice is approximately 1.5 kilometres from this proposal. There are no new schools only land set aside for them but no money to build or employ the staff to run them as a governing body please think with your eyes open and see what you are allowing to happen by passing this permission

- There is no provision for broadband fibre on the part of the developed, a serious omission in Phase 1 and 2.
- Design / Layout Issues
 - The proposed number of dwellings is a high number for the size of land, making for an over crowded estate. The development of further 2.5/3 storey town houses and flats is not in keeping with a rural setting on the outskirts of Market Harborough town.
 - Impact on privacy and amenity - issues with removal of natural break in Measham Close and Charley Close.
 - We overlook the nature path and pleasant hedgerow. These plans would see the unnecessary destruction of these thus destroying our view and causing a reduction in natural light in the evening from the development.
 - I can see from the application that there are trees along where the existing treeline is that runs parallel to the footpath I mentioned - it is right in front of my house at 9 Bantry Close. I am unsure how to interpret the plans with the trees as it appears that some would stay, others would go but this is not clear. My worry would be that they end of removing a lot of trees, meaning that we would feel exposed to firstly the construction element, then new households.
 - Having viewed the plans of the development it is my considered opinion that the application is of extremely poor design. It completely fails to address access and additional traffic increases of both building works and residents. Avant homes have not taken the opportunities available for improving the character and quality of an area and the way it functions.
 - Style B Glastonbury (in a kind of 1930's urban semi) and Style B Oakham are out of keeping with the rest of the estate.
- Existing site issues
 - The existing road works has not been completed despite the houses in my section of the street being completed over 3 years ago!
 - Finish what they've started and then consider new works!
 - I have lived on this estate for 5 years and i appreciate we need more housing but I object so strongly to these new houses being built with no consideration to the current occupants of the estate. We were told this build would take 3 years, yet 5 years later we still do not have a completed road. We still don't have traffic calming measures and the speed which people drive down Freshman Way is ridiculous and this will only increase with the amount of traffic planned to use this road.
 - the top half of Angel Drive is still not topped despite being finished and having residents that have lived in their completed homes for over 3 years, Burton Street has lumps of concrete at the end of drives of houses also built for over 3 years because they are eventually due to be paved. Is it expected that this will be the case until completion of Phase 3. Can this really be acceptable to the Planners of Market Harborough?
 - Currently Avant Builders have been on the site for a year and have still not instigated the requirements for wheel washing. They state they have the equipment and will do it, but NEVER DO.

- The current estate (Phase 1) has not been well thought out with respect to parking for residents and visitors. A large proportion of houses have parking at the rear of their properties, which largely goes unused as people prefer to park outside the front of their house.
- CJC who have been managing the overall site infrastructure thus far are doing a particularly poor job. Since July 2015 I have been asking for a particular section of pavement to be made safe (raised ironworks, broken curb stones, not paved). I'm still waiting for it to happen, despite emailing weekly and being told "they are working on it". This very week CJC sent me a photo of a workman to prove they are on the job, just a shame it was the wrong stretch of the road/pavement. This is the sort of poor management and planning we have to live with already, let alone with another 200+ houses and associated roads to be developed.
- I have a further concern also that if planning is agreed, there may be more rental/housing association/social housing sanctioned due to the need. Whilst I understand there is a need, property prices are already devalued on this site due to anti social behaviour issues on Medora Close and the failure of the police and housing association to protect other householders.
- General Issues
 - The noise from the site has already started - they appear to be chopping down trees and clearing the land at the southern end.
 - HDC are suffocating NOT improving our beautiful home.
 - When I consider the other new estates around the periphery of Market Harborough, they have all been or will be fully completed within a significantly shorter timeframe than the Farndon Fields estate; despite assurances at the time of purchase that this estate would have been completed long ago. To then introduce a further significant phase that will negatively impact upon the people living on this estate is beyond what I would consider to be reasonable.
 - Does the developer pay S106 monies and if so how are these being spent?
 - We bought on a quiet cul-de-sac location as we have a young family. We bought this house as it allows our children to play outside safely and use the public footpath that surrounds the development to meet friends, go to the park and when they are older, walk to school. We paid extra for the privilege of living in this location. The plans would destroy the environment in which we have only recently chosen to live.
 - If we knew then what we know now, we would not have moved here. We were assured by DWH sales that they would not develop on this land. This development would be damaging to all home owners in the vicinity. We may struggle to sell our homes in the future and it is very likely to affect the resale values.
 - Traffic volume on the nearest route across town Western Avenue/Bath Street is horrendous. It is congested around the local shops opposite the green as parking here is inadequate and traffic flows reduced to single file almost the whole way along to Northampton Road. There is at present no safe place for children walking to Welland Park School to cross or ride their bikes.
 - Increased traffic would have a detrimental impact on the environment by increasing CO2 emissions even further than the existing high amounts. A planned bus service would almost certainly be in conflict with any large vehicles.
 - Should this proposal be approved it should be a requirement and condition of the developer to compensate the homes that are to be disrupted for many years.
 - It is noted that this proposal actually plans further access to the fields beyond for future development. This being the case then access from Lubenham Lane

or an alternative would be more appropriate and relieve many of the issues pertaining to Farndon Fields. This has the potential to leave Farndon Fields roads un-adopted for more than ten years! Surely this cannot be allowed!

- The Council don't have enough funds to cope with the current landscaping and it's become an eyesore. I believe the money given to them by the Developers was supposed to last for 15 years but I was told by a Council employee that they were half way through it after 3 years. 8. Have the Council adopted these roads yet? - from the state of the tarmac I assume not. Can you give permission to a builder to use them and to turn two Closes into access roads when they are not yours?
- Whilst we recognise that the statutory 21 days for comments will be observed in this case, it remains disappointing that this took place at a time of year when many residents typically will be away on holiday. It is unfortunate that this timing may, by many, be interpreted as at worst cynical and best ill-judged. Also, whilst the voluminous online information is available, it is far from accessible. Sharing the detailed documentation for the application is transparent and welcome, but is written and compiled for an expert reader, opaque for the non-specialist. It is a pity that more cannot be done, owing to the importance of this proposed development and the substantial disruption it will have, to make the complexity of this application accessible to all our residents. The timing and the content of this consultation, in short, fall short of being inclusive.
- The timing of the application also does not sit well with me. The fact the original application went in just after the last house sold on the perimeter of the estate appears very coincidental and extremely underhand allowing the developers to attract a premium for those sold as 'at the edge of the estate'. I still am also very confused how two roads sold as a 'Close' can be opened up as through ways
- Security is also an issue, there are already too many break ins happening on the estate and a denser population is only going to attract more. With so many construction workers moving about will make it easier for thieves to blend in.
- I am extremely disappointed that planning permission for this phase has only been submitted now. It is now clear from the landscaping and layout of roads of the current phase, that this has always been in the pipeline, I therefore feel that all of us who have bought on this estate, have been mis-sold our property as this was never detailed in the initial plans. I feel Planning should have been submitted from the outset of the development or at least information be made available, this way, all that have bought on this estate would have been aware of the full scale of project and bought with this in mind- there would be no grounds for complaints from residents if this had been the case. This is further compounded for those that have bought on what they believed to be a cul-de-sac only to now find out, they will be living on a through road to a new development. We were sold the property on being at the back of the estate overlooking the lake which is soon to be no longer.
- We moved to our new house just three years ago We love living on our close because we are able to play outside our house and we often use the gravel path that runs around the estate. We have lots of friends who live on the estate and love going to the park. At the moment we can cycle or walk safely to meet our friends without having to cross any roads. If our close and Charley close are made into proper roads, we will not be allowed to do this anymore as it wouldn't be safe.
- The developers have been totally dishonest in saying that they have to access the new site through the existing estate. The fact that they have included 2 access points from the proposed estate through to a potential next phase that

would be within Northamptonshire proves that they expect to get approval to build beyond the borders of Harborough district.

- If they expect to build houses and estate roads in Northamptonshire then they can certainly build an access road from Lubenham Road to this Phase 2 estate now.
- If they insist that they cannot build an access road from Lubenham Road then the 2 link points must be removed, otherwise we will know that they are lying.

5. Planning Policy Considerations

5.1 Please see above for planning policy considerations that apply to all agenda items

a) Development Plan

5.2 *Harborough District Core Strategy (Adopted November 2011)*

- CS1- Spatial Strategy
- CS2- Delivering new Housing
- CS3- Delivering Housing Choice and Affordability
- CS5- Providing Sustainable transport
- CS8- Protecting and enhancing green Infrastructure
- CS10- Addressing flood risk
- CS11- Promoting Design and built heritage
- CS12- Delivering development and supporting Infrastructure
- CS13 – Market Harborough

b) Material Planning Considerations

5.3 Material Planning Considerations relevant to this application:

- National Planning Policy Framework (Sections 4 (Transport), 6 (Wide choice of high quality homes), 7 (Good design), 10 (Meeting the challenge of flooding), 11 (Natural Environment))
- National Planning Practice Guidance
- Supplementary Planning Guidance Notes 1 (Design Principles), 2 (Major Housing Sites), 9 (Landscape and New Development), 10 (Trees and Development), 11 (Hedges and Development), 12 (Lighting in Town and Country), 13 (Crime Prevention and Reduction), 16 (Provision for Outdoor Play space), and 19 (Development and Flood Risk)
- CIL Regulations 2010

6. Assessment

a) Principle of Development

6.1 The principle of residential development on the application site has already been established by virtue of the outline consent for up to 924 dwellings granted on 13th May 2016.

b) Technical Considerations

Impact on the Character of the Area

6.2 The plans submitted in support of this reserved matters application are close to the suggested proposals outlined within the Layout Parameters Plan and Development Framework on which the outline application was approved. This includes the use of

mix of materials, landmark buildings, extent of public space and the treatment of the existing bridleway through the site.

- 6.3 The site includes a number of different house types, materials (see **Figures 20 and 21**), roof heights, and on the whole parking has been set back away from the road frontages. Officers initially raised concerns regarding the selected materials pallet based upon available imagery (both online and supplied by the Applicant) however, the applicants supplied physical samples of the materials which have allayed initial concerns



Figure 20: Proposed Materials samples for Style B dwelling (Ibstock Crowborough Multicoloured Stock)



Figure 21: Proposed Materials samples for Style A (Forterra Hampton Rural Blend) and Alt A (Ibstock Birtley Olde English Buff) with “Stone” detailing

- 6.4 Furthermore, Officers initially raised concerns regarding the presence of the 3 storey dwellings within the proposal (see **Figure 15**), however, this housetype (and other examples of 3 storey development) are already prevalent throughout the existing site. The proposed dwelling types as illustrated above at **Figures 11-18**) and materials (see **Figures 20 & 21**) are in keeping with the approved Masterplan and Design and Access Statement. The proposals therefore accord with Policy CS11, SPGs 1, 2 and 13, and Paragraphs 6 and 7 of the NPPF.

Residential amenity

- 6.5 The application site features a mature hedge line along its boundary with the existing site which provides a good level of screening between the existing dwellings and the proposed site (see **Figures 22 & 23**). Whilst it is acknowledged that the development may be visible from some of the existing properties, the submitted layout demonstrates that the development can be achieved which meets required separation distances to neighbours (SPG Notes 2 and 5) without causing harm to neighbours through loss of outlook, privacy or light. Furthermore, the layout provides for adequate internal relationships and provision of private amenity space. On the basis of the above, the proposal is therefore considered acceptable in residential amenity terms and accords with Core Strategy Policy CS11 in this regard.

Landscaping and Public Open Space

- 6.6 The proposals are set within an extensive area of different forms of public open space and landscaping in accordance with the Parameters Plan and outline approval. There is significant new planting, and areas suitable for play and recreation by a range of age groups. This has been illustrated in the Landscaping Plans at **Figure 24**.



Figure 22: Perimeter Path on adjacent development at point of access to application site

- 6.7 Officers initially raised concerns that the “perimeter” path around the development did not create a complete perimeter link, with sections of the route requiring people to divert in to the housing development, particularly in the south western corner of the site. Notwithstanding these concerns, this element of the scheme is in accordance with the Illustrative Masterplan which was approved as part of 15/00746/OUT, and as such, to require any significant amendments to this would not be reasonable. Furthermore, whilst a full perimeter path would be of benefit to the scheme (see **Figures 22 & 23**), the fact that it hasn’t been provided is not a reason in itself to withhold consent.



Figure 23: Perimeter Path on adjacent development at point of access to application site

- 6.8 The treatment of the area surrounding the Bridleway which traverses the site has also been an issue which has been discussed with the applicants. As Members may be aware, the Bridleway also runs through the existing adjoining development through (in places) a very wide channel. Concerns were raised regarding the width of the channel proposed through the development, and improvements to this have been secured. Furthermore, the point at which the proposed bridleway channel is at its narrowest is where the current bridleway is very enclosed, and as such, it is considered that the proposed channel is an improvement over the current situation. In response to LCC Highways comments at **para 4.35**, the applicants have confirmed that the route of the bridleway will remain unaffected.
- 6.9 It is therefore considered that the proposals accord with Policy CS8, SPGs 9, 10 and 11 and relevant paragraphs of the NPPF and will provide an appropriate setting and resource for the local residents.



Figure 24: Landscape Masterplan

Access, Highway safety and parking

- 6.10 Access into the site is in accordance with the parameters set within the outline approval with access to the site being gained via Charley Close and Measham Close (see **Figures 25 & 26**), and adequate parking for the different house types has been provided on site. For dwellings of 4 or more beds, 3 spaces have been provided, for dwellings of 3 or less beds, 2 spaces have been provided. This meets with the parking standards, as set out in the Leicestershire 6Cs Design Guide (equating to 1/1.5 spaces per 1 bed unit, 2 spaces for either a 2 or 3 bed unit and 3 plus spaces for either a 4 or 5 bed unit).
- 6.11 County Highways have sought technical amendments to the scheme during the course of the application, predominantly relating to traffic calming features, the design of residential access ways, connection of adoptable highways via private drives, the protection of public open space, the size of car parking spaces and the design of the bridleway corridor. Amended plans have been submitted to address these issues. These have been submitted to LCC Highways for verification and approval.



Figure 25: View of access point from Charley Close



Figure 26: View of access point from Measham Close

- 6.12 A significant proportion of the concerns raised by the local community relates to proposed construction traffic route to the site, and in particular, the proposal for it to be routed through the existing development. As set out in **Para 3.20**, construction Traffic would leave Farndon Road at the Freshman Way roundabout and travel through the existing development along Freshman Way, Angell Drive and Charley Close before accessing the site.

- 6.13 Officers have raised this issue with the applicant, and share the concerns of local residents. To this end, the applicants were requested to investigate the option of gaining access to the site via the East Farndon – Lubenham road (as indicated by the yellow line on **Figure 27**).



Figure 27: Potential Alternative construction traffic access

- 6.14 The applicants have investigated this option, however, the route would involve the use of narrow single track roads with no kerb or edging (see **Figure 29**) and a route which is clearly advised as being “unsuitable for heavy vehicles” (see **Figure 28**). Furthermore, whilst conditions 16 and 17 of the outline consent require details of the construction traffic management and routing to be agreed, this only relates to the route to the approved site access, and does not allow for alternative routes. Any alternative route to the site would require separate planning permission and could not be approved as part of this application or as part of the discharge of conditions 16 and 17. The route through the existing site is along roads which are designed to an adoptable standard, and as such, are sufficient to accommodate the level and type of traffic expected for the construction phase of the development. Whilst it is acknowledged that the roads are not yet adopted, this is not because of the design of the road, and as such it would be unreasonable to refuse this detail on the basis that the access route would be unsuitable. Furthermore, whilst local residents concerns are appreciated and understood, to refuse this detail due to the temporary impact upon residential amenity during the course of construction would also be unreasonable. As such, it is recommended that Members agree the detail of construction routing as proposed.



Figure 28: View of “The Lealand” leading to Lubenham Road



Figure 29: View of Lubenham Road

Drainage

6.15 A Flood Risk Assessment (FRA) was included as part of the original outline submission. The FRA is by BWB and is dated May 2015. Flood Zone information provided by the Environment Agency indicates a strip of medium (Flood Zone 2) and high flood risk (Flood Zone 3) emanating from the River Weiland affecting a small northern section of the proposed development site. The majority of the site is however in Flood zone 1 (low fluvial risk). With regards to fluvial flood risk, a sequential test was undertaken on this development, with all residential development

confined to Flood Zone 1. The site lies within flood Zones 2 and 3 and is therefore at risk of flooding in a 1:1000 or 1:100-year event respectively. The FRA then determines that a minimum Finished Floor Level for new dwellings of 21.26m ADD is required in order to make the development acceptable.

- 6.16 The FRA was approved via the consent of the Outline Planning Permission and the relevant key design elements such as the attenuation ponds and the swales have been followed through as part of the scheme design. Subsequent detail with respect to the drainage design is to be submitted and approved at the relevant condition discharge stage.
- 6.17 As indicated above, the Lead Local Flood Authority have in their response indicated that the drainage proposals appear consistent with the proposals approved at outline stage and as such provide sufficient confidence in them. And have raised no objection to the proposals.

Ecology

- 6.18 Ecological Assessments of the site were undertaken by FPCR, as part of the outline submission process. They confirmed the site as not designated as a statutory or non-statutory site of nature conservation interest. The habitats within the site are dominated by intensively managed arable land with hedgerows on the northern, eastern and western boundaries.
- 6.19 Over the survey period evidence of badger and otter activity was identified and the habitats within the site were identified as being suitable to support common species of reptiles or significant populations of breeding birds. The assessment concluded that the site was identified as being of medium ecological value and the presence of protected species was not identified as being a statutory constraint to the proposed development.
- 6.20 The report proposes as part of the development some mitigation such as the southern, eastern and western boundaries being reinforced with native species planting, and a new badger sett and lagoon. Also, the proposed drainage swales will be seeded with marginal planting and species rich grassland. The provision of such features will increase the overall habitat diversity of the site and provided net gains for biodiversity.
- 6.21 As a limited area of potential habitat for nesting birds was recorded within the site it is nevertheless recommended that any vegetation removal is undertaken outside of the bird breeding season which is considered to be March - September inclusively. Where this is not possible any trees, woody vegetation and/or scrub along the field margins and footpath should be checked by an ecologist prior to removal as all birds are protected whilst on the nest under the Wildlife and Countryside Act 1981 (as amended).
- 6.22 Concerns have been raised recently regarding the amount of trees being removed from the application site despite conditions having been imposed upon the outline consent. The trees that have been removed are not protected by either Tree Preservation Order or by virtue of being located within a Conservation Area. Furthermore, conditions imposed upon the outline consent only become enforceable once development commences on site. As the Reserved Matters application is still not determined, it can not be argued that development has commenced on site, and as such, the conditions on the outline consent are, as yet, unenforceable.

- 6.23 Only low levels of common species of bat were identified during the initial ecology survey work, with only occasional foraging and commuting through the site. The additional native species planting and the implementation of the drainage swales on the boundaries of the proposed development will increase the diversity of habitats within the proposed development site. The implementation of such features will mitigate for losses to the eastern boundary hedgerow and are likely to result in positive effects to the local foraging resource and result in net gains for the local bat population.
- 6.24 Great Crested Newts e-DNA surveys have been undertaken across the site, and specifically in the waterbody that is currently on the development site. The results of this have confirmed that no newts have been found on the development and as such have not been identified as a statutory ecological constraint to the proposed development and no further survey work for this species was considered necessary.
- 6.25 Following initial concerns regarding the Otter Mitigation Strategy, County Ecology have confirmed that they are satisfied with the proposal. The proposal is therefore considered to be in accordance with Policy CS11 of the Harborough District Core Strategy

Archaeology

- 6.26 Further to the planning condition imposed on the Outline permission (Conditions 21, 22 and 23) a Trial Trench survey, accompanied by a Written Scheme of Investigation, has taken place through the University of Leicester Archaeology Services. The results of the survey conclude that the trial trenching within in the southern half Farndon Fields site indicates that there are unlikely to be any archaeological deposits present within the proposed southern development area. The lack of any archaeological deposits and the evidence that the area was potentially a floodplain in the past suggests that the potential for prehistoric activity is relatively low in this area. Based on these results a mitigation strategy has been drawn up and submitted to LCC Archaeology.

Affordable Housing

- 6.27 The applicants initial submission was accompanied by a Viability Assessment which claimed that, rather than the 30% requirement for Affordable Housing, only 15% could be provided due to viability issues revolving around the ecological mitigation. Following an assessment by Aspinall Verdi on behalf of HDC, it was agreed between all parties the site could viably provide 20% Affordable Housing. This equates to 43 rather than 32 dwellings at 15% or 64 dwellings at 30%. HDC Affordable Housing Officer has agreed this level of provision and it is therefore considered that the current proposal accords with Core Strategy Policies CS2(b) and CS11.

7. The Planning Balance / Conclusion

- 7.1 Significant weight should be attached to the outline consent as detailed above. The proposed development is considered to accord with the requirements of the decision and relevant policies in respect of its design and layout and very much respects the Indicative Masterplan and Design and Access Statement that formed part of the Outline Application.
- 7.2 The proposed development by virtue of its scale, design, form and massing, would safeguard the living conditions of residents, would not adversely affect local highway safety or give rise to a road safety hazard. It would respond appropriately to the site's characteristics. In addition, the proposal would not adversely affect ecological or archaeological interests or lead to an unacceptable flood risk. The proposal therefore

complies with Policies CS2, CS3, CS5, CS8, CS9, CS10, CS11 and CS17 of the Harborough District Core Strategy.

- 7.3 The proposal would bring forward additional residential development and contribute towards the Council's Housing Land Supply, including affordable provision. These are major factors in the consideration of the application. The National Planning Policy Framework and national Planning Practice Guidance underline the importance of housing delivery.

8. Planning Conditions

- 8.1 Approval of this application agrees the details in relation to the following conditions:
1 – Submission of Reserved Matters
4 – Landscape Details
8 – Surface Water Drainage
10 – Materials
17 – Construction Routing
21 – Archaeological Mitigation
26 – Ecological Mitigation
- 8.2 As this is a Reserved Matters application, the undischarged conditions relating to the outline permission still apply to that permission, and do not therefore need to be repeated as part of a permission in relation to the Reserved Matters application.
- 8.3 If Members are minded to approve the application, a list of suggested planning conditions is attached below.

1. Permitted Plans

The development hereby permitted shall be in accordance with the plans submitted with the planning application as follows:

- AM.224317.100c
- Indicative Street Scene AM.224317.SSE
- Landscape Management Plan- 9564-01-C
- Phasing Plan- FARN-PP-02
- Planning Layout- FARM-PL-001 A
- Boundary and Surface Treatment Plan- FARN3-PL-002
- Storey Heights Plan- FARN-PL-003
- Site Location Plan- 52852-D01
- 7890 Badger Mitigation Strategy, June 2017
- 7890 Ecology Appraisal, June 2017
- 7890 Biodiversity Mngement Plan, June 2017
- 7890 Otter Mitigation Strategy, July 2017
- Archaeological Evaluation- 2017-096
- Archaeological Mitigation Strategy V3
- 01-1A Visibility North
- 01-02A Visibility South
- Tracking- TK01- Refuse
- Arboriculture Impact Assessment & Arboriculture Method Statement, MAY 2017
- Indicative sections & tree pit details- L9534/02 June 2017

REASON: For the avoidance of doubt and to ensure a satisfactory form of development in the in the general interests of highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

APPENDIX A: Farndon Fields Residents Group representations

Farndon Fields Residents Group (FFRG)

15/00746/OUT

29 October 2015

On behalf of the Farndon Fields Residents Group (FFRG) we want to express our deep concern regarding planning applications 17/01108/REM and 17/01269/OUT. We strongly object to both planning applications and below we have outlined our principal concerns:

1. A negative impact on planning policies and objectives

Although HDC cannot demonstrate a 5 year land supply and there is a need to satisfy housing demand on a national level, the FFRG strongly believe that the planning application should be measured on its suitability against the Harborough District Core Strategy. The planning application exacerbates the key issues facing the district as identified in the Core strategy:

- P1: the application adversely impacts on existing settlement and landscape character.
- P12: there is insufficient infrastructure to support this housing development.
- EN1 and E4: it does not safeguard the biodiversity on the site.
- EN3: this will reduce the provision of and access to open space and countryside.

In addition to this it negatively impacts on the following Core Strategy Strategic Objectives:

- Objective 3. The proposed development would not respect environmental capacity; it does not have appropriate infrastructure, services and facilities in place and will be sacrificing valuable Greenfield space ahead of Brownfield.
- Objective 5. It will negatively impact the distinctive rural landscape of Market Harborough, the natural environment and biodiversity.
- Objective 12. It will restrict access to the countryside and open space.
- Objective 13. It will increase the probability of putting property at risk of flooding.
- The proposed development will also prejudice current open land between Market Harborough and Lubenham, what CS13 intended to protect and will restrict access to quality open space (CS8).

The planning application also conflicts with the National Planning Policy Framework, in particular with the two objectives:

- "Be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area".
- "Contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework".

The RSPB objection letter identified the following conflict with the NPPF: "Paragraph 165 of the NPPF says, in regard to the environment, that "Planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area..."

Leicestershire and Rutland Badger Group express in their objection letter: "The proposal also conflicts with the National Planning Policy Framework which states that planning should aim to conserve and enhance biodiversity by applying several principles including, that if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".

Below we have elaborated in more detail the key objections to the planning application and why they do not support national or local planning policy.

2. Detrimental impact to environment and protected species

The residents group are extremely concerned over the loss and welfare of the wildlife on this site that is part of the quality of life enjoyed by the present Farndon Fields development.

This unique site has naturally developed over almost 20 years and survey's confirm as home to 3 protected species, Otters, Badgers and Bats. All require mitigation as advised by Natural England who issue licences prior to the commencement of any work.

Mitigation proposals have been identified as inadequate by wildlife groups and conflict with NPPF paragraph 118. The

County Ecology Team, who have provided advice to HDC remain concerned about the impact, specifically on the Otter's habitat both onsite and the River Welland and will require conditions to be set. Natural England have also expressed their concern at this stage.

Most research on the site has only been undertaken as a desktop exercise. Wildlife groups confirm an accurate survey requires a full year. The developers have only undertaken minimal on site research, some at unsuitable times and with questionable methodology.



The woodland hosts over 30 confirmed species of birds most nesting on site. Almost two thirds of these are identified by the RSPB as endangered.



The 'lagoon' and gullies have confirmed areas as 'couches' and possible holts for the otters as confirmed by camera trap and onsite evidence. Almost 2 acres in size this body of water sustains the considerable ecology of this site as well as containing surface flood water and irrigating crops.

There is a very active Badger Sett on site as surveyed in September'15 by the Leicestershire Badger Group, while four species of Bats, regularly seen by residents, possibly roost in the trees, recorded by both the developer's survey and a recent visiting Bat Group. The lagoon sustains a large population of fish, mainly carp, that can be seen surfacing most days. The new smaller lagoon proposed is totally inadequate in

size to accommodate the existing fish stock. Fish are also protected under the Wildlife Act!

Trees and hedgerows, some identified as of high value will be lost under this proposal. Permission to build the existing development was given by the Secretary of State on the basis that "no boundary hedgerows or treelines should be lost". New roads planned will cause the treeline to be breached in at least two places.

The proposed site meets the criteria to be protected as identified in the recently published Open Spaces Strategy consultation and is an HDC Core Strategy Objective and the LLRBAP and should be saved for all residents to enjoy.

3. It will result in an increased risk to pedestrian and highway safety.

The current traffic situation on the Farndon Fields development is already a danger to road users and pedestrians. We would therefore ask you to give serious consideration to the following with regards to access to the proposed Phase 3 estate.

The Planning Report fails to include any real analysis of the traffic situation within the current development. The Highway Agency raised serious concerns in 2008 (16 September) stating that it was unacceptable and could lead to dangers for road users - partly due to garage dimensions falling short of minimum standards, leading to people parking on the roads, causing visibility issues especially at junctions.

The original application was rejected, partly because of these concerns.



Note that these comments were made purely for Phase 1, and have now been proven correct, as this situation is now a reality. These serious concerns were voiced in nearly all of the resident's official objections and yet have been entirely ignored by the Planning Report.

It would seem the Planning Report has just been a desk exercise in numbers bearing absolutely no relation to the actual situation on the roads. As the current development is still to be completed we feel that a full traffic survey (as is currently being done throughout the town as part of a wider study) should be conducted only after all is complete and before any decisions are made on Phase 3, in order to gain an accurate picture.

The Current Highways Report only focuses on traffic flow in Market Harborough, not on the development. This is a fundamental omission. It does however state that the internal layout of the roads are NOT suitable for Adoption. It then lists various mitigation factors to be introduced. The parking/visibility issues raised in 2008 cannot be mitigated. If this situation was unacceptable in 2008 for just Phase 1 traffic, how is it that these same roads and junctions are now deemed suitable to cope with both Phase 1, Phase 2 and Phase 3 traffic? Emergency Services have already commented to residents on a few occasions that they had real trouble getting through the estate, and there has been a serious head-on collision on Freshman Way.



The Junctions on Angell Drive with Charley Close and also Limner and Measham are physically not large enough to cope with large plant vehicles. From our own actual traffic flow analysis, the extra 215 homes will result in the Standards for Highways AADT limit being surpassed – they are therefore not suitable both in terms of access for large vehicles but also the amount of traffic. To make matters worse there are parked cars all around these junctions just as the 2008 Highways Report predicted. Some of the junctions also do not have the required visibility splays as houses are built right up to the corner of the junction. Again this simply cannot be mitigated and is a serious Highway Safety issue.

4. It will put existing and new property at risk of flooding.

Environmental reports carried out by existing residents when buying their homes warned of a 1 in 75 year surface water flooding risk on the West of "Phase 1" (Source: Homecheck). The area suffers from a high water table, residents have been witness to frequent water logging in gardens and public areas, water flows 30cm below ground level, and with standing ground water common following periods of heavy rain. Removal of the lagoon, a natural flood defence, and the construction of hard surfaces (roads, pavements, parking) will reduce the ability of the site to absorb current water levels which will increase run off rates. This is highly likely to not only increase the risk of surface water flooding to the existing houses but will also increase the water run-off into the Welland river resulting in higher risk of flooding in other areas of the District or expansion of the Flood Zones 2 and 3. This combined with the recent approval of outline planning applications: 11/00112/OUT, 12/00044/FUL, 13/01483/OUT (the Airfield site) will increase the flood risk to Market Harborough residents. We question why this hasn't been assessed? Comments from Lead Local Flood Authority highlight the lack of a Surface water drainage strategy; the application should not be approved until a solid strategy can be demonstrated. The recent incidence of surface water flooding on Glebe Road due to Redrow construction highlights the potential risks and damaging consequences of developing on inappropriate sites.

The proposed development is not in a sustainable location due to its proximity to flood zones 2 and 3, and does not consider the longer term implications of climate change and an increase in frequency and intensity of extreme weather conditions. .

5. There will be a significant and negative impact on local residents.

The overwhelming number of public objections to the outline planning application of the proposed Phase 3 (207 objections) by local residents shows the serious concerns and lack of public support for this application.

- Existing residents who live on the Western border of the Farndon Fields estate residents will suffer overbearing and a loss of light from proposed 2-3 storey housing located close to the border as the Norway Spruce trees currently giving protection and privacy will be removed.
- Residents will lose a valued access to countryside / open space.
- The Farndon Fields estate started construction in 2011, the current building on the site by Avant will result in construction disturbance for up to 4 more years (this will be 10 in total). To approve planning application 17/01108/REM to build 215 more homes is likely to take construction up to 2025 (14 years in total), this should be considered as a significant and unreasonable amount of time for residents to endure continuous disruption and risk to safety.
- The resident objections on the previous application were minimised by the Council Planning Report. The 207 objections were roughly included in less than 1 page (4.18) and fail to represent the full scale of the objections. For example Road Layout and Access as mentioned above are included in most objections yet both these areas have been ignored in the Council Planning Report. We demand that the same thing does not happen with the current application.

6. There is insufficient infrastructure, services and facilities to support this application.

The significant contributions requested by the various parties' highlights a distinct lack of adequate infrastructure and services provision. Market Harborough has and will see a substantial increase in population over coming years due to the approval of numerous and significant housing projects. Market Harborough's contribution to the District housing supply should be analysed and evaluated, and if the contribution to the District supply is disproportionate then future housing development should be prioritised outside of Market Harborough to ensure development is balanced across the District and in areas where there is adequate infrastructure and services. The decision to approve needs to be part of a strategic plan for HDC rather than the approval of ad hoc applications and should only be considered once the feedback has been gathered for the New Local Plan Options.

With recent cuts to public services in Market Harborough the FFRG questions the ability of the Council to meet their contributions to the required expansion of amenities and also meeting any shortfall from any funding from the applicant. We also question how the Council can commit funding to develop the recommended infrastructure when the Comprehensive Spending Review doesn't take place until November. The inability to provide these services will be at the detriment to existing and new residents, and overall will reduce the quality of life for those in Market Harborough.

Current residents continue to endure problems with the substandard sewer system on the Farndon Fields estate with foul smells in and around their homes and poor drainage of toilets. There are still houses remaining to be built that will place further strain on the sewerage system even without contemplating a further 215 homes. The applicant does not elaborate what sewerage services will be developed to resolve current issues or cater for the proposed new homes.

7. There is a question over the legality of planning application

We request an investigation into the legal implications of this proposed development prior to a decision being made. Please note that the already completed Phase 1 development of 600 houses (estimated 2000 residents) is approaching 10% of the population of Market Harborough. The selling approach of this development focussed on the rural setting of the development, the cycle path that runs around the perimeter of the development unencumbered by roads, and the safe and secure family living that the development afforded through quiet streets and cul-de-sacs. Residents were informed that all building and roads would be complete within 1-3 years of purchase.

The access to this development is proposed to be through Charley Close and Measham Close. May we point out that a "Close" as defined by the Oxford Dictionary, is defined as a "residential street without through access" or by the Cambridge Dictionary as "a road, usually with private houses, that vehicles can only enter from one end.

Residents of the affected access roads have written to David Wilson regarding the mis-selling of their properties. David Wilson has replied that they were only aware of the Phase 2 development in 2015. In contrast, Land Registry documentation and the HDC SHLAA information show the following:-

- Planning permission for Phase 2 was carefully submitted by CJC only weeks after the last perimeter house was sold by David Wilson.

- The landowner submitted this land in the SHLAA and to Harborough District Council from 2012, stating that a right of access has been retained through the Phase 1 site. This therefore proves that David Wilson, CJC and HDC had full knowledge of this potential site prior to the sale of Charlie and Measham Close, yet failed to inform the residents or change the road names. Please note that the roads were named by HDC.
- The land registry shows that David Wilson has held an option to purchase the Phase 2 development land since November 1996.
- The site was originally proposed to HDC following a call for sites in 2010. At that time alternative access was proposed through the land Parcel 34 (land noted as having a medium capacity for development) referenced in the Council Planning Report (6.34).

Close

To summarise, this application is out of line with Local and National planning policies. Whilst this site does not fall into an official area of separation, it will reduce important space between Lubenham and Market Harborough and it will have a significantly greater and irreversible damage to the environment, biodiversity and protected species. The quality and health and safety of residents should be a significant consideration to Market Harborough as the current road design, parking provision, childrens parks and walk areas do not lend themselves scope for further development.



Angel Drive leading to Charley Close



Angel Drive facing South



Charley Close



Freshman Way



Limner St to Measham Close



Limner St blocked to large vehicle

APPENDIX B: 15/00746/OUT Decision Notice

Town and Country Planning Act 1990

Date: 6th April 2016

PLANNING PERMISSION

Name and address of applicant:	Name and address of agent (if any):
CJC Development Co Ltd, The Pilkington Trust 4 Merus Court Meridian Business Park Leicester Leicestershire LE19 1RJ	BM3 Architecture Ltd 28 Pickford Street Digbeth Birmingham West Midlands (Met County) B5 5QH

Part I - Particulars of application

Date of application: 21st May 2015 Application number: 15/00746/OUT

Particulars and location of development:

Erection of upto 230 dwellings and associated works, Land Off, Farndon Road, Market Harborough, Leicestershire.

Part II - Particulars of decision

In pursuance of its powers under the Town and Country Planning Act 1990, the Harborough District Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:

Statement of reason for grant of Planning Permission

The proposal would; deliver a significant amount of residential dwellings including affordable housing on a site which is adjacent to and well related to a sustainable settlement, and make a significant contribution to the Council's Five Year Housing Land Supply (5YS), which is a consideration in favour of the proposal as the Council cannot currently demonstrate a 5YS.

The proposal can be delivered in a manner which is satisfactorily in keeping with the character and appearance of the site and its surroundings and would not lead to unacceptable amenity relationships for proposed residents or surrounding residents, would not harm general amenities in the area, would not adversely affect ecological, archaeological, or arboricultural interests, and would not cause significant detriment to highway safety.

The impacts of the development on existing community infrastructure provisions and requirements would be mitigated by a range of infrastructure contributions.

The proposal accords with the up-to-date elements of Policies CS1, CS2, CS3, CS5, CS8, CS9, CS10, CS11, CS12 and CS17 of the Harborough District Core Strategy and no other

material considerations indicate that the policies of the Development Plan should not prevail. When assessed against the National Planning Policy Framework Paragraph 14 (presumption in favour of sustainable development), as well as the Framework taken as a whole, no significant and demonstrable harm is identified and thus the proposal should be approved without delay. The decision has been reached taking into account Paragraphs 186 and 187 of the Framework, as well as the national Planning Practice Guidance.

Conditions and Reasons

1. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to and approved in writing by the Local Planning Authority:
 - (a) The scale of the development;
 - (b) The access to the site
 - (c) The layout of the development;
 - (d) The external appearance of the development; and
 - (e) The landscaping of the site.

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to accord with the provisions of Section 92 of The Town and Country Planning Act 1990 and Part 3 (6) of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. The development hereby approved shall begin before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. The landscape details to be submitted in accordance with Condition 1 shall include details of all existing trees and hedgerows on the site, and shall confirm which are to be retained and which are to be removed. No hedgerows or trees shown to be retained shall be felled, pollarded or otherwise removed during or after the construction period.

REASON: To protect existing important landscape features and ensure a satisfactorily landscaped setting for the development, to protect arboricultural and ecological interests and to accord with Policies CS1, CS8, CS11 and CS17 of the Harborough District Core Strategy.

4. The landscape details to be submitted in accordance with Condition 1 shall include details of the position and design (dimensions and materials) of all boundary and surface treatments (including details of paths, driveways and all public areas). The boundary and surface treatments shall be provided to each dwelling before that dwelling is first occupied, or in accordance with an approved phasing plan.

REASON: To enhance the appearance of the development, in the interest of visual amenities and to accord with Policies CS1, CS8, CS11 and CS17 of the Harborough District Core Strategy.

5. The layout details to be submitted in accordance with Condition 1 shall include open space, amenity areas and play areas, the defined boundaries for these areas, their proposed uses, the age groups for which they are intended and the items of equipment, means of enclosure and all other structures to be installed, together with a programme for their provision and a phasing plan for the development as a whole. The development shall be carried out in accordance with the approved programme and phasing.

REASON: To enhance the appearance of the development, in the interests of visual amenities and public amenities and to accord with Policies CS1, CS8, CS11 and CS17 of the Harborough District Core Strategy.

6. No development shall commence on site until details of storage facilities for refuse and recycling materials (wheelie bins) have been submitted to and approved in writing by the Local Planning Authority. The storage facilities shall be provided for each dwelling in accordance with the approved details before that dwelling is first occupied and, thereafter, shall be retained as such in perpetuity.

REASON: To ensure the adequate provision of refuse and recycling storage facilities, in the interests of visual amenities and general amenities and to accord with Policies CS1, CS11 and CS17 of the Harborough District Core Strategy.

7. No development shall commence on site (including any site clearance/preparation works), until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of oils, fuels, chemicals, plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
- h) measures for the protection of the natural environment;
- i) hours of work on site, including deliveries and removal of materials; and
- j) full details of any piling technique to be employed, if relevant.

REASON: To minimise detrimental effects to neighbouring amenities, the amenities of the area in general, the natural environment through pollution risks, and dangers to highway safety during the construction phase and to accord with Policy CS11 of the Harborough District Core Strategy.

8. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to help improve water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. The detailed design should include assessments of any alterations to the adjoining ditch running along the eastern site boundary and the irrigation lagoon within the site as well as expected discharge rates from the site to ensure there is no increase in flood risk from the proposed surface water drainage scheme. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

9. Notwithstanding the details submitted with the Outline application, no development shall commence on site until full details of the design, implementation and maintenance/management of the foul water drainage for the development, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and timetable and shall be retained as such in perpetuity.
REASON: To ensure the satisfactory drainage of the site/development and, to minimise the risk of pollution and to accord with Policy CS10 of the Harborough District Core Strategy.
10. No development shall commence on site until representative samples and/or satisfactory details of the materials to be used externally in the construction of dwellings and other buildings have been deposited with and approved in writing by the Local Planning Authority (all bricks, including brick bond style, tiles, including ridge tiles, render types and colours, any date stones, garage door and other doors, windows, sills and lintels, corbel/dentil/string course brickwork, rainwater goods, porch canopies, bargeboards, fascias, soffits, finials and other external materials). Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.
REASON: In the interest of visual amenity, to ensure that the materials are appropriate to the character and appearance of the development and the surrounding area (including the setting of the nearby Conservation Area and Listed heritage assets) and to accord with Policies CS1, CS2, CS11 and CS17 of the Harborough District Core Strategy.
11. No development shall commence on site until plans of the existing and proposed ground levels of the site and the finished ground floor levels of dwellings, garages and other structures have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.
REASON: In the interest of visual amenity, to safeguard the character and appearance of the development and the surrounding area (including the setting of the nearby Conservation Area and Listed heritage assets) and to accord with Policies CS1, CS2, CS11 and CS17 of the Harborough District Core Strategy.
12. No more than 150 dwellings shall be occupied until both proposed access roads from Measham Close and Charley Close are completed and open for use.
REASON: In the interests of highway capacity, safety and to ensure a satisfactory form of development
13. No dwelling within the site north the access from Measham Close shall be occupied until the north-easterly access point to Limner Street from Angell Drive is constructed and open for use.
REASON: In the interests of highway capacity and to ensure a satisfactory form of development
14. Prior to the occupation of the first dwelling on the site the applicants shall construct and complete a 2.0metre wide footway along the western side of Farndon Road between the existing footway at the Pelican Crossing and the access to Farndon Fields Farm Shop.
REASON: In the interests of pedestrian safety and sustainability
15. All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients,

surfacing, signing and lining (including that for cycleways and shared use footway/cycleways) and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences. Note: Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.

REASON: To ensure a satisfactory form of development and in the interests of highway safety.

16. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

17. Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

REASON: To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.

18. No part of the development as approved shall be brought into use until details of an updated Residential Travel Plan has been submitted to and agreed in writing by the Local Planning Authority. The Plan shall address the travel implications of the use of the whole site as if the development approved were to have been fully completed and occupied. The Plan shall specify facilities and measures with measurable output and outcome targets designed to:

- Reduce single occupancy vehicle use, reduce vehicular travel at peak traffic times and reduce vehicle emissions for journeys made for all purposes to and from the developed site,
- Increase the choice and use of alternative transport modes for any journeys likely to be made to and from the developed site and, in particular, to secure increases in the proportion of travel by car sharing, public transport use, cycling and walking modes and the use of IT substitutes for real travel,
- Manage the demand by all users of the developed site for vehicle parking within and in the vicinity of the developed site.

The Plan shall also specify:

- The on-site Plan implementation and management responsibilities, including the identification of a Travel Plan Co-ordinator,
- The arrangements for regular travel behaviour and impact monitoring surveys and Plan reviews covering a period extending to at least one year after the last unit of development is occupied or a minimum of 5 years from first occupation, whichever will be the longer.
- The timescales or phasing programmes for delivery of the Plan's proposals and for the achievement of the specified output and outcome targets, and
- Additional facilities and measures to be implemented if monitoring shows that the Plan's targets are not likely to be met, together with clear trigger dates, events or threshold levels for invoking these measures.

The Plan, once agreed, shall be implemented in accordance with the approved details, and thereafter, the implementation of the proposals and the achievement of targets of the Plan shall be subject to regular monitoring and review reports to the LPA and, if invoked, to the implementation of the specified additional measures.

REASON: To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety, improve air quality or increase accessibility in accord with Section 4: 'Promoting Sustainable Transport' of the NPPF 2012.

19. No development except any demolition permitted by this permission shall commence on site until a Further Risk Based Land Contamination Assessment to further assess sources identified in MEC report June 2015 REF 21387 06 15 3925 has been submitted to and approved in writing by the Local Planning Authority in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with

- BS10175 2011 plus A1 2013 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS8576 2013 Guidance on Investigations for Ground Gas and Permanent Gases and Volatile Organic Compounds VOCs
- BS8485 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

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

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

The Verification Plan shall be prepared in accordance with the requirements of Evidence Report on the Verification of Remediation of Land Contamination Report SC030114 R1 published by the Environment Agency 2010 CLR 11 Model Procedures for the Management of Land Contamination published by The Environment Agency 2004.

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

REASON: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 120 of the NPPF

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

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme; and
- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

REASON: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 120 of the NPPF

21. The first reserved matters application submitted pursuant to this permission (or, in the case of phased development, the first reserved matters application in respect of the relevant phase) shall include a detailed Archaeological Mitigation Strategy for the respective area(s). The Strategy shall be based upon the results of a programme of exploratory archaeological geophysical survey, trial trenching and palaeo-environmental assessment undertaken within the relevant area(s) in accordance with Written Scheme(s) of Investigation (WSI) first submitted to and agreed in writing by the Local Planning Authority. Both the WSIs and final Strategy shall include an assessment of significance and research questions, and:
- The programme and methodology of site investigation, recording and post-investigation assessment (including the initial geophysical survey, trial trenching and palaeo-environmental assessment, assessment of results and preparation of an appropriate mitigation scheme);
 - The programme for post-investigation assessment;
 - Provision to be made for analysis of the site investigation and recording;
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - Provision to be made for archive deposition of the analysis and records of the site investigation;
 - Nomination of a competent person or persons / organisation to undertake the works set out within the Written Scheme of Investigation; and
 - A detailed timetable for the implementation of all such works / measures

REASON: To ensure satisfactory archaeological investigation and recording

22. No development shall take place other than in accordance with the Written Schemes of Investigation approved under condition 21.

REASON: To ensure satisfactory archaeological investigation and recording

23. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Schemes of Investigation approved under condition 21 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

REASON: To ensure satisfactory archaeological investigation and recording

24. The development hereby permitted shall be carried out in accordance with Drawing no:
- Site Location Plan.

REASON: To ensure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development and for the avoidance of doubt.

25. The reserved matters submitted under Condition 1 shall be in accordance with the principles and parameters described and illustrated in the Amended Design and Access Statement (September 2015); the Site Layout Masterplan and Landscape Masterplan and Habitat Creation Plan all received via email 19th October 2015.
REASON: To make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development and to ensure appropriate mitigation for protected species.
26. Notwithstanding the details submitted, full details of the proposed badger and otter mitigation works, including suitable buffer zones and habitat/biodiversity creation/management areas identified in the submitted Habitat Creation Plan (19th Oct 2015) shall be submitted to and approved by the Local Planning Authority before the commencement of development.
REASON: To ensure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development in relation to protected species and for the avoidance of doubt.
27. Details of the proposed lighting scheme for the site, which is designed to prevent light spillage over areas of semi natural open space within and around the development, shall be submitted to and approved by the Local Planning Authority before the commencement of development.
REASON: To ensure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development in relation to protected species and for the avoidance of doubt.

Notes to Applicant

1. Building Regulations
The Applicant is advised that this proposal will 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. 01858 821090). As such, please be aware that complying with Building Regulations does not mean that the Planning Conditions attached to this Permission have been discharged and vice versa.
2. Highways Informative
The Applicant's attention is drawn to Highway Notes to Applicant and Public Rights of Way comments outlined within their detailed response to the application dated 8th October 2015, which has been provided to the Applicant.
3. Hedgerow Protection Measures
Any proposed development layout shall ensure that private plots are not delineated by the site's external boundary hedgerows. Such a set-away will protect the long-term retention of hedgerows, for visual amenity and ecological interests.
4. Landscaping Planting
All landscape tree and shrub planting throughout the site shall be of local native species only.
5. SUDS and Biodiversity Enhancement
SUDS features shall be designed to maximise opportunities for wildlife, for example, through the creation of wetland habitat features.
6. Flood Risk

In connection with condition 8 above, the applicant's should refer to the consultation response from Leicestershire County Council as Lead Local Flood Authority dated 8th June 2015 relating to advice regarding separate consents required to drain the existing Irrigation Lagoon and the need to provide appropriate discharge rates for surface water draining from the site.

7. Habitat Creation/Management

Habitat creation should be in accordance with the 'Indicative Habitat Creation Proposals' (FPCR, Figure 7, Rev B, attached).

- The proposed open space within the north of the site (adjacent to the River Welland in the flood zone) should be managed as informal semi-natural open space.
- The proposed 'woodland walk' should be planted with locally native species.
- The area surrounding the lagoon should be planted and managed in such a way to discourage public access. This is discussed in the letter from FPCR, but further detail will be required in support of the reserved matters application.
- A biodiversity management plan will be required for the site.
- The lighting scheme for the site should be sensitively designed in a way to prevent light spill to the areas semi-natural open space. This includes the River corridor, the northern area of semi-natural open space (including the badger sett) and the woodland walk to the west of the site. This will enable these features to remain dark for protected species, such as otters and bats.
- Any site clearance should be outside of the bird breeding season.

Otter

- Mitigation for otters must be in accordance with the latest letter from FPCR and the masterplan/Indicative Habitat Creation Proposals. This includes the creation of the new lagoon, details of fish stocking and details of associated planting and methods for minimising the public impact on the site. The new lagoon should be created prior to the existing being removed.
- There should be an on-going programme for the monitoring of otters on the site. Should the use of the site by otters increase, additional mitigation and compensation is likely to be required.

Bats

Further bat surveys will be required if the trees identified in Table 3 of the report are proposed to be removed.

8. Updated Protected Species Surveys

Protected Species surveys are only considered valid for 2 years. Updated surveys should therefore be required in 2017, submitted in support of either the reserved matters application or prior to commencement, whichever is soonest. Should the status of protected species on or adjacent to the site change, updated mitigation plans will be required.

Development Control Manager

Planning Committee Report

Applicant: Mr & Mrs R Pearson

Application Ref: 17/01307/FUL

Location: Land West of Foxton Road, Lubenham, Leicestershire

Proposal: Erection of detached dwelling and associated landscaping; creation of new access

Application Validated: 03/08/2017

Target Date: 28/09/2017 (extension of time agreed)

Consultation Expiry Date: 31/08/2017

Site Visit Date: 24/08/2017

Case Officer: Faizal Jasat

Recommendation

Planning Permission is **APPROVED**, for the reasons set out below, subject to;

- The conditions set out in Appendix A

On balance, taking into account the advice from OPUN, and with the additional landscaping proposed, the proposal is considered to meet the criteria of paragraph 55 of the Framework and demonstrates a high investment in its design and layout, particularly in its use of carbon reduction technology and incorporation of sustainable technology and techniques, whilst also being of an unique design and concept.

The proposal would not cause significant harm to the character and appearance of the site and its surroundings and is relatively well related to the built form of the village, it would not harm amenities of the surrounding residents; would not adversely affect ecological, archaeological or arboriculture interests; would not cause flood risk and would not cause significant detriment to highway safety. The proposal accords with Policies CS5, CS9, and CS11 of the Harborough District Core Strategy in the above respects.

This is considered to outweigh the conflict with NP policies and Policy CS17 of the Core Strategy, in terms of residential development outside of the village boundary, particularly as the NP is silent on this type of development and the site is not in an area of separation or other protected designation.

1. Site & Surroundings

1.1 The site is located western edge of the village of Lubenham. The site fronts Foxton Road and comprises stables, stable yard and associated equestrian amenities, beyond which lies a series of fields and pastureland. The site is accessed from Foxton Road, which is one of the main roads that run into the village and is located towards the start/end of a C-

road with a 60mph speed limit. A public right of way runs through a small part to the very north of the site.

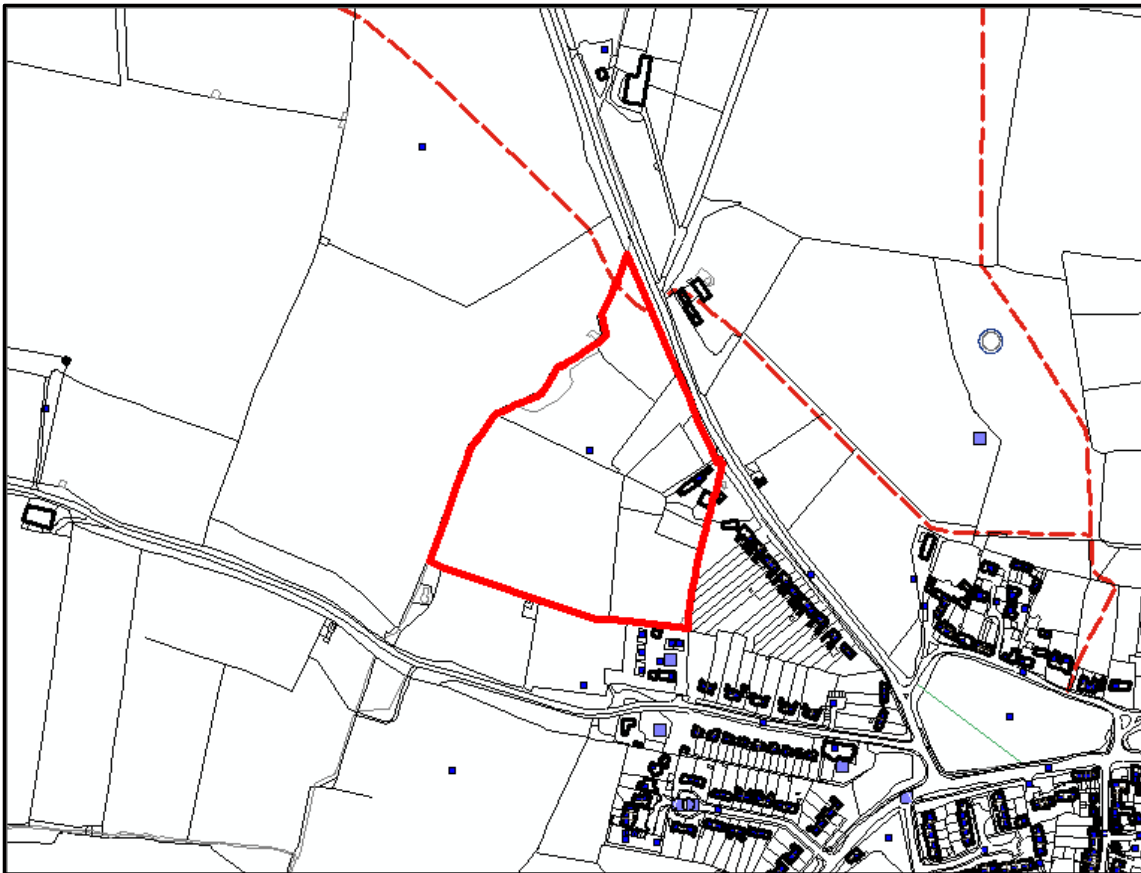


Figure 1: Site Location



Figure 2: view of site from Foxton Road facing south



Figure 3: view of site from Foxton Road facing west



Figure 4: View across site facing south

1.2 The site has an established hedgerow surrounding the site and interspersed with trees, with a series of trees across the northwest boundary of the site. The site is characterised as open countryside located immediately to the edge of the built and residential form of the village.

1.3 Lubenham is designated as a Selected Rural Village and does have Limits to Development, but the site is located just outside of the limits. The site is not within a Conservation Area.

2. Site History

2.1 No relevant history

3. The Application Submission

a) Summary of Proposals

3.1 The proposal seeks full planning permission is for a single detached two storey dwelling. The proposal is supported by full landscaping details. The proposal is designed to meet the parameters of para 55 of the NPPF as an exception to 'normal' planning policy, and as such is not designed so as to meet the parameters of exceptional design as opposed to to be in keeping with any neighbouring dwellings or those of neighbouring settlements.

3.2 The house is set well back from Foxton Road via a single access and sweeping drive which leads to a landscaped courtyard entrance enclosed by mature ash trees and

established hedgerows and double garage and new hedgerow to the south. The proposed dwelling consists of a central core of two storeys with a butterfly roof formation, with ancillary single storey elements either side. The ground and first floors have a radial arrangement to provide maximum outlook over the westerly aspect and the butterfly roof enables natural light into the building and provide expansive views of the countryside. Large areas of bi-fold glass doors by the principal living spaces open up the spaces between indoor and outdoor.

3.3 The single storey side elements consist of an enclosed pool and terraced area to the right (north) side and self-contained annexe to the left (south) side, consisting of a terrace, bedroom, living room, bathroom and kitchen. The remaining ground floor consists of several terrace areas, entrance hall, open-plan kitchen/living/dining area, utility room, dining hall, library/music room and cloak room. The ground floor has sliding panels to open/close the internal spaces. The first floor consists of five en-suite bedrooms and a dressing room. A central spiral staircase links the ground and first floors.

3.4 External facing materials consist of coursed/banded limestone and sandstone walls and pale render panels to the underside of the roof eaves. The roof would be constructed in zinc sheeting. Windows and doors would be framed in grey aluminium. Hardstanding areas would comprise of resin bonded gravel and block paving.

3.5 The building would be built using the most efficient methods of energy efficient construction also incorporate low carbon technologies, with an emphasis on creating an energy efficient carbon footprint and include:

- a ground source heat pump
- solar panels
- An efficient building fabric incorporating high levels of insulation.
- Rainwater harvesting.
- Mechanical and ventilation heat recovery.
- Natural cross ventilation.

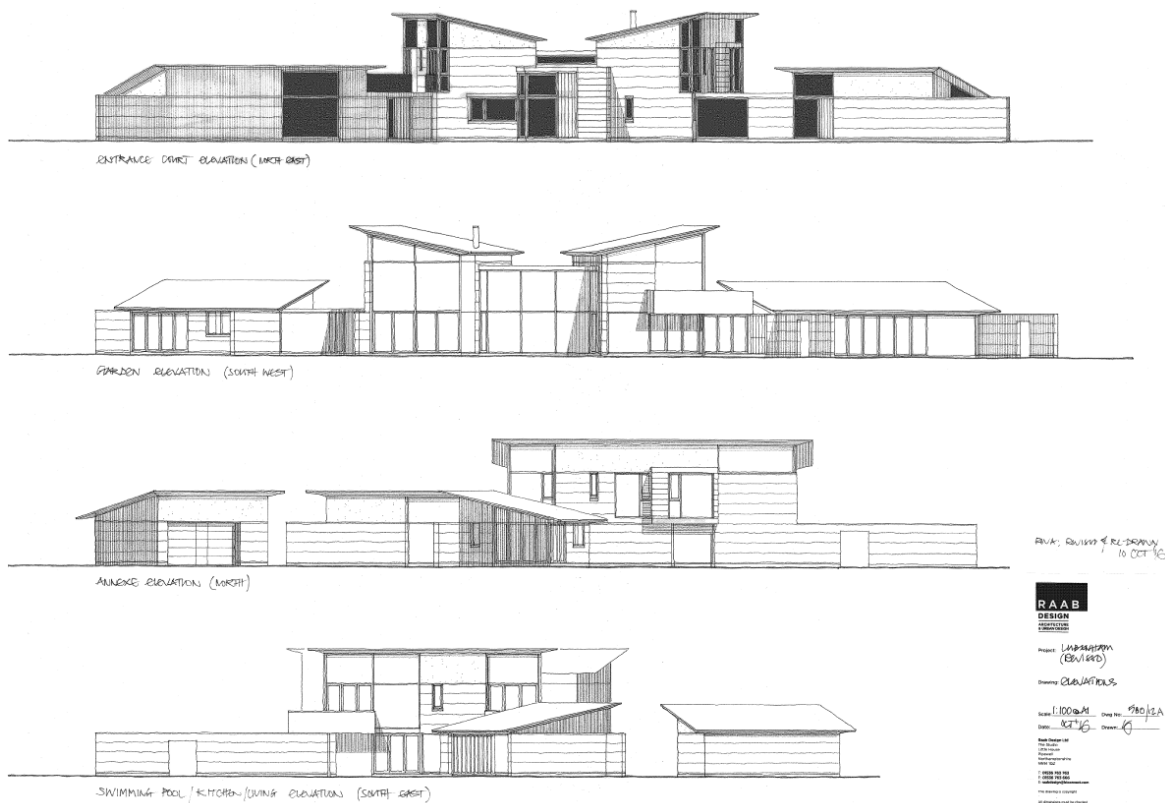


Figure 5: Proposed Elevations

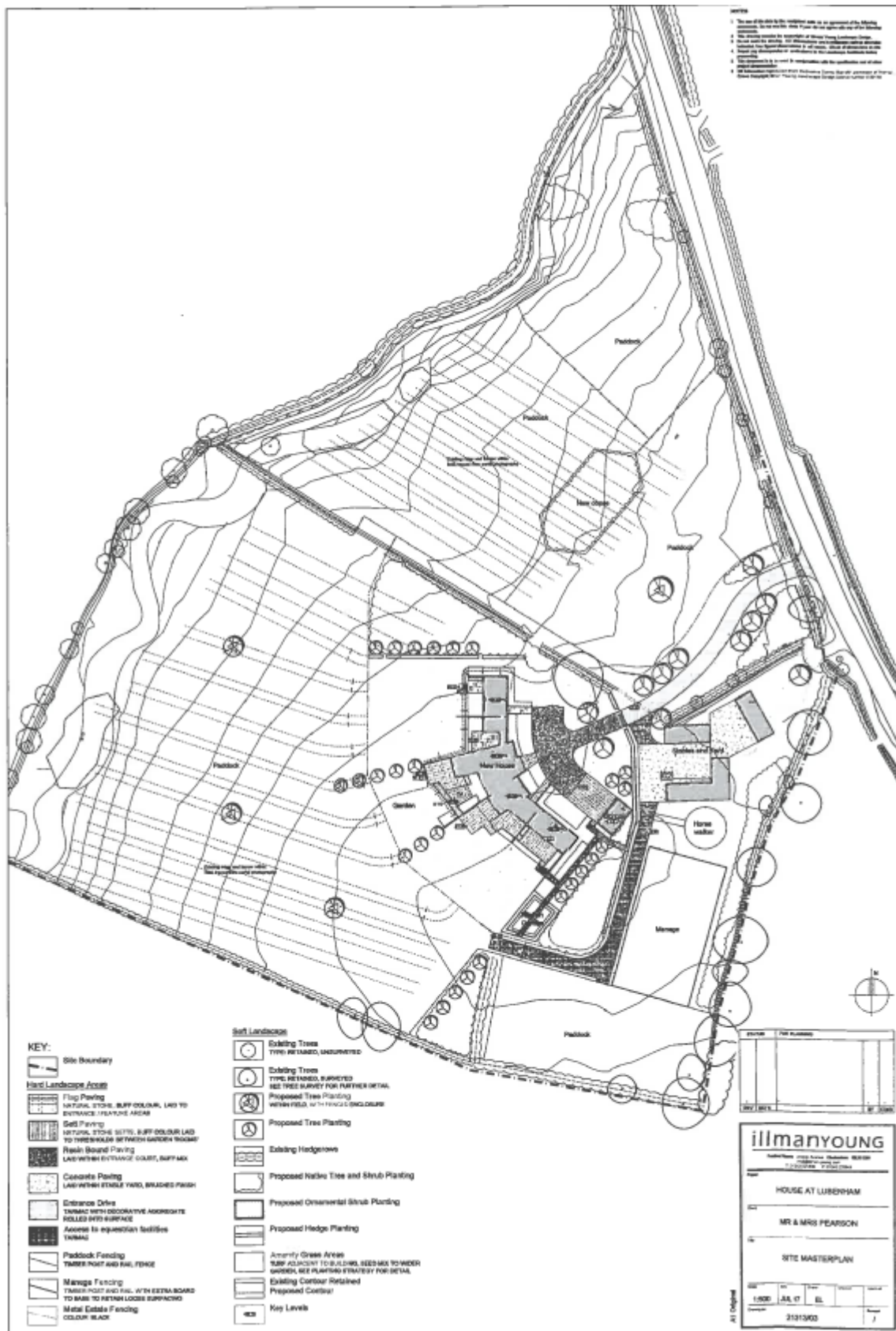


Figure 6: Proposed Site Masterplan

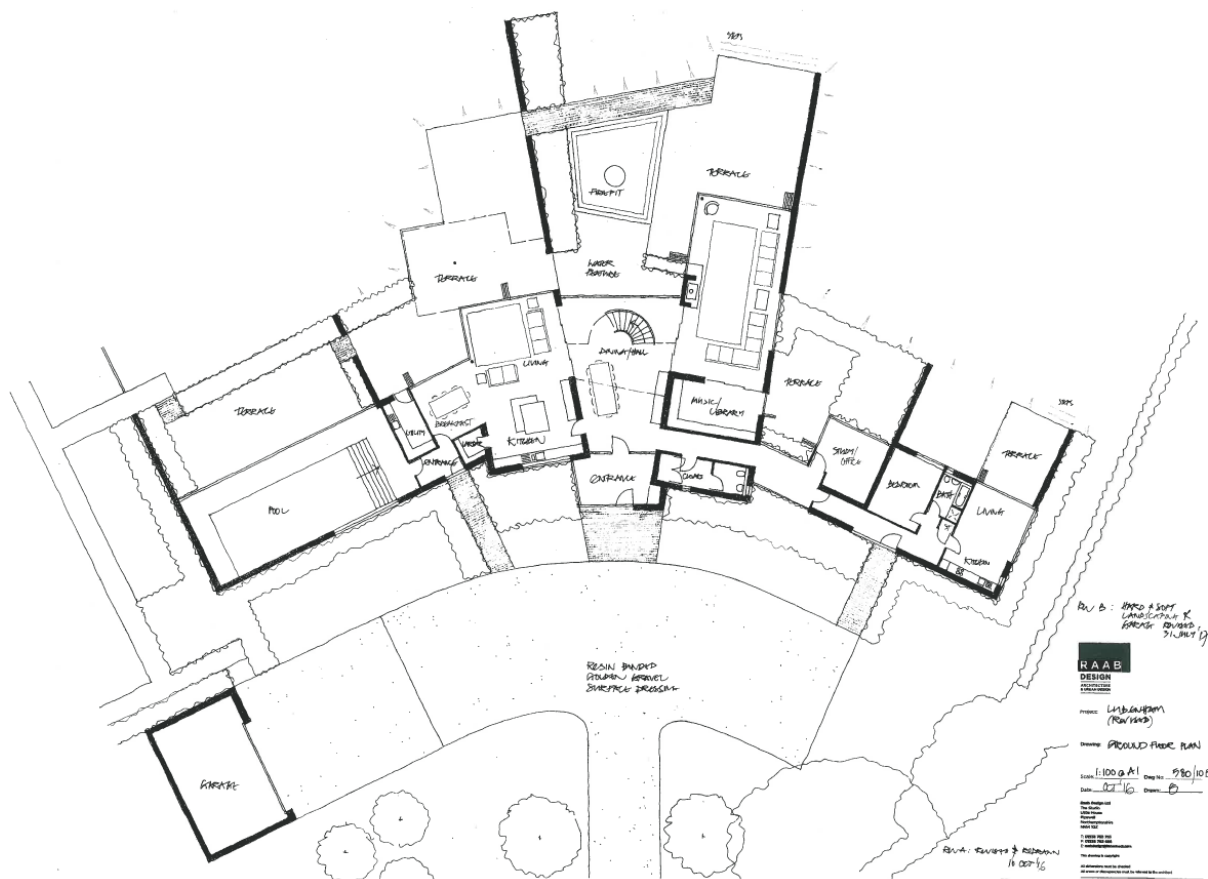


Figure 7: Proposed Ground Floor Plan

3.6 The existing stables, paddocks and other equestrian facilities would be demolished and a new stable block for 10 horses and a barn would be erected and sit around the central domestic core of the site, accessed by a track leading off the main driveway (details of these facilities would be the subject of a separate application). The domestic and equestrian spaces would remain separate and have some physical separation, although would remain linked and part of a contiguous residential site.

3.7 The landscape strategy seeks to locate the house to optimise views and the area surrounding the house is largely unaltered. As levels fall to the north and northwest, views of the new house from the public footpath would be obscured by new copse and hedge planting between the path and the house and by extending the existing vegetation adjacent to the path. The form of the domestic boundary would take cues from the local landscape using spinneys, copses, trees and hedgerows to blend in with the overall context of the site.

3.8 The private amenity areas to the rear comprises of predominantly native shrub and tree planting and is largely open to enable views in and out of the house and gardens. Some of the rear garden contains walks with gates leading out into the wider landscape. Though the internal floor level of the house steps down the slope, it would not fully follow the fall and would have a bank running along the south west side of the garden terraces, increasing in size as the field falls to the northwest to elevate the terraces over the lawn area and take advantage of outward views. The different levels will be connected by a series of steps.



Figure 8: Entrance courtyard viewed from the north east



Figure 9: Entrance courtyard viewed from the stables



Figure 10: Study/office and annexe



Figure 11: Aerial view from the north west



Figure 12: Aerial of pool and terrace

b) Documents submitted

i. Plans

3.9 The application has been accompanied by the following plans –

- Site Location Plan
- Elevation Plans
- Ground Floor Plan
- First Floor Plan
- Tree & Hedgerow Survey
- Tree & Hedgerow Protection and Removal Plan
- Garden Plan
- Site Section
- Planting Strategy
- Landscape Plan

ii. Supporting Statements

3.10 The application has been accompanied by the following supporting statements –

Design & Access Statement
Landscaping Design & Access Statement
Landscaping Details
Planning Statement – including Opun Design Review report
Tree Survey
Habitat & Protected Species Assessment
Agent's response to Parish Council Comments

c) Pre-application Engagement

3.11 Prior to submitting the planning application the site has been subject to pre-application discussions with the LPA. The process prior to this application has included discussions with Officers and engagement with Officers and Opun - the East Midlands Design Review Service - regarding this application.

4. Consultations and Representations

4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 8th August 2017, and included a site notice put up on 24th August 2017. The consultation period expired on 14th September 2017.

4.2 Firstly, a summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to:

www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

Lubenham Parish Council

4.3 Objects to this proposal:

- Contrary to Neighbourhood Plan
- Lack of notification to Parish Council about pre-app
- Loss of rural business (equestrian/livery)
- Incompatible development – not within open countryside
- House is not for agricultural worker
- Adverse visual impact
- Highway safety concerns

LCC Highways

4.4 The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.

HDC Environmental Health

4.5 Proposed conditions requiring a risk based land contamination assessment, verification investigation report and no burning of waste are recommended.

LCC Ecology

4.6 No objection subject to condition that the two fields and the pollard willows identified as local wildlife sites are retained and conserved, and a biodiversity management plan including the above points is submitted for approval and implemented.

LCC Rights of Way

4.7 No objections subject to notes to applicant regarding PROW.

b) Local Community

4.8 One objection received from a local resident:

- The proposed development is totally out of keeping with nay other buildings within the area, the village of Lubenham and more specifically Foxton Road, Lubenham.
- The materials of construction that are being proposed are not in keeping with the properties existing on Foxton Road.
- The houses on Foxton Road are of a typical brick under a fully clay tiled roof and to suggest natural stonework, rendered panels and a zinc sheet roof would be totally out of keeping.
- Houses in Foxton Road are a typical mid sized 1930s design and are all semi detached, another reason to decline this application
- Whilst it is recognised all planning applications are considered on their own merit. it is never the less impossible to ignore an application such as this when considering future applications. It appears that should this application be allowed, "anything goes" in future.

5. Planning Policy Considerations

5.1 Please see above for planning policy considerations that apply to all agenda items.

a) Development Plan

- *Harborough District Local Plan*

5.2 Relevant Policy of HS/8 – Limits to Development. The site is located outside of existing limits to development for Lubenham.

- *Harborough District Core Strategy (Adopted November 2011)*

5.3 Relevant policies to this application are, CS1, CS2, CS5, CS11 and CS17. These are detailed in the policy section at the start of the agenda, with the exception of Policy CS17, detailed below.

5.4 Policy CS17 of the Core Strategy sets out the Council's approach to development in the rural centres, selected rural villages and the countryside. Policy CS17 identifies Lubenham as a Selected Rural Village, based on its service provision of a pub and primary school, with development in Selected Rural Villages to be on a lesser scale than Rural Centres, with Rural Centres to be the focus for rural affordable and market housing, additional employment, retail and community uses to serve the settlement and its rural catchment area. In all cases development will be on a scale which reflects the size and character of the village concerned, the level of service provision and takes into account recent development and existing commitments.

5.5 Policy CS12 sets out how infrastructure will be provided alongside residential development.

- *Lubenham Neighbourhood Development Plan (Adopted July 2017)*

5.6 5.10 Policy LNP03 All new residential developments should be of a high standard of design and layout: (i) respecting the height, scale and massing of existing neighbouring

buildings; (ii) reflecting the quality of material finishes found in the vicinity; (iii) utilising features of more common local vernacular architecture, and; Lubenham Neighbourhood Development Plan 18 Final Version incorporating examiners changes (HDC) March 2017 (iv) incorporating measures to avoid or mitigate adverse impact upon landscape character, natural habitats and biodiversity both within and around the site. Development close to and within the Lubenham Conservation Area shall be designed to the highest standards and ensure the visual character and appearance of the Lubenham Conservation Area and its setting are preserved and enhanced.

5.7 On the basis that only three of the sites identified above are considered by Harborough District Council to be deliverable in the next 10 years (sites E, I and A from the list above) (source HDC) only these sites providing 72 new dwellings) are supported by the Neighbourhood Plan in order to achieve the level of growth Harborough District Councils Core Strategy requires.

b) Material Planning Considerations

- *Supplementary Planning Guidance*

5.8 The Supplementary Planning Guidance Note that is relevant to this application is Note 3 Development of single plots, small groups of dwellings and residential development in Conservation Areas

- *National Planning Policy Framework (NPPF)*

5.9 The relevant paragraphs of the NPPF apply to all agenda items and are set out above, however it is considered necessary to include para 55 in full below:

5.10 *To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling.*

Such a design should:

- *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- *reflect the highest standards in architecture;*
- *significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area.*

c) Other Relevant Information

- *Reason for Committee Decision*

5.11 This application is to be determined by Planning Committee as matter of public interest due to being submitted under the provision of Paragraph 55 of the NPPF.

6. Assessment

a) Principle of Development

6.1 The proposed dwelling is located outside, but adjacent to, the adopted Limits to Development, and within a reasonable distance services key services, such as village hall, bus stop, public house and school, and thus is considered in a sustainable location. For new development to be acceptable, it must be in locations from where future occupiers have a range of travel options to access sufficient numbers of key amenities, such as in this case.

6.2 However, as the site is outside the village boundary as defined by both the Local Plan and recently adopted Neighbourhood Plan is must be regarded as development in the countryside where development must be strictly controlled.

The site is not specifically referred to in the Adopted Neighbourhood Plan, but it is not a site identified for housing development and outside the village envelope new development will be strictly controlled. (below)



Paragraphs 184 and 185 of the NPPF in relation to Neighbourhood Plans state:

184. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local

area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.

185. Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area. Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. Local planning authorities should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation.

In particular with regards to the current application is reference in paragraph 185 to: *Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict.*

The Lubenham Neighbourhood Plan following a referendum in 2017 has now been brought into force. As a result the non-strategic policies of the plan now take precedence.

A material consideration is that the Council currently cannot demonstrate a 5 year supply of housing land, and in these circumstances paragraph 49 of the NPPF states that if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites relevant policies for the supply of housing should not be considered up-to-date, and housing applications should be considered in the context of the presumption in favour of sustainable development.

However a ministerial statement issued by Gavin Barwell (Minister of State for Housing & Planning & Minister for London) in December 2016 states:

The Government confirms that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. However, communities who have been proactive and worked hard to bring forward neighbourhood plans are often frustrated that their plan is being undermined because their local planning authority cannot demonstrate a five-year land supply of deliverable housing sites.

This is because Paragraph 49 of the National Planning Policy Framework states that if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites relevant policies for the supply of housing should not be considered up-to-date, and housing applications should be considered in the context of the presumption in favour of sustainable development.

As more communities take up the opportunity to shape their area we need to make sure planning policy is suitable for a system with growing neighbourhood plan coverage. Building on proposals to further strengthen neighbourhood planning through the Neighbourhood Planning Bill, I am today making clear that where communities plan for housing in their area in a neighbourhood plan, those plans should not be deemed to be out-of-date unless there is a significant lack of land supply for housing in the wider local authority area. We are also offering those communities who brought forward their plans in advance of this statement time to review their plans.

This means that relevant policies for the supply of housing in a neighbourhood plan, that is part of the development plan, should not be deemed to be 'out-of-date' under paragraph 49 of the National Planning Policy Framework where all of the following circumstances arise at the time the decision is made:

- *This written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less;*
- *the neighbourhood plan allocates sites for housing; and*
- *the local planning authority can demonstrate a three-year supply of deliverable housing sites.*

In the case of the current application, although the District Council cannot currently demonstrate a 5 year supply of housing land (4.45 years at March 2017) it can demonstrate in excess of 3 years supply, the ministerial statement is currently less than 2 years old and the plan does allocate sites for housing.

6.3. In this case, the Neighbourhood Plan is silent in regard to paragraph 55 of the NPPF, and the site is not within the separation area on the NP, therefore ample weight must be afforded to this paragraph and whether the dwelling is considered to be of 'exceptional quality or innovative nature of the design of the dwelling',

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas
- reflect the highest standards in architecture
- significantly enhance its immediate setting
- be sensitive to the defining characteristics of the local area

Paragraph 55 dwellings, through their nature, are normally located in open countryside and outside of existing limits to development. This dwelling is relatively unusual for a para 55 dwelling in that it is adjoining the settlement and well located to access to services and facilities.

6.4 The dwelling proposed is to be of low carbon in nature. The dwelling uses a mix of glazing, shading, aspect, and solar energy and energy storage to achieve these standards. The scheme has been reviewed by OPUN over the past few years, and revised accordingly to incorporate suggestions, including the refinement of landscaping.

b) Housing Requirement and Housing Land Supply

6.5 The Council presently does not have a 5yr Housing Land Supply at 4.45yrs supply. If this application were approved it would provide 1 additional dwelling.

c) Technical Considerations

1. Scale, appearance and landscaping

6.6 The application is for a single dwelling, set back from Foxton Road, and of a scale and appearance unlike any other dwellings in the District. The proposed dwelling would contain a series of eco features enabling a low carbon dwelling, with a unique design and layout. The siting and layout proposed, showing retention of the existing trees and landscape features, would ensure that the proposed dwelling would not be clearly visible from the

public realm. When viewed from Foxton Road the dwelling would be set back approx. 90m from the entrance, with the driveway weaving between the mature trees to the front of the site. During the winter months some glimpses of the dwelling may be expected, however not from spring to autumn. The dwelling will also not be clearly visible from any neighbouring dwellings, with distance of approx. 100m to the dwellings to the east side of Foxton Road separated by the existing equestrian buildings and hedging/vegetation boundary, and significant vegetation negating any prominent views. The proposed dwelling, at approx. 7.00m in height, is not considered an overbearing structure, and is not considered to dominate its landscape. A public right of way is located to a small part to the very north of the site and some 90m away from the proposed and therefore would not be adversely affected.

6.7 The application site is outside of the Limits to Development and is therefore situated in the countryside. The erection of a dwelling on this site would change the open, rural and undeveloped character and appearance of the countryside to the site and the neighbouring agricultural field. If the site was to be developed, it would create additional built form in an open rural area and therefore it is important to integrate development with existing built form and to be visually unobtrusive. The proposed dwelling will be sited in open countryside, however in an area with existing dwellings to the immediate east of the site. These dwellings consist of a row of traditional semi detached houses. Although the proposed dwelling is a detached dwelling on a large footprint, the relatively low height and edge of village location would not undermine the existing built form and the proposed house would sit well within its surroundings.



Figure 13 Site Context Plan

6.9 The proposed palette of materials are considered acceptable for the site, and would assist in minimising the scale of the dwelling when looking in to the site. The proposed dwelling is relatively low in height at approx. 7.00m and not easily visible to any neighbouring dwellings due to boundary treatments, with glimpses of the pale render panels and glazing at first floor only. The first floor may be glimpsed from the nearest public right of way, however at a distance of approx. 90m from the north, with the first floor elevation to this boundary minimal in scope. The first floor would consist of a butterfly roof in a light colour and glazing to break up the aspect of the elevation and avoiding a uniform appearance to the front and

rear elevations. In addition, the ground floor roof would also be angled southwest and away from Foxton Road and therefore not be easily visible.

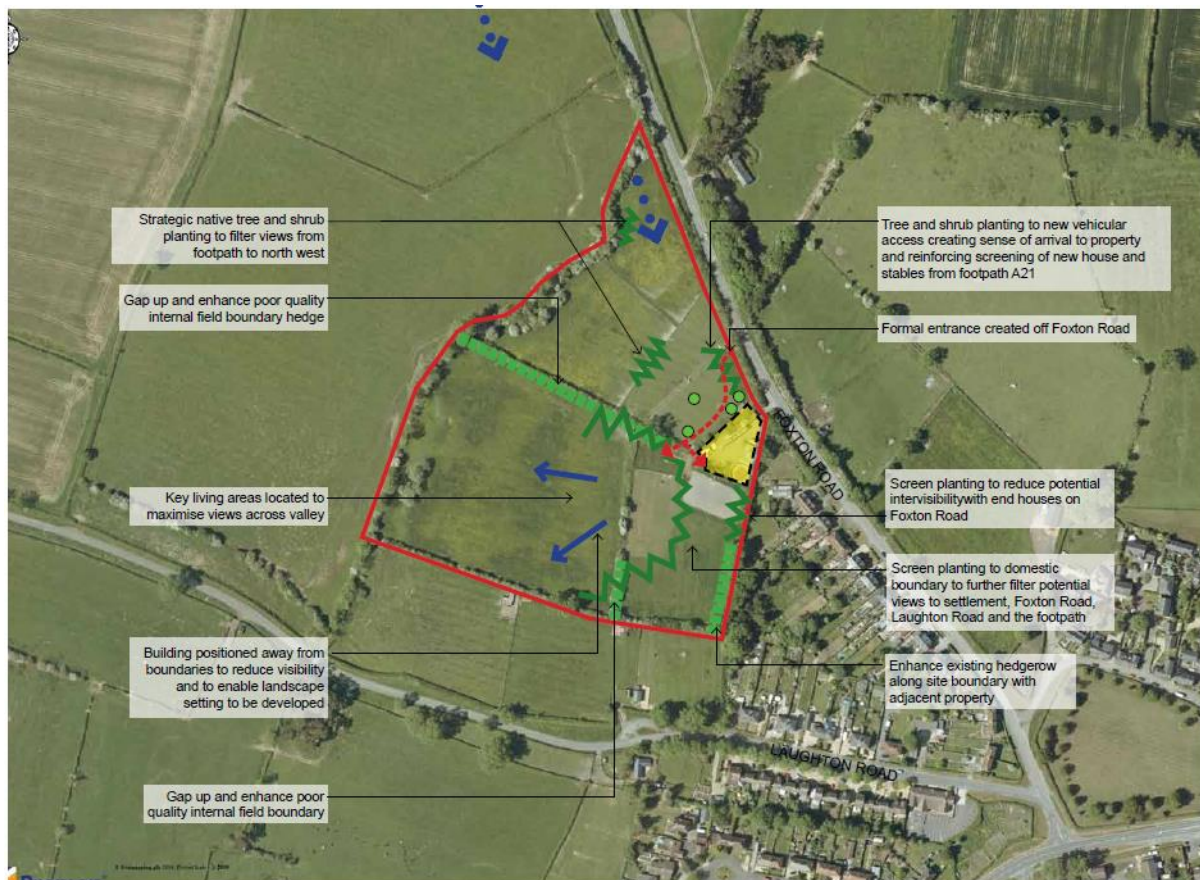


Figure 14: Landscape concept plan

2. Ecology

6.10 A Phase 1 Habitat and Biodiversity Survey was submitted as part of the application. No evidence of roosting bats, great crested newts or badgers were discovered.

6.11 LCC Ecology state that no mitigation is required for protected species. However, from the survey data provided, two of the fields in the northern tip of the site appear to meet local wildlife site criteria, with the following 8 indicator species: Knapweed, Lady's Bedstraw, Meadow Vetchling, Autumnal Hawkbit, Bird's-foot Trefoil, Meadow Buttercup, Sorrel and Red Clover. In addition, some old pollarded willows along the stream are likely to meet local wildlife site criteria as veteran trees.

6.12 LCC Ecology therefore have no objection to the proposal subject to the two fields and the pollard willows identified as local wildlife sites are retained and conserved, and a biodiversity management plan including the above points is submitted for approval and implemented.

3. Highways

6.13 Access to the site is to be provided from Foxton Road, to the northern boundary to the site. A new access would be created, with a driveway of approx. 90m in length to the dwelling.

6.14 The proposed access is located just outside of the existing 30mph speed limits and at the start/end of 60mph part of the road with no footway provision proposed for access to the dwelling. The proposed dwelling proposes a double garage together with sufficient off street parking for at least four additional vehicles, complying with guidance requiring three off road spaces.

6.15 Highways have suggested the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the conditions. As such standard conditions are deemed appropriate. However no reservations or reasons for refusal are noted. The proposal is considered to comply with CS5 and CS11.

4. Heritage

6.16 An objection regarding impact on the Conservation Area has been made by Lubenham Parish Council, stating that the design of the dwelling is not in keeping with the conservation area. The dwelling is located some 200m away from the Conservation Area and has little inter-visibility with it. Whilst it is recognised that the dwelling is not in similar character with of the area, it is considered of high design quality and would not be harmful to the wider setting of the Conservation Area, or any other heritage assets.

Concern was also raised about impact on ridge and furrow, and this has been addressed, as follows:

The existing ridge and furrow on site runs downhill in a roughly east/west direction. Towards the top NE corner of the field there is little evidence of it on the ground, but it becomes much stronger further down the field, as would perhaps be expected. The footprint of the house straddles both this top corner of the site and the field to the east, where no ridge and furrow is present, with roughly half in each field. Where the lawn areas meets the ridge and furrow ground form, subtle ground modelling will be used to achieve a smooth transition between these areas and the gently undulating ground, to both connect the line of the ridges with the garden layout of the site, and to ensure that it is both practical to manage and visually harmonious at this junction. Elsewhere in the gardens/grounds to the north and south of the site, the existing ridge and furrow will remain untouched. The levels will ensure that there is relatively little change to the ridge and furrow except at these transition points

6.17 It is considered that subject to the conditions, the proposal would comply with policies CS11 of the adopted Core Strategy, and would not be harmful to the character and appearance of the designated Conservation Area.

5. Residential Amenity

6.18 The proposed development may have an impact on the living conditions of residential properties, whether real or perceived, but the layout submitted demonstrates that development can be achieved which meets and exceed required separation distances to neighbours (SPG Notes 2: Residential Development – Major Housing Sites and SPG Note 5: Extensions to dwellings) and without causing harm to neighbours through loss of outlook, privacy or light, and the proposal is therefore considered acceptable in residential amenity terms and accords with Core Strategy Policy CS11.

6.19 A balcony is proposed to the first floor facing south west from the master bedroom, with this balcony overlooking open fields with no public rights of way in close proximity to the dwelling. It is therefore not considered that the proposal would present an overlooking or overbearing impact on another dwelling. The proposal therefore complies with CS11.

6. Affordable Housing Provision

6.20 The proposed development is for 1 dwelling in total, falling below the 10 threshold as required for the provision of affordable dwellings. Further, the dwelling on site falls below the 1000sqm threshold for affordable dwelling provision.

7. Environmental Performance / Sustainability

6.21 The proposed dwelling proposes the use a ground source heat pump, solar panels and “other renewable technologies” that have not been specified. However, having reviewed the closing comments from Opun state that with regard to the ‘Environmental Approach’ that the design process ensures that the building orientation and fenestration are realised early and complimented by technology.

6.22 The proposed low carbon technologies have been listed but not made clear with their implementation with submission. It is therefore considered reasonable for a condition to be recommended for these low carbon technology details to be submitted and agreed with the LPA prior to commencement of the development.

8. Design and NPPF para. 55

6.23 Paragraph 55 of the NPPF sets out;

‘Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- The exceptional quality or innovative nature of the design of the dwelling.*

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- reflect the highest standards in architecture;*
- significantly enhance its immediate setting; and*
- be sensitive to the defining characteristics of the local area.’*

This application seeks to apply through paragraph 55 of the NPPF, and through being of exceptional quality or innovative nature of the design of the dwelling, and meeting the further 4 bullet points on design as set out above.

6.24 Prior to submission, this application has been subject to significant pre-application discussion and input from Opun carried out for well over a year before the submission of this application. Opun completed written appraisals of the proposed scheme. Planning Officers have been kept informed of the ongoing work prior to the submission of the application. The Opun reports are included as appendices to the planning statement submitted with the application.

6.25 The initial review of the proposal by Opun in August 2016 made recommendations to the applicant for the following issued to be addressed:

- The provision of a compelling vision for the project
- Exploring the form of the roof to the 'bookends' with roofs that radiate out/extend into the landscape
- Consideration on whether the 'ellipse' shape is appropriate to the site context and to explore screening options that are in keeping with the linear patterns of the site whilst providing glimpsed views of the building
- Ensure the proposals enhance and reinforce the ridge and furrow field pattern
- Engaging a sustainable expert as part of the project team

6.26 The above issues were addressed by the applicant and Opun were consulted again in late 2016. The concluding comments from Opun regarding the amended proposal was as follows:

"The site and its setting offer the potential for an outstanding contemporary development and the strong design rationale of a radiating plan responding to the sweeping views over the landscape has resulted in a convincing overall composition and appearance.

The quality of the interior spaces should be demonstrated and further refinement of the landscaping considered before a comprehensive conclusion can be reached whether this proposal could be deemed exceptional, as required by paragraph 55 of the NPPF.

We trust that the feedback provided within this letter will prove to be of benefit to you in seeking a successful resolution and outcome for this scheme and provide an opportunity for further discussions with the determining authorities."

6.27 As a result of the above comments from Opun, further details were provided discussions took place with Officers via a formal pre-application process. During these discussions, revisions and further details were sought and it was considered that the interior and landscaping details were considered both comprehensive and exceptional. The agreed landscaping and interior details are as submitted with this application.

6.28 The additional information submitted with the application seeks to address all the points raised in the various Opun design reviews of the proposals. With regard to meeting the criteria of NPPF para 55, with the first criterion to 'be sensitive to the defining characteristics of the local area', it is regarded that the proposal meets this standard. The current scale and massing of the proposal and soft-touch approach to the existing landscape are in keeping with the surrounding landscape. The nature of the site and proposed landscaping plan mean that the dwelling will not significantly break the skyline of any view into the site, with only small glimpses of the dwelling from a very few viewpoints, mainly within the immediate area.

6.29 With regards to 'significantly enhance its immediate setting', the visual enhancement of the garden, environmental performance of the dwelling and the high quality materials proposed all count towards demonstrating this standard. The proposal seeks to limit its wider impact through the 'fan' layout, modest height and palette of materials that would have a soft appearance.

6.30 A landscaping masterplan has been produced and provided full details of all planting and species to be used. The landscaping scheme includes retention of mature trees and the limited inclusion of native planting and the retention of the open characteristic of the site. The landscaping becomes more formal in layout around the dwelling, with formal terrace areas and hardstanding, limited in its application and expanse.

6.31 With regards to being ‘innovative and outstanding’ and ‘reflecting the highest standards of architecture’, the current application has sought to address issues previously raised by Opun. The Opun reports have never been unsupportive of the principle of the development and its potential to accord with para 55 of the NPPF. The current application is considered to address the points raised by Opun throughout the evolution of the scheme. The proposal, both in terms of the design of the dwelling and landscaping, has been amended at each stage to be improved, with further information provided as to the reason behind the design of the dwelling and landscaping scheme. Furthermore, the proposed dwelling has evolved in concept and provided a greater level of engagement with Opun from the outset to achieve a para 55 dwelling, with points raised by Opun taken account of in the subsequent designs, and significant background information submitted with the application.

6.32 Whilst appropriate conditions are considered necessary for the dwelling to meet the criteria of para 55 based low carbon technologies, the dwelling is otherwise considered to meet the para 55 criteria.

9. Other Matters

6.33 The existing stables are currently in the ownership of the applicant and are not used for commercial purposes. The redevelopment of the stables is considered acceptable in principle and would complement the proposed dwelling. As the stables would be located within the residential curtilage and adjacent to existing houses, a condition is recommended for the stable/equestrian buildings to not be used for commercial purposes in order to safeguard residential amenity. Further details of the stables, barn, horse walker/mange to be required as part of a separate application..

6.34 The LPA do not consult Parish Council’s on pre-application enquiries; however, Ward Councillors are made aware of them.

d) Sustainable Development

6.35 The Framework identifies three dimensions to sustainable development – economic, social and environmental. Taking each of these in turn the following conclusions can be reached.

o Economic

Provides economic development in the building of 1 dwelling, including 1 dwelling towards the Council’s 5yr supply, currently a shortfall. As well as the direct economic benefits related to employment generation and investment, the proposal will deliver 1 dwelling.

o Social

Provides 1 new dwelling, which contributes to housing need. The site can be accessed by foot to the centre of the village, the proposal seeks to meet the criteria of NPPF para 55, of being an outstanding dwelling, enhancing its setting and being sensitive to the local area.

o Environmental

The proposal is in keeping with the character and appearance of the surrounding area, and sited well within the site with limited views to the dwelling. The dwelling also includes a range of environmentally friendly technology, generating its own energy as well as storing energy, therefore minimising its environmental impact. A landscape masterplan has been provided, which will help to improve bio-diversity and enhance the environment. It is therefore considered that it will not have a negative impact on the environment.

7. The Planning Balance / Conclusion

7.1 In the case of the current application, although the District Council cannot currently demonstrate a 5 year supply of housing land (4.45 years at March 2017) it can demonstrate in excess of 3 years supply, the ministerial statement is currently less than 2 years old and the Lubenham Neighbourhood Plan does allocate sites for housing, thus the NP can be afforded significant weight.

7.2 .However, the Neighbourhood Plan is silent in regard to paragraph 55 of the NPPF, and the site is not within the separation area on the NP, therefore ample weight must be afforded to whether the dwelling is considered to be of ‘exceptional quality or innovative nature of the design of the dwelling’,

7.3 On balance, taking into account the advice from OPUN, and with the additional landscaping proposed, the proposal is considered to meet the criteria of paragraph 55 of the Framework and demonstrates a high investment in its design and layout, particularly in its use of carbon reduction technology and incorporation of sustainable technology and techniques, whilst also being of an unique design and concept.

7.4 The proposal, by virtue of its design (form, mass, scale, proportions, style and materials), siting and low carbon and sustainable design is considered outstanding and in accordance with paragraph 55 of The Framework. The proposal would not cause significant harm to the character and appearance of the site and its surroundings; would not harm amenities of the surrounding residents; would not adversely affect ecological, archaeological or arboriculture interests; would not cause flood risk and would not cause significant detriment to highway safety. The proposal accords with Policies CS5, CS9, and CS11 of the Harborough District Core Strategy in the above respects.

The proposal is considered to comply with paragraph 55 of The Framework, in respect of its exceptional nature.

This is considered to outweigh the conflict with NP policies and Policy CS17 of the Core Strategy, in terms of residential development outside of the village boundary, particularly as the NP is silent on this type of development and the site is not in an area of separation or other protected designation.

APPENDIX A – Planning Conditions

8. Planning Conditions

8.1

Planning Permission Commencement

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Materials Schedule

2) The development hereby permitted shall be constructed entirely of the materials as detailed in page 8 of the Design and Access Statement (RAAB, August 2017) as received by the Local Planning Authority on 03 August 2017.

REASON: In the interests of visual amenity and the character and appearance of the area and to accord with the Harborough District Council Core Strategy Policy CS11.

Sustainable Technology

3) No development shall commence on site until further details of the carbon reduction and sustainable design technologies and techniques outlined in page 2 of the Design and Access Statement (RAAB, August 2017) have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure a satisfactory standard of sustainable development is achieved, to reduce the proposal's carbon emissions and environmental impacts and to accord with Policies CS1, CS5, CS9 and CS10 of the Harborough District Core Strategy.

Gates set back

4) If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as not to open outwards.

REASON: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

Access surfacing

5) Before first occupation of the/any dwelling, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

Visibility Splays

6) Before first use of the development hereby permitted, visibility splays of 2.4 metres by 160 metres shall be provided at the junction of the access with Foxton Road and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

REASON: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety and to accord with Harborough District Core Strategy Policy 11.

Highway Drainage

7) Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, 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.

Landscaping

8) All landscaping comprised in the submitted landscaping plans/strategies shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and to accord with Harborough District Core Strategy Policy CS11

Development in Accordance with Ph1 Habitat and Protected Species Assessment

9) The development hereby approved shall be implemented in accordance with the recommendations detailed in the Extended Phase 1 Habitat and Protected Species Assessment (Conservation Constructions, September 2017).

REASON: In the interests of wildlife and nature conservation and to accord with Harborough District Core Strategy Policy CS11

10) Biodiversity Management Plan

No development shall commence on site until a Biodiversity Management Plan for the two fields and the pollard willows in the northern tip of the site (identified as TN5 and TN6 in the Habitat and Protected Species Assessment) has been submitted to and approved in writing by the Local Planning Authority. Any mitigation measures identified in the approved survey shall be fully implemented in accordance with the recommendations of that survey and shall be retained as such in perpetuity.

REASON: In the interests of wildlife and nature conservation and to accord with Harborough District Core Strategy Policy CS11.

PD Removal

11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-F and Part 2 Class A shall take place on the dwelling house hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements and to accord with Harborough District Core Strategy Policy CS11.

External lighting

12) No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site and to accord with Harborough District Core Strategy Policy CS11.

Annexe

13) The annexe shall only be occupied for purposes which are ancillary to the residential use of the main dwelling house and shall not be used, let or sold as an independent dwelling.

REASON: The development hereby permitted has been submitted and assessed as a householder application and not for the creation of a new dwelling unit. The development hereby permitted is situated and designed as such that the Local Planning Authority, having regard to reasonable standards of design, residential amenity, access, parking, highway safety and planning policies pertaining to the area, may not permit a separate dwelling and to accord with the Harborough District Council Core Strategy Policy CS11.

14) Notwithstanding, the indicative plans submitted, the stable block and associated equestrian buildings shall be the subject of a separate planning application and shall only be used in connection with the applicant's own livestock and shall at no time be used for any

commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

REASON: In the interests of highway safety and to protect the living conditions of nearby residents and the rural character of the area and to accord with Harborough District Core Strategy Policies CS11 and CS17.

Risk Based Land Contamination Assessment

15) No development shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- BS10175 Year 2011 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- LR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

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

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- The Verification Plan shall be prepared in accordance with the requirements of:
- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

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

REASON: To ensure that the land is fit for purpose and to accord with Core Strategy Policy CS11

Completion/Verification Report

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

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;

- Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme; and
- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

REASON: To ensure that the land is fit for purpose and to accord with Core Strategy Policy CS11

Permitted Plans

17) The development hereby permitted shall be in accordance with the following approved plans: Site Location Plan, 580/10B, 580/11B, 580/12A, 21313/01, 21313/02, 21313/04, 21313/05, 21313/06 and 21313/07.

REASON: For the avoidance of doubt.

Notes to applicant:

- 1) You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 821090). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.
- 2) It is recommended that no burning of waste on site is undertaken unless an exemption is obtained from the Environment Agency. The production of dark smoke on site is an offence under the Clean Air Act 1993. Notwithstanding the above the emission of any smoke from site could constitute a Statutory Nuisance under section 79 of the Environmental Protection Act 1990.
- 3) A watching brief for protected species must be maintained at all times throughout the development. In the event of any protected species being discovered works shall cease, whilst expert advice is sought from Natural England
- 4) You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
- 5) This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg.
- 6) To mitigate the likelihood of Environmental Health complaints, site works, deliveries or any building works in connection with the development should only take place between

the hours of 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 on Saturdays, and at no time on Sundays or Bank/Public Holidays.

7) No trees or shrubs should be planted within 2 metres of the edge of the Public Rights of Way. Any trees or shrubs planted alongside a Public Right of Way should be of a non-invasive species. This is to prevent overgrowth of the path in the interests of amenity, safety and security of users of the Public Rights of Way. If vegetation is planted on the right of way or so close to the path as to cause a nuisance or obstruction the Highway Authority may take action to have the offending vegetation removed.

8) Prior to development all reasonable measures should be taken to ensure that users of the Public Rights of Way are not exposed to any elements of danger associated with construction works/planting. This to ensure the Public Right of Way is safe and available during the period of development.

9) The Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.

10) The Public Right of Way must not be further enclosed in any way without undertaking discussions with the County Council's Safe and Sustainable Travel Team (0116) 305 0001.

11) If the developer requires a Right of Way to be temporarily diverted or closed, for a period of up to six months, to enable construction/landscaping works to take place, an application should be made to roadclosures@leics.gov.uk at least 8 weeks before the temporary diversion / closure is required.

12) Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.

13) No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

Planning Committee Report

Applicant: Mr R. Dangerfield

Application Ref: 17/01408/FUL

Location: Land OS 3269 Welford Road, Shearsby, Leicestershire

Proposal: Erection of a dog day care facility, including erection of indoor exercise area, office/store and associated fencing.

Application Validated: 23/08/2017

Target Date: 18/10/2017 (extension of time agreed).

Consultation Expiry Date: 27/08/2017

Site Visit Date: 18/09/17

Case Officer: Louise Finch

Recommendation

Planning Permission is REFUSED, for the reason:

The proposal, if permitted could result in an unacceptable increase in traffic turning onto or off a class I road in an area remote from main development and where traffic speeds are generally high. Such an increase would not be in the best interests of highway safety. It is therefore contrary to CS11 of the Harborough District Core Strategy, Policy IN5 of Leics CC 6C's adopted highway guidance, and Chapter 12 of the NPPF. This harm significantly and demonstrably outweighs proposal benefits including the creation of a new business, and the proposal does not represent sustainable development and is contrary to the Framework

The decision has been reached taking into account Paragraphs 186 and 187 of the Framework.

1. Site & Surroundings

- 1.1 The application site lies on the eastern side of Welford Road at the junction , located in countryside between Shearsby and Arnesby and currently in use as paddock.



- 1.2 There is an existing gated track/public footpath and access onto Welford Road which also serves a farm track and an existing stable building and horse shelter. The site is not within any Conservation Area.

photograph of the site access





Access track/public footpath

Looking into the site from access track



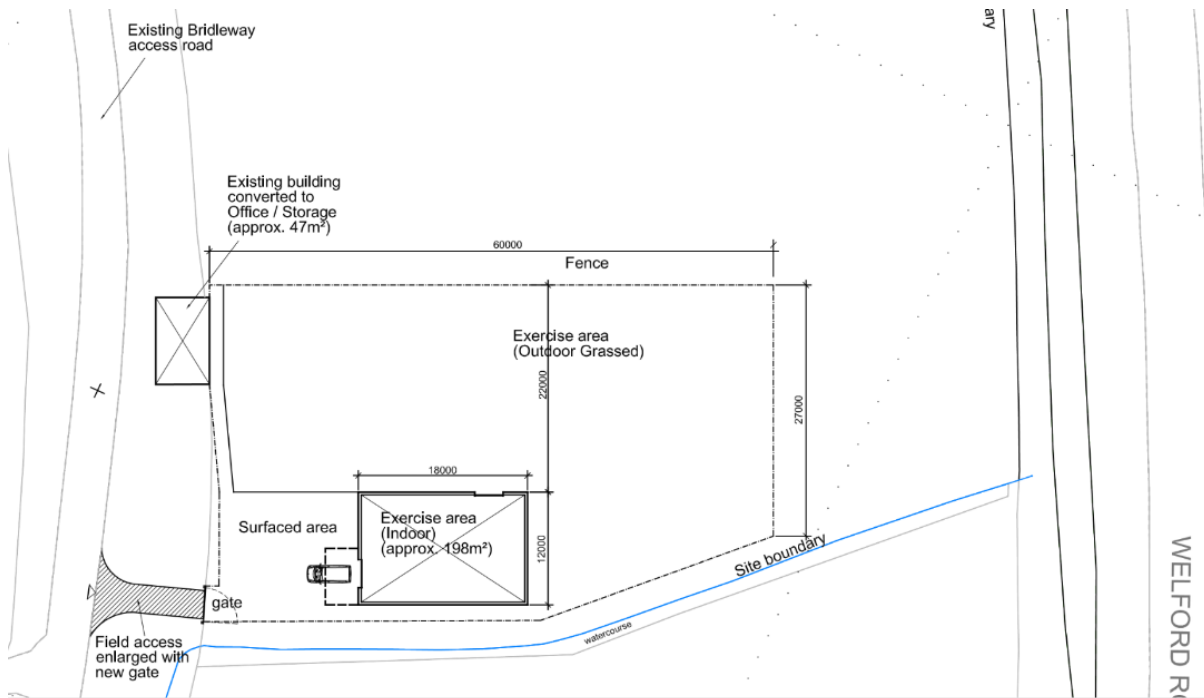
2. Site History

- 2.1 Whilst there is an existing store type building on the site, there appears to be no record of planning permission being granted, nor for the stable building and horse shelter to the north of the site.

3. The Application Submission

a) Summary of Proposals

- 3.1 This application is for the use of the site as a dog day care centre, erection of an indoor exercise area (18m by 12m to height of approx. 4.4m) in a typical agricultural style building. There would be a fenced area to create an outdoor exercise area (green mesh fence approx. 2.4m high) and an existing small storage building is shown to be converted to office.



Electricity will be provided by solar panels.

Water will be fed from the existing supply.

We plan to install two septic tanks for the waste materials which will be emptied as and when required through private contractor.

All other waste will be removed by the staff on a day to day basis.

Operation

Our service will provide a pick up and drop off, from and to customer's homes.

To be a viable business proposal we would look to obtain a licence for between 10 to 15 dogs. A single van (Peugeot Boxer SWB Semi High Top) can carry this number in one go thus requiring a single entry and exit to the site daily.

The 2-3 staff members would accompany the dogs and operate a safe entry and exit gate system to the site situated off the A5199. The gate will be kept closed and locked at all times, site security being paramount to ensure the safety of the animals in our care.

The hours of operation between 10:00 am and 3:00 pm fall outside those of the regular working day/rush hour traffic. In highway safety terms the traffic generated is minimal and unlikely to add intensity, particularly given that the current visits have decreased to the stables already located within the field.

3.2 The Applicants also own 4 dogs and also fosters dogs in connection with a rehabilitation centre. The hours stated on the application form vary from those given by the Applicant most recently (above) and state Monday to Friday 10.00 to 18:00 hours, Saturday 10:00 to 16:00 and Sunday/Bank holidays 10:00 to 14:00hours.

- 3.3 The proposal shows retention of the existing boundary hedges and the use of existing, overgrown field access into the site itself. This would require the removal of small trees/undergrowth.

b) Documents submitted

- 3.4 The application is accompanied by the following documents and supporting information:
- Layout of the site
 - Plans and Elevations of the proposed building.
 - Additional supporting statement.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application.
- 4.2 A summary of the technical consultee responses received are set out below. If you wish to view the comments in full, please go to:

a) Statutory & Non-Statutory Consultees

4.3 Shearsby Parish Council

Objects: No details given about waste collection or disposal or foul sewerage.
Appears to be 5 m from stream but application form states it is over 20m away

Footpath is not a Bridleway-gates are locked but owners/ST Water have access for essential maintenance.

The Neighbourhood Plan has not identified this area for development.

LCC Ecology

I have no objections to this; the built development is minor, and most of the grassland will be retained on site, and is part of a larger field of similar habitat.
There is no need for an ecology survey.

LCC Highways

The County Highway Authority (CHA) advises the following reason for refusal:-

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

Following the submission of further information, reiterate original reason for refusal.

PROW Officer:

Confirms that the old road (Footpath Y1050 IS footpath not Bridleway).
Given low level of vehicular use proposed does not think it will cause undue risk of harm to footpath users.
Applicants would have to satisfy themselves that they have legal rights to use access.

HDC (Environmental Health Officer):

Given the location of the proposed dog day care centre to the nearest residential properties, it is unlikely that they would experience a significant impact. Using a distance calculation of a point source, I would anticipate there to be a 54dB reduction over a distance of 500m. Whilst barking may be audible at these properties (depending on the volume of the dog barking and the background noise levels residents typically experience), it is unlikely to have such an impact that the development should be refused as a result of noise.

b) Local Community

4.4 20 letters of objection summarised below;

- Concerns about the opening up of the access to unauthorised travellers and fly tipping
- Adverse impact on wildlife, including badgers.
- Impact on Public footpath/ownership issues regarding access
- Noise concerns from dogs barking.
- Disturbance to breeding sheep.
- Contamination of water course.
- Do not need more building in open countryside.
- Very dangerous stretch of road, Parish Council are currently petitioning LCC to make road safer.
- Hazardous entrance.
- The old road is desingnated to become Green space in the Neighbourhood Plan and is a wildlife haven.
- No need for 2 dog day care facilities in close proximity.
- Will open up option of industrial units in future.
- Possible future intensification of use will be hard to control. 15 dogs seems unviable.
- Refers to inaccuracies in information.
- Will require more than one van for 15 dogs and staff-additional vehicular movements will be hard to control.

4.5 56 letters of support.

- Will be asset to community.
 - Sounds a good idea and will support local economy
 - Will not be imposing on local countryside
 - Creates employment and provides a much needed service
 - Good use of wasted land.
 - Will keep dogs safe with minimal impact on surrounding area or neighbours.
 - Increased demand for this use.
-
- A neutral letter has been submitted stating that they have been asked to support the application through friends and consider that comments from further afield should not be taken into account..

4.6 Full versions of the comments received can be viewed at www.harborough.gov.uk/planning

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'), unless material considerations indicate otherwise.

a) Development Plan

5.2 The DP for Harborough relevant to this site comprises:

- The Harborough District Core Strategy adopted November 2011;
- The saved policies of the Harborough District Local Plan (HDLP) adopted April 2001
- *Harborough District Core Strategy*

5.3 Relevant policies to this application are CS2, CS5, CS8, CS11 and CS17, all of which are included in the policy section pages on this agenda.

b) Material Planning Considerations

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

The Framework, published March 2012, replaces previous national policy/guidance set out in Planning Policy Statements and Planning Policy Guidance documents.

5.5 *National Planning Practice Guidance*

The national Planning Practice Guidance (hereafter referred to as the PPG), published 6th March 2014, replaces a raft of previous planning guidance documents that have been cancelled as part of the Government's drive to simplify the planning process.

5.6 *Supplementary Planning Guidance*

The Supplementary Planning Guidance most relevant to this proposal is

- SPG Note 2: Residential Development

5.7 *Leicestershire County Council Highways Authority 6Cs Design Guide*

5.8 Shearsby Neighbourhood Plan Draft Plan received. Reg 14 pre submission consultation completed. Officer comments returned.
Thus limited weight can be attached in respect of adopted policies..

c) Other Relevant Information

5.10 Reason for Committee:

The application is referred to Committee to the level of counter representation to the Officer recommendation raised (56 comments of support)

5.11 Relevant Appeal Decisions:

On the issue of sustainability, Appeal ref: APP/F2415/A/14/2221013 change of use from agricultural building to function centre. (Peatling Lodge Farm, Bruntingthorpe Road, Peatling Parva) issued 23 September 2014 stated:

"17. Although in a rural area, the site is located some 15 km south of Leicester and a similar distance from Market Harborough. It also has access to the motorway and trunk road network some 7 km away. In my view it is not unduly remote or

inaccessible in the context of its proposed use. Moreover, it is not suggested that the road network leading to the site is inadequate to cope with the additional traffic anticipated. Indeed it is already used by traffic visiting the proving ground and other facilities in the area, such as the large and busy Shires Inn pub and restaurant in Peatling Parva. The Council draws attention to a recent appeal decision in the area. However, this related to proposed live/work units which are not comparable with the current proposal and which the Inspector considered would conflict with policy for housing in the rural area."

"18..... It is therefore concluded on the second main issue that the proposed change of use would have no materially harmful effect on sustainable development objectives with respect to accessibility and the rural economy."

APP/F2415/A/11/2165756 (HDC reference 11/00814): Appeal allowed for Erection of dog boarding kennels and siting of temporary residential accommodation, Land OS 2373 And 3589, Kilworth Road, Kimcote. Cost award against HDC.

5. *For reasons of ease of access and to reduce greenhouse gas emissions associated with car use, the Framework identifies that the proximity of services and facilities to where people live is an important aspect of deciding whether a development is sustainable. Policies CS7 and CS17 of the Harborough Core Strategy seek to direct services to towns and rural centres within the District where they can be readily accessed by walking, cycling or public transport. Certain land uses the Core Strategy recognises, however, require a rural location. Whilst the boarding kennels would be insulated barking is likely to be an issue when dogs arrive, or depart, and possibly when they are exercised. As a consequence, a boarding kennel is an example of a service which requires a rural location, away from residential areas.*
6. *In terms of distance, the appeal site at approximately 2 miles from Husbands Bosworth, the nearest rural centre identified by the Core Strategy, is not close to a population centre. However, even if it was closer it is unrealistic to expect that dogs would be taken to, or collected from, the kennels by public transport, cycling or walking. Furthermore, on the basis of the market research carried out by the appellant, the boarding service is likely to attract customers from nearby towns. As a consequence, whether the site was within a few hundred metres of a centre of population or 2 miles away would make little material difference in terms of sustainability.*
7. *Several appeal decisions have been cited against the proposal. However, those decisions are materially different to the appeal proposal as they relate to commercial and residential development, which unlike the appeal proposal do not require a rural location*
8. *Taking all these matters into account, I therefore conclude that the kennels would be in a sustainable location for development and would comply with the objectives of policies CS7 and CS17 of the Core Strategy and the Framework.*

These appeals are for different proposals to 17/01408/FUL but notwithstanding it must be decided on merit they are recent decisions with similarities of some relevance.

6. Assessment

a) Principle of Development

- 6.1 As the proposal is for the creation of a low key business in the countryside, policies CS7, CS11 and CS17 are of particular relevance requiring a number of criteria to be met. This is a unique scheme and it is recognised that this rural location is required due to potential of noise and disturbance from the dogs. An accessible position next to a road and relatively close to Shearsby and Arnesby is also beneficial. One of the Government's top priority is to promote sustainable economic growth and jobs. Whilst the location is not wholly sustainable, other factors are material and the Applicant proposes to use the collection/drop off service to reduce journeys to the site. A previous appeal decision in the District looked at this issue and concluded that although the site was located some 15 km south of Leicester and a similar distance from Market Harborough, it did benefit from access to the motorway and trunk road network some 7 km away. It was the Inspectors view that such a location was not unduly remote or inaccessible in the context of its proposed use. Officers would draw a similar conclusion in respect of this application as the site is relatively accessible to a number of villages/towns on a good road network.
- 6.2 However, advice received from LCC Highways concludes that the road network leading to the site is inadequate to cope with **any** intensification of use of the access, onto this busy 60mph road. Whilst the applicants have stated that they will be operating a collection service using their own vehicle in order to reduce the number of vehicular movements to and from the site it would appear unduly restrictive and operationally difficult to enforce a condition allowing only one vehicle in and one out per day. As such, it is not considered that the proposal would fail to comply with sustainable development objectives with respect to accessibility and the rural economy.

b) Impact upon the character of the Area.

- 6.3 The proposed new buildings are low key and of a modest style giving a semi agricultural feel to the development. Under agricultural permitted development, the adjoining land owner could erect a building of up to 465sq metres and up to 12m in height compared to the proposals combined of floor space of less than 263 sq m with a maximum ridge height of 4.4m.
- The exercise area is well related to the proposed buildings and can be further screened by existing vegetation, including to the footpath and Welford Road from where it is difficult to see into the site given the well established tree cover. The administration building and parking are well related to the road and are in a position that can utilise the existing access. The currently overgrown area adjacent to the site access would provide adequate parking and turning facilities without necessitating any further hardstanding to be created. Lighting would be controlled by way of condition which would also relate to the exercise area.

c) Layout and Residential amenity

- 6.4 Concerns have been raised by a number of local residents in relation to potential noise from the dogs and raising other issues about potential nuisance. The walking of dogs can already occur in the public right of way adjacent the site, and the indoor area will provide some buffer to any noise if dogs are within, and as such it is not

considered that a reason for refusal based upon the impact of the proposal upon the character of the area could be substantiated

Environmental Services have been consulted but raise no objection to this particular use. The site is in close proximity to the adjacent busy Welford Road and there is background noise from this which must be borne in mind. The closest adjacent dwellings (on the end of Church Lane in Shearsby and New Inn Farmhouse on Welford Road, Shearsby) to the site are located some 400-500m away and properties in Arnesby some 800m+ away. Hours would be restricted and the number of dogs would be limited to 15, thus minimising potential noise and disturbance.

Given the nature of the proposal and its location away from adjoining properties, it is not considered that any loss of residential amenity would occur.

d) Highways and parking

- 6.5 Further to the previous formal response provided in response to application the applicant has provided a supporting statement to advise on the anticipated operation of the proposed development. Whilst the applicant's intentions are noted with regard to limiting the number of vehicular movements to the site there is no certainty nor guarantee that vehicular movements could be limited to such a modest number of two per day (one in, one out). Consideration must therefore be given to the potential number of trips associated with the land use and permission sought and it is anticipated that this increase would be higher and thus derive a severe impact on highway safety grounds.

The Local Highway Authority (LHA) would therefore continue to advise the following reason for refusal:-

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

- 6.6 No existing land use other than horse grazing is identified on the site and therefore the proposed change of use of land for use as a dog centre; erection of a building for indoor dog area and erection of a fence is considered to have the potential to lead to a significant intensification in vehicular trips over that which could reasonably occur currently.

The expected increase in turning movements onto the derestricted A5199 at the existing agricultural access would not be in the interests of highway safety, contrary to Policy IN5 of the 6Cs as replicated below and therefore the County Highway Authority would advise the application be resisted on highway safety grounds.

Section IN5: Our access to the road network policy

- [Principles](#)
- [Access to A- and B-class roads](#)
- [Access to other classified roads and unclassified roads](#)

Principles

1.27 To maintain safety and the free flow of traffic, policy in the past has discouraged new accesses onto A- and B-class roads and avoided increasing the use of existing accesses. For the future, and in line with an integrated transport policy, we will adopt a flexible policy on new connections to the road network. We will severely restrict access to the most important high-standard routes. Elsewhere, particularly in urban locations, in principle we will apply a more flexible approach. Please see [paragraph 1.29](#) onwards for full details.

1.28 Where access is acceptable to us in principle, we will normally expect its layout to comply with the [design guidance set out in Part 3](#). We will recommend refusal of any planning application that raises concerns about road safety. Approval for the access (and any associated development) will also depend on the planning authority where planning permission is required.

Access to A- and B-class roads

1.29 We will normally apply restrictions on new accesses for vehicles and the increased use of existing accesses on:

- roads with a speed limit above 40 mph (that is 50mph, 60mph or 70mph) or where measured vehicle speeds are in excess of 40mph;
- roads with a speed limit of 40mph or less which are essentially rural in nature;
- routes where the access would affect bus-corridor or bus-priority measures being put in place;
- roads that are at or near capacity (cannot carry more traffic); and
- roads where there is an existing problem with road safety.

e) Ecology and trees

- 6.7 Ecology have considered the applicants supporting information and comments raised by objectors but raise no overall objections to the proposals

7. The Planning Balance / Conclusion

- 7.1 The proposal has potential to provide economic growth through the provision of a new business, albeit it would be small scale. Government statements in Planning for Growth and the National Planning Policy Framework (NPPF) generally underline the importance of economic development.

Environmental sustainability

- 7.2 The proposal is not considered a low key development which would not have an adverse impact on the character of the countryside given its well screened and discreet position. Whilst issues of water pollution have been raised, there is no reason to suggest that drainage can not be dealt with through an appropriately worded condition.

Economic sustainability

- 7.3 The development would have minor economic benefits in respect of creating up to 3 jobs, and providing a service for dog owners. The latest times specified 10-3pm do seem unusually short to cater for a normal working day however.

Social sustainability

- 7.4 The proposal will bring a new service to nearby villagers, although the majority of objections are from local addresses, and the majority of supporters from more distant addresses suggesting the scheme is not supported by the local community.

7.5 ***Conclusion***

In this case, it is judged that the adverse impact of the development, significantly and demonstrably outweighs any benefits outlined above and will compromise highway safety.

The proposal, if permitted could result in an unacceptable increase in traffic turning onto or off a class I road in an area remote from main development and where traffic speeds are generally high. Such an increase would not be in the best interests of highway safety. It is therefore contrary to CS11 of the Harborough District Core Strategy, Policy IN5 of Leics CC 6C's adopted highway guidance, and Chapter 12 of the NPPF. This harm significantly and demonstrably outweighs proposal benefits including the creation of a new business, and the proposal does not represent sustainable development and is contrary to the Framework.

Planning Committee Report

Applicant: Mr Craig Nolan

Application Ref: 17/01530/FUL

Location: Land between 4 and 6 Deepdale, Great Easton

Proposal: Demolition of dis-used garage and erection of new dwelling and associated landscaping

Application Validated: 08/09/17

Target Date: 03/11/17 (Extension of Time agreed)

Consultation Expiry Date: 08/11/17

Site Visit Date: 31/10/17 (photos taken)

Case Officer: Janet Buckett

Recommendation

Planning Permission is **APPROVED**, for the reason below,

The development hereby approved would be in keeping with the form, character and appearance of the surrounding settlement and Conservation Area, would not have an adverse affect on the amenity of adjoining residents and would not result in additional traffic which would give rise to a road safety hazard. The proposal is therefore considered to accord with Harborough District Local Plan Policy HS/8 and Core Strategy Policies CS2, CS5, CS11 and CS17 and no other material considerations indicate that the policies of the development plan should not prevail, furthermore the decision has been reached taking into account 186-187 of the National Planning Policy Framework.

1. Site & Surroundings

- 1.1 Great Easton is a Selected Rural Village which has Limits to Development. The application site is within the Limits to Development, and is also in the Conservation Area.

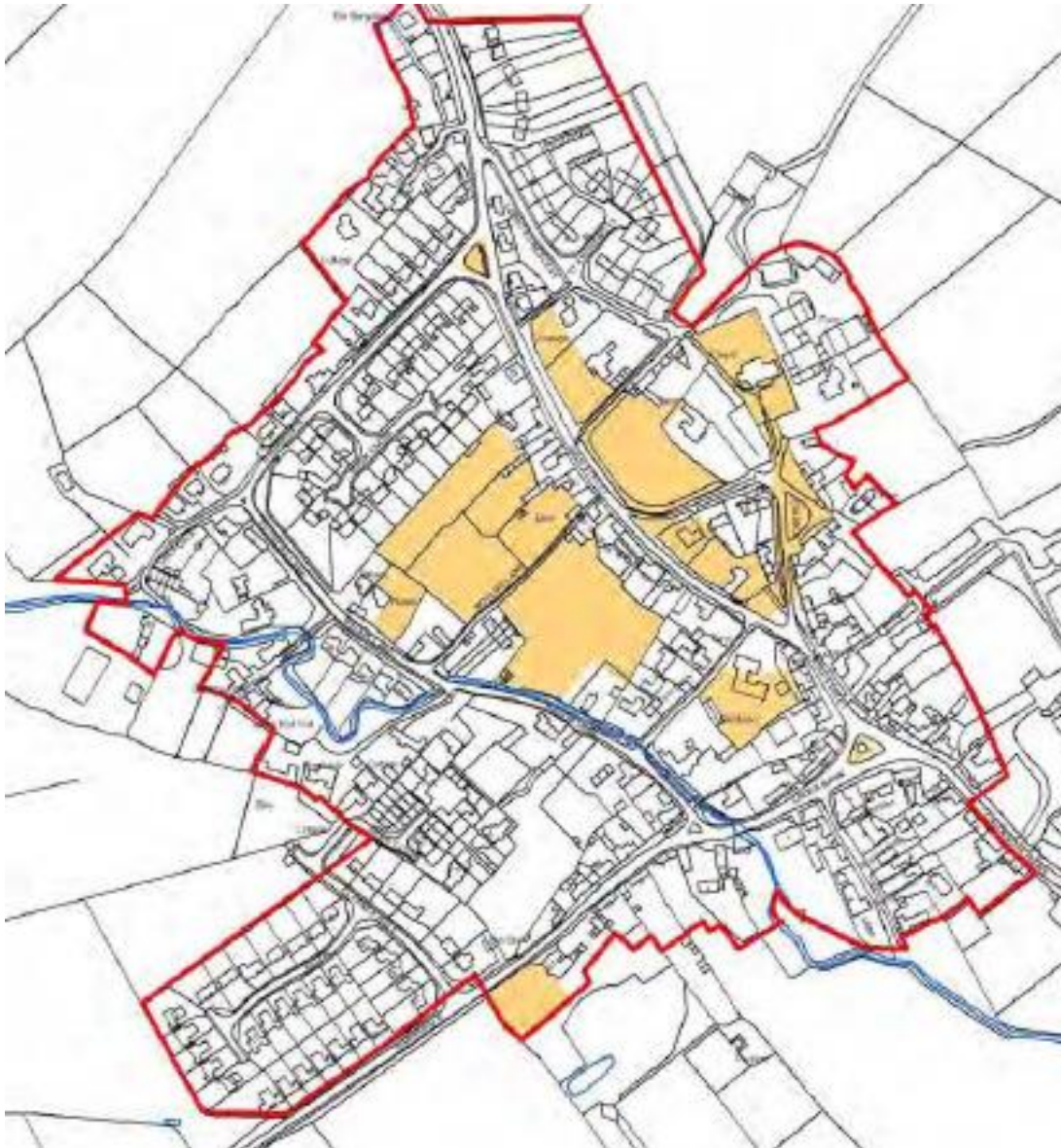


Figure 1: Great Easton Limits to Development

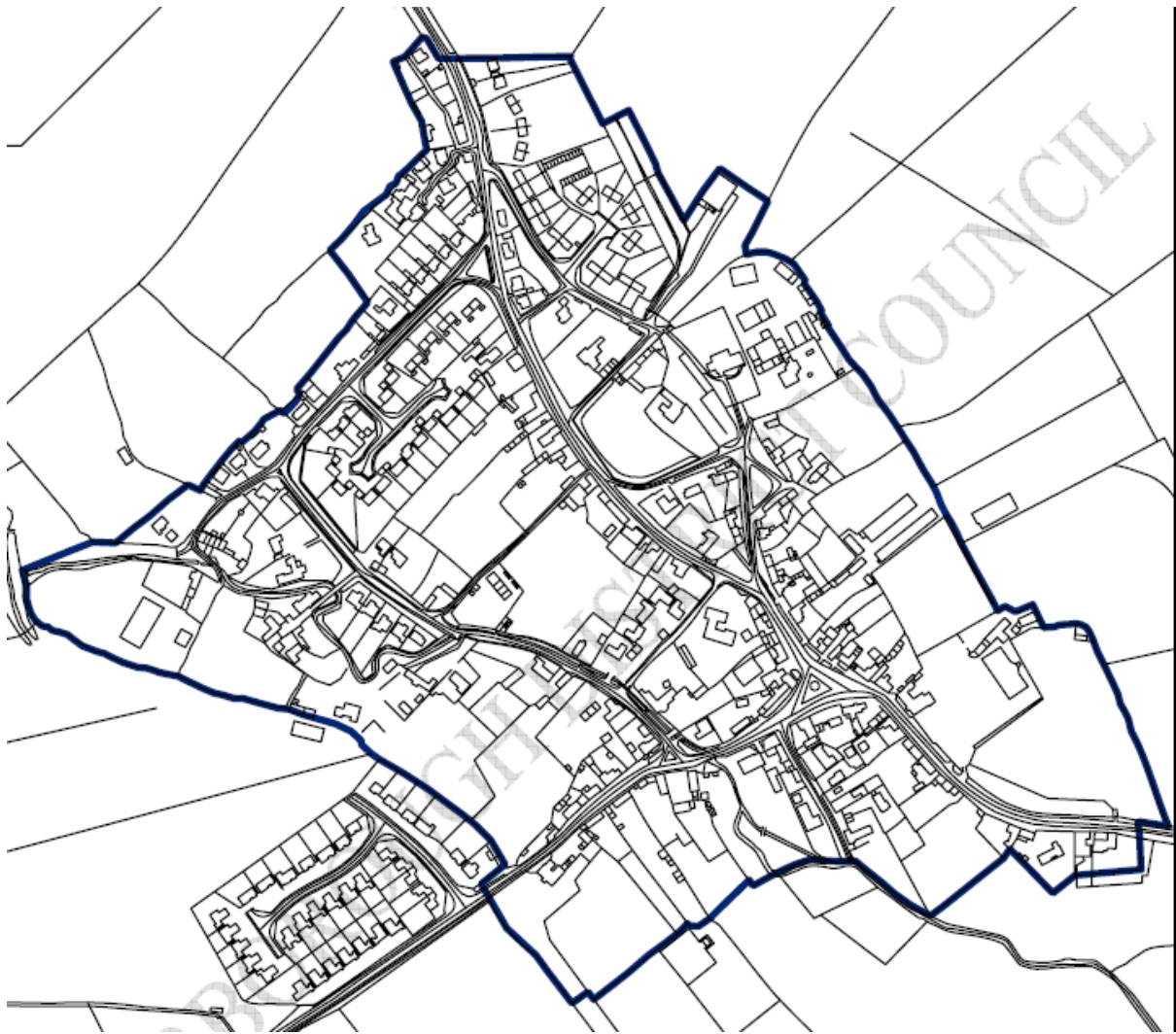


Figure 2: Great Easton Conservation Area

- 1.2 The application site is a plot of land situated between 4 and 6 Deepdale. It is currently partially overgrown and contains hardstanding, fencing and a flat roof single garage.



Figure 3: The application site. 6 to the left and 4 to the right.

- 1.3 The street scene is characterised by a mix of designs of property but they are predominantly bungalows or dormer bungalows. To the rear of the site new dwellings are being built. These are predominantly two-storey.
- 1.4 To the north-east is 4 Deepdale. This was a bungalow (see Figure 4 from Google maps) but has recently been extended to become a dormer bungalow (Figure 5). The eaves and ridge height were increased and dormer windows were inserted. The property was also rendered and an area of hardstanding was created at the front for parking.



Figure 4: 4 Deepdale pre 16/00674/FUL



Figure 5: 4 Deepdale

- 1.5 6 Deepdale is a red brick and tile bungalow with a single storey gable extending forward. All of the properties are located at an elevated level to the road and 6 and 8 Deepdale have sloping driveways leading to parking. The lane is single width and a footpath leads to the edge of the application site.



Figure 6: 6 and 8 Deepdale

- 1.6 Directly opposite the site is a grass verge and then conifer hedgerow. There is also a flat roof double garage and driveway. 2 Deepdale is a timber clad bungalow and 28 Broadgate is a large stone dormer bungalow. 2 Pitches Lane, at the corner with Deepdale is a red brick and tile bungalow and next to that is 4 Pitches Lane which is a Listed Building and constructed of stone and thatch.

2. Site History

- 2.1 Prior to this application, the site has been subject to a pre application enquiry for the erection of a dwelling.

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposed development is for the excavation of the site and the erection of a dormer bungalow just above the existing level of the highway. To the front of the dwelling three parking spaces are to be created. Though the dwelling is to have three bedrooms amended plans have been submitted that moved the dwelling back slightly to allow for three spaces at the front to try and address concerns raised by residents.
- 3.2 At the front of the property is to be a pitched roof porch containing the front door and stairs leading up to the first floor. At the rear bi-fold doors will open on to the patio. Pitched roof dormer windows are proposed at the front and rear. The ridge height of the dwelling is to be 8.5m.

- 3.3 The parking area at the front of 4 Deepdale is to be enlarged to create space for three cars to park. This is to replace the loss of the garage, which is to be demolished.

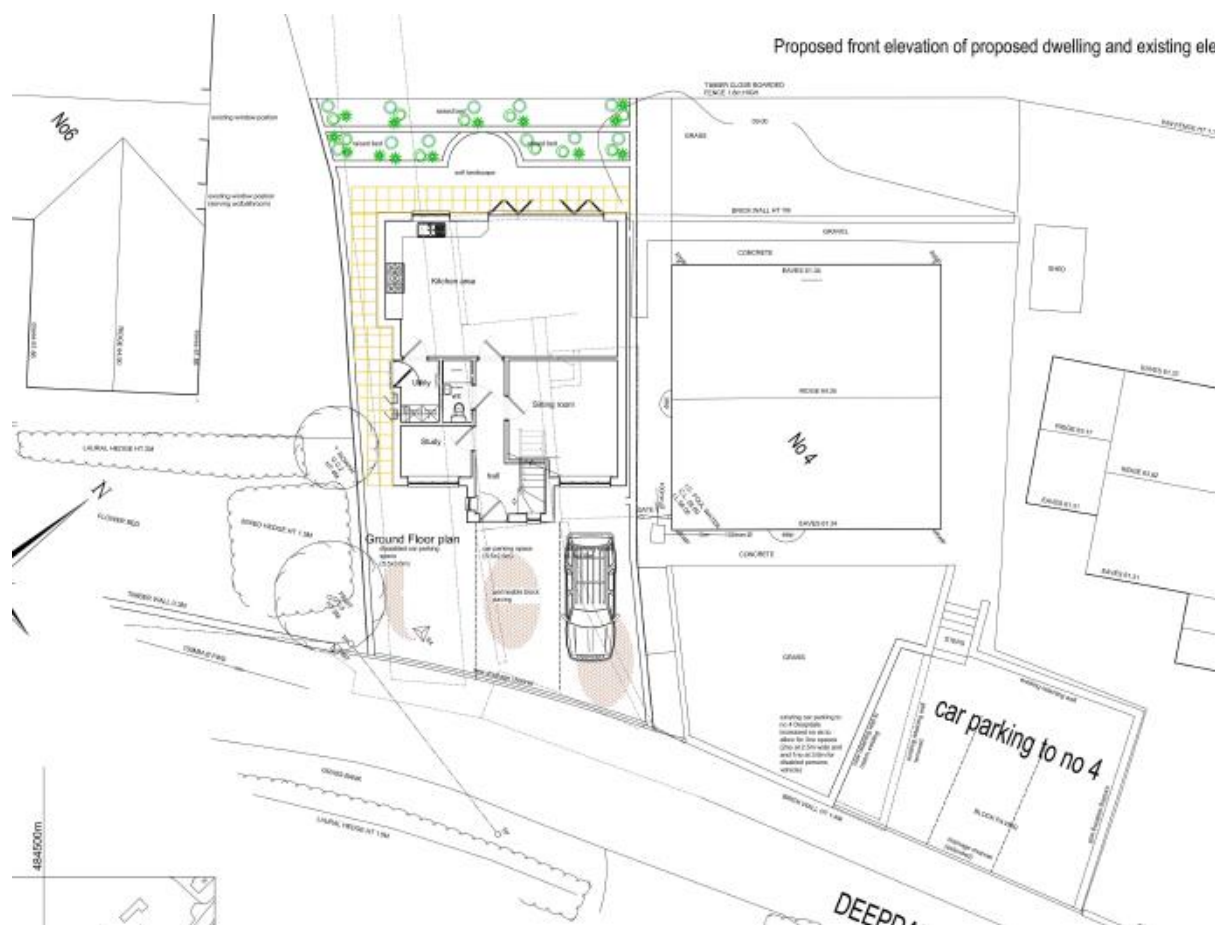


Figure 7: Proposed Site Layout

b) Documents submitted

i. Plans

- 3.4 The application has been accompanied by the following plans: –

440-P01A Proposed Floor Plans, Roof Plan and Sections
 440-P02A Proposed Elevations
 440-P03B Layout Plan, Location Plan and Street Scene

These plans have superseded those originally submitted in order to create more parking for the proposal and to create a larger parking area at the front of 4 Deepdale.

ii. Supporting Statements

- 3.5 The application has been accompanied by the following supporting information:

Design and Access Statement by Wright Design Architectural Services Ltd.

c) Pre-application Engagement

- 3.6 Prior to submitting the planning application a pre-application enquiry was submitted.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 14th September 2017, including a site notice posted on the 20th September 2017. The first amended plans were re-consulted on 25th October 2017 and the second amended plans were re-consulted on 16th November 2017. The consultation period expired on 30th November 2017.
- 4.2 Firstly, a summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

Great Easton Parish Council

- 4.3 This comment opposing the application is submitted on behalf of Great Easton Parish Council which considered this matter in detail at its meeting on 9 October. There are three issues which the Parish Council wishes to highlight as follows:
1. In the view of the Parish Council, the proposed dwelling is being 'crammed' between two existing dwellings (4 and 6 Deepdale) on a relatively small site (217 square meters). The Design and Access Statement supporting the application (page 11) refers to the proposal as 'nestling between two existing dwellings and utilises redundant land.' It is clear from the Design Statement that on the advice from the Planning Officer, the dwelling design has had to be adapted to address issues of proximity to the adjacent properties and visual aspect from Deepdale. Whilst the design has been amended to reflect this advice, the proposal remains a dwelling which is very close to (crammed between) the two neighbouring properties.
 2. The second concern is that of the proposed car parking arrangements. The Design Statement (page 13) states that 'with regards to parking, there should be 2 parking spaces for a dwelling with up to three bedrooms and 3 parking spaces for a dwelling of four or more bedrooms.' Two spaces are proposed for the new dwelling in accordance with that advice.. However, a previously approved application for adaptations to 4 Deepdale (16/00674/FUL) was made on the basis of the provision of 3 parking spaces (for a four bedroom dwelling). The Application Form for 16/00674/FUL specified three parking spaces and the Proposed Plan drawing showed two parking spaces in front of the dwelling and a garage at the side with vehicular access (the third parking space). It is now proposed that the garage be demolished to create space for the erection of a new dwelling. A consequence of this is that there are no longer three parking spaces for number 4. In summary, taking no.4 and the proposed new dwelling together, there should be five spaces, but it would appear that only four will be available. Given the narrowness of Deepdale, there is no scope for on street parking. As an aside, the first floor plan for the proposed dwelling allows for a sizeable dressing room, in addition to the three bedrooms. Were this to be made in the future into a separate bedroom, this would further exacerbate the parking issue highlighted above. Finally, in respect of the garage, this is described as 'dis-used' in the current application (17/01530/FUL), but seemed to be a key component of the

plans submitted and approved in respect of adaptations to 4 Deepdale (16/00674/FUL).

3. A third issue relates to surface water run off onto Deepdale. This remains a major concern for residents in that part of the Village as, particularly in winter, this creates hazardous conditions underfoot and for vehicles. Following heavy rainfall, there is evidence of significant water run off from the site to be developed. The Parish Council requests that this be considered since it may impact adversely on the proposed new dwelling.

- 4.4 Further comments received to be read in conjunction with earlier comments. Since that earlier comment was submitted, the owner of both number 4 Deepdale and of the land on which the proposed new dwelling is to be erected, has met with a representative of the Parish Council (19 October) to clarify the availability of parking spaces for the previously approved adaptation at number 4 (16/00674/FUL). The parking area outside number 4 (shown in the site plan submitted for 16/00674/FUL) contained two vehicles. However, upon measurement at the meeting on 19 October, that area is confirmed to be of sufficient size to comfortably accommodate three vehicles (based on the recommended space size of 2.4 by 4.8 meters). The Parish Council therefore wishes to make a correction to its earlier comment in respect of parking provision at number 4 (ie, there is a sufficient number [3] of spaces outside number 4 and reliance need not be placed on the garage proposed for demolition to meet the recommended requirement as previously suggested). No other changes are made to the Council's previously submitted comments. However, given the comments of others, the Planning Authority is asked to ensure that it is satisfied as to the overall parking arrangements in respect of both number 4 and of the proposed new dwelling, given the narrowness of Deepdale at this point and complete lack of on street parking.

- 4.5 Comments received further to amended plans.

At the Parish Council meeting on 13 November it was reported that, following a meeting between the owner of number 4 Deepdale and a Parish Councillor on 19 October, the proposed parking arrangements for both number 4 and the proposed new dwelling are now considered to be satisfactory, subject to the new dwelling being a three bedroom property. This was relayed in the Parish Council's comment of 24 October and is confirmed by the amended plans.

At the Parish Council meeting on 13 November, the owner of number 4 Deepdale also sought to address concerns in respect to other matters the Parish Council had raised, particularly its concerns about drainage (a particular issue in this part of the Village) and amenity value, given the small site size and its proximity to neighbouring dwellings and others in Deepdale.

In respect of drainage, it was stated by the owner of number 4 Deepdale that as surface water from surrounding fields is now 'redirected' following the construction of the Stokes Rise Development behind his property, surface water is not passing through the site of the proposed new dwelling between numbers 4 and 6 as previously evidenced and commented on by local residents.

In respect of amenity value, the Parish Council remains of the view that the site size and its proximity to neighbouring properties will potentially further impact on the amenity value of residents in that part of the Village and, moving forward, should the Application be approved will result in two properties with relatively small gardens in what is a rural setting.

The owner of number 4 commented that in his view, amenity value could be enhanced as the track between numbers 4 and 6 Deepdale would no longer carry large agricultural and other vehicles. The Parish Council's view is that it is the proposed dwelling itself and not the removal of the track that is the cause of local residents' concerns in respect of amenity value.

In summary, the Parish Council remains opposed to the Application on the grounds of its amenity impact in that part of the Village and drainage. In respect of drainage, the Parish Council is not qualified to make its own assessment and would therefore ask that Harborough District Council officers look carefully at this aspect of Application so that a factual position can be determined to assist the Planning Committee in its deliberations and decision.

LCC Highways

4.6 Refers Local Authority to Standing Advice.

4.7 Further to amended plans, refers Local Authority to Standing Advice.

b) Local Community

4.8 8 letters of objection from 6 different households raising the following points –

- Deepdale very narrow and large vehicles can not turn around.
- No pavement past 4 Deepdale so dangerous for pedestrians and horse riders using bridleway to Neville Holt.
- Overdevelopment of site.
- Originally supposed to be footpath to Stokes Rise.
- When there is heavy rain, water runs from Stokes Rise through the garage which is to be demolished then across Deepdale into parking area of 2 Pitches Lane and then into Pitches Lane. Inconvenient, dangerous in icy weather and indicates serious drainage problems both on the proposed site and also in Stokes Rise.
- Owner of 6 Deepdale had permission to increase to 4 bedrooms with three parking spaces. Garage is one of those spaces.
- There should be 5 spaces overall but there will be 4.
- Road too narrow for on street parking.
- Resident of 6 already had to endure the development to the rear. Owner of no. 4 owns the land.
- Parking at no. 4 has no dropped kerb and so parking often in front of garage as well as storage of wheelie bins.
- 1st floor dressing room could be used as a bedroom so three spaces would be required.
- The site extends to 217 sq.metres which equates to a housing density of 46 houses per hectare, which is totally out of keeping with the existing adjacent housing density in Deepdale. Gap between the south-east corner of the proposed house and the boundary fence is 0.85m and the distance between the proposed house and No.4 Deepdale on the north elevation is 1.49m. Neither of these distances are in keeping with other surrounding properties along Deepdale.
- Two storey house with a ridge height of 8.7m, which is only 4.9m from the edge of the pavement, very close to the two adjoining houses and with a rear garden extending to 4.8m deep and 53 sq.m would have a detrimental impact on the character of Deepdale and the surrounding properties.
- Large amount of new development taking place in the immediate area around Deepdale over the past few years. Further development will further detract

from the overall appearance of Deepdale. Should be garden for No.4 which would be far more in keeping with the surrounding properties and improve the overall parking situation.

- Highway safety issue when vehicles have to reverse back to Broadgate. Sharp right angle bend and poor visibility.
- Loss of privacy to outdoor dining area of 9 Deepdale.
- Overbearing with high ridge and small plot compared to other plots so out of keeping.
- Close proximity to 6 Deepdale would result in loss of privacy.
- PPG3 to which the design statement refers (in relation to parking standards) was withdrawn in 2006.
- The applicant has yet to submit a flood/surface water risk analysis document to justify that the proposed design safely protects both the future owners of the proposed 3(?) bedroom house, and Great Easton village residents in general, from surface water flood exposures associated with development of this site. This should be requested. Dwelling sited below a low point where there is natural surface water run-off.

- 4.9 1 objection received further to amended plans raising the following comments,
- A disabled parking space has been created but no provision for a disabled person to access the house.

5. Planning Policy Considerations

- 5.1 Please see above for planning policy considerations that apply to all agenda items.

a) Development Plan

- 5.2 Relevant Policy of HS/8 – Limits to Development. The site is located within the Limits to Development of Great Easton.
- *Harborough District Core Strategy (Adopted November 2011)*
- 5.3 Relevant policies to this application are, CS1, CS2, CS5 and CS11. These are detailed in the policy section at the start of the agenda.
- 5.4 Policy CS17: Countryside, Rural Centres and Rural Villages is also relevant. This states that new development in Selected Rural Villages will be on a lesser scale than in Rural Centres and that development will be on a scale which reflects the size and character of the village concerned, the level of service provision and will take into account recent development and existing commitments. Rural development will be located and designed in a way that is sensitive to its landscape setting, retaining and where possible, enhancing the distinctive qualities of the landscape character and conserves and, where possible, enhances settlement distinctiveness.

b) Material Planning Considerations

- *Supplementary Planning Guidance*
- 5.5 The Supplementary Planning Guidance Note that is relevant to this application is Note 3 Development of single plots, small groups of dwellings and residential development within Conservation Areas.

- *The Framework*

- 5.6 The National Planning Policy Framework states that there is a presumption in favour of sustainable development and that development should be approved without delay if they accord with the development plan. It states that where the development plan is absent, silent or relevant policies are out-of-date that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 5.7 The Framework states that the design of the built environment is of great importance and that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

c) Other Relevant Information

- *Reason for Committee Decision*

- 5.8 This application is to be determined by Planning Committee as the application was called in by a Councillor.

6. Assessment

a) Principle of Development

- 6.1 Great Easton is a Selected Rural Village and therefore small scale development in keeping with the scale of the village is, in principle, acceptable and in accordance with Policies CS2 and CS17 of the Harborough District Core Strategy.

b) Housing Requirement and Housing Land Supply

- 6.2 The Council presently does not have a 5yr Housing Land Supply. If this application were approved it would provide 1 additional dwelling.

c) Technical Considerations

1. Scale, appearance and landscaping
- 6.3 The application site is within the Limits to Development and Conservation Area of Great Easton. The proposed dwelling is to be sited on a plot of land situated between 4 and 6 Deepdale. The land currently contains the garage of 4 Deepdale.
- 6.4 It is considered that the proposal is within the built form of Great Easton as it is a plot between two dwellings and there are also new houses being built to the rear. It respects the street scene as faces the highway as the neighbouring properties do, has parking to the front like 4 Deepdale and replicates characteristics of 4 Deepdale such as being a dormer bungalow and being rendered. The dormer bungalow is 8.5m high to the ridge but due to the siting of 4 and 6 Deepdale on higher land the dwelling does not exceed the overall visual height of the neighbouring properties.
- 6.5 It is proposed to use cedar boarding in the gable of the porch and brick quoins. This breaks up the massing of the property and creates interest.



Figure 7: Proposed front elevation

- 6.6 The neighbouring properties are a mix of render, brick, timber and stone and so it is not considered that the proposal would be out of keeping. The neighbouring properties also vary in design, size and age. It is therefore considered that the proposed dwelling is of an appropriate scale, size and design and is in keeping with its immediate setting.
- 6.7 The land is to be excavated which results in the property not appearing too dominant in the street scene and results in a functional parking area to the front. The parking area is to be permeable block paving.
- 6.8 Though the plot of land is smaller than neighbouring plots it is not considered that this is unacceptable when weighed against the benefit of providing a new dwelling house within the confines of a Selected Rural Village. The neighbouring plots are also not excessive in size and some are quite small and therefore it is not considered that the development of a plot this size is that out of keeping with the surroundings.
- 6.9 Overall it is considered that the size, siting, scale, design of the proposed dwelling will respect and enhance the character of the village and that the proposed car parking and landscaping will be appropriate. The proposal is therefore considered to comply with Policies CS11 and CS17 c) of the Harborough District Core Strategy.

2. Heritage

- 6.10 Policy CS11 of the Harborough District Core Strategy states that heritage assets within the District and their setting, will be protected, conserved and enhanced. Paragraph 132 of The Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the assets conservation. The more important the asset the greater the weight should be. Paragraph 135 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account.

- 6.11 There are no designated heritage assets affected by the proposal as the nearest Listed Buildings are not in the immediate street scene and will not have their setting affected by the proposal.
- 6.12 The site is within the Conservation Area. However, the immediate properties are not historic and are also bungalows and dormer bungalows of varying sizes and designs. To the rear is a new housing development of predominantly two storey dwellings. It is considered that due to the size, scale and design of the proposed dwelling that it will respect the Conservation Area. Removing the existing flat roof garage will contribute to enhancing the Conservation Area. The proposal therefore complies with Policy CS11 of the Harborough District Core Strategy.

3. Amenity

- 6.13 The nearest residential dwellings are 6 Deepdale to the south west and 4 Deepdale to the north east.
- 6.14 At the front of 6 Deepdale, which is a bungalow, is a single storey front extension. The proposed dwelling will not be overbearing due to its siting in relation to this and the excavation of the land. In the side elevation a non-habitable room window faces the proposal. Further back is a habitable room window but this faces the back garden of the site and will be behind boundary treatment as is at ground floor. The proposal will therefore not adversely affect the residential amenity of no. 6 with regards to any overbearing impact or loss of privacy.
- 6.15 4 Deepdale is also sited next to the proposal. At ground floor two windows face the side elevation of the new dwelling. However, these are both secondary windows and larger windows/French doors serving those two rooms are located on the front and rear elevation of no. 4. A 1.8m high fence will be erected on the boundary. The proposal does not extend far enough past the rear of 4 Deepdale to be overbearing on the rear windows or the garden area. It is therefore considered that residential amenity will be preserved.
- 6.16 The proposal is opposite the end of rear back gardens and a double driveway and double garage. It will therefore not affect residential amenity to the front. New dwellings are located to the rear but the proposal will not affect residential amenity.
- 6.17 To the rear amenity space for the new dwelling will be small. However, not all of the surrounding properties have large plots and the buyer will be aware of the size of garden. To the front there is space due to the parking area.
- 6.18 Overall it is considered that due to the siting of the proposed dwelling and its relationship with neighbouring properties that there will not be an unacceptable loss of residential amenity. The property will not be overbearing and there will not be an adverse affect on privacy.
- 6.19 Overall it is considered that existing and future residential amenity will be safeguarded and the proposal will therefore comply with Policy CS11 of the Harborough District Core Strategy.

4. Highways

- 6.20 The proposed 3-bedroom dwelling house should have two off street parking spaces and adequate turning. The Leicestershire County Council 6Cs Design Guide advises that parking spaces should be 2.4m x 5.5m. There is space for three parking spaces to the front and three parking spaces to serve 4 Deepdale. There is not a turning area but any turning onto or off the driveway will be on to a quiet single track edge of

village lane and not on to a busy classified road. Therefore it is not considered that this would result in an unsafe highway situation.

4. Drainage

- 6.21 Drainage concerns have been raised by residents and the Parish but this will be covered by Building Regulations.

d) Sustainable Development

- 6.22 The Framework identifies three dimensions to sustainable development – economic, social and environmental. Taking each of these in turn the following conclusions can be reached.

- Economic

As well as the direct economic benefits related to employment generation and investment, the proposal will deliver one new dwelling.

- Social

Provides one new dwelling which contributes to housing need.

- Environmental

The proposal is in keeping with the character and appearance of the surrounding area, village setting and Conservation Area.

7. The Planning Balance / Conclusion

- 7.1 The proposed new dwelling house and works to the site are considered to be of an acceptable scale, design, size and massing so as to enhance and respect the character of the Conservation Area and the street scene. The development respects the character of the surrounding settlement. Adequate parking is provided and residential amenity is safeguarded. The proposal is considered to be in accordance with Policies CS2, CS5, CS11 and CS17 of the Harborough District Core Strategy and with the principles of the Framework.

APPENDIX A – Planning Conditions

8. Planning Conditions

Planning Permission Commencement

- 1) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Permitted Plans

- 2) The development hereby permitted shall be in accordance with the following approved plans 440-P01A Proposed Floor Plans, Roof Plan and Sections, 440-P02A Proposed Elevations and 440-P03B Site Layout, Site Location and Street Scene.

REASON: For the avoidance of doubt.

Materials Schedule

- 3) No development shall commence on site until a schedule indicating the materials to be used on all external elevations of the approved dwellings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity.

REASON: In the interests of visual amenity and the character and appearance of the area and to accord with the Harborough District Council Core Strategy Policy CS11.

Permitted Development removal

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouse hereby permitted or within its curtilage. REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements and to accord with Harborough District Core Strategy Policy CS11

Car Parking

- 5) The car parking for 4 Deepdale and the new dwelling, shown on plan ref. 440-P03B, shall be provided, hard surfaced and made available for use before the new dwelling is occupied and shall thereafter be permanently so maintained.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

Drainage

- 6) Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, 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.

Landscaping

- 7) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
- (a) indications of all existing trees and hedgerows on the land;
 - (b) details of any trees and hedgerows to be retained, together with measures for their protection in the course of development;
 - (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - (d) finished levels and contours;
 - (e) means of enclosure;
 - (f) hard surfacing materials;
 - (g) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
 - (h) retained historic landscape features and proposed restoration, where relevant.
 - (i) programme of implementation

Thereafter the development shall be implemented fully in accordance with the approved details and retained in perpetuity.

REASON: To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with Harborough District Core Strategy Policy CS11.

Notes to Applicant

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

Delegated Report

Applicant: Westerleigh Group Ltd

Application Ref: 17/01536/VAC

Location: Great Glen Crematorium, London Road, Great Glen, Leicestershire, LE8 9DJ

Proposal: Variation of Condition 8 (hours of operation) of planning permission 13/01523/FUL.

Application Validated: 13.09.2017

Target Date: 13.12.2017

Consultation Expiry Date: 19.10.2017

Site Visit Date: 27.09.2017

Case Officer: Jeremy Eaton

Recommendation

Planning Permission is **APPROVED** subject to the conditions and informative notes listed in Appendix A.

Recommended Justification Statement:

The proposed variation of Condition 8 of planning permission (reference 13/01523/FUL / APP/F2415/A/14/2211858) to include cremation/funeral services operating on Saturdays between the hours of 09:30 and 16:00 hours Monday to Friday, scheduled to a frequency not greater than 1 service per hour, would be acceptable. The proposal would help to support an existing use which in turn would better meet the needs of the surrounding population, including those of differing faith communities. The proposal will not have an adverse impact on residential amenity or highway safety. Accordingly, it is considered that the proposal would comply with Policies CS5, CS11, CS12 and CS17 of the Harborough District Core Strategy, and also National planning policy, and no material considerations indicate that the policies of the Development Plan should not prevail. The proposal represents sustainable development which accords with Paragraph 14 of the NPPF, and the decision has been reached taking into account Paragraphs 186 and 187 of the NPPF.

1. Site & Surroundings

- 1.1 The application site relates to the Great Glen Crematorium, which sits between London Road and the A6 (Great Glen Bypass) highways, approximately 270m to the south-east of the village of Great Glen, Leicestershire. The site lies in open countryside, beyond the defined Development Limits to the village.
- 1.2 Located to the east of the application site is a playing field associated with Stoneygate School. The school buildings themselves lie approximately 140 metres from the eastern site boundary, at the closest point. Adjoining the other site boundaries is agricultural land, with further agricultural land lying beyond the A6 to the south and London Road to the north. There are a scattering of residential

dwelling on London Road, the closest, Great Glen House, being approximately 170m west of the site access.



Figure 1: Site Location Plan

2. Site History

2.1 The application site has previously been the subject of the following relevant planning history:

- 13/01523/FUL – Crematorium, woodland burial site and cemetery, together with associated access and landscaping – Refused (19.12.2013), Appeal (reference APP/F2415/A/14/2211858) Upheld (08.05.2014).
- 14/01076/PCD – Discharge of Condition 3 (Materials) of 13/01523/FUL – Approved (06.10.2014).
- 14/01077/PCD - Discharge of Condition 10 (Gates) of 13/01523/FUL – Approved (03.10.2014).
- 14/01097/PCD - Discharge of Condition 16 (Construction Management Plan) of 13/01523/FUL – Approved (06.10.2014).
- 14/01158/PCD - Discharge of conditions 20 (oil/petrol separators scheme), 22 (surface water drainage) and 23 (drainage strategy) of 13/01523/FUL – Approved (29.01.2015).

- 14/01161/PCD - Discharge of conditions 4 (landscaping) and 5 (landscape/biodiversity management plan) of 13/01523/FUL – Approved (12.03.2015).
- 14/01162/PCD - Discharge of condition 21 (protection of ponds) of 13/01523/FUL – Approved (29.01.2015).
- 14/01609/PCD - Discharge of Condition 15 (footway details) of 13/01523/FUL. – Approved (29.01.2015).
- 15/00899/NMA - Alteration to size of building and fenestration; alteration to parking area and access (Non Material Amendment to 13/01523/FUL) – Refused (01.07.2015).
- 15/01314/VAC - Variation of Condition 2 (approved plans) of 13/01523/FUL – Approved (16.12.2015).
- 15/01315/PCD - Discharge of Condition 3 (schedule of materials), 4 (hard and soft landscaping), 5 (landscape and biodiversity), 6 (external lighting) ,10 (footpaths and gates), 11-15 (highways), 18 (cycle parking provision), 20 (oil and petrol interceptor), 21 (pond protection), 22 and 23 (surface water drainage scheme) of 13/01523/FUL – Approved (07.01.2016).

3. The Application Submission

a) Summary of Proposals

3.1 This application seeks planning permission for the variation of Condition 8 of planning permission reference 13/01523/FUL.

3.2 Condition 8 of planning permission reference 13/01523/FUL states:

“Cremation/funeral services shall only operate between the hours of 09:30 to 16:00 hours Monday to Friday and shall be scheduled to a frequency not greater than 1 service per hour.”

3.3 By virtue of this application to vary Condition 8 of planning permission reference 13/01523/FUL, which relates to the authorised hours of operation of the Crematorium for cremation/funeral services, the Applicant is seeking to alter the hours of operation, to include the operational times on Saturdays between the hours of 09:30 and 16:00 hours with cremation/funeral services scheduled to a frequency not greater than 1 service per hour.

3.4 It is important to highlight that the Applicant has been operating the Crematorium in breach of Condition 8 of planning permission reference 13/01523/FUL for some time. This has been acknowledged by the Applicant. Indeed, within the Covering Letter which supports this application, the Applicant states:

“The new crematorium at Great Glen opened on the 25th March 2017. Since then there have been several services held on a Saturday ...”

Later on within the Covering Letter, the Applicant states:

“Since the opening of the crematorium I am informed that there have been 29 services held on a Saturday over a 5-month period. There are 23 Saturdays within that 5-month period, so this averages out at 1.26 services per Saturday.”

- 3.5 In addition, it is understood that this breach has continued throughout the application period.
- 3.6 Harborough District Council's Planning Enforcement team are aware of this position following 1 no. complaint having been received from Great Glen Parish Council, as a result of them receiving complaints from local residents. By virtue of this application, it is understood that any grant of planning permission, for the variation of Condition 8, would regularise this breach of condition and resolve any enforcement concerns.

b) Documents submitted

i. Plans

- 3.7 The application has been accompanied by the following plans:

- Site Location Plan.

i. Documents

- 3.8 The application has been accompanied by the following documentation:

- Application Form; and
- Covering Letter.

c) Pre-application Engagement

- Local Planning Authority
- 3.9 Prior to submitting this planning application, the proposal was not the subject of a pre-application enquiry.
- Great Glen Parish Council
- 3.10 It is understood that the Applicant had not engaged in pre-application discussions with the Parish Council prior to the submission of this planning application.

4. Consultations and Representations

- 4.1 Consultation with technical consultees and the local community were carried out on the application.
- 4.2 A Site Notice was displayed outside the application site on London Road on 27th September 2017, and a Press Notice was published in the Leicester Mercury on 28th September 2017.
- 4.3 A summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

Great Glen Parish Council

- 4.4 Strongly object and would request that permission is refused.

Harborough District Council (Environmental Health)

- 4.5 Noise:

I refer to the above planning reference which seeks to amend the operating hours of the Crematorium to include Saturday.

I have no comments or concerns in respect of the potential impact of noise from the granting of this variation.

Air Quality:

The location of the crem basically means there would be no measurable impact on receptors especially as the application is to increase use on a Saturday when there is less traffic

Leicestershire County Council (Highways)

- 4.6 Comments made 10th October 2017:

On application 2013/01523 the Local Highway Authority [LHA] made formal comments on 20 Nov 2013. In these 'no objection' comments amongst other things we said the application would '*...generate literally no peak hour traffic...*' - '*...adequate parking is provided..*', and the access would be '*...provided to appropriate standards.*' I note that yourselves at the LPA refused the application – but not based on a Highways reason for refusal.

PINs allowed the subsequent Appeal; and the Decision Notice mentions at paragraphs 25, 26, 27, that there were no reasons to object on Highways grounds; and concluded at point 35 that it was 'not unreasonable to avoid [crematorium] services at the weekend when more people are at home' i.e. not at peak highway traffic periods, as by definition 'more people are at home'.

When considering the present application 2017/01536/VAR; I note that services have already been operating on Saturdays; and taking that into account, I can confirm the LHA has had no reported, complaints; incidents; personal injury collisions; or parking issues associated with this Saturday use.

So in conclusion, the LHA cannot demonstrate that the variation to allow the cemetery to operate on Saturdays will have a severe detrimental effect on the operation of the highway in accordance with NPPF paragraph 32, and we do not think we would be able to substantiate, and would therefore not support, a reason for refusal on highway grounds.

Comments made 17th November 2017:

We have received information from Dr Feltham that we believe may fundamentally alter our advice. Therefore we are reviewing our observations on this site and the CHA will provide a response based on the new information

Comments made on 21st November 2017:

The Planning Application (LPA ref: 13/01523/FUL) for a Crematorium, woodland burial site and cemetery, together with associated access and landscaping on land off London Road Great Glen was refused by the LPA on non-highway grounds in December 2013. However following an Appeal (Planning Inspectorate Ref: APP/F2415/A/14/2211858) the site was granted planning permission in March 2014.

The County Highway Authority (CHA) understands the Applicant is now seeking a variation to Condition 8 (hours of operation) which is reproduced below:

Condition 8

Cremation/funeral services shall only operate between the hours of 09:30 to 16:00 hours Monday to Friday and shall be scheduled to a frequency not greater than 1 service per hour.

The Applicants suggested revised wording for the condition is as follows:

Condition 8

Cremation/funeral services shall only operate between the hours of 09.30 and 16.00 hours Monday to Saturday and shall be scheduled to a frequency not greater than 1 service per hour.

The site access to the crematorium was improved before first use of the development and the car park currently has 115 parking spaces. The Applicant has indicated that the Crematorium is already holding services on Saturdays (29 in last five months) and there have been no highway issues raised with the CHA.

New road signing has recently been implemented. This extension of hours has been applied for to allow larger numbers of people to attend from further afield. The CHA considers that should the LPA grant the Variation of Condition application a suitably worded condition to review and update the signing in the area should be included. This will ensure all mourners attending the services use the appropriate strategic routes to the site.

Condition

1. Within 6 months of the Application hereby permitted a revised Signing Strategy should be submitted to and implemented to the satisfaction of the Local Planning Authority. The revised Strategy should include:

- A review of the existing signage in place.
- Proposals to upgrade and include appropriate signage on routes
- Timetable for implementation of new signing strategy

Reason: In the general interest of highway safety in accordance with Paragraph 32 of the National Planning Policy Framework 2012 and to ensure that all vehicles are directed on to appropriate strategic routes.

Cadent Gas

4.7 No objection.

b) Local Community

4.8 This application has generated a significant level of objection from the local community. To date, 14 no. letters of objection have been received. The Case Officer acknowledges that the representations received are very detailed and whilst regard

has been had to these in assessing this application, it is impractical to copy these verbatim and, therefore, a summary of the key points/concerns, in no particular order, is provided below:

- Existing breach of Planning Condition 8 of planning permission reference 13/01523/FUL;
- No evidence submitted to demonstrate the need for the variation of Condition 8 (for extended hours of operation). It is suggested that significant capacity remains available during the existing hours of operation;
- Suggestions that the number of services held at the Crematorium is less than 100 since it opened;
- Existing provision, and capacity, for cremation/funeral services to be held on Saturdays is afforded at alternative Crematorium in the local area/wider Leicestershire;
- Reduction in the hours of operation sought, with a suggested variation of hours of 09:30 to 12:00 hours;
- Visitors to the crematorium travel through Great Glen village, and the associated traffic implications and highway safety concerns this has on the village as well as increased noise and air pollution;
- Impact on residential amenity of local residents and residents of Great Glen village; and
- Impact on local area house prices.

5. Planning Policy Considerations

- 5.1 A Section 73 (of the Town and Country Planning Act 1990 (as amended)) application should only consider the question of the conditions subject to which the previous planning permission was granted.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *“where in making any determination under the Planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.”*
- 5.3 Unless stated, an explanation of the development plan policies; material considerations, evidence base and other documents referred to can be found at the beginning of the Agenda under ‘All Agenda Items Common Planning Policy’.

a) Development Plan

- 5.4 The current Local Development Plan consists of the Local Development Framework Harborough District Core Strategy 2006-2028 (adopted November 2011) and “saved policies” of the Harborough District Local Plan (adopted 2001).

Harborough District Core Strategy

- 5.5 The following policies are considered to be relevant to this application:

- Policy CS5 (Providing Sustainable Transport);
- Policy CS11 (Promoting Design and Built Heritage);
- Policy CS12 (Delivering Development and Supporting Infrastructure); and
- Policy CS17 (Countryside, Rural Centres and Rural Villages).

Harborough District Local Plan ("saved policies")

- 5.6 Of the limited policies which remain extant, none are considered to be relevant to this application.

b) Material Planning Considerations

- 5.7 Material Planning Considerations relevant to this application are:

- The National Planning Policy Framework (The Framework/NPPF);
- National Planning Practice Guidance (PPG);
- Emerging Local Plan;

- Emerging Great Glen Neighbourhood Plan;

This Neighbourhood Plan is due to proceed to Referendum on 23rd November 2017.

- Crematorium Act 1902; and
- Department of the Environment Guidance – The siting and Planning of Crematoria 1978 (as amended) – LG1/232/36.

c) 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); and
- Leicestershire County Council Highways Authority 6Cs (Highways) Design Guide.

6. Assessment

a) Principle of Development/Need

- 6.1 Great Glen Crematorium benefits from an extant planning permission (reference 13/01523/FUL). Therefore, the principle of the development/need has previously been established.

- 6.2 Notwithstanding the above, with regard to the now proposed extension of operational hours to include cremation/funeral services operating on Saturdays, it is understood that this intention was originally outlined by the then Applicant (The Co-operative Group) as part of the original planning application (reference 13/01523/FUL). Indeed, the Application Form submitted in support of this application outlined a proposal for operational hours to be 09:30 to 12:00 hours on Saturdays. However, as part of the Planning Inspector's assessment of Planning Appeal reference APP/F2415/A/14/2211858, the Inspector concluded, within Paragraph 35 of the Appeal Decision:

"The appellant's transport assessment refers to a small number of funerals taking place on Saturday mornings during summer months. The Council's proposed condition on the hours of operation would prevent this. I consider it is not unreasonable to avoid services at the weekend when more people are at home."

- 6.3 Accordingly, Condition 8 was imposed upon the grant of planning permission (reference 13/01523/FUL - APP/F2415/A/14/2211858) by the Planning Inspectorate, which restricts cremation/funeral services operating solely between the hours of 09:30 and 16:00 hours Monday to Friday, scheduled to a frequency not greater than 1 service per hour.
- 6.4 Since construction, and subsequently, the opening of the Crematorium in March 2017, the Crematorium has been operating on Saturdays, in breach of Condition 8. This has previously been explored within Section 3 a) of this report.
- 6.5 Despite the breach of Condition 8, it is considered that the information submitted in support of this application, notably the Covering Letter, demonstrates a particular demand, and therefore a requirement, for extended operational times of the Crematorium for cremation/funeral services to operate on Saturdays.
- 6.6 Notwithstanding the above, it is the purpose of this application to consider whether or not the proposed variation of Condition 8 of planning permission reference 13/01523/FUL would be acceptable. This will be explored in the remainder of this report.

b) Highway Matters

- 6.7 It is acknowledged that the representations received from the local community raise concerns regarding highway matters.
- 6.8 Paragraph 32 of the NPPF states:
- “... Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 6.9 Policy CS5 of the Harborough District Core Strategy states:
- “...Proposals for assessing traffic impact, highway design and parking provision associated with new development should accord with the guidance contained in “Highways Transportation and Development” published by Leicestershire County Council.”*
- 6.10 Emerging Policy GG20 of the Great Glen Neighbourhood Plan states:
- “Development proposals will only be permitted where the traffic generation and parking impact created by the proposal does not result in an unacceptable direct or cumulative impact on congestion or on road and pedestrian safety. ...”*
- 6.11 The Local Highway Authority have been consulted on this application. No objection has been raised in respect of the proposed variation of Condition 8.
- 6.12 The consultation response received outlines that in their assessment of the original planning application (reference 13/01523/FUL), the Local Highway Authority raised no objection, and that their comments included within their consultation response outlined that the proposed development, including operations between 09:30 and 12:00 hours on Saturdays, would *“...generate literally no peak hour traffic...”* - *“...adequate parking is provided..”*, and the access would be *“...provided to appropriate standards.”*

- 6.13 With regard to the Local Highway Authority's assessment of the proposed variation of Condition 8, they are mindful of the fact that cremation/funeral services have been operating on Saturdays and have had no reported, complaints; incidents; personal injury collisions; or parking issues associated with this Saturday use.
- 6.14 In view of the above, the Local Highway Authority considers that the proposed variation of Condition 8 would not have a severe detrimental effect on the operation of the local highway network in accordance with Paragraph 32 of the NPPF.
- 6.15 Notwithstanding the above, the Local Highway Authority have subsequently requested a condition be imposed upon any grant of planning permission by the Local Planning Authority in respect of a revised highway signage strategy, in order to ensure all vehicles travelling to/from the Crematorium are directed onto appropriate strategic transport routes; however, this will fall outwith the scope of this application and would instead be subject to the advertisement consent procedure. Therefore, this condition is not recommended within Appendix A. Instead, an informative is suggested to advise the Applicant of the Local Highway Authority's request.
- 6.16 On the basis of the above, it is not considered that the proposal would give rise to any material harm in respect to matters of highway safety. Accordingly, it is considered that the proposed development would be in accordance with the relevant provisions of Policies CS5 and CS11 of the Harborough District Core Strategy, Policy GG20 of the emerging Great Glen Neighbourhood Plan and the relevant provisions of the NPPF.

c) Residential Amenity

- 6.17 Paragraph 17 of the National Planning Policy Framework *"seeks to secure a ... good standard of amenity for all existing and future occupants of land and buildings"*.
- 6.18 Policy CS11 (Promoting Design and Built Heritage) of the Harborough District Core Strategy requires proposals for development to *"ensure that the amenities of existing and future neighbouring occupiers are safeguarded."*
- 6.19 Emerging Policy GG4 of the Great Glen Neighbourhood Plan states:
- “...
e) *Proposals should minimise the impact on general amenity and give careful consideration to noise, odour and light. ...*”
- 6.20 It is acknowledged that the representations received from the Local Community raise concerns regarding the impact of the proposed variation of condition on the residential amenity of local residents.
- 6.21 Harborough District Council's Environmental Health department have been consulted on this application. No objection has been raised to the proposed variation of condition (see paragraph 4.5, above). Officers consider that the proposed variation of condition would not give rise to any concerns in respect of the potential impact to local residents by reason of noise and air quality. Accordingly, it is considered that the proposal would not constitute an unacceptable impact upon the residential amenity of local residents to Great Glen.
- 6.22 In view of the above, it is considered that the proposed development would be in accordance with the relevant provisions of Policy CS11 of the Harborough District

d) Sustainable Development

- 6.23 The NPPF requires Local Planning Authorities to grant planning permission for sustainable development.
- 6.24 Paragraph 7 of the NPPF states: *“there are three dimensions to sustainable development: economic, social and environmental”*. Taking each of these in turn the following conclusions can be reached:
- Economic
The proposed variation of Condition 8 would contribute towards economic growth in terms of employment. At least 2 no. members of staff would need to present on-site during the proposed hours of operation on a Saturday, which would provide additional employment opportunities in addition to the existing employment opportunities during the week (Monday to Friday).
 - Social
The proposed variation of Condition 8 would better meet the needs of the surrounding population, including those of differing faith communities. Statutory consultees are satisfied that the proposal will not result in any adverse impact upon the residential amenities of local residents.
 - Environmental
The proposed variation of Condition 8 would not result in any impact on the character and appearance of the local area. Statutory consultees are satisfied that the proposal would not adversely affect highway safety, and will safeguard the amenity of existing residents.
- 6.25 In view of the above, it is considered that the proposal would represent sustainable development in accordance with the NPPF.

7. Conclusion/The Planning Balance

- 7.1 In summary, it is considered that the proposed variation of Condition 8 of planning permission (reference 13/01523/FUL / APP/F2415/A/14/2211858) to include cremation/funeral services operating on Saturdays between the hours of 09:30 and 16:00 hours Monday to Friday, scheduled to a frequency not greater than 1 service per hour, would be acceptable. The proposal would help to support an existing use which in turn would better meet the needs of the surrounding population, including those of differing faith communities. The proposal will not have an adverse impact on residential amenity or highway safety. Accordingly, it is considered that the proposal would comply with Policies CS5, CS11, CS12 and CS17 of the Harborough District Core Strategy, and also National planning policy, and no material considerations indicate that the policies of the Development Plan should not prevail. The proposal represents sustainable development which accords with Paragraph 14 of the NPPF, and the decision has been reached taking into account Paragraphs 186 and 187 of the NPPF.

8. Planning Conditions & Informatives

- 8.1 If Members are minded to approve the application a list of suggested conditions and informative notes is attached to Appendix A.

Appendix A: Conditions and Informative Notes

Planning Conditions:

1) **Hours of Operation**

Cremation/funeral services shall only operate between the hours of 09.30 and 16.00 hours Monday to Saturday and shall be scheduled to a frequency not greater than 1 service per hour.

Reason: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area and to accord with Harborough District Core Strategy Policy CS11.

2) **Approved Plans**

The development hereby permitted shall be carried out in accordance with the following approved plans GG001_P(0)000; GG001_P(0)001; 120108 (D) 102 A; GG001_P(0)002; GG001_P(0)004_B; GG001_P(0)005_A; GG001_P(0)006; GG001_P(0)007; GG001_P(0)008_A and IMA-15-007_sk/005C.

Reason: For the avoidance of doubt.

3) **Burials**

All burials in the cemetery shall be:

- A minimum of 50 metres from a potable groundwater supply source;
- A minimum of 30 metres from a watercourse or spring;
- A minimum of 10 metres distance from field drains.

There must be no burial into standing water and the base of the grave must be above the local water table.

Reason: To ensure groundwater will not be polluted by the proposed burials.

Informative Notes:

- 1) You are advised of Leicestershire County Council Highways' consultation response dated 21st November 2017. The Applicant is advised to discuss the requested revised signage strategy with the Local Highways Authority. Please be advised that separate advertisement consent may be required for any alteration to highway signage.

Planning Committee Report

Applicant: Mr A Freer

Application Ref: 17/01575/FUL

Location: Land at Oak Lane, Arnesby, Leicestershire

Proposal: Erection of single detached dwelling including installation of new access (Resubmission of 17/00774/FUL)

Application Validated: 13/09/17

Target Date: 08/11/17 (extension of time agreed).

Consultation Expiry Date: 18/10/17

Site Visit Date: Various, including 12/05/2016 and 15/09/2016, 21/06/16, 27/09/17

Case Officer: Louise Finch

Recommendation

Planning Permission is **APPROVED**, for the reasons and appended conditions set out in the report.

The development hereby approved, by virtue of its location and design (form, mass, scale, proportions, style and materials), would deliver new housing in a sustainable settlement, would be in keeping with the character and appearance of the site and surrounding area, would not cause significant harm to the amenities of surrounding residents/sites, would not adversely affect ecological, heritage, archaeological or arboricultural interests, and would not cause significant detriment to highway safety.

The proposal, therefore, complies with Policies CS1, CS2, CS3, CS5, CS8, CS11 and CS17 of the Harborough District Core Strategy and retained Local Plan Policy HS/8 (as the proposal is within the defined Limits to Development of the settlement), and whilst currently designated as important open land under Policy HS/9 this Policy is considered out dated and the site was not considered as being suitable to designate as a Local Green Space..

No other material considerations indicate that the policies of the development plan should not prevail. The proposal complies with the National Planning Policy Framework (NPPF) and the decision has been reached taking into account Paragraphs 186 and 187 of the Framework.

1. Site & Surroundings

- 1.1 The application site comprises approximately 0.052ha, and lies on the northern side of Oak Lane within the village of Arnesby and currently comprises of an area of rough grassland enclosed on the front by existing mature hedges. To the immediate west is a site which has permission for the development of 3 dwellings, granted under ref 16/00651/FUL (referred to in planning history below). To the north is further paddock and to the east the rear gardens of 2 residential properties known as Rickyard Cottage and Briar Cottage.

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Properties to east of site “Rickyard Cottage” and “Briar Cottage”.

Looking from corner of Oak Lane and Mill Hill Road northwards across site.



Looking west along Oak Lane (site on right)



2. Site History

2.1 16/00651/FUL-Erection of 3 dwellings and associated garages and access-land off Mill Hill Road (approved).

As can be seen from the original site plan below, the land currently forming the current application was originally part of the site, with a total of 6 dwellings proposed all accessed off Mill Hill Road. The scheme was revised to 3 dwellings and the rear (eastern) part of the application removed from the site following concerns raised by the Planning Officer.

Original scheme.



Original site boundary:





Looking northwards up Mill Hill Road with site on right.

Revised (approved scheme)



17/00774/FUL Erection of detached dwelling and new access (withdrawn, following concerns raised about size of dwelling by Planning Officer)

3. The Application Submission

a) Summary of Proposals

- 3.1 This application is for the development of the site by the erection of one detached two storey dwellings. The dwelling comprises 4 bedrooms, with small “eye-brow thatch” dormers incorporated in the roof space to front and rear elevations. The maximum roof height would be 7.47m, with eaves to 4.73m. The property is set back from the back of the highway by a minimum of 6.8m.
- 3.2 To the eastern side is an open sided car port incorporating timber posts and matching roof, with turning place to front (3 spaces max, includes turning space).
- 3.3 The layout of the site would involve the creation of new access and include the removal of overgrown hedge to front of site

Proposed Layout



b) Documents submitted

- 3.4 The application is accompanied by the following documents and supporting information:

- Tree survey and constraints plan
- Layout of the site
- Plans and Elevations of proposed dwellings
- Ecology appraisal
- Protected Species Survey

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application.
- 4.2 A summary of the technical consultee responses received are set out below. If you wish to view the comments in full, please go to:

a) Statutory & Non-Statutory Consultees

4.3 Arnesby Parish Council

Arnesby Parish Council objects to this application on the following grounds:
There was an original application for six dwellings on land off Oak Lane which, for many years, had been designated as important open space. That application was refused. However, a revised application for three large houses on the land was approved. At the time a plot of land was reserved although for what purpose was unclear. It is on this piece of land that it now proposed to erect this additional detached dwelling.

A further property on this plot of land will result in too dense housing and remove the last piece of open land in the area.

The size of the house is disproportionate to the size of the plot.

An earlier application was withdrawn because of access concerns. A turning space on The property has now been added. However, this is a house for a large family which can anticipate more than two cars. There is will be no space for additional parking and Oak Lane is a narrow one-way road with no pavement. As a consequence any additional cars will have to park in otherparts of the village.

The draft Neighbourhood Plan has identified the need for smaller affordable housing. This proposed four bedroom house is not in keeping with the kind of housing seen as a priority for the village.

LCC Ecology

My colleague commented on an application for a wider area of grassland in this area (16/00651/FUL) which was accompanied by an ecology survey and great crested newt assessment. No habitats of significance were found on site last year, and there were no potential GCN ponds within 100m of this current site, and my colleague had no objections to the wider scheme.

The GCN report has been submitted, and is still acceptable. There is no need to update the ecology survey for this current scheme.

I have no objections to the proposal.

LCC Highways

No objection raised-refers to standing advice.

The Planning Officer previously questioned whether turning facilities would be required on site and the following response was provided;

The 6Cs Design Guide would normally require turning facilities in the following circumstances:

- ☐ where a proposed development takes access from a road with a speed limit above 40 mph; or
- ☐ for roads subject to speed limits less than 40 mph on any road carrying 300 vehicles per hour at its peak

I would not expect Oak Lane to meet these criteria and therefore would not raise objection to cars having to reverse onto Oak Lane.

HDC (Conservation Officer):

The application site is within the centre of the Conservation Area of Arnesby and is located on a currently designated area of Important Open Land (IMPOL). As the IMPOL designation is not being carried forward as Local Green Space and by virtue of the fact that the piece of land to the west of the site has a current permission for three dwellings, this proposal for one dwelling is not considered to result in an unacceptable encroachment into the open space. The character of this part of the Conservation Area will already be altered by the existing approvals and I believe that this land does not make such a significant contribution to the character of the Conservation Area to warrant a refusal of the application on the grounds of loss of open space and resulting harm to the character of the area.

Furthermore the design of the dwelling reflects the neighbouring dwellings and therefore in my opinion is in keeping with the character of the area and also preserves the character and the appearance of the Conservation Area in this location. It is considered that the proposal for one additional dwelling will not harm the significance of the Heritage Asset and consequently is in accordance with Harborough District Core Strategy Policy CS11 and Chapter 12 of the NPPF.

b) Local Community

4.4 7 letters of objection received to the proposal submitted raising the following concerns:

- The scheme seems to replicate part of the original scheme for 6 houses.
- Oak Lane is narrow, one-way street with existing properties on left hand side. This property is on right hand side with no footpath and could increase the potential for accidents.
- If turning area is used for parking this will negate the benefit of the turning area. Insufficient parking for house of this size.
- Land is designated as Important Open land and would contribute to the character and appearance of Conservation Area.
- Village is preparing neighbourhood Plan.
- Unacceptable impact on properties fronting Oak Lane, especially Acorn House which would suffer loss of amenity and natural light.
- This land was detailed as “eco-corridor” in previous revised plans.
- Severe lack of parking, especially as Oak Lane is narrow, one way road with no footpath or on road parking.
- Adverse impact on Briar Cottage and Rickyard Cottage-driveway and garage close to rear gardens would be unsympathetic.
- Refer to refusal at The Firs on Mill Hill Road and considered that this scheme should be refused for same reason-impact on Important Open Land.
- Scheme is purely for financial gain-no community benefits.
- 6 windows overlooking property (Rickyard Cottage) and overshadowing.
- Ecology report refers to planiting of hedge with wooden fence along Eastern boundary but this is not shown.
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- 4.5 Full versions of the comments received can be viewed at www.harborough.gov.uk/planning

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'), unless material considerations indicate otherwise.

a) Development Plan

- 5.2 The DP for Harborough relevant to this site comprises:
- The Harborough District Core Strategy adopted November 2011;
 - The saved policies of the Harborough District Local Plan (HDLP) adopted April 2001
 - *Harborough District Core Strategy*
- 5.3 Relevant policies to this application are CS2, CS5, CS8, CS11 and CS17, all of which are included in the policy section pages on this agenda.

b) Material Planning Considerations

- 5.4 *The National Planning Policy Framework (The Framework / NPPF)*

The Framework, published March 2012, replaces previous national policy/guidance set out in Planning Policy Statements and Planning Policy Guidance documents.

- 5.5 *National Planning Practice Guidance*

The national Planning Practice Guidance (hereafter referred to as the PPG), published 6th March 2014, replaces a raft of previous planning guidance documents that have been cancelled as part of the Government's drive to simplify the planning process.

- 5.6 *Supplementary Planning Guidance*

The Supplementary Planning Guidance most relevant to this proposal is

- SPG Note 2: Residential Development

- 5.7 *Leicestershire County Council Highways Authority 6Cs Design Guide*

- 5.8 *5 Year Housing land Supply Statement*

- 5.9 The Council produces bi-annual monitoring reports on the level of housing supply within the District. These reports include a five year housing land supply calculation and a housing trajectory for the remainder of the DP period.

The most up-to-date report up to March 2017 which demonstrates that the Council has a 4.45 year supply.

Paragraph 49 of the NPPF states that where local planning authorities cannot demonstrate an up-to-date five year supply (5YS) of deliverable sites they should consider planning applications for housing “in the context of the presumption in favour of sustainable development”.

This proposal would therefore make a contribution towards addressing the shortfall in the District’s housing supply. This adds a commensurate amount of positive material weight towards approving the proposal.

- 5.10 Arnesby Neighbourhood Plan. Area designated, but Plan has not yet been submitted to the LPA for examination and subsequently carries limited weight.

c) Other Relevant Information

- 5.11 Reason for Committee:
The application is referred to Committee to the level of objection raised (7+)

- 5.12 *Local Green Spaces 2016.*

The National Planning Policy Framework (NPPF) 2012 allows communities to nominate green spaces to be designated as Local Green Space. This designation can be made when either a Local Plan is adopted or a Neighbourhood Plan ‘made’.

Local Green Space designation gives the green space a very high level of protection against development and the NPPF states that the Local Green Space designation will not be suitable for most green space.

Local Green Space must fulfil certain criteria to be designated. These are:

- ☐ where the green space is in reasonably close proximity to the community it serves;
- ☐ where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- ☐ where the green area concerned is local in character and is not an extensive tract of land.

6. Assessment

a) Principle of Development

- 6.1 Although Arnesby is not identified within Policy CS17 as a Selected Rural Village (having only one key service a Primary School and therefore not considered sustainable), it does have a Limits to Development. Policy CS17 identifies that within villages not identified as Selected Rural Villages, but which have identified Limits to Development, these may be suitable to receive very limited small scale infill development.
- 6.2 The site sits in the centre of the village (close to the school) and is considered to be infill with existing housing opposite, to the rear and on the opposite side of Oak Lane. As such it is considered that the limited development of one dwelling (or four dwellings if read in conjunction with the adjoining site), in this location subject to

compliance with CS11 and CS17, the principle of development is considered acceptable.

b) Impact upon the character of the Important Open Space and Conservation Area.

- 6.3 The site does lie within the boundary of the villages Conservation Area and is also currently identified under saved Policy HS/9 of the Harborough Local Plan as being Important Open Land which are seen as areas identified for their contribution to the form and character of the settlement.

The policy states that development on important open land may be acceptable where the 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.

The site is currently enclosed with various trees and hedging to the front boundary to Oak Lane as shown below. The verge to the front includes a hedge which would be retained, apart from points of access (pedestrian and vehicular) the retention of these features, together with the set back from the road (10m) would enable the spacious open feel of this part of the Conservation Area to be maintained.. The site has no public access, and has previously been used as a paddock.

- 6.4 However during 2012 and 2013 Harborough District Council as part of the background information in the preparation of its new Local Plan, undertook two 'call for sites' asking for Local Green Space nominations to be submitted with evidence supporting their designation. The Local Green Space Assessment allows communities to nominate green spaces to be designated as Local Green Space which gives a very high level of protection against development.

- 6.5 This site formed part of an area that was subject to this assessment, however, was not considered as being suitable to designate as a Local Green Space. The site was proposed as Local Green Space, but the consideration of the LPA was that the site did not sufficiently fit the criteria for designation with the evidence provided at the time of submission. This consideration does not diminish the importance of the green space to the community, and the community may propose the designation as Local Green Space in the Neighbourhood Plan. Note that NPPF states that '*The Local Green Space designation will not be appropriate for most green areas or open space.*' Para 77

The Planning Practice Guidance states the following:

Reference ID: 37-001-20140306

Open space should be taken into account in planning for new development and considering proposals that may affect existing open space (see [National Planning Policy Framework paragraphs 73-74](#)). Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute

to [green infrastructure](#) (see [National Planning Policy Framework paragraph 114](#)), as well as being an important part of the landscape and setting of built development, and an important component in the achievement of sustainable development (see [National Planning Policy Framework paragraphs 6-10](#)).

- 6.6 The site is enclosed by substantial hedging that largely screens views into it from outside. The hedges is to be partially retained within the development proposal and whilst it is accepted that they will be subject to ongoing maintenance, their retention would contribute towards maintaining the wider appearance of the site with the setting of the village and the Conservation Area.
- 6.7 Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose a duty on Local Planning Authorities to pay special regard/attention to Listed Buildings/assets and Conservation Areas, including setting, when considering whether to grant planning permission for development. For Listed Buildings/assets, the Local Planning Authority shall “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses” (Section 66) and for Conservation Areas “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area” (Section 72).
- 6.8 The nearest Listed building is The Manor House and its listed wall (shown to the right of below photo). However given its position and separation by the lane no adverse impact on the setting of this building, or to The Old Farmhouse located to the eastern boundary of the site is envisaged. The later is some 46m away and Rickyard Cottage already intervenes.



Site to left as seen in the context of Conservation Area and listed Manor House.

- 6.9 The Conservation Area Character Statement notes, the form of the village embraces the variety of buildings along the street network, the network of roads and the relationship of buildings to open spaces. The development is not seen as contrary to this character, particularly given that the development is spacious and has been reduced; it is considered that development on this site would not harm the wider

setting of the Conservation Area, although the nature of the site would change, this change is not considered as harmful.

c) Layout and Residential amenity

- 6.10 The layout proposes that the dwellings would be sited fronting onto Oak Lane with secondary elevations to the east and west. To the west is the previously approved development of 3 dwellings and to the east the rear gardens of Rickyard and Briar Cottages. This layout would generally accord with the form of development within Arnesby and result in separation distances between the two storey side of the dwelling (which has no first floor principal windows) is approximately 17.4m. This exceeds the 14m adopted standard and the properties are also higher. The distance to the open sided carport is approximately 14m.



Properties to east of site “Rickyard Cottage” and “Briar Cottage”.

The nearest residential property on Oak Lane is The Oak House (photo below) which is approximately 15.8m away on the other side of the lane from the principle elevation.

This is considered to represent an acceptable relationship with the road between and is typical of other relationships seen throughout the village.

The relationships with the approved dwellings is also considered acceptable with the main relationship to Plot 2 to the garage and principal first floor windows also minimise don this elevation.



The Oak House (above)



Oak Tree Cottage (above)

- 6.11 The design of the property incorporating dormers partially in the roof space, reflects the design of the two properties to the side (east), and others on Oak Lane, overall height of all three properties would be 7.8 meters, which is also reflective. Details of the materials to be used in the construction of the dwellings have not been specified, however, it is considered that suitable materials to reflect the character of the area could be provided and as such a condition is proposed (C3 refers)..
- 6.12 Overall the size and designs of the dwelling is considered acceptable in this location and the layout including the retention of the existing boundary hedges will result in an acceptable form of development in this location in accordance with Policy CS11.

d) Highways and parking

- 6.13 Access to the dwellings would be off Oak Lane, which is a narrow one way street with no pavements, as shown in above photo. The layout shows parking for 3 cars, and this does include the turning area. Whilst it is acknowledged that if a car is parked in the turning space, turning will not be possible, the Highways Officer has confirmed that there is no actual requirements in the 6c's adopted guidance for a turning space to be provided in any event, and there would be no technical objection to reversing into the road. The retention of the parking/turning area can be conditioned.
- 6.14 Whilst there is no footway on Oak Lane, this is an existing situation and the addition of the one dwelling with adequate parking is not considered to represent a significant highways impact.

e) Ecology and trees

- 6.15 Ecology have considered the applicants supporting information but raise no overall objections to the proposals although do have concerns about the proximity of the development as shown on the illustrative masterplan to the eastern boundary of the site. They therefore request conditions. Some evidence of protected species was found but the site was identified to be of low ecological value.
it is considered that the proposal will cause no harm to protected species and is considered to comply with CS8.

7. The Planning Balance / Conclusion

- 7.1 The Council currently can not demonstrate a five year supply of housing land, therefore CS Policies CS1a and CS2a and elements of CS17 are considered out of date. HS/8 is also considered out of date. Although the site is currently designated as important open land under saved Policy HS/9 of the Harborough Local Plan 1990, this policy is now outdated and a more recent assessment of the merits of the site under the Local Green Spaces Assessment has not supported its designation a Local Green Space.
Therefore, Paragraph 14 of The Framework makes it clear, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. No specific policies within the Framework indicate that development should be restricted.
- 7.2 The provision of up to 1 dwelling, on a site that could be brought forward relatively quickly (land in single ownership, with no abnormal costs/infrastructure) is a benefit of the development.
- o Environmental sustainability*
- 7.3 The proposal is sited in a sustainable location, will not result in the loss of the best and most versatile agricultural land, and, subject to condition, will cause no harm to protected species, flooding/flood risk, highway safety, archaeology, heritage assets, residential amenity or the character and appearance of the countryside.
The relatively low key layout and compatible design allows for adequate landscaping and would enable the spacious feel of this part of the Conservation Area to be retained.
- o Economic sustainability*
- 7.4 The development would have economic benefits in the short term arising from the construction of the development and the longer term through residents' expenditure and support of local services. The completed development will also result in New Home Bonus and Council Tax receipt.
- o Social sustainability*
- 7.5 The proposal will bring new residents to the village. The site is within walking distance of local services, including the school and the future occupiers would have opportunity to contribute to the village's health, social and cultural well-being.

The proposed development is considered to be compliant with Core Strategy policies CS2, CS5, CS11 and CS17 and is not considered to have a detrimental impact on the character and appearance on the centre of the village or the Conservation Area. The Local Green Spaces Assessment has not supported its designation a Local Green Space and the nature of the development merits it acceptable in the context of its

Important open land designation and thus in accordance with saved Local Plan Policy HS/9.

8. Planning Conditions

- 8.1 If Members are minded to approve the application, a list of suggested planning conditions is attached at **Appendix A**.

Appendix A Recommended Conditions

Implementation:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Plans:

2. The development hereby permitted shall be in accordance with the following approved plans 4023/AG/16/014B, 4023/AG/16/007A and site plan, REASON: For the avoidance of doubt.

Materials:

3. No development shall commence on site until a schedule indicating the materials to be used on all external elevations of the approved dwellings/garages has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity. REASON: In the interests of visual amenity and the character and appearance of the area and to accord with the Harborough District Council Core Strategy Policy CS11.

Highways:

Car parking:

4. The car parking and any turning facilities shown within the curtilage of the dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to accord with Harborough District Core Strategy Policy CS11 and LCC 6'Ss Guidance.

Ecology:

5. The development hereby approved shall be implemented in accordance with the approved mitigation measures detailed in the Ecological Surveys by Brindle and Green dated April and June 2016 submitted in support of the application. REASON: In the interests of wildlife and nature conservation and to accord with Harborough District Core Strategy Policy CS11.

Retention of hedgerows:

6. The existing hedgerow(s) on site shall be retained, except at point of accesses and a scheme for their future long term maintenance shall be submitted and approved in writing by the LPA and subsequently implemented thereafter. REASON: To ensure that the existing hedgerow(s) on the site can be retained, to enhance the development and to safeguard the appearance of the area and to accord with Harborough District Core Strategy Policy CS11.

Landscaping:

7. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) Indications of all existing trees and hedgerows on the land;
- (b) details of any trees and hedgerows to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) hard surfacing materials;
- (g) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (h) retained historic landscape features and proposed restoration, where relevant.
- (i) programme of implementation

Thereafter the development shall be implemented fully in accordance with the approved details and retained in perpetuity.

REASON: To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with Harborough District Core Strategy Policy CS11

Construction method statement:

8. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) storage of plant and materials used in constructing the development;
- c) wheel cleaning facilities;
- d) hours of construction work, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and to accord with Harborough District Core Strategy Policy CS11

Permitted development restriction:

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouse(s) hereby permitted or within their curtilage. The area above the garage on Plot 3 shall not be used as a terrace/balcony. REASON: In the interests of the amenity of the area/ residential amenity and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements and to accord with Harborough District Core Strategy Policy CS11

Notes to Applicant

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

2. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg.

Planning Committee Report

Applicant: Mr David Field

Application Ref: 17/01715/CLU

Location: 20 Welland Park Road, Market Harborough, Leics

Proposal: Certificate of lawfulness of proposed development for the installation of a dormer window and alterations to loft

Application Validated: 10/10/2017

Target Date: 5/12/2017

Consultation Expiry Date: Not applicable

Site Visit Date: 11/10/2017

Case Officer: Emma Baumber

Recommendation

The evidence provided indicates that the development is Permitted Development, as laid out in the Town and Country Planning (General Permitted Development) (England) Order 2015. The development is lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended).

1. Site & Surroundings

- 1.1 The property is located on Welland Park Road close to the centre of Market Harborough. The property is a semi-detached, two storey dwelling (with dormer loft conversion) within a predominantly residential area. The property also has a vehicular access to the rear from Walcott Road.



Figure 1: Site Location

- 1.2 The property has a parking area to the front and long garden to the rear. The rear garden is bounded by 1.8m-2m close boarded fencing to each boundary. There are a number of outbuildings to the rear including a play house, garden shed and pergola/car port along the rear boundary. The rear boundary of the plot forms part of the side boundary of 2 Walcott Road.
- 1.3 The surrounding properties are also characterised by large, long gardens to the rear. As seen in the below image, many of these have parking areas, garages and outbuildings to the rear boundaries.

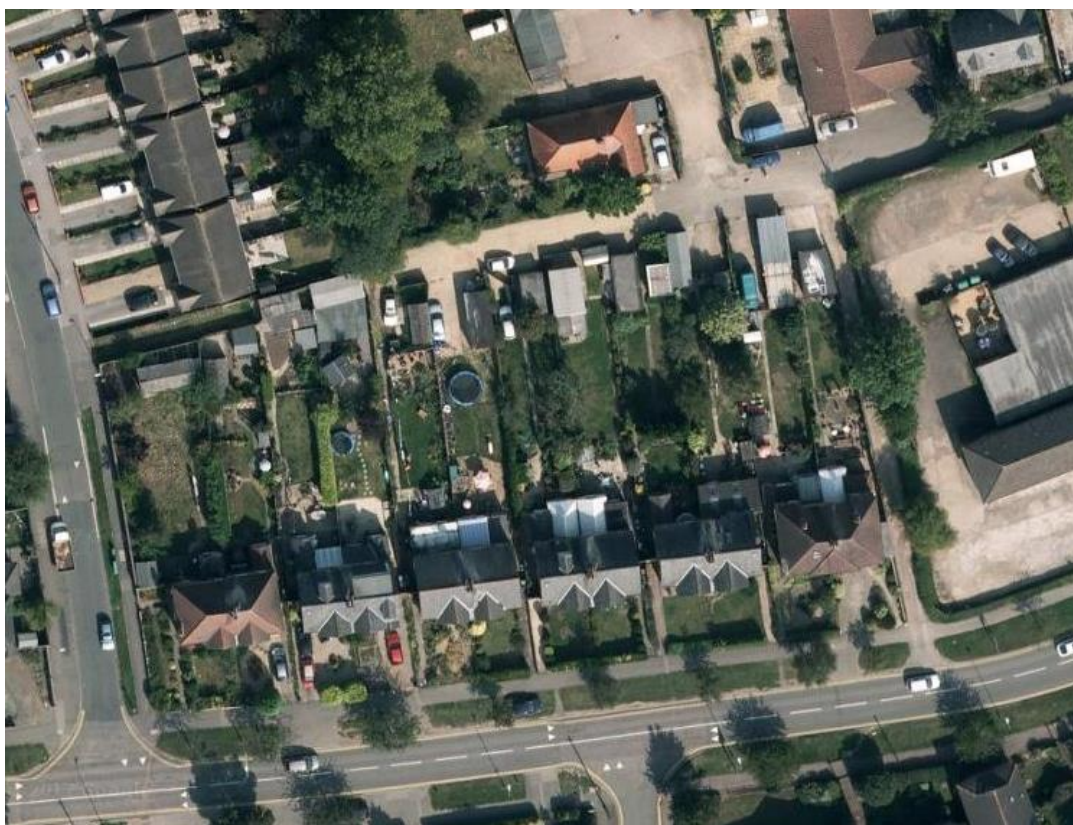


Figure 2: Aerial image of Welland Park Road

- 1.4 The property benefits from Permitted Development Rights as outlined in the Town and Country (General Permitted Development) (England) Order 2015 (as amended)

2. Site History

2.1

- 17/00526/CLU- Certificate of lawfulness of proposed development for the erection of a garage/workshop (withdrawn)
- 17/01499/FUL- Erection of a detached garage/workshop (approved)
- 17/01773/NOT- Prior notification for the erection of a single storey rear extension (depth 6m, maximum height of 3.64m and eaves height of 3m)

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal seeks a Certificate of Lawfulness for the proposed installation of a dormer window to the rear of the property and alterations to the loft.

b) Documents submitted

i. Plans

- 3.2 The application has been accompanied by the following plans –
‘Proposed Elevations’
‘Proposed Floorplans’
‘Existing Elevations’
‘Existing Floorplans’
‘Site Location and Block Plan’

c) Amended Plans and/or Additional Supporting Statements/Documents

- 3.4 No amendments received

d) Pre-application Engagement

- 3.5 No pre-application engagement was carried out prior to submission.

4. Consultations and Representations

- 4.1 As the application is for a Certificate of Lawfulness it is not necessary to carry out consultations with the neighbouring properties or the parish council, the application must simply be considered against the Town and Country Planning (General Permitted Development) (England) Order 2015, hereafter referred to as the GPDO.

5. Planning Policy Considerations

- 5.1 Please see above for planning policy considerations that apply to all agenda items.

a) Development Plan

- *Town and Country (General Permitted Development) (England) Order 2015 (as amended)- Schedule 2, Part 1, Class B*

c) Other Relevant Information

- *Reason for Committee Decision*

- 5.5 This application is to be determined by Planning Committee due to applicant being a member of staff

6. Assessment

a) Principle of Development

- 6.1 As this is an application for a Certificate of Lawfulness, the proposal must be considered against the criteria of Schedule 2, Part 1, Class B of the GPDO, the property has its Permitted Development Rights therefore the principle of roof alterations is acceptable subject to the below conditions.

b) Assessment

6.2 Under Part 1 Class B of the GPDO 2015 (England), additions to the roof of a dwellinghouse does not require Planning Permission subject to the below criteria:

B.1 Development is not permitted by Class B if-

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Not applicable

(b) any part of the dwellinghouse would as a result of the works, exceed the height of the highest part of the existing roof;

Acceptable

(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principle elevation of the dwellinghouse and fronts a highway;

The dormer window is proposed to the rear of the dwelling house as such it does not extend beyond the principle elevation of the dwelling.

(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-

(i) 40 cubic metres in the case of a terrace house, or *(not applicable)*

(ii) 50 cubic metres in any other case;

The cubic content is 44m³ and is therefore acceptable.

(e) it would consist of or include-

(i) the construction or provision of a verandah, balcony or raised platform, or

(ii) the installation, alteration or replacement of a chimney, flu or soil and vent pipe; or

While a large window is proposed to the rear, no balcony is proposed.

(f) the dwellinghouse is on article 2(3) land

Not applicable

B.2 Development is permitted by Class B subject to the following conditions—

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) the enlargement must be constructed so that—

(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—

(aa) the eaves of the original roof are maintained or reinstated; and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be—

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Interpretation of Class B

B.3 For the purposes of Class B, “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4 For the purposes of paragraph B.2(b)(ii), roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.

6.3 The proposed development complies with the above conditions and as such does not require Planning Permission and a Certificate of Lawfulness can be granted.

8. Planning Conditions

8.1 None required.

Planning Committee Report

Applicant: Mr David Field

Application Ref: 17/01773/NOT

Location: 20 Welland Park Road, Market Harborough, Leics

Proposal: Prior notification for the erection of a single storey rear extension (depth 6m, maximum height of 3.64m and eaves height of 3m)

Application Validated: 9/10/2017

Target Date: 20/11/2017

Consultation Expiry Date: 9/11/2017

Site Visit Date: 11/10/2017

Case Officer: Emma Baumber

Recommendation

Harborough District Council has considered the application under Condition A.4 of Part 1, Schedule 2 to the Town and County Planning (General Permitted Development) Order 2015 and decided that prior approval of the details is not required for the development as described in the submitted documents and on any accompanying plans and drawings.

1. Site & Surroundings

- 1.4 The property is located on Welland Park Road close to the centre of Market Harborough. The property is a semi-detached, two storey dwelling (with dormer loft conversion) within a predominantly residential area. The property also has a vehicular access to the rear from Walcott Road.



Figure 1: Site Location

- 1.5 The property has a parking area to the front and long garden to the rear. The rear garden is bounded by 1.8m-2m close boarded fencing to each boundary. There are a number of outbuildings to the rear including a play house, garden shed and pergola/car port along the rear boundary. The rear boundary of the plot forms part of the side boundary of 2 Walcott Road.
- 1.6 The surrounding properties are also characterised by large, long gardens to the rear. As seen in the below image, many of these have parking areas, garages and outbuildings to the rear boundaries.

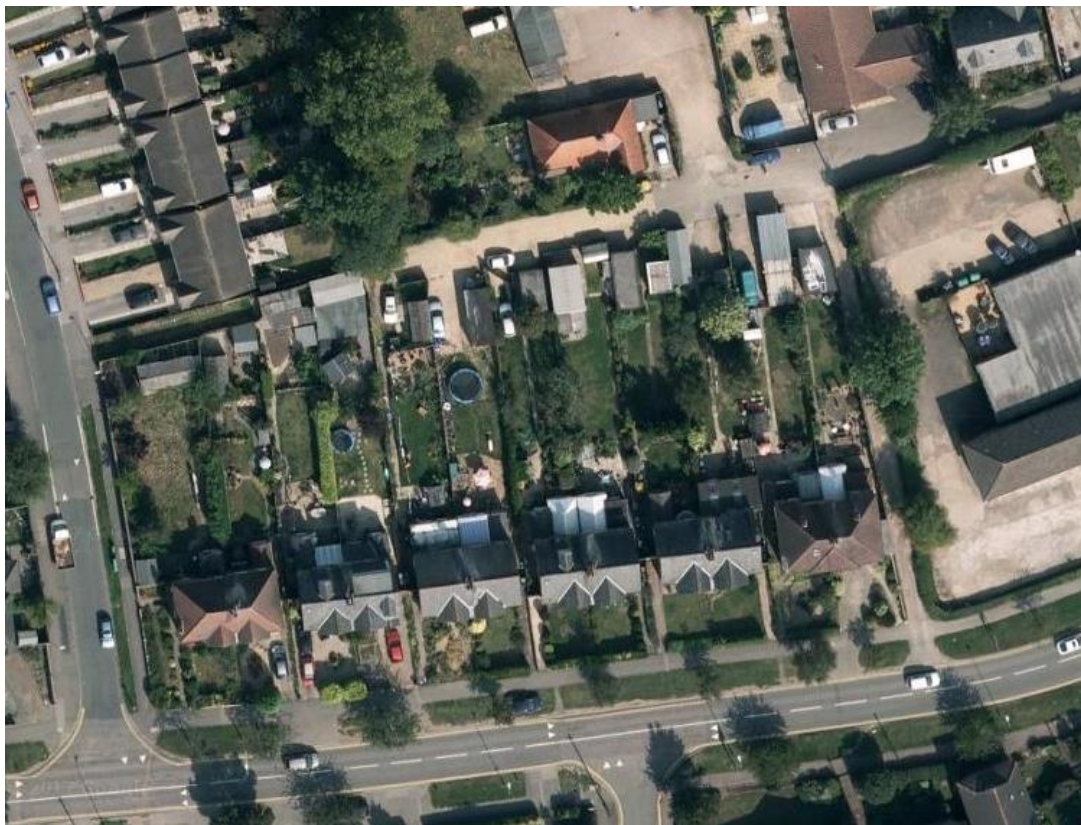


Figure 2: Aerial image of Welland Park Road

- 1.4 The property benefits from Permitted Development Rights as outlined in the Town and Country (General Permitted Development) (England) Order 2015 (as amended)

2. Site History

2.1

- 17/00526/CLU- Certificate of lawfulness of proposed development for the erection of a garage/workshop (withdrawn)
- 17/01499/FUL- Erection of a detached garage/workshop (approved)
- 17/01715/CLU- Certificate of lawfulness of proposed development for the installation of a dormer window and alterations to loft (pending consideration)

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal seeks notice as to whether the prior-approval is required to the erection of a single storey rear extension of depth 6m, maximum height of 3.64m and eaves height of 3m.

b) Documents submitted

i. Plans

- 3.2 The application has been accompanied by the following plans –
‘Proposed Elevations’
‘Proposed Floorplans’
‘Existing Elevations’
‘Existing Floorplans’
‘Site Location and Block Plan’

c) Amended Plans and/or Additional Supporting Statements/Documents

- 3.4 No amendments received

d) Pre-application Engagement

- 3.5 No pre-application engagement was carried out prior to submission.

4. Consultations and Representations

- 4.1 Consultations with neighbouring residents were carried out for the application as required within A.4(5). This occurred on 19th October 2017. This consultation period expired on 9th November 2017.
- 4.2 Firstly, a summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to:
www.harborough.gov.uk/planning.

a) Statutory & Non-Statutory Consultees

- 4.3 Not relevant

b) Local Community

- 4.5 No comments received

5. Planning Policy Considerations

- 5.1 Please see above for planning policy considerations that apply to all agenda items.

a) Development Plan

- *Town and Country (General Permitted Development) (England) Order 2015 (as amended)- Schedule 2, Part 1, Class A (hereafter referred to as the GPDO)*

c) Other Relevant Information

- *Reason for Committee Decision*

- 5.5 This application is to be determined by Planning Committee due to applicant being a member of staff

6. Assessment

a) Principle of Development

- 6.1 As this is a Prior Notification application for the erection of a single storey rear extension, the provisions of Part 1 of Schedule 2 of the GPDO are considered most relevant.

b) Assessment

- 6.2 Under Part 1 Class A of the GPDO 2015 (England), paragraph A1(g) for a limited period ending at 30th May 2019, a single storey rear extension to a semi-detached property of between 3 metres and 6 metres in depth and not exceeding 4 metres in height does not require Prior Approval, provided that (1) it meets the tests of Class A.1. These tests are:

- (a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P or Q of Part 3 of the GPDO (change of use);
- (b) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (c) The height of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the highest part of the roof of the existing dwellinghouse;
- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the eaves of the existing dwellinghouse;
- (e) (not relevant in the case of NOT applications)
- (f) (not relevant in the case of NOT applications)
- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have single storey and-
 - i) Not extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
 - ii) Not exceed 4 metres in height;
- h) (not relevant in the case of NOT applications)
- i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would not exceed 3 metres;
- j) (not relevant in the case of NOT applications)
- k) It would not consist of or include-
 - i) The construction or provision of a veranda, balcony or raised platform,
 - ii) The installation, alteration or replacement of a microwave antenna
 - iii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - iv) An alteration to any part of the roof of the dwellinghouse

And provided that (2) it meets the criteria of Class A.3-

- (a) The materials used in any exterior work (other than materials used in the construction of a conservatory) are to be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

And (3), subject to Conditions A.4 (1) – (15). 118

4.3 Based on the information submitted, the proposed single storey rear extension meets the tests as set out in (a), (b), (c.), (e), (g), (i), (j) and (k) above. In addition, no neighbours to the property have objected to the proposed development.

4.4 Prior approval is therefore not required in this instance, and the impact on neighbour's amenity is not required to be assessed. It also important to note that after 42 days following receipt of this type of application where the local planning authority has not determined the application the applicant may begin development, however due to the applicant being a Council employee the application is presented to Planning Committee for transparency.

APPENDIX A – Planning Conditions

8. Planning Conditions

8.1	None required.
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Planning Committee Report

Applicant: Mrs Claire Helen Sheldrake

Application Ref: 17/01739/FUL

Location: 84 St Marys Road, Market Harborough

Proposal: Change of Use from a shop (A1) to drinking establishment (A4)

Application Validated: 16.10.2017

Target Date: 11.12.2017

Consultation Expiry Date: 14.11.2017

Site Visit Date: 25.10.2017

Case Officer: Mike Smith

Recommendation

Planning Permission is **REFUSED**, for the reasons set out below:

The proposed use of the premises as an (A4) drinking establishment in this particular case and in this location close to existing occupiers and residential premises would be likely to give rise to adverse impact on the amenities of those occupiers. The proposal would therefore be contrary to Policy CS11 of the Harborough District Core Strategy and saved policy MH/15 of the Harborough Local Plan 2001.

1. Site & Surroundings

- 1.1 The application site relates to the former print and copy centre premises at 84 St Marys Road in Market Harborough. The property which is currently vacant is a two storey building with forecourt parking to the front of the premises and a small enclosed yard to the rear. Above the ground floor are separate first floor office premises.
- 1.2 Immediately to the side of the property is the entrance to the St Marys Road east public car park which extends around the rear of the property. Beyond that are a mixture of commercial and retail uses including Harborough Academy, a Dance and Fitness Wear retail premises and St Marys Fish and Chip Shop and the current premises occupied by the applicants at No 76 St Marys Road known as The Forge.
- 1.3 On the other side of the application site are a series of large 2/3 storey properties containing a mixture of residential, retail and commercial uses. Within the near vicinity of the site are other retail premises, some residential properties as well as opposite The Freemasons Arms.
- 1.4 The premises are located within an area identified in the saved policy MH/15 of the Harborough Local Plan as the St Marys Road Mixed Use Policy Area.

Figure 1: Site Location



2. Site History

- 2.1 94/01199/3P Change of use from builder yard to office including single storey extension 84 St Marys road Market Harborough – Approved

3. The Application Submission

a) Summary of Proposals

- 3.1 The application seeks planning permission for the change of use of the ground floor of the premises from an A1 retail shop to an A4 drinking establishment.
- 3.2 It is proposed that the current premise of the Brewhouse (the Forge) relate from their current site at 76 St Mary's Road to the application site and that the premises would operate Mondays to Sundays between the hours of 11.00 to 23.00.

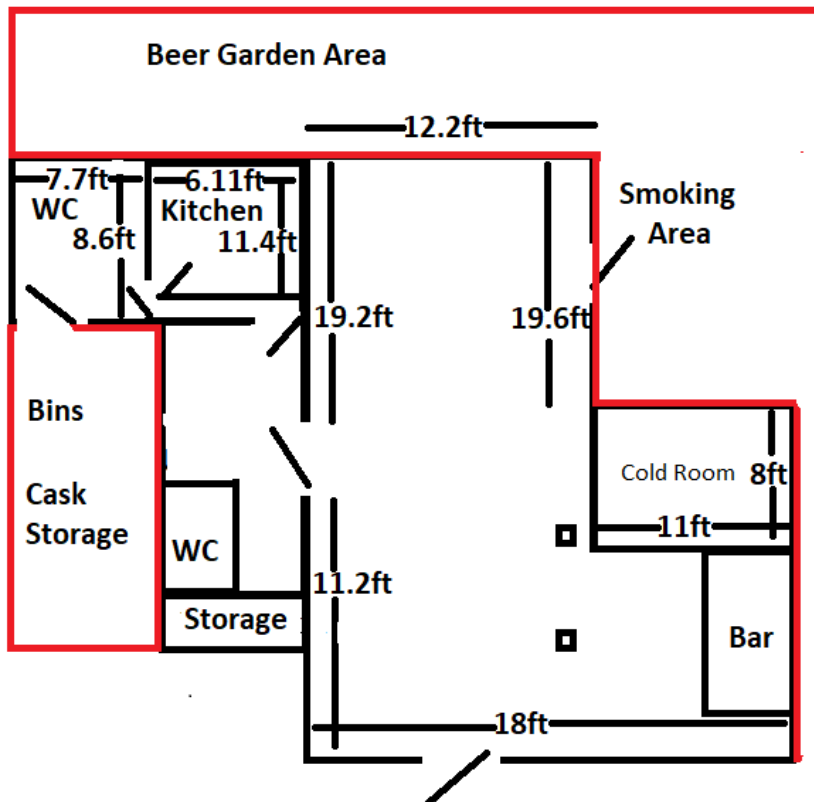


Figure 2: Proposed Floor Plans

b) Documents submitted

i. Plans

3.2 The application has been accompanied by the following plans:

- 1:1250 Site Location Plan
- Application Forms; and
- Supporting Statement

d) Pre-application Engagement

3.5 Pre-application engagement was carried out prior to submission, although further supporting information has been included in support of the application.

4. Consultations and Representations

4.1 Consultations with technical consultees and the local community were carried out for the application. This occurred on 24th October and included a site notice put up on the 25th October. This initial consultation period expired on 15th November.

- 4.2 Firstly, a summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to:
www.harborough.gov.uk/planning.

a) Statutory & Non-Statutory Consultees

- 4.3 HDC Environmental Health Officer
- Whilst I appreciate that the applicant is an existing business in close proximity to the proposed site, the new location is adjacent to a residential property (as well as possibly above the premises) and as such, it is important that their amenity is not affected by the granting of this development.
 - Appreciate the ethos of the microbrewery is for a quiet drink although it is not necessarily the patrons that I am concerned about compared to any refrigeration units that may be installed as part of the development.
 - I would be obliged if the applicant could advise on where the refrigeration units will be stored as a noise assessment may be required to ensure nuisance is not caused either to the neighbouring resident of the accommodation above the proposed development.
- 4.4 Following clarification from the applicants about the operation of equipment the Environmental Health Officer further commented;
- The applicant has advised that air conditioning units are already sited to the rear of the building away from the adjacent premises. Given that the air conditioning units are already in place with no complaints that I am aware of, I have no further comments on this application.
- 4.5 Market Harborough Civic Society
- No comments on the proposals

b) Local Community

- 4.4 2 letters has been received objecting to the proposals for the following reasons (full copies of objections are available to view on-line)::
- The first is from the occupier of the first floor premises above the application site:
 - The use is incompatible with the first floor use (counselling and psychotherapy).
 - Concerned about use of outside space by customers, noise and disturbance and impact on clients.
 - Increase in noise, including music
 - Will adversely impact on the business and clients using the business.
- 4.5 The second letter of objection is from the occupiers of the adjacent residential premises at 86 St Mary's Road. Their concerns are:
- We have lived at our address for over 20 years and we are therefore well acquainted with the development of St Mary's Road as a mixed

residential, retail and social avenue. Indeed, there is a public house (The Freemasons Arms) almost opposite. However, a drinking establishment on the other side of the road is very different to having one next door.

- The applicant seeks to operate from 11am till 11pm seven days a week. Of course our privacy will be disturbed and our amenity will be affected - the customer base will change, the times of use will change and never have an evening off, let alone a day off, and noise levels will change. The applicant's covering letter does refer to an environment free from, inter alia, 'juke boxes.' On the subject of noise however, we are aware that the current Beer House premises does entertain live music and such this would further interfere with our amenity. We are also concerned about potential noise from any refrigeration units which will be necessary for the storage of beer. And reviewing this after any installation would be too late.
- Our final objection on the generality of the application concerns the potential change of use per se. We are very concerned that, if the council were to grant a change of use for the current applicant to set up a beer house, there would be little to get in the way of a subsequent application for a traditional pub or club. Such a change would not confine itself even to the limitations suggested by the current applicant and would further affect our amenity.

4.6 In addition however 8 letters have also been received in support of the application for the following reasons:

- The beerhouse currently provides excellent customer service with knowledgeable staff who have a genuine interest in quality ales. The surroundings are unique in that they provide their customers with a friendly warm environment which is not overpowered by loud music or TVs and gives the opportunity to engage in friendly conversation in a relaxing environment.
- The new use proposed for the property concerned is in keeping with its character and location.
- As we live in the flats directly opposite the beerhouse we would see no valid opposition to them relocating in such a short proximity to where they currently are.

5. Planning Policy Considerations

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for development be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.2 Unless otherwise stated, an explanation of the development plan policies, material planning considerations, and other documents referred to can be found at the beginning of the Agenda under "All Agenda Items Common Planning Policy".

a) Development Plan

5.3 The current Local Development Plan consists of the Local Development Framework Core Strategy 2006-2028 (adopted November 2011) and saved policies of the Harborough District Local Plan (adopted 2001).

- *Harborough District Core Strategy (Adopted November 2011)*

5.4 Relevant policies to this application are:

- CS1 – Spatial Strategy
- CS6 – Improving Town Centres and Retailing
- CS13 – Market Harborough
- *Harborough Local Plan 2001 (retained policies)*
 - MH/15 St Mary's Road Mixed Use Policy Area

b) Material Planning Considerations

5.5 The following material planning considerations are relevant to this application:

- The National Planning Policy Framework (The Framework/NPPF), particularly Para.14 (presumption in favour of development), Section 1 (Building a Strong Competitive Economy) and Section 2 (Ensuring the Vitality of Town Centres)..
- National Planning Practice Guidance

6. Assessment

a) Principle of Development

6.1 The site is within the built up area of Market Harborough and forms part of a frontage of properties containing a mixture of commercial, retail and residential uses. The premises although currently vacant on the ground floor were previously occupied by a print shop and copy centre.

6.2 In support of their proposals the applicants have submitted the following information:

Beerhouse currently exists at 76a St Mary's Road, we are proposing to move the premises to a building more suited to a micro pub. We will be maintaining our ethos of:

- *A single room seating limited numbers (around 45)*
- *Selling real ale from micro breweries and small, independent brewers, with wine and soft drinks along side*
- *An environment free from TV, Juke Boxes, Gaming Machines and Pool Tables*
- *Providing Off Sales*
- *Emulating an Old Fashioned Ale House, where conversation is the main form of entertainment.*

Product

Micro Pubs differ from other licensed premises in that they are aimed to appeal to Beer Enthusiasts and not binge drinkers. As such, they are not considered to be a source of late night trouble. We have been members of Pubwatch for the last 3 years with no problems.

The location of Beer House is away from the main drinking establishments in Market Harborough High Street, whilst being easily accessible from them. The location of St Mary's Road is ideal, easily accessed by people going to or returning from the Train Station, going into town and people on their way home from work. Through stocking an ever changing array of artisan beers and ciders, we emphasize local products and attract beer enthusiasts.

Décor

Within the ethos of the micro pub movement, Beerhouse is furnished with an eclectic range of furniture, sourced locally. The overall look will be simply comfortable, the placement of the furniture will be conducive to conversation and welcoming to new comers and regulars alike.

The development is the creation of a single roomed Micro Pub within the structural constraints of the building. The gross floor space of the building is 70 SqM

We would plan for licensing to cover the rear outside space in order to set out small benches in the summer months and provide an off street smoking area. The development creates a social area for around 45 people, all contained within the existing building footprint. The building structure will be maintained as will the existing footprint, together with the existing access/egress. There will be no substantial changes to the areas as they now exist. The building will retain its scale and proportions in relation to the surrounding commercial built environment, therefore having no increased impact on the street scene of St Mary's Road.

The development would not affect residential amenity or give rise to an unsafe highway situation, being at the entrance to a public car park.

- 6.3 Officers are not aware of any issues in respect of noise and disturbance that have arisen from the operation from their current premises at 76 St Mary's Road, although it has to be acknowledged that the location of the current premises, which is only a short distance from the application premises; does not have residential properties in such close proximity and indeed does not have separate occupiers above the existing building.
- 6.4 Therefore despite the information submitted by the applicants on how the premises would be run and the type of establishment that is being envisaged, consideration has to be given to the impact that the development of a drinking establishment would have on the amenities of the occupiers of nearby properties including residential flats.
- 6.5 Although Environmental Health Officers have considered aspects of potential noise sources from equipment etc from the premises and the impact that these may have on the occupiers of adjacent premises; and as a result of information supplied by the applicants have no objections, the impact of the use of the site by patrons of the premises is a more difficult issue to analyse.
- 6.6 Clearly the premises are located in an area containing a mixture of commercial and retail uses including the Freemans Public House on the opposite side of the road but that the area is also interspersed with a number of residential properties. In addition it is apparent from the comments received that the first floor of the application premises is separately occupied. The application proposes that the premises are to be open between the hours of 11.00 and 23.00 daily and the plans submitted with the

application do indicate that an external beer garden area and an outside smoking area would be created to the rear of the building.

7. The Planning Balance / Conclusion

- 7.1 On balance it is considered that despite the location of the premises within a mixed use area, the potential adverse impact of a new use as proposed both during the daytime and into the evening on the amenities of the occupiers of nearby properties, in this particular case outweighs the economic benefits of allowing an existing use to relocate and expand.
- 7.2 It is therefore recommended that the application is refused for the reason set out at the beginning of this report.