

Planning Committee Report

Applicant: Bovis Homes Limited

Application Ref: 16/02081/OUT

Location: Land South Of London Road, Great Glen

Proposal: Erection of up to 100 dwellings with associated vehicular/pedestrian access, public open space, footpaths, sustainable drainage and other infrastructure (access only to be considered)

Application Validated: 28.12.2016

Consultation Expiry Date: 23.03.2017

Target Date: 29.03.2017 (Extension of Time Agreed)

Site Visit Date/s: 12.01.2017 and 09.02.2017

Case Officer: Nick White

Recommendation

Planning Permission is **APPROVED** for the reasons set out in this Committee report and subject to completion of a Section 106 Agreement, or similar legal obligation, to secure appropriate highway mitigation and a package of infrastructure contributions to make the development acceptable in planning terms (Appendix A), and subject to the appended Planning Conditions (Appendix B).

Recommended Justification Statement:

The proposed development is considered in the context of the presumption of sustainable development in the National Planning Policy Framework, as the Council are unable to demonstrate a deliverable 5 year housing land supply. The proposed development is adjacent to a sustainable Rural Centre village settlement and village shops, services and public transport links lie within reasonable distance of the site. The proposal would result in some harm to the character and appearance of the countryside and would result in less-than-substantial harm to the setting of nearby Listed assets, in particular the Grade II Star St. Cuthbert Church. The proposal would result in the loss of a significant area of cohesive ridge and furrow earthworks, which is classed as a non-designated heritage asset; designated Listed assets in the locality derive significance from their spatial and social relationship with the earthworks. However, when balanced against the Council's 5 year housing land supply shortfall, the public benefits of the proposal (the provision of dwellings, including affordable housing, with concomitant economic and social benefits) are considered to outweigh the aforementioned harm. The development would deliver infrastructure contributions to make the development acceptable in planning terms. Sufficient evidence has been provided to demonstrate that 100 dwellings could be delivered on the site in accordance with Development Plan and Framework policy requirements with regards to the following considerations: design (appearance, landscaping, layout and scale); housing mix; residential and general amenity; ecology; archaeology; arboriculture; climate change; flood risk; and highway safety. The proposal, therefore, complies with Development Plan 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. In accordance with Paragraph 14 of the Framework, the adverse impacts of the development do not significantly and demonstrably outweigh the benefits. The decision has been reached taking in to account Paragraphs 186 and 187 of the Framework.

1. Site & Surroundings

- 1.1 The application site comprises the majority portion of a roughly L-shaped agricultural field, as well as sections of other fields that lie to its south through which Public Footpath C26 passes. The total red line site boundary extends to approximately 11.7 hectares (28.9 acres) in area.
- 1.2 The site lies in countryside, outside the identifiable built extent of the Rural Centre village of Great Glen (including lying outside the settlement's Limits to Development).
- 1.3 The site lies to the western side of Great Glen and is situated between the old A6 London Road and the A6 Great Glen bypass. London Road is a single carriageway highway which is slightly elevated above the northern boundary of the site, while the A6 bypass is a dual carriageway which runs through a cutting in this area. Current field access is via gated entrances on London Road.
- 1.4 The site contains significant ridge and furrow earthworks which inhibit modern arable farming practices – the site is currently in use as pasture land.
- 1.5 Mature hedgerows and hedgerow trees define the boundaries and these are generally well established and provide a strong degree of enclosure. There are no trees or hedgerows within the open fields.

Figure 1: Site Outline (1:5000 scale).

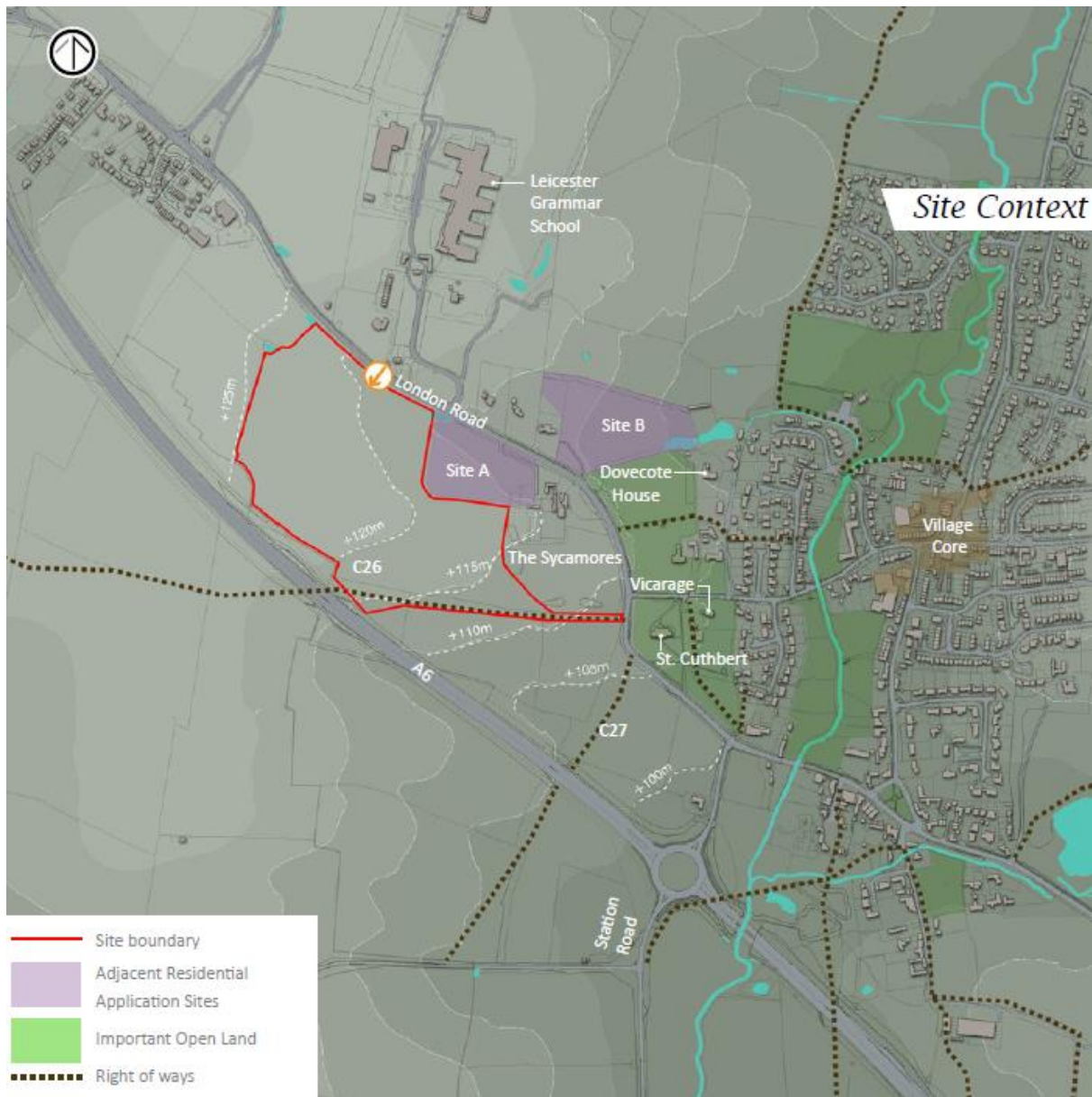


(Source: HDC Uniform Mapping. Dashed Lines = Public Rights of Way.)

- 1.6 Recent housing commitments in the immediate locality are noted (annotated as “1”, “2” and “3” on Figure 1), in the form of:
1. 15/00912/OUT (40 dwellings, Davidsons Development Limited, Land OS 1408, London Road).
 2. 16/00321/FUL (9 dwellings, Francis Jackson Homes Ltd, Land Rear 26 To 30 London Road); and
 3. 16/01382/OUT (19 dwellings, Messrs Carr And Bowie, And Francis Jackson Homes Ltd, Land South Of London Road, Great Glen) (recently allowed at Appeal).
- 1.7 There are significant levels changes across the site, with the western boundary representing the highest parts of the site (125m AOD**) and levels falling towards the southeastern corner of the site (approximately 112.5m AOD where the most southeastern building is proposed).

(**AOD = “above ordnance datum”. Mean sea level is used for the datum.)

Figure 2: Applicant’s “Site Context” plan.



(Source: Applicant's Design and Access Statement; p.13)

- 1.8 The vehicular entrance to Leicester Grammar School lies on London Road opposite the northeastern corner of the site. The School's access T-junction is approximately 110m to the southeast along London Road from the proposed development access. The main School campus lies 200m+ to the north.
- 1.9 An assortment of residential properties lie opposite the site to the north, across London Road – a pair of semi-detached dwellinghouses (No.s 41 & 43 London Road), an historic dwelling set relatively close to the highway (The Lodge, No.45 London Road), an expansive detached bungalow dwelling set back within a large plot (No.47 London Road) and a further detached dwelling (No.49), as seen in Figure 3.

Figure 3: Google Maps aerial view of northern site boundary and locality.



- 1.10 A row of Grade II Listed Almshouses sit behind (to the north of) the No.47 London Road bungalow; these are collectively known as Cricks Retreat. Grade II Listed No.39 London Road also lies to the north, beyond Cricks Retreat and approximately 190m from the site. The Grade II Listed property The Sycamores (No.26 London Road) and Curtilage Listed former outbuildings (now dwellings No.s 32 and 34 London Road) are approximately 60-75m to the east of the site.
- 1.11 The most significant Listed asset in the locality is the Grade II* (star) St. Cuthbert Church, which lies at the head of public footpath C26 and opposite the extent of the site boundary in this direction. Public footpath C26 runs through the southern portion of the red line site, although it is separated from the built extent of the proposed development by a strong west-east linear hedgerow (as seen in Figure 1 above). The footpath is included within the site area because surfacing and drainage works are proposed to it as part of the development, in order to facilitate pedestrian access to the village.
- 1.12 The site is not within a Conservation Area – Great Glen does not possess a Conservation Area.

Figure 4: Proximity of Listed assets No.s 26 (The Sycamores), 32 and 34 London Road and St. Cuthbert Church.



Image 3: Sign marking start of public footpath C26, with London Road and St. Cuthbert Church and grounds behind.



Image 4: Church tower visible when walking towards Great Glen along footpath C26. Built development is proposed to the other side of the hedge on the left of this image, but with a set away from the hedge in this area.



Image 5: Church tower, near and far countryside and A6 dual carriageway seen from footpath C26.

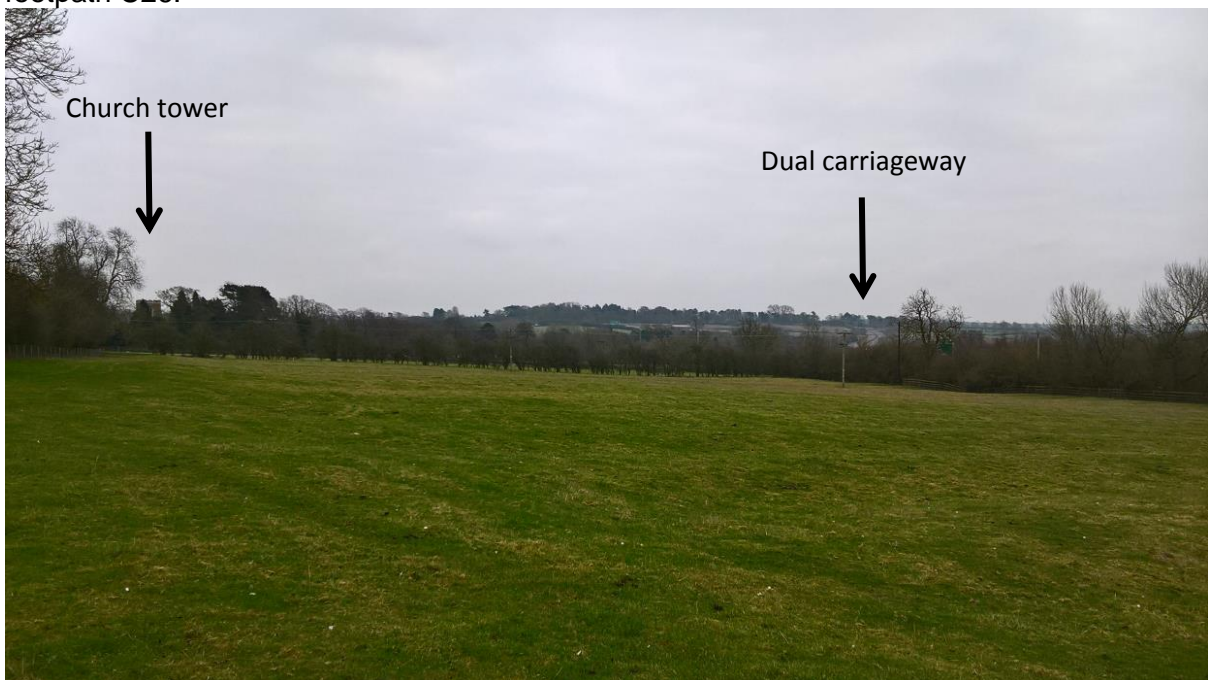


Image 6: View from London Road across the ridge and furrow field which lies immediately to the south of The Sycamores. No development is proposed in this near-view portion of the field. Cross referencing the circled copse in this image with the same copse in Image 7 indicates where built development would occur.



Image 7: Google 3D Aerial Image with extract of Illustrative Master Plan overlaid by Planning Officer. This gives a good impression of the proposed proximity of built development to The Sycamores and the Grade II* Listed Church, as well as indicating the ridge and furrow fields in the immediate locality of the Church grounds which would be undisturbed.



Image 8: Leicester Grammar School access at 3:56pm on Thursday 9th February 2017



Image 9: taken from the approximate location of the development's proposed access, looking along London Road towards the Leicester Grammar School access



Image 10: View of the site's northern frontage from London Road, taken from near to the driveway entrance to the No.47 London Road bungalow property. Foliage out of leaf.



Image 11: Comparable Google Streetview image to Image 10. Foliage is just starting to come into leaf in this Google image. Note that this Google image is taken from a higher level (a camera atop a van).



Image 12: View of the site's northwestern corner and the site's highest land areas. This image shows about the greatest degree of visibility directly in to the site from London Road. It is noted that boundary foliage obscures views even during non-leaf bearing months and that substantial additional planting is proposed within the site in this area and along the majority of the London Road site frontage.



Figure 5: Indicative screen planting along London Road site frontage.



(Source: Illustrative Master Plan; Drawing No. 168-P-003 Rev E).

2. Site History

- 2.1 The site has no previous planning history.

3. The Application Submission

a) Summary of Proposal

- 3.1 The application seeks outline planning permission for up to 100 new dwellings, with associated vehicular/pedestrian access, public open space, footpaths, sustainable drainage installations and other infrastructure. Except for 'access', all other matters are reserved for future consideration ("Reserved Matters" consideration).
- 3.2 Although dwelling heights, types and sizes are matters reserved for subsequent consideration, the Applicant indicates:
- dwellings would be limited to 2 storey. The maximum ridge height of any dwelling is stated to be 9m: "there may be some 9 metre high dwellings, with the majority being no more than 8.5m high" (Supporting Statement Letter 24 May 2017).
 - the Applicant has stated that 10 or less dwellings are likely to fall within the 8.5-9.0m height range, with the other 90 being 8.5m or lower.
 - 1-4 bedroom properties are proposed, "comprising of a range of house types from semi-detached to detached properties and may include some apartments and short length of terraced houses." (D&A Statement, p.4).
- 3.3 A mix of market dwellings (60%) and affordable dwellings (40%) is proposed, which accords with standard policy requirements.
- 3.4 Vehicular access would be via a new T-Junction on to London Road from the north of the site. It is intended that all roads would be built to adoptable standards, save for a small number of private drives serving less than 5 dwellings.
- 3.5 Officers have requested an additional pedestrian access in the northwest corner of the site, in order to reduce walking distances from the majority of dwellings to the two existing bus stops in this direction. This amendment has greatly reduced the length of new highway footway required to the front of the site, along the south side of London Road, and will thereby aid to preserve the green verge and appearance of the site frontage (compare Figure 6 with Figure 7).

Figure 6: Originally submitted Site Access and Footway Plan.

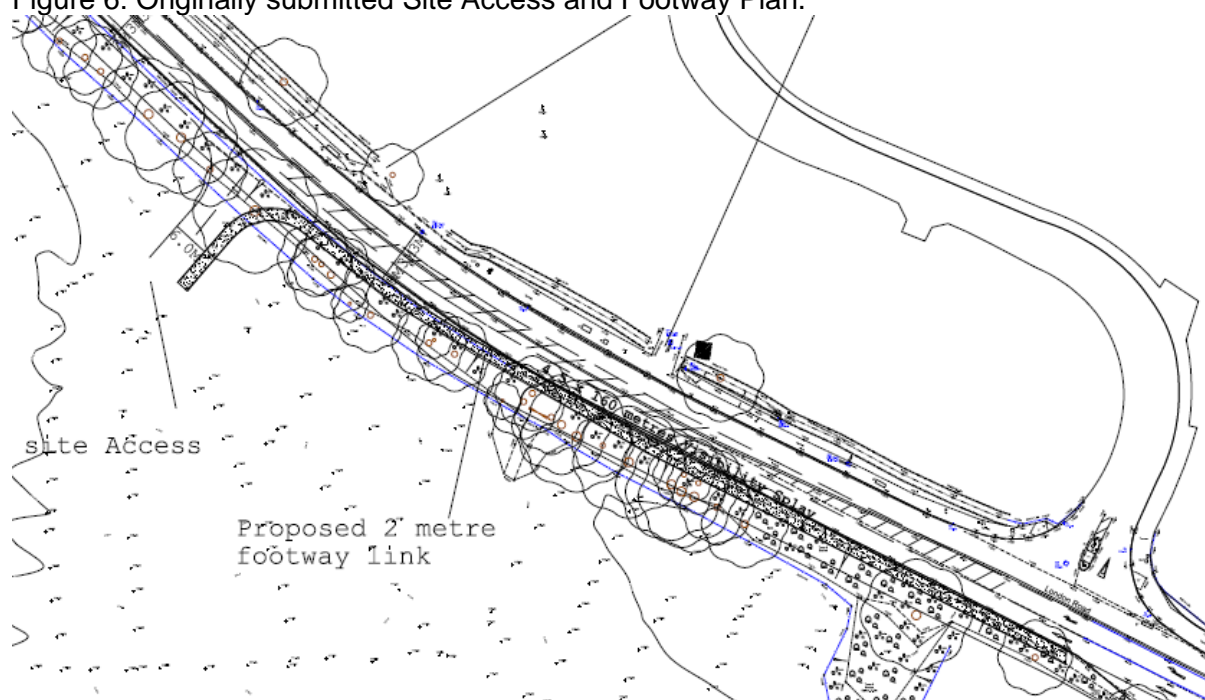
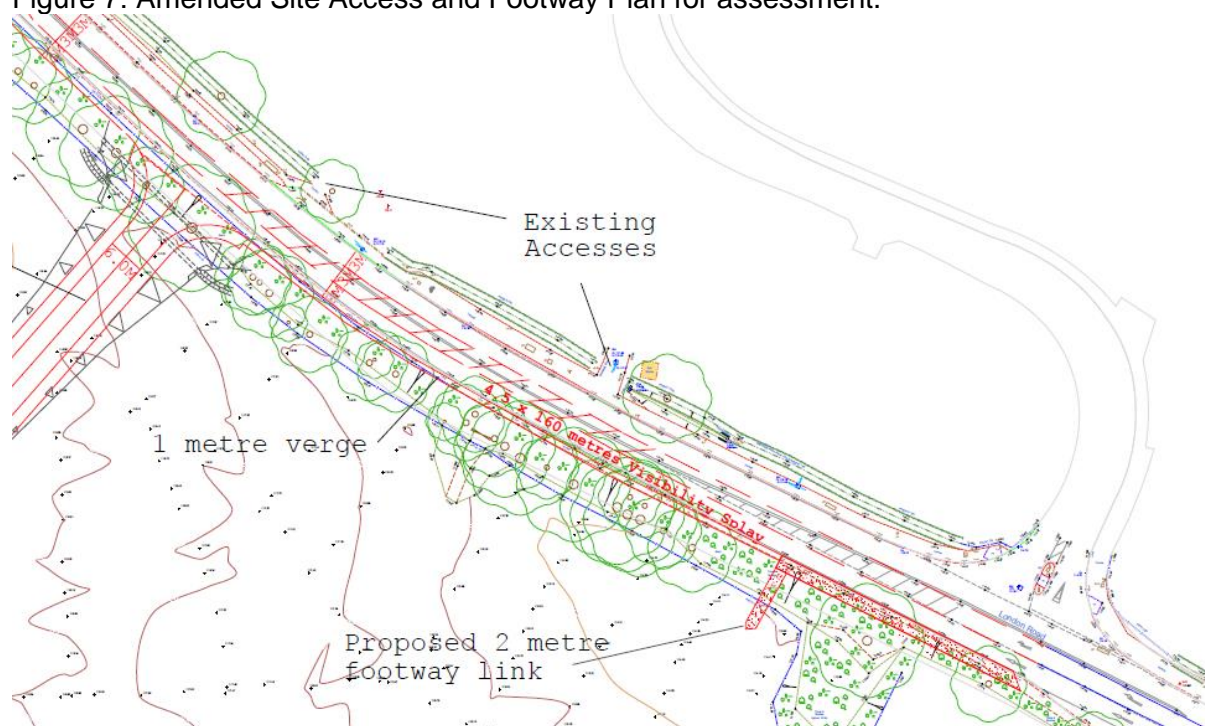


Figure 7: Amended Site Access and Footway Plan for assessment.



3.6 The Applicant's Land Use Parameters Plan indicates the following allocation of land:

- Proposed residential development of 100 units at approximately 25 dwellings per hectare –
4.0ha.
- Proposed Public Open Space / Green Infrastructure, including SUDs and habitat area –
5.6ha.

- Proposed Internal Road Infrastructure – 1.0ha
- Proposed Community Allotment – 0.5ha
- Proposed Community Orchard – 0.4ha
- Total red line site area – 11.7ha (0.2ha is unaccounted above)

3.7 The open space would be located primarily in the western and southern portions of the development site. A central spine of open space is indicated north/south through the development, providing for an equipped play area, general leisure use and drainage features. On the Illustrative Master Plan and the Land Use Parameters Plan there is also land set aside for open space and areas of significant structural planting around the northern (London Road), eastern and southern boundaries of the site. A community allotment and orchard are also shown (“A” and “O” on the Plan extract below).

Figure 8: Extract from Land Use Parameters Plan



3.8 Where built development is not proposed, tracts of ridge and furrow would be retained, as shaded on the Illustrative Master Plan (see below).

Key: “Existing ridge and furrow to be retained within public open space” =



Figure 9: Illustrative Master Plan with Key Annotations.



- 3.9 The proposal includes the provision of new footpaths/cycleways within the site, providing both leisure routes, access to play areas, and links to existing public routes, for example, to reach bus stops and to walk to the village centre. The length of requisite new footway along the site's London Road frontage is limited by the pedestrian link in the northeast corner of the site. The proposal would also involve surfacing and drainage works to public footpath C26, to improve current waterlogging issues and non-vehicular accessibility to village shops and services.

b) Schedule of Plans / Documents for Assessment

- Planning Application Form including Ownership Certificate.
- Application Red Line Plan (Drawing No. 168-P-001).
- Land Use Parameters Plan (Drawing No. 168-P-002 Rev D).
- Illustrative Master Plan (Drawing No. 168-P-003 Rev E).
- Site Access Drainage & Culvert Layout (Drawing No. 21253-200 Rev A).
- Site Access and Footway (Drawing No. 21253-201 Rev D).
- Topographical Survey (Drawing No. 24615_T, Rev 0).
- Design and Access Statement (December 2016).
- Landscape and Visual Impact Assessment (December 2016).
- Landscape and Visual Assessment Impact Addendum (April 2017).
- Preliminary Ecological Appraisal (December 2016).
- Addendum Report and Mitigation Strategy (V3, May 2017).
- Planning Statement.
- Additional information letter (Ref DJB/0081; dated 27 April 2017), which provides updates on the following matters: Highways and Access; Surface Water Drainage;

Arboricultural Matters; Archaeology; Ecology; Landscape (LVIA); Agricultural Land Classification; Parameters and Master Plans; Housing Type and Mix; Design and Access Statement; Delivery timeframes.

- Additional information letter (Ref DJB/0081; dated 24 May 2017), which provides updates on the following matters: Archaeology; Ecology; Parameters Plan, Master Plans and Footway Plan; dwelling heights; and equipped play area requirements.
- Flood Risk Assessment (December 2016).
- Technical Note response to LLFA comments (Note Number 11075- TN1; 03 March 2017).
- Drainage Strategy Report and Appendices, including updated Drainage Strategy Plan (Drawing No. 11075-01 Rev E) and information received 30.06.17.
- Transport Assessment (December 2016).
- Framework Travel Plan (December 2016).
- Heritage Assessment (December 2016).
- Response to Historic England comments – letter dated 1st February 2017 (Ecus Environmental Consultants; Ref: 8410).
- BS 5837 (2012) Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement (April 2017).
- Ambient Noise Impact Assessment Report (December 2016).
- Geo Environmental Desk Study (December 2016).
- Air Quality Assessment (February 2017).
- Archaeological Evaluation (Report No. Y278/17).

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

- 3.10 Since validation of the current application, a range of amended plans and additional information has been submitted. The final amended plans and documents for which the Applicant is seeking approval are listed above.
- 3.11 The amended plans make the following key changes and/or qualify the following matters:
- The embankments either side of the proposed access road, as identified on the Site Access Drainage & Culvert Layout (Drawing No. 200-21253 Rev A) would be approximately 1:2½ in gradient. PT Planners have advised the Applicant that this is a typical slope for an embankment and does not give rise to concerns about maintenance (e.g. mowing of grass).
 - The main vehicular access works would require that 6 trees be removed (T34, B2 Category tree; T35, U Cat; T36, B2 Cat; T37, B2 Cat; T38, C2 Cat; T44, C2 Cat). Although 3 of these trees are B Category trees (of “moderate” quality and significant in the landscape), they are not the subject of Tree Preservation Orders and do not fall within the A Category of trees (“high” quality trees which are likely to warrant a TPO).
 - The Site Access and Footway plan (Drawing No. 201-21253 Rev D) shows the creation of a footpath link to London Road, to reduce walking distances to bus stops in this direction. With the benefit of this link, the originally proposed footway between the main site access and existing footpaths becomes redundant and it is removed from the plans. The location of the footpath link means that there would be minimal impacts on the existing hedge / trees associated with the footway, with the loss limited to ‘G4’ identified in the Arboricultural Assessment. G4 is a small group of Ash Trees which are category C2 when assessed against BS5837.

- Surface water drainage capacities within the site have been bolstered. This is illustrated on the Parameters and Master Plans and supported by a range of additional drainage plans and information.
- Archaeological trial trenching investigation has been undertaken on site and associated reports submitted.
- Additional ecological work has been undertaken and addendum reports supplied, which seek to safeguard Protected Species.
- A Landscape and Visual Impact Assessment Addendum has been prepared in response to the critique of The Landscape Partnership (TLP).
- The Agricultural Land Classification of the site has been confirmed, advising that the site is all Grade 3b.
- The maximum development height is reduced from 2.5 storey dwellings (up to 9.5m to ridge, indicated across much of the site) to 2 storey dwellings (up to 9m to ridge, with “the majority being no more than 8.5m to ridge”).
- Parameters and Master Plans have been updated to reflect the above, as well as to show:
 1. Built development is pulled back from public right of way C26, in order to enhance views towards St. Cuthbert’s Church (see Before and After, below). This would reduce the visibility and imposition of new housing / built development on one’s aesthetic appreciation of the historic landscape, when one takes in views of the Grade II* Listed Church tower and its immediate agrarian landscape setting (a setting which contributes to the significance of this heritage asset). This amendment reduces the built residential area and increases overall dwelling density from 24dph to 25dpa (open space is not taken elsewhere to compensate).

Before

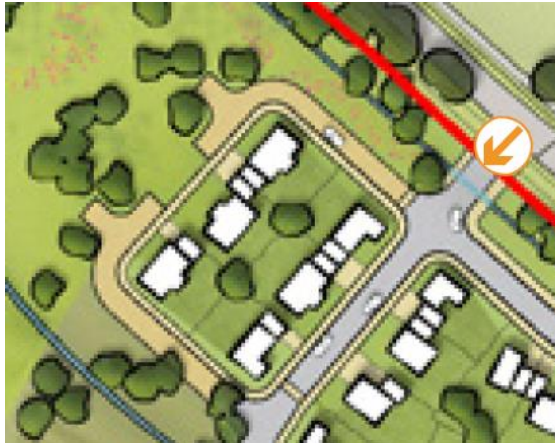


After

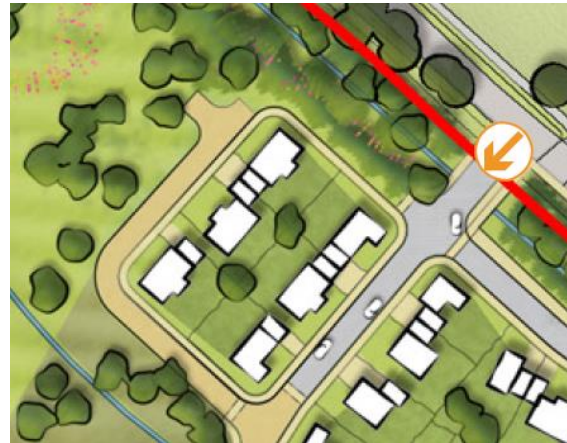


2. The access arrangements for the proposed block of housing in the northwest area of the site have been amended, which widens the buffer strip along London Road and enables additional planting, screening and ecological benefits.

Before



After



3. The equipped play areas have been rationalised to a single larger facility at the centre of the site. This retains accessibility for all future residents.

d) Pre-application Engagement

- 3.12 No pre-application advice has been sought from the Local Planning Authority. The Applicant has undertaken community consultation work, as detailed in their application submission.

4. Consultations and Representations

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

a) Statutory & Non-Statutory Consultees

- 4.3 **Severn Trent Water**
No comments received.
- 4.4 **Environment Agency**
"We have reviewed the application which is of Low Risk to the environment and there are no constraints attached to this proposal we therefore have no further comments to make."
- 4.5 **Natural England**
"Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection."
- 4.6 **Historic England**
"Summary
The proposed development site is we believe not allocated in the local plan and would lead to the loss of a substantial tract of the ridge and furrow cultivation

earthworks which provide historic landscape setting supporting the significance of the Grade II* listed Church of Cuthbert, Great Glen. This represents harm to the significance of the highly graded listed church through the loss of the landscape formed by the peasant agriculture of the community it served, and in which context the church can be approached, experienced and understood, we therefore Object to the application on heritage grounds.

Historic England Advice

The land between London Road and the A6 contains an extensive and well preserved tract of ridge and furrow cultivation remains. Ridge and furrow earthworks are a key element in the historic landscape of the English Midlands and the setting of many of its designated heritage assets, in particular those dating to the medieval and post-medieval periods.

The proposed impact upon the ridge and furrow earthworks south of London Road would represent a tangible loss to the overall national resource and to the specific regional character of the Midlands. Moreover the proposed scheme would represent harm to the significance of the grade II* listed church of St Cuthbert as its historic landscape context both in its present form as pasture and in origin as the arable holdings of the parish community who farmed the township. The strong presence, legibility and coherence of this tract of earthworks on approach to the church from the north-west are key elements in the kinetic experience of the church and village in its historic landscape context.

As you will be aware this is a non-allocated site within the local plan. The National Planning Policy Framework requires all harm to designated heritage assets to be both clearly and convincingly justified and to be weighed against public benefits (paragraphs 132 and 134). The special regard and great weight to be afforded to the significance of the listed church in its setting is set out in both the 1990 Listed Buildings and Conservation Areas Act (S66(1)) and Para. 132 of the NPPF. We refer you to the Historic Environment Good Practice Advice Note 3 'Setting of Heritage Assets' for a structured approach to the understanding of setting issues. This development represents unjustified harm to the significance of the Grade II* listed church and we object to the application on heritage grounds. Grade II* listed buildings are particularly important buildings of more than special interest, only 5.5% of listed buildings are Grade II*.

We have expressed this view in pre-application advice and separately provided some technical advice to the Applicant's consultants in respect of geophysical survey. We refer you the advice of the County Council Development Control Archaeologists in respect of the assessment of archaeological potential and its characterisation.

Recommendation

Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 132 and 134. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. We also draw your particular attention to section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise."

The Applicant responded to the above HE comments. In turn, HE provided a further response:

“Thank you for re-consulting us on this case with regard to the letter received by your authority from Mr Paul White of ECUS consultants on behalf of the Applicants (dated 1st February 2017).

Further to our advice letter of the 25th January 2017, it may be helpful to your authority if I situate our position in respect of ridge and furrow earthworks and their loss to development and the impact of this loss upon the significance of the Grade II* listed Church of St Cuthbert, Great Glen.

Historic England Advice

Ridge and Furrow

All reasonably legible survivals of ridge and furrow contribute to our understanding of medieval and later agricultural practices and the communities which were sustained by them; hence they have significance as undesignated heritage assets. Our Turning the Plough work in the late 1990's identified those 'Priority Townships' with such exceptional survival of ridge and furrow remains, landscape and documentary associations that we regard them in their own right as remains as of equivalent importance to scheduled monuments. Ridge and furrow earthworks can also as Great Glen contribute to the significance of designated heritage assets (such as the Grade II* listed Church of St Cuthbert) as setting. There is also value in the mass survival of remains across the midlands as a key element in historic landscape character, character which could not be sustained by only retaining those survivals in Turning the Plough Priority Townships <<https://historicengland.org.uk/images-books/publications/turning-the-plough-updateassess-2012/>>. Ridge and furrow may form part of a designated heritage asset such as a Scheduled Monument, Registered Park and Garden, Battlefield or Conservation Area.

Functionally the field strips served to raise the arable crops onto better drained ridges, on the cold clay soils of the English Midlands this reduced rot and improved cropping. The furrows allowed the rain to run away (before the advent of tile or pipe land-drains). The characteristic reversed S shape of the ridges was a by-product of the long ox plough teams which could not turn sharply at the end of a ridge. The fixed mould-board plough always cast the sod to the right meaning ploughing clockwise each ridge was cultivated by spiralling out from the centre line. In most medieval villages of the midlands there operated some form of open-field cultivation, this was a system of working the land in which the arable was divided amongst two, three or more large open fields in which the lord and their tenants (and the priest) held groups of strips scattered between the fields. This system allowed the crops and fallow to be rotated between the fields and the aftermath and fallow to be grazed in common. Thereby, individual tenants always had some land in crop and access to grazing in any particular year.

Groups of strips might form a peasants holding in a particular field and these bundles of strips can sometimes be differentiated in the earthwork pattern. These individual groups are often aggregated into larger units within the field with the strips aligned to follow the fall of the land, prominent furlong boundaries can be seen where the strips change orientation to accommodate the topography.

From the Black Death and the associated climatic decline, population fall and increase in peasant freedoms and earning potential, we see a long process of the conversion of arable to pasture and the enclosure of open fields into farms held

severally. This not a uniform process and many local factors hastened or slowed its progress but at some point between the mid fourteenth and the mid nineteenth centuries the strip fields we now see surviving as ridge and furrow earthworks were laid to grass. Modern tractor cultivation and cross ploughing erases the earthwork remains where they are brought back into arable.

Ridge and furrow as setting to designated heritage assets

Ridge and furrow earthworks can contribute to the significance of other heritage assets including designated assets such as listed buildings, scheduled monuments by providing historic and archaeological landscape context. This is more than just co-visibility in views from fixed points; it is matter of the experience and understanding of a listed building or monument in the landscape context in which it was built, used and supported by a community and their lords and clergy.

Great Glen is not a Turning the Plough priority township but that is not the basis of our argument, we are not claiming that the ridge and furrow of Great Glen as a whole is a survival of national importance, our position is that the specific survival between the A6 and London Road contributes directly to the significance of the Grade II* listed Church of St Cuthbert anchoring the building in the extant earthwork remains of the system of farming and social organisation that it was built to serve.

Historic England does not oppose all loss of ridge and furrow to residential development, despite the extensive loss to this resource that has occurred in the years since World War II with the advent of tractor cultivation and readily available artificial fertilizers. We target out advice and position on those cases where either the remains are in their own right of national importance (as discussed above), or the ridge and furrow in question makes an important contribution to the significance of a designated heritage asset. The understanding of setting relationships is a complex area in which you will find the Historic Environment Good Practice Advice Note 3 (GPA3) Setting of Heritage Assets particularly useful.

<<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>>

We have considered the arguments made by ECUS in their recent letter and am not swain by them. ECUS make a quantitate assessment of the survival of ridge and furrow in Great Glen and set this in the context of the wider resource, however this point is not at issue. Our advice focuses upon the contribution made by the tract of earthwork remains between the A6 and the London Road to the significance of the listed Church. ECUS argue that the location of the development on remains north of the public right of way running west from the church limits the impact of the development. Whilst clearly it would be more harmful to the significance of the church to also develop the land directly to its west this argument fails to engage with the contribution made to the significance of the church from the survival of the ridge and furrow remains as an extensive and coherent tract of earthworks which provides a sense of the scale and complexity of the fields which supported the community and its church.

Our position is grounded in the loss of the ridge and furrow remains as setting to the church, were it not that they survived so well and over such a coherent block we would not be objecting to this particular development (but note NPPF para. 130 in respect of damage). In other recent cases where losses of ridge and furrow have had lower impacts upon the significance of designated (or equivalent) assets we have not opposed development. This application stands out from much recent casework in the scale and coherence of the remains affected and the support they provide to the significance of a listed building of particular (Grade II*) importance. A

reductive approach which seeks to limit the appreciation of impact to the land directly inter-visible with the church will tend to underestimate harm by missing the experience and understanding of the site as one moves through the landscape. The assessment of impact should not be artificially limited to views from public rights of way (as discussed in the Planning Practice Guide below), however the scale of the earthworks is evident on approach along the London Road from the north towards the church.

Planning Practice Guide - Paragraph:013 Reference ID: 18a-013-20140306

“.....The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.”

ECUS weigh heavily on the contribution to the significance of the church made by other aspects of its setting (for instance the churchyard and vicarage) which of course lie outwith their client's application area. This approach is unsatisfactory since it fails to focus upon the specific impact of the application which is before your authority for determination. Naturally the ridge and furrow is not the only element of setting which contributes to the church's significance, however it is an important element and crucially it is the element affected by this application. Might the impact be greater were the development elsewhere, yes, but this is again not the matter before your authority.

We were not consulted on application 15/00912/OUT and hence did not comment on that application, although as we noted in relation to the adjacent scheme within the enclosure 16/01382/OUT adjacent to Sycamore Farm the loss of ridge and furrow even within this cut out is a matter of concern. Our objection in the case of the present development is calibrated specifically to the impact it will have upon the setting of the Grade II* listed Church of St Cuthbert and hence the harm to that listed building of particular importance's significance.

As set out above we focus our advice and resources on those cases where we believe the harm or risk to nationally important heritage assets is the greatest or the greatest opportunities lie to further understandings of the past and the positive conservation of significance. Your authority should be clear that in objecting to this development on heritage grounds we have identified it (amongst the spread of housing applications upon which we are consulted) as a case of particularly undesirable impact. We are wholly supportive of sustainable development and growth but in our remit as Government's expert advisor on the historic environment means we must sustain our objection in this specific case.

ECUS suggest that we have not considered the public benefits of the scheme or applied a balancing exercise, as you will be aware that is your function as the Local Planning Authority not ours. However, we should reiterate the statutory duty upon your authority under Section 66(1) of the 1990 Listed Buildings and Conservation

Areas Act to have ‘...special regard to the desirability of preserving the building or its setting...’ and the corresponding words in the National Planning Policy Framework

NPPF para. 132

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. ...

NPPF para. 134

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Having given detailed consideration to the ECUS letter in response to our advice, our position remains unchanged and we sustain our objection to the application on heritage grounds.

Recommendation

Historic England objects to the application on heritage grounds.

We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 132 and 134.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.”

4.7 ***East Leicestershire and Rutland Clinical Commissioning Group (NHS) (Developer Contribution)***

Extracts of comments:

“ELRCCG is requesting a capital contribution from the developer towards the use of Doctors space in the proposed new community centre in Great Glen.

The indicative size of the premises requirements has been calculated based on current typical sizes of new surgery projects factoring in a range of list sizes recognising economies of scale in larger practices.

The cost per sqm has been identified by a quantity surveyor experienced in health care projects.

...

Based on the number of dwellings proposed the figure requested is £50,231”

4.8 ***Leicestershire County Council, Environment and Transport Department, Lead Local Flood Authority (LLFA)***

Following initial concerns and requests for additional information, the final response from the LLFA, received on 30.06.17, states:

“The proposed development would be considered acceptable to Leicestershire County Council as the Lead Local Flood Authority if the following planning conditions are attached to any permission granted”

4 Conditions and associated Informative Notes are recommended (see Appendix B).

4.9 **Leicestershire County Council, Green Infrastructure Team (Developer Contribution)**

No comments received.

4.10 **Leicestershire County Council, Highway Authority (HA) (Developer Contribution)**

“The County Highway Authority advice is that, in its view 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 and Contributions outlined in this report.

Background

The County Highway Authority previously advised that the Local Planning Authority await the outcome of the Cumulative Development Traffic Impact Study, referenced hereon as ‘the study’, which had been jointly commissioned by Leicestershire County Council and Harborough District Council to test the cumulative impact of development in the Kibworths, Great Glen, Fleckney and Saddington areas.

The County Highway Authority and Local Planning Authority were aligned in the pursuance of a thorough and robust assessment of a number of pending applications so as to fully consider the cumulative impact of development along the A6 corridor including Great Glen. The outcomes of the study would consequently be considered along with specific individual assessment in the normal way.

Given the potential cumulative highway impact of the various applications currently pending the County Highway Authority considered it was essential that a full and informed assessment was made prior to determination of those applications whose impact might cumulatively be severe without appropriate improvements and mitigation.

Road Safety Considerations

The Applicant has collated and analysed Personal Injury Collision (PIC) data on the local highway network for the most recent 5 year period. This information is presented below;

Links/ Junctions	PIC Severity		
	Slight	Serious	Fatal
London Road/ Church Road	2	0	0
London Road/ Station Road	2	0	0
London Road (Adjacent Yews Hotel)	1	0	0

Of the links and junctions analysed, there were no fatal collisions, and there are no trends in the data which would indicate a particular safety concern.

Trip Generation

As part of the desktop analysis, the Applicant calculated trip generation from data provided from the TRICS[1] database. The forecast trip generation presented in the TA is replicated below;

([1] TRICS is a computer database that validates assumptions about the transport impacts of new developments. It is the industry standard system for calculating trip generation in the UK and is used as an integral and essential part of the Transport Assessment process. The database allows users to establish potential levels of trip generation for a wide range of development and location scenarios and contains over 6,600 transport surveys.)

Time Period	Vehicle Trip Rates (per dwelling)			Vehicle Trip Rates (per 100 dwellings)		
	Arrival	Departure	2-Way	Arrival	Departure	2-Way
AM (0800-0900)	0.182	0.889	1.071	18	90	107
PM (1700-1800)	0.595	0.291	0.886	60	29	89

Trip Distribution

The Applicant assigned development related vehicle trips onto the highway network using traffic count data of turning movements collected at local junctions. Trip distribution has identified a significant portion of the development traffic travelling to and from the development site via Station Road from the A6.

Growth Considerations, wider and local junction impact

A future assessment year of 2021 has been used for the purposes of the highway impact assessment. TEMPRO growth factors have been applied to the 2016 traffic survey data to produce 2021 background flows.

Wider Impact

The study assessed the cumulative development traffic impact, including the application above, at links and junctions identified within the Kibworth Beauchamp, Kibworth Harcourt, Fleckney, Saddington and Great Glen areas. The capacity assessment of the links and junctions identified demonstrates that the A6 corridor within the study area is operating significantly over capacity and consideration must therefore be given to the introduction of highway improvements to mitigate the otherwise severe highway impact from this development and the cumulative impact of the other developments proposed.

The study went on to identify concept highway improvements for the A6 Leicester Road / Wistow Road roundabout and the A6 Harborough Road / New Road junction to accommodate the impact of the cumulative development tested within this study. In addition, concept highway improvements were identified for the Church Road / A6 / Marsh Drive junction which would allow traffic from Church Road and Marsh Drive to access the A6 Leicester Road more freely compared to the existing junction layout.

Notably, the referenced concept highway improvements were deemed necessary to accommodate traffic flows from the Baseline 2021 traffic flow scenario and Baseline 2021 + Cumulative Development scenarios and the study went on to conclude that local junction interventions and bespoke highway improvements proportionate to the scale of the total development quantum proposed should be pursued. The study demonstrates that this development has a material impact at the junctions identified and therefore improvements are required to alleviate the significant impacts of the development.

The CHA understands the highway network's role to enable economy, growth and employment. To enable and facilitate such growth, the CHA recognises the pivotal role the A6 plays in providing a vital connection to areas of employment, education and the strategic road network. With due consideration to both the local and wider road network, where a material impact of development has been established, the CHA will continue in its endeavours to pursue these wider opportunities to propagate both housing and employment. By way of these necessary, relevant and proportional improvements as identified in the study, the CHA advises that development can appositely progress and the county highway network can continue to operate efficiently as it must for County, District, local resident's and developer's interests.

Until such time as a final scheme has been identified, a scenario of 'short term pain' for 'long term gain' is considered to be acceptable. Therefore, it is recommended that this development should contribute towards improvements to the wider highway network as considered appropriate by Harborough District Council in consultation with Leicestershire County Council.

Local Impact

Local highway considerations are of equal importance and the County Highway Authority recognises the role that the local highway network must play in facilitating economy and growth but critically for it to continue to operate in such a way as not to severely affect all users. The local highway network in Great Glen clearly serves an important underpinning local function which is essential to facilitate local traffic movements. The road carries a mix of transport modes and it is fronted by side roads, local amenities, residential and educational facilities. All these functions are entirely in keeping with the character of the local highway which it is important to preserve.

The 2021 junction capacity assessments are reproduced from the TA below. Ratio of Flow to Capacity (RFC) is a term used in Transport Modelling to assess the operation of a junction. The result provides an indication of likely junction performance, with a value of 100% implying that the demand flow is equal to the capacity. Typically a value of 85% is seen as the practical capacity, with results higher than this more likely to experience queuing or delay.

Junction	AM Peak		PM Peak	
	Max RFC	Max Q	Max RFC	Max Q
London Road / Station Road	82%	4	40%	1
London Road / Site Access	19%	0	5%	0

As the above testing demonstrates the test local junctions will continue to operate within capacity following the introduction of development traffic.

London Road and Site Access

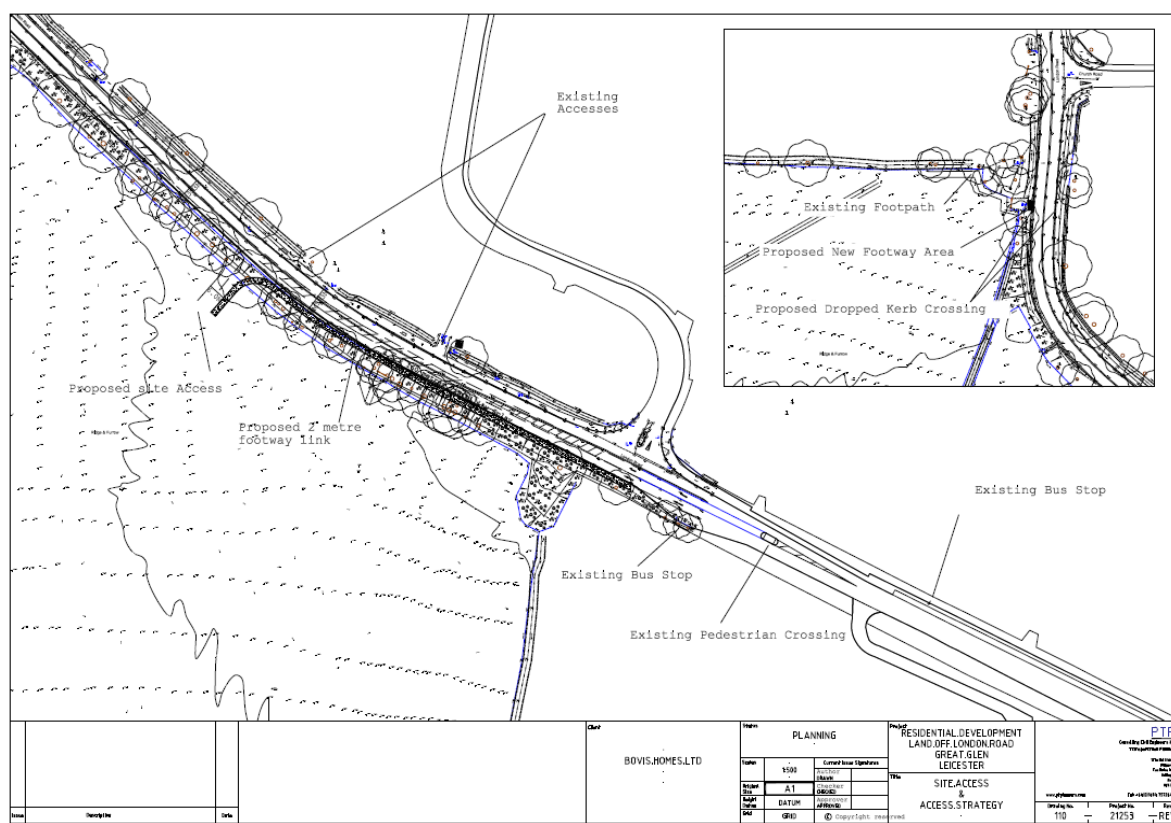
The developer proposes the site will be served by the creation of a new single point of access onto London Road.

Adjacent to the location of the proposed access, London Road is subject to a 40mph speed limit. A speed survey has been conducted and it is noted the Applicant's intention to introduce a gateway feature and potential to introduce traffic calming and/or extension of the 30mph speed limit. The recorded speeds adjacent to the proposed access location were 50mph.

Speed changes on roads which serve to denote the extent of communities, whether villages or towns are common across the County and by no means unique to Leicestershire. By the very nature of such a speed change, there is a transition area associated with each speed regime, within which it is inevitable that measurements will demonstrate vehicular speeds that are higher than would be in accordance with the lower of the stipulated speed limits i.e. 40mph reduced to 30mph.

From the perspective of driver behaviour it is important that drivers are able to recognise conventional and familiar road layouts which are conducive to promoting driver conduct that is appropriate to the road environment and, equally important, it's setting. It is recognised that the arbitrary introduction of speed limits that are inappropriate to the road scene do not in themselves achieve the desired driver behaviour.

The Applicant has liaised with the CHA and the access arrangements proposed include the provision of the right-turn ghost-island. The access proposals include the provision of a new gateway feature, associated marking and extension of the 30mph zone which are all in principle acceptable to the CHA. The requirement for traffic calming will be considered during the detailed design stage. Access arrangements are detailed in Drawing Reference 110 21253 REV and are replicated below;



Pedestrian Accessibility

The CHA notes the Applicant's intention to improve the existing Public Right of Way (PROW) link to the south of the site and which connects to London Road, as shown within the illustrative masterplan. The CHA recognises the importance of pedestrian permeability to the site and safe and suitable access to the whole site. To this end the CHA would advise inclusion of a suitable planning condition which would enable the enhancement of this link prior to first occupation of the development hereby permitted and which makes provision for pedestrians crossing London Road to access local amenities."

In order to mitigate the impacts of the development on the local highway network a range of contributions are sought by LCC HA. These are detailed in Appendix A.

4 Conditions are recommended by LCC HA and a range of Informative Notes. These are detailed in Appendix B, with Planning Officer modification as judged appropriate.

No comments have been received on the amended footway plan.

4.11 **Leicestershire County Council Senior Access & Development Officer (Rights of Way)**

"My comments on this revised proposal are as follows:

As there is a need for detailed discussion on the treatment of the Public Rights of Way I recommend that such provision is dealt with as a reserved matter and that the following condition should be placed on any outline permission granted for the site:

1. No development shall take place until a scheme for the treatment of the Public Footpath C26 has been submitted to and approved in writing by the Local

Planning Authority in consultation with the Highway Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Reason: In the interests of amenity, safety and security of users of the Public Right(s) of Way.

2. No development shall commence on site until full details of an associated crossing provision over London Road for users of Footpath C26, as proposed within the submitted detail, have been approved in writing by the Local Planning Authority. The footway and pedestrian crossing enhancements shall be provided in accordance with the approved details prior to first occupation of the development permitted and shall thereafter be permanently so maintained. Reason: In the interests of amenity, safety and security of users of the Public Right(s) of Way.

In drawing up a Rights of Way scheme I would draw the Applicant's particular attention to the following:-

- a. The route of the footpath as shown on the Applicant's master plan does not accord with the Definitive Map. This needs to be corrected or an application for a Public Path diversion Order submitted should permission be granted. See attached overlay plan.
- b. The Public Footpath should be provided with a 2 metre wide all-weather surfaced path in accordance with the County Council's Guidance Notes for Developers, with a minimum metre of clear unencumbered land either side.
- c. The two proposed linking pathways will also require to be provided with 2 metre wide all-weather surfaces in accordance with the County Council's Guidance Notes for Developers, with a minimum metre of clear unencumbered land either side. (Whether or not they are to be adopted or to be maintained in future by a landscape management company.
- d. No trees or shrubs should be planted within 1 metre of the edge of the Public Right of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species.
- e. Prior to construction, changes to existing boundary treatments running alongside the Public Rights of Way, must be approved by the Local Planning Authority following consultation with the Highway Authority.
- f. Public Rights 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.
- g. If there are any Public Rights of Way which the Applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The Applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
- h. Public Rights 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.

- i. 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 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.
- j. 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.
- k. 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.

Contributions

To comply with Government guidance in the NPPF, the CIL Regulations 2011, and the County Council's Local Transport Plan 3, the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use:

- No Section 106 contributions are requested in this case.

I would be grateful if the above comments could be considered in the decision making process and also passed to the Applicant."

4.12 ***Leicestershire County Council Education***

A total contribution of £652,738.74 towards primary and secondary education provision is sought.

4.13 ***Leicestershire County Council Library Services***

"The County Council consider the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area.

The proposed development on London Rd, Great Glen is within 0.6 km of Great Glen Library on Ruperts Way being the nearest local library facility which would serve the development site. The library facilities contribution would be £3,020."

4.14 ***Leicestershire County Council, Civic Amenities (waste disposal)***

"The nearest Civic Amenity Site to the proposed development is located at Oadby and residents of the proposed development are likely to use this site. The Civic Amenity Site at Oadby will be able to meet the demands of the proposed development within the current site thresholds without the need for further development and therefore no contribution is required on this occasion."

4.15 ***Leicestershire County Council Ecology***

Initial comments:

"Whilst we have no objection in principle to the development, on the basis of the above we have to issue a holding objection to the application pending the submission of a mitigation plan taking into account the wider area and the impact of other development.

Provided a satisfactory mitigation plan is submitted we would also recommend the following conditions on an approval:

1. All landscape planting in the informal/natural open space to be of locally native species only;
2. All hedgerows to be retained with buffer zones of at least 5 m of natural vegetation to be maintained alongside;
3. Before development commences, a biodiversity management plan for all retained and created habitats including SuDs, to be submitted and approved by the LPA;
4. The SuDS to be designed to maximise benefit to wildlife;
5. Light spill onto retained hedgerows to be minimised to a value of 1lux or lower at the edge of the habitats;
6. Removal of vegetation outside the bird nesting season;
7. Protected Species re-survey prior to commencement of each phase of development;
8. Great Crest Newt Mitigation Plan to be submitted with reserved matters application.

Further LCC Ecology comments were received on 22.03.17, in response to the submission of a Protected Species Mitigation Strategy. However, the County Ecologist concluded "I am still not able to withdraw my holding objection to the development."

Further LCC Ecology comments were received on 12.05.17, in response to the submission of a revised Protected Species Mitigation Strategy (v2). These comments conclude that the "mitigation plan is unworkable in practice".

Further LCC Ecology comments were received on 30.05.17, in response to the submission of a revised Protected Species Mitigation Strategy (v3). These comments conclude that the revised mitigation proposals are satisfactory.

4.16 *Leicestershire County Council Forestry*

"There would seem to be few (if any) arboricultural constraints in principle on this outline proposal. The site is currently open pasture with no internal trees, and aside from the actual access from London Road all developments are away from boundary trees and hedges which are to be retained. Additional planting, screening and ecological swathes are proposed to augment local amenity and enhance conservation values."

4.17 *Leicestershire County Council Archaeology*

"I can confirm that the Applicant has commissioned CFA to complete the archaeological evaluation of the development area. The work has satisfactorily addressed the buried archaeological potential of the application area, in accordance with our previous advice and in line with paragraph 128 of the NPPF. In that respect we are now able to update our previous archaeological comments. However, please be aware that comments offered in relation to the buried archaeological potential are made without prejudice to the separate, but related concerns, regarding the schemes impact upon the historic landscape of ridge and furrow earthworks and the impact of the proposals upon the setting of the parish church, associated listed buildings and the conservation area. I refer you back to our previous advice and to the comments of Historic England in the latter context."

Looking specifically at the buried archaeological potential, the evaluation has demonstrated that the site possesses a low/negligible potential for the survival of archaeological remains of prehistoric to early medieval (Anglo-Saxon) date. Two

issues remain: the evidence of medieval and post-medieval open field formation, use and evolution, and the presence of a potential historic watercourse located to the north of the site, running approximately parallel to the line of the Leicester-Great Glen road.

Once again, without prejudice to our objection in principle to the loss of a significant portion of the ridge and furrow earthwork landscape around Great Glen, should the application be determined in favour of the proposed scheme, provision for a full investigation and recording of the earthwork landscape should be made by the Applicant and secured by condition upon any planning approval. This should make provision for a comprehensive topographic earthwork survey, supplemented by documentary and targeted field investigation.

The second and related issue, given that it appears to closely correlate as an earthwork feature to the ridge and furrow, is investigation and recording of the palaeochannel (former watercourse) recorded in Trench 6 ([106] and suggested at the northern end of Trench 7. Assuming the interpretation offered for the observed feature is correct, the watercourse is likely to substantially predate the medieval landscape, in all probability originating in the immediately post-glacial environment of the late Upper Palaeolithic. The putative channel has been previously investigated to the east of the current site, however, the findings were at best inconclusive, with the targeted investigation failing to locate a discernible channel or clear evidence of fluvial activity. As the sampling was limited to a trenching extending across only a portion of the possible fluvial zone, it remains possible that a more defined channel will survive, or may occur further to the west, as potentially identified in Trench 6 within the current site. In any event the precise character and form of the earthwork features will require clarification in the context of any future approved development scheme.

Should your authority be minded to take the application forward to committee, appropriately worded conditions as outlined below should be secured on any planning approval in order to address the need for the necessary archaeological investigation and recording. I would however underline that the loss of the very tangible and coherent surviving earthwork remains, a substantial and key component of an extensive swathe of surviving earthworks around Great Glen, would be only partially mitigated by the preparation of a written and drawn record.

To ensure that the archaeological remains identified (the medieval and post-medieval ridge and furrow landscapes, and the associated palaeochannel) are dealt with appropriately, the Applicant should provide for an appropriate level of archaeological investigation and recording. This should consist of a programme of topographic earthwork survey, documentary analysis and targeted archaeological fieldwork. The putative palaeochannel should be examined by auger survey and trial trenching to identify and recover evidence of former waterlogged and/or palaeoenvironmental remains and to characterise the feature in relation to the wider historic landscape, including the medieval field system. All required archaeological fieldwork must be completed prior to commencement of any proposed groundworks associated with the development.

We therefore recommend that any planning permission be granted subject to the following planning conditions, to safeguard any important archaeological remains potentially present:

1. Prior to the submission of Reserved Matters details a programme of archaeological mitigation work (to be informed by the submitted archaeological

geophysical survey, desk-based assessment and evaluation trenching reports) shall be detailed within Written Scheme(s) of Investigation (WSI), submitted to and approved by the Local Planning Authority in writing. The WSI(s) shall include a statement of significance and research objectives, and:

- The programme and methodology of site investigation, recording, a detailed environmental sampling strategy and consideration of appropriate analytical methods to be utilised;
- The programme for public outreach and dissemination;
- The programme for post-investigation assessment and subsequent analysis;
- Provision for publication, dissemination and deposition of resulting material in an appropriate archive repository; and
- Nomination of competent person(s) or organisation(s) to undertake the agreed work.

For land and/or structures included within the WSI, no development or related ground disturbance shall take place other than in accordance with the agreed WSI.

REASON: To ensure satisfactory and proportionate archaeological investigation and recording of the significance of any heritage assets impacted upon by the development proposal prior to its loss, in accordance with local and national planning policy.

2. The programme of archaeological site investigation, subsequent analysis, publication, dissemination and deposition of resulting material in an appropriate archive repository shall be completed within 12 months of the start of development works, or in full accordance with the methodology and timetable detailed within the approved WSI.

REASON: To make the archaeological evidence and any archive generated publically accessible, in accordance with local and national planning policy.

Recommended Informative Notes:

- The WSI(s) shall comply with relevant Chartered Institute for Archaeologists "Standards" and "Code of Practice", and Historic England's 'Management of Research Projects in the Historic Environment (MoRPHE).
- The WSI(s) shall include a suitable indication of arrangements for the implementation of the archaeological work and the proposed timetable for the development.
- The LCC Historic and Natural Environment Team (HNET), as advisors to the Local Planning Authority, will monitor the archaeological work to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the Local Planning Authority."

4.18 ***Leicestershire Police (Developer Contribution)***

Extract from comments:

"Leicestershire Police have no objection to the outline planning application in principle and would seek to be consulted as part of any further planning application submissions as this progresses through to a full application."

Full comments cover the local crime and disorder context and a range of design considerations, with reference to the principles of "Secured by Design".

A developer contribution towards policing is not requested.

4.19 **NHS – East Leicestershire and Rutland Clinical Commissioning Group (Developer Contribution)**

“S106 contribution requested by the practice will assist the practice in meeting the demands of the increasing GP practice population due to considerable developments in Great Glen. The current GP practice premises in Great Glen cannot be extended and the practice has requested the use of s106 money for additional rooms at the proposed new community centre to meet the increasing demand of new patients registering from the developments.”

A S106 contribution of £50,231 is requested.

4.20 **HDC Technical Services (Drainage Engineer)**

No comments received.

4.21 **HDC Waste (Developer Contribution)**

No comments received.

4.22 **HDC Neighbourhood & Green Spaces Officer (Developer Contribution)**

Comments on original plans:

“The POS is well distributed around the site (from masterplan 168-p-003) and it creates a buffer between the new development, and both existing countryside and road network.

I note the two areas for equipped play.

The POS has identified the requirement for enhancement of sites for habitat and biodiversity.

I note and approve of the community orchard and community growing space. I will be pleased to make further comments on these in due course.

The site generates the requirements for open space as set out in the table below [Planning Officer Note – see Appendix B, S106 Contributions, for details]. The amount of POS required is given as a minimum. The developer may choose to provide more than the requirement because of the unique site features. If the Local Authority is asked to maintain the POS, and chooses to accept the request then the commuted sums for maintenance will be calculated on a pro rata basis.

A landscape management plan should be provided prior to commencement of development.

The details of the play area specification should be provided prior to commencement of development.

Comments on amended plans:

“I have checked the new illustrative masterplan, and can confirm that the proposed location of the play area is satisfactory. It provides good access for the entire development and is overlooked by dwellings so will be naturally policed by residents.

The development generates the requirement for 690m² of play area. This equates to more than a LEAP (400m²) but less than a NEAP (1000m²). I attach the specification for both LEAP and NEAP, and would expect that when the detailed

specification comes in for the play area that the level of provision of play equipment is between the two. Other specifications for LEAP and NEAP remain unchanged.”

[Planning Officer Note: this information has been forwarded to the Applicant and the Applicant has replied stating “As reassurance, the Master Planners have advised me that there is ample scope to increase the size of the current play area to accord with the guidelines provided” (Supporting Information Letter dated 24 May 2017).]

- 4.23 **HDC Environmental Services (Contaminated Land and Air Quality Officer)**
“The air quality impact assessment is acceptable and the department has no further comment.”

- 4.24 **HDC Environmental Services (Environmental Health Officer)**
Recommends that, “given the size of the development”, a Construction Method Statement is added to any approval.

- 4.25 **HDC Community Facilities (Developer Contribution)**
Final comments received 11.04.17:
“At the CIL Meeting held on 16th March 2017 it was agreed that all undecided Planning Applications would be recalculated using the formula contained in Annex 1 of the Planning Obligations Supplementary Planning Document approved w.e.f. 17th September 2016 and published in January 2017.

Therefore, regarding application 16/02081/OUT, the Section 106 Community Facilities Contribution Request based on 100 dwellings would be: $100 \times £735 = £73,500$.”

Evidence of need and CIL compliance information is contained in this consultee’s 07.02.17 response. The response is judged to be robust in its determination that the financial contribution is required to improve community facilities in the locality. For example, the funding of a new community centre as laid out in the current Great Glen Neighbourhood Plan Re-submission (dated November 2016) is judged to be an appropriate project (see draft Policy GG24).

- 4.26 **HDC Housing Enabling and Community Infrastructure Officer (Developer Contribution)**
“Our Affordable Housing requirement will be to seek 40% Affordable Housing of the total site yield in accordance with Policy CS3. On a site proposal of 100 units, this will equal 40 AH units. Our tenure split requirements are for the affordable requirement to be provided as 60% Affordable rented and 40% to be provided as intermediate or shared ownership. We will be flexible on our tenure request if an RP requires a different tenure split.

We will not stipulate our specific unit mix and tenure split for the affordable house types at this point in time. We will provide our exacting requirements if and when a full application is submitted. [Planning Officer Note – the Community Infrastructure Officer means a Reserved Matters application.]

This ensures greater accuracy in our request for specific unit types and accords more accurately with our housing need profile at a point when the scheme is more likely to be progress.

A wider strategic assessment for delivering AH is currently under review. We may as a result consider other options / ways for delivering AH. I have checked their

Planning statement which confirms our AH requirements in line with Policy CS3 (5.8. Page 13). AH also referenced at pages 3 and 10.

I am attaching our RP list and the Applicant is advised to consult our Partners at the earliest opportunity to gauge interest in a potential AH scheme and take up discussions with the Council's HECIO (Housing Enabling and Community Infrastructure Officer.)"

The following S106 trigger points have been confirmed by the Housing Enabling Officer:

Fifty percent (50%) of the Affordable Dwellings shall be ready for Occupation prior to the first Occupation of Fifty percent (50%) of the Market Dwellings; and

The remaining Fifty percent (50%) of the Affordable Dwellings shall be ready for Occupation prior to the first Occupation of Seventy Five percent (75%) of the Market Dwellings.

4.27 ***HDC Conservation and Listed Buildings Officer***

Original Comments:

"The application site lies to the west of the village of Great Glen, between the London Road and the A6. The London Road was historically the main route to Leicester. The Village of Great Glen does not have a Conservation Area, however the proposed development will affect a number of both designated and non designated heritage assets, These include Listed Buildings, the most prominent being St Cuthbert's Church which is grade 2* Listed and also the extensive Ridge and Furrow. These Assets all contribute to the historic setting of the village in the wider landscape.

The Listed Building 39 London Road and the terrace of cottages, Cricks Retreat because of their location, distance away from the site and the existing development within their immediate setting in my opinion will not be further harmed by the development specifically in relation to the significance of the setting of these buildings.

The Sycamores (26 London Road) is also a grade 2 Listed Building and the immediate setting of this will be altered by the proposed development. The proposed layout however does leave green space/a field to the south of the farm complex. The dwellings will also be located beyond some existing planting and foliage, which could be further increased as part of the development and therefore the impact on the setting of this Listed Building is considered to be minimal and will not result in harm to significance.

The Church of St Cuthbert's is a Grade 2* Listed Building and although the proposed development will not impact on the immediate setting of this building it is considered that the wider setting and views of the church within the historic landscape will be affected. As a result there will be some harm to the significance of the setting of this designated heritage asset.

The significance of the setting and the wider landscape comes in part from the presence of substantial Ridge and Furrow both within the development site and surrounding it. A large amount of this will be lost as a result of the development. This Ridge and Furrow is an indication of the historic rural economy and therefore has a historic relationship with the village and more specifically the church. The proposal will result in large amounts of change to this landscape and views to and from the

church across the Ridge and Furrow; however it could be argued that the construction of the new A6 has already altered the landscape and therefore the setting significantly. Further development in this area would still result in further harm.

Overall in my opinion the proposed development of 100 houses in this location will result in less than substantial harm to the setting of St Cuthbert's Church and also less than substantial harm to the non designated heritage assets. I do however believe that if the scheme were to be re considered to reduce numbers and move the built form further away from the church in the south east corner, which would retain more of the Ridge and Furrow specifically within views of the church in the wider landscape then this harm could be reduced.

As the resulting harm to the significance of the Heritage Assets has been identified as less than substantial harm this should be considered against Paragraph 134 (Designated Heritage Assets) of the NPPF and Harborough District Core Strategy Policy CS11. Paragraph 134 of the NPPF states that where a development will lead to less than substantial harm to a Designated Heritage Asset this harm should be weighed against the wider public benefit. Harborough District Core Strategy Policy CS11 requires that Heritage Assets and their setting are protected and conserved. Both of these should apply here. Similarly paragraph 135 (Non designated heritage assets) of the NPPF states that where development affects a non designated heritage asset a balance judgement is required having regard to scale of harm and loss of significance. Due to the nature of the non designated assets in question here I would refer to my colleagues in Archaeology to quantify and give a judgement on the level of harm relating to this.

Overall it is considered that the proposal will result in some harm to the landscape and significance of the setting of the Heritage Assets. However, whether the wider public benefits outweigh this harm needs careful consideration in line with Local and National Planning Policy."

Comments on amended plans:

"Following my previous comments dated 6th March 2017 the application proposal has been amended to move the dwellings at the south of the site further north, allowing for more open space to the south which in my opinion will make the development less prominent in views to St Cuthbert's church from this direction.

As stated before, the development will affect a number of both designated and non designated heritage assets, the foremost being the setting of the Grade 2* Listed St Cuthbert's Church and the extensive Ridge and Furrow. It is acknowledged that the amendments to the proposed layout have been sought to address the concerns and in my opinion this has gone some way to reduce the impacts. However it could be argued that the wider setting and views of the church within the historic landscape will still be affected and as a result the consequence is some harm to the significance of the setting of the heritage assets.

Overall although the harm in my opinion has been reduced the proposed residential development could still result in less than substantial harm to the setting of the designated and non designated heritage assets. Therefore Paragraph 134 (Designated Heritage Assets) and 135 (Non designated heritage assets) of the NPPF and Harborough District Core Strategy Policy CS11 should be applied. The NPPF states that harm should be weighed against the wider public benefit and therefore this should be considered when assessing this proposal against local and national planning policy."

4.28 ***HDC Landscape Consultant (The Landscape Partnership)***

A detailed review of the Applicant's LVIA has been undertaken by TLP, as documented in TLP's "Review of Landscape and Visual Aspects". The Applicant's Landscape Consultants replied to TLP's Review with further information. TLP then provided a "Review of LVIA Addendum" response, which concludes:

"It is considered that the proposed application is acceptable in principle from a landscape and visual perspective and that significant local effects could be mitigated by a suitable layout and landscape scheme as part of a future reserved matters application. The LVIA Addendum has clarified a number of points previously raised by TLP with one further point as noted above outstanding."

[Planning Officer Note: The "one further point" relates to the Applicant's intended maximum height of the stated "two storey" dwellings, which has now been clarified.]

4.29 ***Great Glen Parish Council***

Comments received 09.02.17:

"Great Glen Parish Council strongly OBJECTS to the above application on the following grounds:-

While accepting that the District does not have a 5 year housing land supply, the proposal does not accord with either District Council Core Strategy Policies or the National Planning Policy Framework with regard to sustainable development or the emerging Great Glen Neighbourhood Plan.

The site lies outside the existing limits of development of Great Glen and at present forms a pleasant semi-rural approach to the Village. While there has been sporadic and isolated developments along this part of London Road in recent years, these are nothing like the scale of this proposed development. The development does not reflect the scale and character of the village and does not adjoin the village boundaries so will appear as yet another isolated housing estate. Environmentally the scale of the development on such a site ignores the existing pattern of development and would be an encroachment into open countryside. The site was identified by the Parish Council in their draft Neighbourhood Plan as containing ridge and furrow and should be retained as "Other Important Open Space" and the Policy within the Neighbourhood Plan states that we should "resist development that adversely affects or damages the identified areas of well preserved ridge and furrow earthworks." Aerial views clearly show the very existence of this landscape feature and we believe that there has been insufficient attention paid by the developer to this issue. This site is covered by the High Leicestershire Landscape Character Area and ranked as having a low to medium capacity to accommodate new development. In addition the Parish Council consider that there is a need to ensure that housing policy should be interpreted in relation to the particular needs of the local village area and not just that of the district.

We therefore consider that the proposal conflicts with both Core Strategy Policy CS2 and CS17 that it is not in keeping with the scale and character of the settlement or enhancing it.

The proposal also conflicts with the NPPF para 14: sustainable development tests with reference to the economic, social and environmental effects of the development. The development would bring little or no economic gain to the village. Socially the development would further increase the strain on education and health facilities which are already stretched at present. This has become increasingly evident over

the last few months as more housing has been released on the current Stretton Glen development. Environmentally the scale of the development ignores the existing pattern of development and will appear as an alien encroachment into open countryside, adversely affecting the character and setting of the Village. Again the Parish Council would seek housing policy interpreted to the particular needs of Great Glen.

Traffic and Accessibility- The only factor in the sites favour is that public transport is available at the site frontage. There is no footpath on the site frontage and anyone wishing to use the village facilities would have to negotiate the former A6 before descending to the village centre, this is highly unlikely, and for children attending the village Primary School it would be a car journey at a time of day when the area is significantly congested. Each morning and to a lesser extend afternoon, there is total grid lock as vehicles from both North and South attempt to access the Grammar School entrance. The London Road between the Glen Rise roundabout and The Yews is full of queuing traffic and it is a constant complaint from residents of the village.

The developer has latterly advised that there will be improvements to the footpaths, the council would request that this is provided before first occupation should this development gain approval.

We consider that in transport terms the site is unsuitable and there are more suitable sites in proximity and accessibility to Great Glen.

Community Facilities: No indication is given in the Planning Statement as to how the already stretched education and health facilities are going to be expanded. This is of crucial importance to existing and potential new residents of Great Glen and the question of affordable housing has not been addressed in detail and remains unresolved.

Housing Supply- Harborough District Council has yet again deferred its submission of a Local Plan to replace the Core Strategy and has yet to apportion the level of growth for Great Glen. One of the key priorities of the Neighbourhood Plan is ensuring the Parish remains sustainable in the long term by ensuring a balanced residential expansion. A report agreed by the District Council Executive in September 2016 set a residual target for Great Glen of 5 additional dwellings up to 2031, a figure which has already been exceeded through Planning Applications approved since the cut-off for calculating the residual housing target (March 2016). NO additional large scale residential developments are required because the Parish (at October 2016) has exceeded its identified housing target. Notwithstanding the District Council's current 5 yr shortfall we believe that the best approach to future sustainable development at Great Glen is through the Local and Neighbourhood planning process.

Consultation

The developers suggest that there has been ongoing dialogue with the Parish Council. This is a statement that the Council would strongly refute, a few email to the Clerk and one meeting with the Council, with no plan details, does not constitute consultation. In addition only a small number of people were notified of the public consultation which resulted in a poor turn out by the residents.

We would respectfully suggest that any planning applications be deferred pending the District Council's speedy resolution of the Local Plan.

Before any decision is made on this application the following issues need to be resolved in the public domain:-

1. The improvements and expansion to education and health facilities needs to be confirmed by the developers and service providers and published for members of the public to scrutinise. Extensions have already been made to the primary school to cater for the increase in school numbers from a developer's previous build on Stretton Road. Are further extensions within the village a viable option?

2. Affordable housing remains unresolved. The provision of affordable housing at the level required by the District Council should be identified by the developer. The developer has not indicated that it will make a contribution to any Village facilities including the proposed Community building. These matters must be resolved prior to any outline approval being given and not left to be resolved at the reserved matters stage when there is unlikely to be the same level of public involvement. The same provision should also be made should this matter be referred to inspection for approval at a later date.

There is significant local opposition to this proposed development, as you will be aware, and the Parish Council endorses this opposition."

Further comments received 14.02.17:

"Following a Parish council meeting with the around 50 residents of Great Glen and a representative from Bovis Home's Planning team the Council would like to further OBJECT STRONGLY on the grounds of access.

The access for this site is situated on the old A6, close to the Leicester Grammar School entrance and the speed survey indicates that traffic is travelling in excess of the speed limit, with some vehicles travelling at 25% over the current limit. The traffic flow data does not mention the increase in flow as a result of the Crematorium, which is currently being developed, nor does it reference other significant potential village developments. The Council would insist that, should the development go ahead, that gateway features and active speed warning signs and an extension of the 30mph limit be installed by the developer ahead of any building work on the site so that construction traffic were covered by this proposal."

b) Local Community

- 4.30 In addition to Parish Council comments, the application has generated 61 objection responses from the local community; local residents and Leicester Grammar School. It should be noted that some households have submitted more than one response and some responses have been generated by a re-consultation on the amended plans / additional information.
- 4.31 A number of the objection responses are very detailed and, in some instances, have responded specifically to the Supporting Information documents / reports submitted by the Applicant. Where appropriate, these objection responses have been forwarded on to the Council's own consultees to consider.
- 4.32 Whilst regard has been had to the detailed comments in assessing this application, it is impractical to copy these into this report verbatim. They are, however, available to view on the planning portal.

4.33 The objection responses are summarised as follows:

Affordable Housing

- Concerns about the provision of AH and its affordability for 1st time buyers.

Archaeology

- The proposed location is one of archaeological value as there is evidence of medieval ridge and furrow farming methods.

Design / Visual Amenity

- This development together with other planned developments on London Road will add 200 plus houses to the village. This in addition to the Stretton Glen and the proposed Oaks Road developments will totally alter the character and scale of the village.
- The proposal would destroy countryside.
- Bovis will build dull identikit "executive" homes that add nothing to the visual environment.
- The site lies outside the existing limits of development of Great Glen and at present forms a pleasant semi rural approach to the village of Great Glen. Sporadic development has appeared along this part of London Road in recent years but nothing like the scale of development proposed. The site does not even adjoin the village boundaries and will appear, if approved, as an unrelated / disjointed housing estate in open countryside.
- Great Glen will no longer be a village set amongst fields but will be visible from a dual carriage way and therefore this development will just create a sprawling urban mass rather than maintaining any village character.
- The proposed development is not a natural extension of the village and instead is out on a limb.
- Concerns about the character of the proposed houses.
- Many of the new developments are not sympathetic to the period character & property style of many of the existing properties that reside in the village.
- My primary concern is for the changing character of this village due to rapid expansion at just about every point on the village's parameters.
- The proposed stretch of 2m footway on London Road cannot be constructed without ripping out the hedgerow and trees [Planning Officer Note – this concern has been largely negated by the removal of most of the proposed 2m footway along the site frontage.]
- Proposal will reduce views across open countryside.

Ecology

- Loss of natural habitats and wildlife. There are badgers, great crested newts and bats makes this site totally unsuitable for development.
- Local pollution from vehicles affecting human, flora and fauna, and local wildlife (insects to large animals).

Flooding & Drainage

- Likely degradation of water quality and sewage systems for the existing housing estates in and around Great Glen. Current water & swage systems are unlikely to be able to cope.

- Flooding in the village is already an issue and building more on green belt land will add to the threat of floods for land and properties.
- Concerns about the proposed drainage strategy put forward by the Applicant.

Heritage Interests and Listed Buildings

- The presence of ridge and furrow indicates that the field has remained uncultivated for hundreds of years. There are a number of listed properties within close proximity of the application highlighting the need to protect this historic landscape.
- This large development would destroy more ridge and furrow.
- The heritage assessment is very selective in acknowledging the impact of this development. Where it does acknowledge an impact, it is trivialised. It will destroy more of the rural ridge and furrow landscape of the historic Glen Magna area. The developer uses previous destruction as a reason for further destruction - this is not acceptable. The developer's assessment omits to mention the impact on other buildings of historical interest, e.g. the proposed access is opposite the entrance to Crick's Retreat - a grade 2 listed building. Where the developer does acknowledge the adverse impact on the village's heritage, its mitigating proposals (e.g. planting a row of tall trees to hide the view) are risibly inadequate.
- The importance of ridge and furrow to the people of Great Glen is underlined in the neighbourhood plan which states that 'reflecting the national trend...Great Glen has seen a dramatic decline in Ridge and Furrow fields... In general, any further loss of ridge and furrow in Great Glen itself would be highly detrimental. Policy GG15 states that 'Development proposals that adversely affect or damage ... well preserved ridge and furrow ... will be resisted.'
- Historic England has identified the ridge and furrow land as worthy of preservation. The proposed development would lead to an irretrievable loss of yet another historic feature. As the NPPF states that the third dimension to sustainable development is "protecting and enhancing our [...] historic environment" this is clearly not acceptable.
- Officers should be aware of the recent High Court decision to overturn approval for 400 houses at Catesby, Kedleston within the protected heritage setting of Kedleston Hall. The relationship between the Hall and the setting is analogous the relationship between our Parish Church and the ridge and furrow. This suggests that a resolution to approve the scheme would be unlawful. The inspectorate will be well aware of this, so an appeal would be unlikely to be successful. Bear in mind that this is 500 years of history, and will be there for posterity. A temporary housing shortfall cannot justify its destruction.

Highways

- The proposed access is unsafe and the existing highway network cannot cope with the proposed increase in traffic. The traffic impacts of other developments, including additional traffic that will be using the road for the purpose of using the crematorium facilities, should be noted.
- The recently published Cumulative Development Traffic Impact Study says that "A6 corridor within the study area is operating significantly above its theoretical capacity level". A major development will significantly contribute to this problem.
- The proposed entrance would create a crossroad junction with Cricks Retreat. Exiting and entering Cricks Retreat would become dangerous and could be a safety concern for vehicles, pedestrians and cyclists. Other road junctions cannot cope.
- London Road is a poorly maintained, poorly lit 40 mile per hour road, vehicles are regularly observed exceeding the speed limit.
- The addition of 100 houses with the potential of over 200 vehicles would lead to congestion, pollution and safety concerns for pedestrians, cyclists and vehicle users.

There was a fatal collision in December 2007 involving a pedestrian and a vehicle on London Road between the Grammar School and Church Road.

- Planning approval has already been given for 60 houses along London Road, yet to be built. 100 Bovis houses would lead to additional strain.
- The road between the proposed development and the village centre is narrow, the footways are narrow, it is prone to flooding at the Sence Bridge, it is congested and there are parking obstructions. The development will exacerbate congestion and increase highway dangers.
- There are currently limited parking spaces in Great Glen for vehicles using the local shops with no room to increase them. There is no parking facility at St Cuthbert's Church, vehicles currently park on Church Road which is on an incline making negotiating the parked vehicles very difficult.
- Traffic flow on London road is a problem already around the Grammar School entrance with queuing traffic backing up at school times. Safety is a large concern.
- There is no footpath from the proposed site into the village so pedestrians would be discouraged and would resort to driving into the village where there is already very poor parking.
- The proposed erection of 100 dwellings and 19 dwellings respectively is not something we would feel the need to object to in principle. However we have major concerns over the proposed position of the new junction with the London Road and feel the design and position proposed is likely to significantly increase the hazard from vehicles exiting the development onto the London Road in either direction. (Leicester Grammar School).
- Unacceptable increased peak time traffic congestion on London Road, Glenn Rise and local road system (including but not limited to Gartree Road, Stretton Road, Church Road, Station Road, Oaks Road).
- The developer's traffic consultant statement is totally inadequate and in no way addresses the real issues this application generates in terms of additional traffic.
- Concerns that the trip rates used in the transport assessment are unreasonably low.
- The public footpath which emerges near the Church Road junction is between two tight bends in both directions. It is not a safe crossing and cannot be made safe.
- For a pedestrian crossing not to be planned from the proposed development to the village would be an accident waiting to happen.
- Query about how the bus stop is to be accessed.
- The LCC Highways submission fails to address the issues it identifies itself as relevant... A reduction in speed limit proposed is welcomed. It would be welcome now at 30mph with current useage... There is no reference to the merits of a round about option suggested in my previous submission on behalf of Leicester Grammar School with associated re positioning of the main access point to London Road.

Infrastructure / Local Facilities

- The infrastructure of Great Glen cannot support this development; schools, doctor's, shops, religious meeting places, other services etc.
- Public transport is inadequate.
- Leicester Grammar school cannot be included in any school place availability calculations as it is not a state school.
- Unacceptable decrease in internet broadband and other telecommunication services in the area (whether cabled, via terrestrial airwaves or satellite services)... which could result in severe harm (including, but not limited to loss of profit) and impact local businesses which rely on the Internet and other digital communications means to conduct their business.

- The development should have a shop, a park area and the company should also have to provide finance to expand local amenities such as the school and sports/leisure facilities to lesson the impact on Great Glen.

■ Principle / Neighbourhood Planning / Planning Policies

- The proposal ignores the village Neighbourhood Plan which states '...Great Glen has exceeded its housing requirement...further housing development in the parish will be restricted to Windfall development in line with Policy GG3.'
- Harborough District Council is at an advanced stage in its preparation of a Local Plan to replace the Core Strategy and has yet to apportion the level of growth for Great Glen. There are a number of alternative options on a District wide basis to fulfil future housing growth. This is yet another blatant attempt to usurp the proper planning process via the Local Plan and Neighbourhood Plan.
- The Neighbourhood plan for Great Glen indicated that a quotient of no more than 35 houses needed to be built until 2030 and yet the onslaught of housing proposals continues.
- Great Glen has easily taken its share with recent developments still in progress and further developments already agreed.
- While the Great Glen Neighbourhood plan had originally foreseen this site as reserve development land, concerns by Historic England about the loss of the ridge and furrow fields has led to the site now being classes as not suitable. If it is not suitable as possible site in the Neighbourhood plan then it should obviously not be suitable for development.
- Both the emerging Local Plan and the Neighbourhood Plan identify Great Glen as suitable only for limited new development. There is no need for houses in Great Glen (approval has already been given for 60+ houses against a 'need' of around 45).
- "A report agreed by the District Council Executive in September 2016 set a residual target for Great Glen of 5 additional dwellings up to 2031, a figure which has already been exceeded through Planning Applications approved since the cut-off for calculating the residual housing target (March 2016). NO additional large scale residential developments are required because the Parish (at October 2016) has exceeded its identified housing target." (Appendix 3 Great Glen Site Sustainability, 2016).

■ Residential / General Amenity

- Our privacy means a lot to the residents at cricks retreat, there could be intrusion from young people that may come up the drive and cause problems for the residence we already have students trying to use our private road to gain access to the grammar school.
- Unacceptable degradation of air quality on London Road, Glenn Rise and local road system.
- Unacceptable increase in traffic related noise.
- The Miller Homes development at the other end of the village is ridiculously huge, and, because of the social housing requirement, it has brought with it a set of problems which this village never had before: firearms, prostitution, drugs, police raids and a noticeably higher rate of shoplifting in the Co-op. More houses in the village means more social housing.

■ Sustainability

- Employment opportunities in Great Glen are very limited, so the majority of residents will commute out of the village.

- The proposal also conflicts with the NPPF para 14 sustainable development tests with reference to the economic, social and environmental effects of the development. (Paragraph 8 of the NPPF makes it clear that these tests are not mutually exclusive, they must all be met). The development will bring little or no economic gain to the village, only in the short term by builders on site. Socially the development will increase the strain on education and health facilities already at breaking point in the village. Environmentally the scale of the development ignores the existing pattern of development and will appear as an alien encroachment into open countryside, adversely affecting the character and setting of the village.
- The only benefit I can see is the purely financial short-term benefit for the builders. There is no benefit to the area or the community at all. It will just cause problems for existing residents, undermine the character of the area, and push the local services to breaking point.
- Concerns about social sustainability – The Great Glen Neighbourhood plan housing needs report identifies a need for housing with one or two bedrooms for elderly residents, to enable them to relocate but remain in the local community. This will free up family housing in the village. Yet the proposed development does provide more family housing rather than support the needs of the local community. The development clearly violates social sustainability in this aspect.
- Concerns about locational sustainability and walking distances detailed in the Applicant's transport assessment. People will not walk to the village at the numbers which the Applicant insinuates.

Other Comments

- The proposal will impact on property values.
- Concerns about lack of time for people to submit representations.
- Concerns about the way the Council calculates its 5 Year Housing Land Supply by using a 20% buffer instead of a 5% buffer.

5. Planning Policy Considerations

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

a) Development Plan

- 5.3 The DP for Harborough comprises:
- The Harborough District Core Strategy, adopted November 2011; and
 - The saved/retained policies of the Harborough District Local Plan (HDLP), adopted April 2001.
- 5.4 *Harborough District Core Strategy (Adopted November 2011)*

The Core Strategy (CS) was adopted in November 2011 and covers the period from 2006 to 2028. The following aspects of the CS are notably relevant to this application.

5.5 Key CS Policies:

Policy CS1

Policy CS2 sets out the delivery policy for the distribution of a minimum of 7,700 dwellings between 2006-2028, including:

- Rural Centres and Selected Rural Villages will receive at least 2,420 dwellings. [Officer comment – this figure is now significantly higher.]
- (a) Housing development will not be permitted outside Limits to Development (either before or following their review) unless at any point there is less than a five year supply of deliverable housing sites and the proposal is in keeping with the scale and character of the settlement concerned.

[Officer comment – The aspect of Policy CS2 which permits development outside Limits when there is less than a five year supply, but automatically rules it out when there is a five year supply, is a restrictive housing policy. It is judged to be out-of-date and reduced weight is attached to it. Paragraph 14 of the NPPF is engaged. The overarching direction, advocated by both Policy CS2 and The Framework, is that new housing should be provided in a sustainable manner and proposals should be in keeping with the scale and character of the settlement concerned.]

- (b) All housing developments should be of the highest design standards (in conformity with Policy CS11) and have a layout that makes the most efficient use of land and is compatible with the built form and character of the area in which it is situated.

Policy CS3

Policy CS5

Policy CS8

Policy CS9

Policy CS10

Policy CS11

Policy CS12

Policy CS17 specifically refers to the countryside, Rural Centres and Selected Rural Villages, stating that beyond Market Harborough, Lutterworth, Broughton Astley and Leicester PUA, development over the plan period will be focussed on Billesdon, Fleckney, **Great Glen**, Husbands Bosworth, Kibworth and Ullesthorpe.

[Officer comment – Paragraph 6.59 of CS17 identifies Great Glen as a settlement with a notable commitment to the Strategy for Housing Distribution figure for the Rural Area, stemming from the 2001 Local Plan allocations. Paragraph 6.59 states that “for this reason...Great Glen [is] excluded from the list of settlements in the above policy where additional housing is planned. However, this does not preclude limited infill development within currently defined Limits to Development”. It is considered that the Paragraph 6.59 policy subtext is not consistent with the aims and objectives of the Framework, which seek to deliver high levels of housing growth in sustainable locations. The District’s 5YS deficit further weakens the policy stance advocated by Paragraph 6.59. As per Paragraph 14 of the Framework, proposals which accord with up-to-date development plan policies, or where the adverse

impacts of a proposal do not significantly and demonstrably outweigh the benefits of the proposal (when assessed against the policies in the Framework taken as a whole), should be approved without delay (as long as specific policies in the Framework do not indicate that development should be restricted).

As outlined in more detail below, the District of Harborough presently has a 5 Year Housing Supply (5YS) deficit, the most up-to-date housing evidence (HEDNA) indicates that more dwellings per annum are required than previously evidenced, and it is judged that restrictive Paragraph 6.59 of CS17 is out-of-date. Each site must be assessed on its own merits: any harm stemming from this proposal must be identified and weighed against positive material considerations, for example, the delivery of additional market and affordable housing.]

- 5.6 *The saved policies of the Harborough District 2001 Local Plan (HDLP)*
- 5.7 The HDLP was adopted in 2001 with an original end date of 2006. A small number of policies were “saved/retained” beyond that time. Of the limited number of policies that remain extant, Policy HS/8 (Limits to Development) should be noted.
- 5.8 However, blanket restriction housing policy HS/8 is not considered to be up-to-date with the Framework. The current Limits to Development were implemented in 2001. The background work leading to the establishment of these Limits is older; the Limits were established based on now out-of-date housing needs evidence.
- 5.9 Furthermore, the District presently has a 5YS deficit. As such, the enhanced presumption in favour of sustainable development at Paragraph 14 of the Framework is engaged.
- 5.10 While Paragraph 49 of the Framework states that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”, it is not judged that Development Plan policies pertaining to housing are wholesale out-of-date; just that certain criteria/elements of such Development Plan policies are significantly out-of-date, for example, CS1 (a), CS2 (a) and certain aspects of CS17 (such as Paragraph 6.59). The strategic settlement hierarchy principles contained in CS1, CS2 and CS17 (which seek to direct new housing towards sustainable locations) are judged to be up-to-date; landscape and heritage protection policies are up-to-date, good design policies are up-to-date and so forth – these policies (which are regularly relevant to planning applications for housing) are in line with the Framework and the emerging policies and strategic principles of the new Local Plan that is under preparation.
- 5.11 The site is not designated “Important Open Land” and is not the subject of any other specific development plan or national landscape policy designation.

b) Material Planning Considerations

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

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

5.14 *National Planning Practice Guidance*

- 5.15 *Planning (Listed Buildings and Conservation Areas) Act 1990 Section 66* imposes a duty on Local Planning Authorities to pay special regard/attention to Listed Buildings, 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). Core Strategy Policy CS11 also applies in this respect and great weight is attached to heritage protection policies and legislation in this report.

5.16 *New Local Plan (and Evidence Base)*

On 03.12.12, the Council resolved to prepare a new Local Plan for the Harborough District. The proposed submission Local Plan has been published on the Harborough District Council website on 15.06.17. This is the first time that the Local Plan has been fully publically available, including all proposed housing numbers and site allocations.

5.17 *Supplementary Planning Guidance*

In March 2003, a series of guidance notes were adopted as Supplementary Planning Guidance (SPG) to the 2001 Harborough District Local Plan. They cover a range of topics, for example layout and design issues. The Council agreed to retain said SPGs and link them to CS policies as applicable.

The following retained SPGs Notes are considered to be most relevant:

SPG Note 1: Design Principles to be Applied in Harborough District
SPG Note 2: Residential Development – Major Housing Sites
SPG Note 9: Landscape and New Development
SPG Note 10: Trees and Development
SPG Note 11: Hedges and Development
SPG Note 13: Crime Prevention and Reduction
SPG Note 15: Requirements for the Provision of Land for Outdoor Play Space in New Residential Development
SPG Note 19: Development and Flood Risk

5.18 *Great Glen Village Design Statement (September 2005)*

Great Glen Parish Council produced a Village Design Statement aimed at safeguarding for future generations the distinctive character and rich heritage of the village and surrounding area. It seeks to ensure that development is sympathetic and would enhance the existing environment.

5.19 *Great Glen Neighbourhood Plan*

Great Glen Parish Council submitted the revised version of the Great Glen Neighbourhood Plan for Examination to Harborough District Council on 26 January 2017. After the validation check was completed, the Regulation 16 consultation took place between 8 March 2017 and 19 April 2017.

An Independent Examiner, Ms Liz Beth, has been appointed to undertake the Great Glen Examination.

Representations received during the consultation period have been forwarded to the Examiner. The Examiner's report is expected towards the middle of July, at which time the Plan will gain more weight because recommendation will have been made for the Plan to meet the Basic Conditions. The GGNP has not been put to a local referendum or brought into effect. As such, it is not part of the local development plan. Therefore, in accordance with Paragraph 216 of the Framework and having regard to the draft NP's policies and proposals relevant to this application, due to its stage in the plan-making process the NP should be given moderate weight.

- 5.20 *Cumulative Development Traffic Impact Study – Fleckney, Great Glen and the Kibworths (Jacobs, January 2017)*
- 5.21 *HDC Planning Obligations SPD (Jan 17)*
- 5.22 *Housing White Paper “Fixing our broken housing market” (DCLG, published 7 February 2017)*

This is a housing white paper setting out the Government's plans to reform the housing market and boost the supply of new homes in England.

- 5.23 *5 Year Housing Land Supply (5YS) Statement*

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 (dated 30 November 2016) covers the 5 year period from 01 October 2016 to 30 September 2021 and demonstrates that the Council has a 4.88 year supply.

The Framework at Paragraph 47 seeks to ensure that the supply of housing is boosted significantly. It requires local planning authorities to ensure that their development plan meets the full objectively assessed need (OAN) of the area and that a deliverable supply of sites sufficient to provide for 5 years' worth of the housing requirement is identified. If the authority cannot do so, then consideration must be given to reducing the weight attached to development plan policies for the supply of housing. Development plan housing policies, and any other development plan policies pertinent to a particular proposal for housing, must be weighed against the additional policy onus of boosting housing land supply. The enhanced presumption in favour of sustainable development at Paragraph 14 of the Framework is engaged.

To demonstrate their commitment to boosting the 5YS of the District, the Applicant has volunteered agreement to a shorter delivery timeframe Condition if approval is resolved. The standard Condition grants 3 years for submission of Reserved Matters and, following approval, 2 years to commence development. The Applicant volunteers 2 years for submission of Reserved Matters and, following approval, 1 year to commence development. Officers do not consider the reduced timeframes to be an essential / necessary Condition to secure the proposal's 5 YS benefits.

- 5.24 *Supreme Court Judgement – [2017] UKSC 37; On appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin) – (Suffolk Coastal*

District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant)) – Judgement given on 10 May 2017.

This Judgement relates to the proper interpretation of Paragraph 49 of the National Planning Policy Framework. Paragraph 49 states:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

The Judgement notes that the primary purpose of Paragraph 49 is simply to act as a trigger to the operation of the “tilted balance” under Paragraph 14. The Judgement asserts, therefore, that it is important to understand how that is intended to work in practice: “The general effect is reasonably clear. In the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the benefits are “significantly and demonstrably” outweighed by the adverse effects, or where “specific policies” indicate otherwise. (See also the helpful discussion by Lindblom J in *Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government* [2014] EWHC 754 (Admin), paras 42ff).” (Paragraph 54 of Judgement).

The Judgment goes on to explain:

“55. It has to be borne in mind also that paragraph 14 is not concerned solely with housing policy. It needs to work for other forms of development covered by the development plan, for example employment or transport. Thus, for example, there may be a relevant policy for the supply of employment land, but it may become out-of-date, perhaps because of the arrival of a major new source of employment in the area. Whether that is so, and with what consequence, is a matter of planning judgement, unrelated of course to paragraph 49 which deals only with housing supply. This may in turn have an effect on other related policies, for example for transport. The pressure for new land may mean in turn that other competing policies will need to be given less weight in accordance with the tilted balance. But again that is a matter of pure planning judgement, not dependent on issues of legal interpretation.

56. If that is the right reading of paragraph 14 in general, it should also apply to housing policies deemed “out-of-date” under paragraph 49, which must accordingly be read in that light. It also shows why it is not necessary to label other policies as “out-of-date” merely in order to determine the weight to be given to them under paragraph 14. As the Court of Appeal recognised, that will remain a matter of planning judgement for the decision-maker. Restrictive policies in the development plan (specific or not) are relevant, but their weight will need to be judged against the needs for development of different kinds (and housing in particular), subject where applicable to the “tilted balance”.

The Judgement affirms that the correct approach has historically been taken by HDC.

c) Emerging Local Plan Evidence Base

5.25 The following emerging local plan evidence base is relevant to this application

- *Strategic Housing Market Assessment (SHMA; 2014)*

- *Housing and Economic Development Needs Assessment (HEDNA; January 2017; GL Hearn)*
- *Strategic Housing Land Availability Assessment – 2015 Update – Site Assessment Companion Guide Rural Centres (May 2016)*

It is noted that the site is identified in the SHLAA as being “potentially suitable”; “available” and “potentially achievable” for residential development (Ref: A/GG/HSG/11; this site extends farther to the southeast than the current application site). However, the SHLAA does not determine planning merit or otherwise. It is a framework for ascertaining housing land availability.

- *Great Glen Settlement Profile (May 2015)*
- *Rural Centres Landscape Character Assessment and Landscape Capacity Study (July 2014; The Landscape Partnership)*

The ‘Landscape Character Assessment and Landscape Capacity Study’ was commissioned by Harborough District Council in March 2014. The six settlements included in the Study are; Billesdon, Fleckney, **Great Glen**, Husbands Bosworth, Kibworth and Ullesthorpe. The Study provides a detailed analysis of the landscape sensitivity and capacity of land around the edges of these settlements, with a view to assessing potential suitability to accommodate future development (focussing on residential development). The Study forms part of the evidence base for the preparation of the new Local Plan for Harborough District and its findings are being considered, alongside other relevant evidence, to determine the suitability of settlements to accommodate future development.

d) Other Relevant Documents

5.26 The following documents should be noted:

- The Community Infrastructure Levy Regulations 2010, S.I. No.948 (as amended)
- Circular 11/95 Annex A - Use of Conditions in Planning Permission
- ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)
- Leicestershire County Council Planning Obligations Policy (November 2014)
- Leicestershire County Council Local Transport Plan 3 (LTP3)
- Leicestershire County Council Highways Authority 6Cs Design Guide

e) Other Relevant Information

5.27 *Reason for Committee Decision*

This application is to be determined by Planning Committee because of the size and nature of the proposed development (it is a “Major Application” Development Type).

6. Assessment

a) Principle of Development, Including Locational Sustainability

6.1 The Framework Paragraph 49 states:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

6.2 The Court of Appeal gave judgment on 17th March 2016 in the combined appeals of Suffolk Coastal District Council v. Hopkins Homes Limited and Secretary of State for Communities and Local Government, and Richborough Estates Partnership LLP v. Cheshire East Borough Council and Secretary of State for Communities and Local Government [2016] EWCA Civ. 168 addressing the meaning and effect of Paragraph 49 of the NPPF. Among other things, it held that ‘[relevant] policies for the supply of housing’, meant ‘relevant policies that affect the supply of housing’ and so including:

‘[...]policies whose effect is to influence the supply of housing land by restricting the locations where new housing may be developed—including, for example, policies for the Green Belt, policies for the general protection of the countryside, policies for conserving the landscape of Areas of Outstanding Natural Beauty and National Parks, policies for the conservation of wildlife or cultural heritage, and various policies whose purpose is to protect the local environment in one way or another by preventing or limiting development’ (Lindblom LJ, para [33]).

6.3 Such restrictive policies *may* have the effect of constraining the supply of housing land, in which event if an LPA is unable to demonstrate the requisite five-year-supply then relevant policies are liable to be regarded as not “up-to-date” for the purposes of the Framework Paragraph 49 – and so “out-of-date” for the purposes of the Framework Paragraph 14 (presumption in favour of sustainable development).

6.4 However, that is not an end to the matter because if a policy is caught by Paragraph 49 that does not render it meaningless; it is still part of the Development Plan as the Judgment makes clear at paragraph 42:

“The NPPF is a policy document. It ought not to be treated as if it had the force of statute. It does not, and could not, displace the statutory “presumption in favour of the development plan”, as Lord Hope described it in City of Edinburgh Council v Secretary of State for Scotland [1997] 1 W.L.R. 1447 at 1450B-G). Under section 70(2) of the 1990 Act and section 38(6) of the 2004 Act, government policy in the NPPF is a material consideration external to the development plan. Policies in the NPPF, including those relating to the “presumption in favour of sustainable development”, do not modify the statutory framework for the making of decisions on applications for planning permission. They operate within that framework...It is for the decision-maker to decide what weight should be given to NPPF policies in so far as they are relevant to the proposal”.

- 6.5 Importantly, the Court said that the weight to be given to “out-of-date” development plan policy will vary according to the circumstances –
- “including, for example, the extent to which relevant policies fall short of providing for the five-year supply of housing land, the action being taken by the local planning authority to address it, or the particular purpose of a restrictive policy”.*
- 6.6 The Court of Appeal emphasised that ‘weight’ is always a matter of planning judgment for the decision-maker.
- 6.7 The latter Supreme Court Judgement pertaining to this case (10th May 2017) underlined the Court of Appeal findings that policy ‘weight’ remains a matter of planning judgement for the decision-maker. It is not necessary to label non-housing policies (e.g., heritage protection policies) as “out-of-date” when determining the weight given to them in Paragraph 14 of the Framework. Restrictive policies in the development plan (specific to housing and otherwise) are relevant in the determination of this application, but the weight given to each policy in the planning balance needs to be judged against the needs for housing development, subject to the “tilted balance” given the District’s 5YS shortfall position. Extra policy emphasis – extra planning judgement weight – needs to be placed on the housing supply benefits of the proposal.
- 6.8 Limits to Development were adopted 16 years ago, in the context of different national planning policies and based on now out-of-date housing need evidence. Policy HS/8, as well as aspects of Development Plan policies which reference HS/8 (e.g. CS2a and elements of CS17), represent restrictive blanket policies on new housing development outside Limits; taken literally, such policies limit new housing development to within the 2001 defined Limits to Development of Great Glen. Policy HS/8 is inconsistent with relevant policies on sustainable housing development contained in the Framework. Moreover, the Council resolved (December 2012) that the Core Strategy was not compliant with The Framework on several grounds and that it should prepare a new Local Plan to replace it. The emerging Local Plan puts forward a criteria-based policy in substitution of defined limits altogether.
- 6.9 The application site is a greenfield site in open countryside which lies outside the defined Limits to Development of Great Glen (as established by the Harborough District 2001 Local Plan, Policy HS/8). Policy CS17 of the Core Strategy qualifies that “new development in the countryside ... will be strictly controlled” (p.100).
- 6.10 Within Policy CS2 and CS17 of the Core Strategy, Great Glen is classified as a “Rural Centre” due to the level of service provision within the village. To qualify as a Rural Centre a settlement must possess at least 4 of 6 “relevant” services. Relevant services are a food shop, GP surgery, library, post office, primary school or pub. Great Glen possesses all 6 of these key services, as well as a range of other shops, services and community facilities. It is a well provided settlement in terms of services.
- 6.11 As outlined, the Council is not able to demonstrate a 5 year supply of deliverable sites for housing and its policies for housing supply, including aspects of CS2 and CS17, cannot be considered entirely up-to-date / robust (noting Paragraph 49 of the Framework). Notwithstanding the 5 year supply shortfall, Limits to Development Policy HS/8 is considered to be an outmoded policy which does not accord with the central NPPF tenet of delivering sustainable development, nor does it accord with the emerging Local Plan. It is for these reasons, as well as the 5 year supply shortfall, that reduced weight is attached to Policy HS/8.

- 6.12 The Local Planning Authority acknowledges that, even accounting for the Market Harborough Strategic Development Area, there are not a sufficient number of sites on brownfield land to accommodate the current need for new housing in the District. Therefore, development must occur on greenfield sites. In order to deliver requisite new housing growth, it is considered that reduced weight must be attached to the restrictive aspects of Core Strategy policies which pertain to housing, to varying extents depending upon their lack of conformity with the Framework and the emerging new Local Plan. For example, reduced weight is attached to Policy CS17 subtext Paragraph 6.59 which indicates that additional housing in Great Glen is not permissible unless it is “limited infill development within current defined limits to development”.
- 6.13 Having full regard to the recent Supreme Court Judgement, Officers consider limited weight should be given to 2001 Local Plan Policy HS/8, Core Strategy Policy CS2a and those elements of Core Strategy Policy CS17 which restrict housing development solely on the basis that it is proposed outside Limits to Development. Resisting the proposal on the sole ground of it being beyond defined Limits to Development is not judged to be sustainable at appeal, nor a desirable approach if the Local Planning Authority is to seek to deliver the current and future housing needs of the District.
- 6.14 In circumstances where “relevant policies are out-of-date”, Paragraph 14 of the Framework advises that planning permission should be granted “unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.
- 6.15 In making any such assessment of adverse impacts and benefits, appropriate weight should be attached to all aspects of Development Plan policies which are not out-of-date and which remain in accordance with the Framework.
- 6.16 The emerging Local Plan is also a material consideration. This has reached the stage of assessing selected options. The draft pre-submission Local Plan was published for a meeting of the Local Plan Executive Advisory Panel on 19th June 2017. The Proposed Submission Plan taken to the meeting proposes 40 additional dwellings to Great Glen, over and above existing completions and commitments. The Plan will be amended following the meeting and be taken through Executive and Council meetings in September prior to public consultation. It is considered that the emerging Local Plan housing requirement can be given some weight at this stage. However, it is noted that these figures are not intended to create a ceiling on housing growth within the settlement, particularly should there be a 5 year undersupply within the District.
- 6.17 Consideration now turns to the spatial relationship of the proposed development site to the shops, services and facilities of Great Glen – is the site satisfactorily located and accessible to these services and facilities, mindful of the fact that these services and facilities are what make the village a sustainable settlement which is more appropriate to receive new housing growth relative to lesser-provisioned settlements.
- 6.18 The Chartered Institution of Highways and Transportation document ‘Guidelines for Providing for Journeys on Foot’ (2000) provides guidance on acceptable walking distances and suggests that a preferred maximum walking distance of 2km is applicable for commuting or school trips. Table 3.2 (p.49) suggests acceptable walking distances for pedestrians without mobility impairment; see below. The Table indicates that, for commuters and school pupils, up to 500 metres is the *desirable* walking distance, up to 1,000 metres is an *acceptable* walking distance, and up to

2,000 metres is the *preferred maximum* walking distance. The distance that people will walk to access other shops and services depends on a range of complex interplaying factors, for example, the attractiveness of the walking route, how easy or difficult it is to park if opting to drive, the ‘pull’ of the shop/service, etc.

Table 3.2: Suggested Acceptable Walking Distance.

	Town centres (m)	Commuting/School Sight-seeing (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred maximum	800	2000	1200

- 6.19 Building Sustainable Transport into New Developments (DfT, 2008) gives the following advice on pedestrian catchment areas:

“Traditional compact town layouts

Walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes’ walking distance (around 800 metres). However, the propensity to walk or cycle is not only influenced by distance but also the quality of the experience; people may be willing to walk or cycle further where their surroundings are more attractive, safe and stimulating. Developers should consider the safety of the routes (adequacy of surveillance, sight lines and appropriate lighting) as well as landscaping factors (indigenous planting, habitat creation) in their design.”

- 6.20 The Chartered Institution of Highways and Transportation document “Planning for Walking” (April 2015) states:

“6.3 Land use planning for pedestrians

Most people will only walk if their destination is less than a mile** away. Land use patterns most conducive to walking are thus mixed in use and resemble patchworks of “walkable neighbourhoods,” with a typical catchment of around 800m or 10 minutes’ walk.” (p.29).

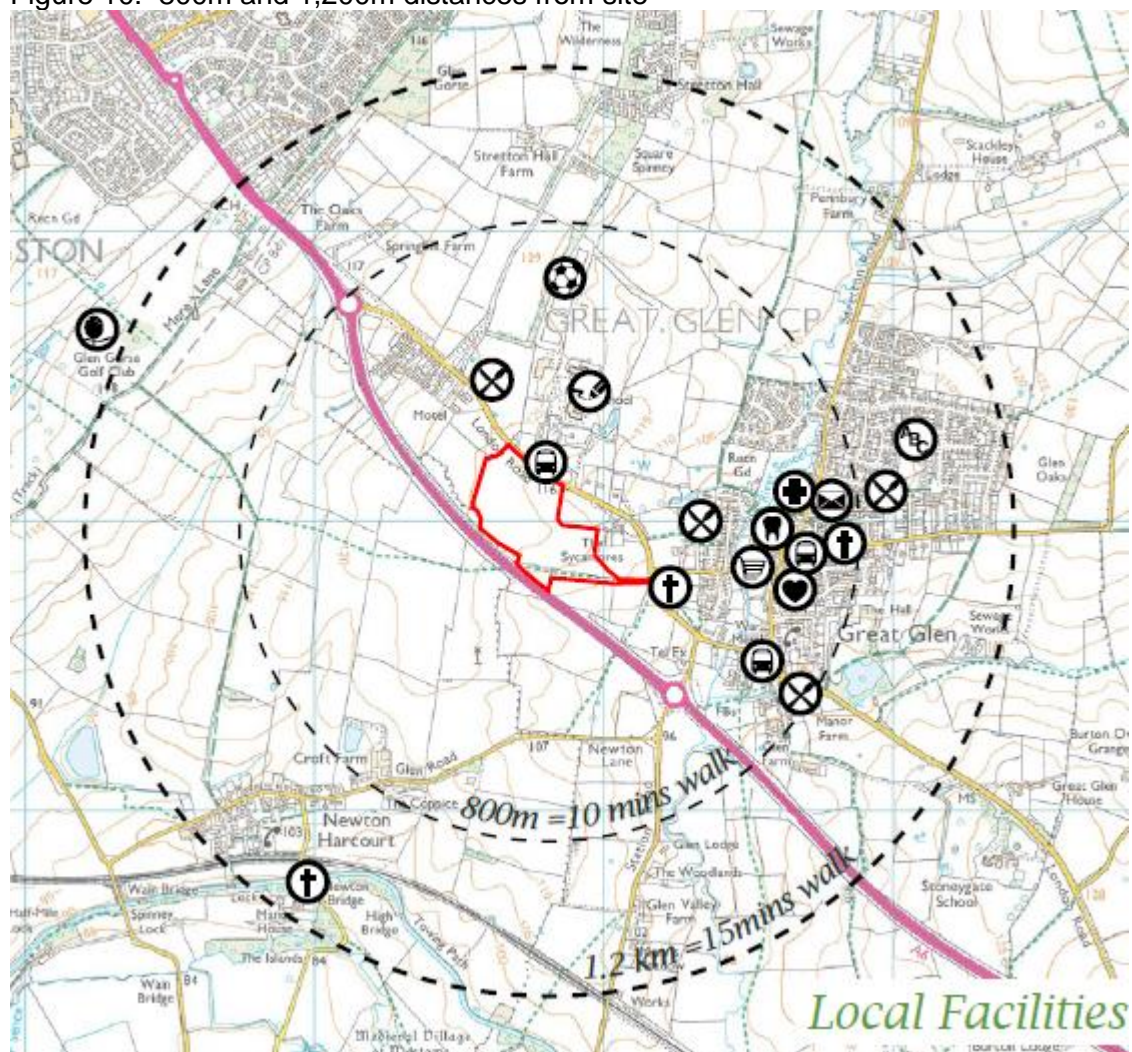
**1,609 metres.

- 6.21 “Planning for Walking” (April 2015) qualifies that “the power of a destination determines how far people will walk to get to it. For bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point and in town centres, 200 metres (DOENI, 2000). People will walk up to 800 metres to get to a railway station, which reflects the greater perceived quality or importance of rail services.” (p.31).
- 6.22 The Applicant’s Transport Assessment reports at Paragraph 3.2 that “The Department for Transport statistics, National Travel Survey, Table NTS0306, shows the average trip length, by main mode, in Great Britain, 1995/97 to 2013. It shows that, in 2012, the average walking trip was 0.8 miles, and the average cycling trip was 3.3 miles”. The Transport Assessment qualifies that a range of public transport,

shopping, education, healthcare, and entertainment opportunities exist within a 0.8mile (1,287 metres) walk of the site, with a wider range available within a 3.3mile cycle.

- 6.23 Figure 10 below (taken from the Applicant's Design and Access Statement, p.18), shows radial catchment areas based on 800 metre and 1,200 metre distances, measured from the approximate centre of the site. It states "800m = 10mins walk". However, this is slightly misleading because the radial catchment areas show what lies within the area 'as the crow flies'. They do not accurately reflect what can be accessed by a 10 minute walk. Footway routes do not follow direct straight lines. Notwithstanding, walking / cycling routes from the site to the village centre are reasonably direct and, on balance, they are attractive routes, save for crossing London Road. The Applicant proposes works to upgrade the surfacing and drainage of PROW C26, as well as to improve its crossing point on London Road.
- 6.24 Mindful of the best practice advice and guidance outlined above regarding acceptable walking & cycling distances, it is considered that the site lies within a reasonable walking and cycling distance to a wide range of village shops and services; within close enough proximity to reasonably encourage non-vehicular trips. This lends the site good locational sustainability characteristics and significant weight is attached to this positive material consideration.

Figure 10: 800m and 1,200m distances from site



- 6.25 The County Council 6Cs Design Guide states that in rural areas ‘the walking distance (to bus stops) should not be more than 800m’. The northern boundary of the site adjacent to London Road lies next to bus stops. There are two bus services that travel along London Road, which are summarised in the Applicant’s Transport Assessment Table 3.1 (p.5):

Table 3.1 - Bus services on Station Road adjacent to the development

Service	Route	Frequency		
		Daytime	Evening	Weekend
X3	Leicester/ Oadby /Great Glen/ Kibworth/ Market Harborough	30 min service		Hourly service
X7	Milton Keynes/ Northampton/ Market Harborough/ Leicester	30 min service		Hourly service

- 6.26 Modifications to the proposal have been sought in order to minimise walking distances to access these bus stops. This has taken the form of a ‘cut-through’ link to provide more direct access to the bus stops. This is a notable improvement relative to the original proposal, which would have diverted the majority of residents on a circuitous route, out through the main vehicle junction of the site and along a 200m length of new footway adjacent to London Road – a longer and less attractive route. The amended proposal provides excellent access to bus stops. The accessibility of the site by bus offers a realistic alternative to the private car for some journeys to and from the site. It is noted that the bus service running into Leicester provides a direct link to Leicester railway station.
- 6.27 In terms of locational sustainability, it is judged that the site would be satisfactorily connected to local shops, services and public transport links. The location of the site would provide future occupiers with a realistic option to choose walking and cycling as an alternative to private vehicle trips in order to access a range of village facilities, as well as locations farther afield served by bus. The location of the site is judged to accord with local and national locational sustainability principles.
- 6.28 As per the Framework Paragraph 14 and in the light of recent appeal and Court decisions, the principle of residential development on this site is judged to be acceptable. The proposal should be considered in line with the presumption in favour of sustainable development.
- 6.29 The Framework states that “there are three dimensions to sustainable development” (economic, social and environmental) (Paragraph 7) and that “these roles should not be undertaken in isolation, because they are mutually dependent” (Paragraph 8).
- 6.30 The conformity of the proposed development to further sustainability criteria is considered throughout the remainder of this report.

b) Agricultural Land Classification

- 6.31 Government Policy aims to direct development away from the best and most versatile agricultural land (BMV) (Framework; Paragraph 112). The Framework (Annex 2: Glossary; p.50), defines BMV as “Land in grades 1, 2 and 3a of the Agricultural Land Classification.” Grade one is best quality and grade five is poorest quality. A number of consistent criteria are used for assessment, which include climate (temperature, rainfall, aspect, exposure, frost risk), site (gradient, micro-relief, flood risk) and soil (depth, structure, texture, chemicals, stoniness).
- 6.32 The Applicant has confirmed the agricultural land classification for the site and has advised “By reference to the Magic website, the site comprises Grade 3b agricultural land which does not fall into the category of best and most versatile agricultural land.” (additional information letter; Ref DJB/0081; dated 27 April 2017).
- 6.33 It is noted that the ridge and furrow earthworks across the site create limitations for modern agricultural use, for example, most arable farming practices would not be viable.
- 6.34 The proposed development would not result in the loss of BMV agricultural land and, as such, the development would not be contrary to Paragraph 112 of the Framework. Mindful of the ridge and furrow nature of the land, its limited connectivity to other areas of agricultural land and its lower-grading agricultural land classification, it is judged that there would be no significant effects on contemporary agricultural interests as a result of the development.

c) Landscape Character and Landscape Capacity

- 6.35 Section 7 of the Framework provides detailed policy regarding good design. Core Strategy Policy CS11 accords with this. Section 11 of the Framework also addresses ‘Conserving and enhancing the natural environment’ and at Paragraph 109 states, inter alia, that:
- “The planning system should contribute to and enhance the natural and local environment by:*
- Protecting and enhancing valued landscapes ...”*
- 6.36 Core Strategy Policy CS17(c) advises that:
- “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 area in which it is situated”.*
- 6.37 Policy CS8 addresses ‘protecting and enhancing green infrastructure’, which includes promoting the interests of ‘strategic green infrastructure assets’ (public rights of way being one such asset).
- 6.38 At a national level, Natural England has divided the country into 159 character areas. Great Glen is identified as being located at the boundary of two National Character Areas (NCA) – NCA 93 High Leicestershire and NCA 94 Leicestershire Vales.

- 6.39 At a local level the Council has carried out a Landscape Character Assessment specific to the District. The original assessment was carried out in 2007 and identified five Landscape Character Areas (LCA) within the District. The site was determined to lie within the High Leicestershire LCA:

“The High Leicestershire Landscape Character Area, which surrounds Great Glen is characterised by a rolling landform of ridges and valleys in a predominantly rural landscape. The pattern of field boundaries is intact, with mature hedgerow trees. The landscape character of this area is vulnerable to development pressure particularly on exposed and steeply sloping land.” (p.53)

- 6.40 “Figure 2.5: Great Glen: Traffic Light Plan” on page 55 of the 2007 Harborough District Landscape Character Assessment names the site “D”, shaded orange for “amber” and defined as “Land considered to have the potential for consideration of development in landscape terms. Appropriate mitigation measures would need to be developed through fuller landscape assessment at the site design / masterplanning stage.”

- 6.41 Supporting text in table form defines the site further:

Integration with settlement edge and Countryside =
Set within two roads and adjacent to peripheral development. Site faces open agricultural fields.

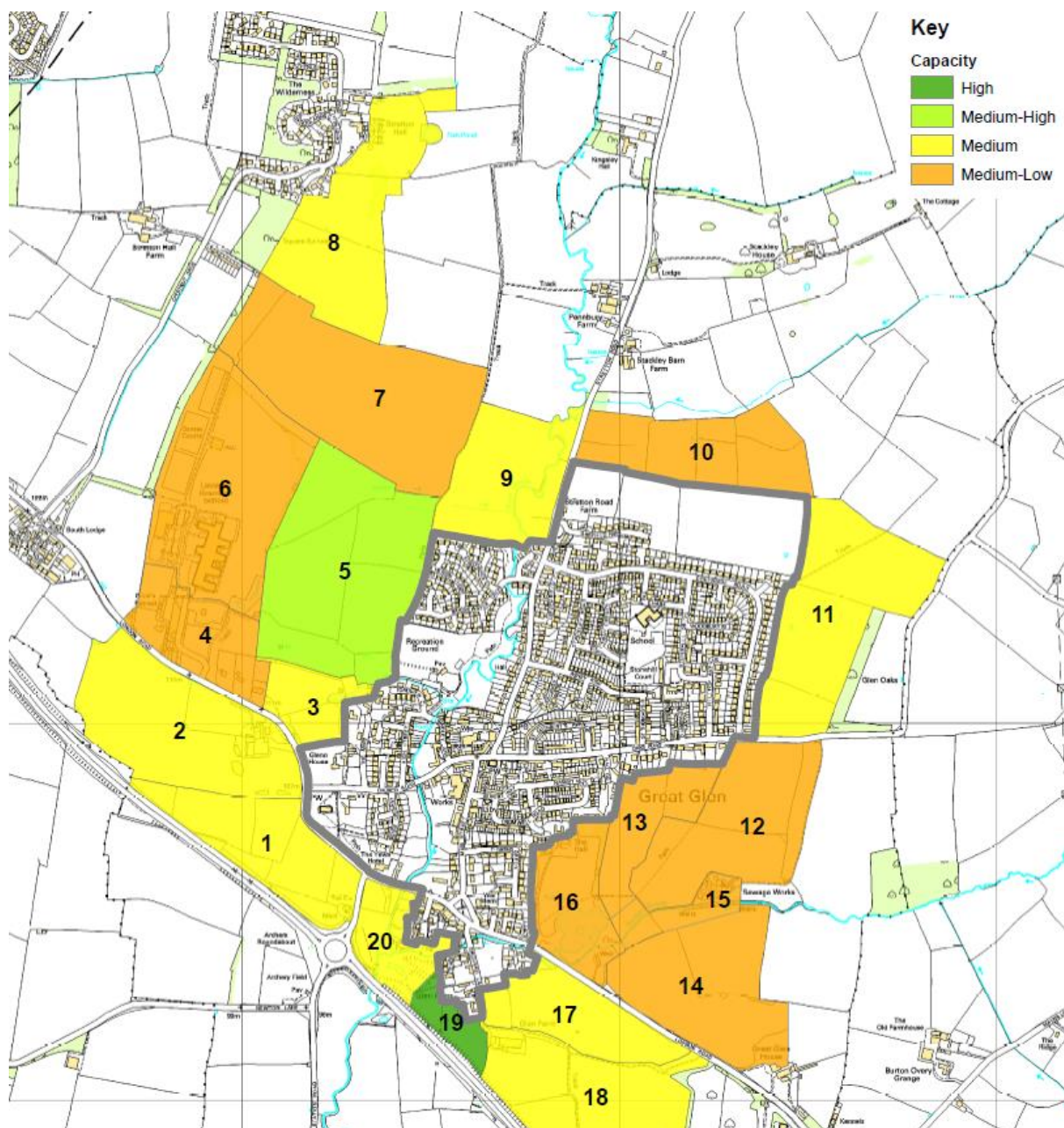
Visibility and Enclosure =
Enclosed between two major roads with mature vegetation belt to the north enclosing the site further. Open views to the south from arable fields and the A6.

Brief Explanation =
Views from the north are limited. Views from the south are from an unpopulated agricultural field and the A6. Mitigation planting and careful site design could screen these views.” (p.57)

- 6.42 The 2007 Landscape Character Assessment was updated through the July 2014 ‘Harborough Rural Centres Landscape Character Assessment and Landscape Capacity Study’, which includes a more detailed assessment of the High Leicestershire LCA and the settlement fringe of Great Glen.

- 6.43 The 2014 Landscape Capacity Study identifies the site as falling within Parcels 1 and 2 (all proposed built development being within Parcel 2), which are assessed overall as having “Medium” capacity for development in relative terms based on a range of criteria.

Figure 11: 2014 Landscape Capacity Study Parcels



6.44 The 2014 Landscape Capacity Study states (Appendix C, pp.5-6):

“Comments on suitability for development and mitigation measures:

This Parcel is considered to have Medium Capacity to accommodate development. Favourable factors relate to its enclosure by vegetation and relatively limited number of public and private views. However, factors that would make development more prominent are the relatively elevated location, its detachment from the rest of the village and the way it will provide an intensification of development to the north-west, towards the Glen Rise development. Commercial development on the higher ground would be visually more prominent and involve greater ground modelling and is

therefore not considered suitable. Should residential be considered suitable, it is recommended to form a small development on the lower lying ground adjacent to London Road and more closely related to The Sycamores. The following measures should be considered in relation to future residential development:

- Retention of existing landscape features and vegetation

The strong boundary vegetation along London Road should be retained where possible, subject to provision of suitable access points. The existing boundary features and internal mature trees should also be retained in any development proposal.

- Important views to be retained

There are no important key internal or external views into the Parcel.

- Retention of existing routes through the site

There are no public footpaths crossing the Parcel.

- Ground modelling

Some localised ground modelling would be required for any development on the Parcel but this should be minimised.

- Additional planting

Additional planting may be required along the London Road to replace any losses to create access points.

- Maximum building heights

Building heights should be limited to 2 storeys

- Development layout

Development should be restricted to the lower ground adjacent to London Road and preferably a small development of individual houses to the east of the site around The Sycamores. An appropriate interface with The Sycamores should be provided within any layout.

- Building materials

Buildings in the vicinity of the Parcel use traditional red brick and tile construction and it is recommended that this should form the guide for any development within this Parcel.

- Open space provision and green infrastructure

The existing site features should be retained to provide a baseline of green infrastructure.”

- 6.45 The Applicant has submitted a Landscape and Visual Impact Assessment (LVIA) for the proposed development, which has been reviewed by the Council’s Landscape Consultant ‘The Landscape Partnership’ (TLP). This has resulted in the submission of a LVIA Addendum (April 2017), which has also been appraised by TLP.

- 6.46 In response to the Applicant’s LVIA and LVIA Addendum (provided by Urban Wilderness – ‘UW’), TLP conclude:

“8.1 UW have provided a thorough review of TLP’s comments in their April 2017 report. The following aspects have been clarified:

- The quantification of effects along tree to the London Road frontage.
- The use of non-invasive non-dig techniques.
- The provision of a 15m wide belt of new planting to strengthen this feature.
- The views from C28 and the A6 at c 1.3-1.5km to the south-east have been included. The effects are assessed by UW as minor. TLP consider they may be slightly higher at moderate/minor but this is a modest difference and unlikely to be a determining matter.

8.2 The following aspects require further clarification:

- The heights of units within different parts of the site. The UW response indicates 9.5m as an upper ridgeline for 2 storey properties. At one part of the Addendum this is indicated to apply to the lower lying areas of the site to the east, while the cross-section drawing provided in the Addendum indicate this could apply across the whole site. Elevations of 2 storey properties and height to ridge should be provided together with a plan showing the extent of ridge heights within the different parts of the site.

8.3 The overall effects on landscape character and visual receptors remains essentially unchanged from the original LVIA. This concluded there would be significant effects from the loss of agricultural land and ridge and furrow features and significant effects on views for few residential receptors on London Road and from footpaths C26 and C27. The most noticeable distant views identified by TLP are from the C28 and A6 to the south east. The LVIA Addendum considers these effects would be minor, while TLP consider them to be relatively higher but not significant.

8.4 It is considered that the proposed application is acceptable in principle from a landscape and visual perspective and that significant local effects could be mitigated by a suitable layout and landscape scheme as part of a future reserved matters application. The LVIA Addendum has clarified a number of points previously raised by TLP with one further point as noted above outstanding.”

- 6.47 The Applicant has satisfactorily qualified TLP point 8.2 with regard to maximum building heights. This is addressed above in Paragraph 3.2 of this report, as well as below in the “layout, scale and design” section.
- 6.48 The Applicant’s LVIA is considered to present a credible case that the landscape impacts of the development would not result in significant or demonstrable harm. It is clear that development of the site would result in the loss of open countryside and would thereby inherently cause some harm to the character and appearance of the area. It is noted that the development would be visible in views from the southeast, for example when approaching Great Glen from Kibworth along the dual carriageway. However, the degree of landscape harm is considered to be minor to moderate and this development impact must be balanced against the strong positive material consideration of delivering additional housing in a sustainable location, noting the District’s 5YS position.
- 6.49 Evidence demonstrates that the site is relatively contained within the local landscape and that appropriate mitigation can be secured via Planning Conditions and through Reserved Matters.

d) Site Access

- 6.50 Access is a matter for consideration as part of this application. A single access junction is proposed to the development in the form of a new T-junction on London Road, as illustrated in Figures 5, 6, 7, 8 and 9 above (see above and below Section 2).
- 6.51 The County Highway Authority (CHA) has reviewed the proposal. They have been mindful of the recently published 'Cumulative Development Traffic Impact Study' (jointly commissioned by Harborough District Council and Leicestershire County Council to test the cumulative impact of development in the Kibworths, Great Glen, Fleckney and Saddington areas; Final Rev A, 24 January 2017).
- 6.52 The Cumulative Development Traffic Impact Study identifies concept highway improvements which would be justified by cumulative development – the more developments which are approved, the greater the impact and the greater the potential scope of highway improvement works. The referenced concept highway improvements are deemed necessary to accommodate traffic flows from the Baseline 2021 traffic flow scenario and Baseline 2021 + Cumulative Development scenarios. The Study concludes that local junction interventions and bespoke highway improvements proportionate to the scale of the total development quantum should be pursued. The Study demonstrates that the current application proposal has a material impact at certain identified junctions and, therefore, improvements are required to alleviate the significant impacts of the development. This would be in the form of a developer contribution to road infrastructure improvements.
- 6.53 The CHA reports that the Applicant has liaised with the CHA and the site's proposed access arrangements include the provision of a right-turn ghost-island. The access proposals also include the provision of a new gateway feature** (to make place-finding easier and safer), associated road marking / lining and the extension of the 30mph zone. All of these safety measures are acceptable in principle to the CHA. The CHA has advised that the requirement for traffic calming would be considered during the Reserved Matters design stage.
- **The proposed gateway feature would have to be sensitive to the semi-rural character of the site frontage & locality; use appropriate design / materials.
- 6.54 With regard to the Applicant's intention to improve the existing Public Right of Way link along the south of the site (PROW C26, which connects to London Road), the CHA recognises the importance of pedestrian permeability to the site and safe and suitable access to the whole site. To this end, the CHA recommends the inclusion of a suitable Planning Condition which would enable the enhancement of this link prior to first occupation of the development and which makes safe provision for pedestrians crossing London Road to access local amenities. The LCC Senior Access & Development Officer (Rights of Way) has also commented that "there is a need for detailed discussion on the treatment of the Public Rights of Way", "that such provision is dealt with as a reserved matter" and that two Planning Conditions should be placed on any outline permission granted for the site in order to secure an appropriate PROW scheme and crossing provision over London Road.

The Applicant has requested a delayed implementation trigger for the PROW C26 works. They have stated:

"There is little merit in having the public footpath improved for the first occupation. I only say this because development will start from London Road and it is reasonable

to assume the early residents existing on foot via the 'access works' rather than cross a building site – this would not be conducive for health and safety reasons. Thus can I suggest we put a trigger that the works to the public right of way should be undertaken prior to the occupation of the 50th dwelling. This would also allow for any surface water drainage works to serve the southern part of the site (which is separate to the northern part) to be implemented just in case we have to follow the alignment of the footpath – i.e. do all the construction the works together.”

The Applicant's position on this matter is considered to be reasonable and it is recommended that the Condition is worded with a “50th dwelling” completion point.

- 6.55 As discussed above under locational sustainability, a good means of pedestrian access to local bus stops is proposed. Details would be finalised via Reserved Matters plans / information, noting the recommended Condition on this Outline planning permission that would tie the development to be in general accordance with the Land Use Parameters Plan and the Illustrative Masterplan.
- 6.56 The CHA concludes that the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF. The CHA considers that a new T-junction access can be satisfactorily provided onto London Road in accordance with current LCC design standards (for example, in terms of geometry, radii, gradient, visibility, surfacing, lining, lighting and drainage); the CHA recommends a Condition that development shall not begin until full details of the proposed site access, highway improvements and traffic calming have been submitted and approved. A range of S106 contributions is sought by the CHA (as detailed in their Consultation Response and Appendix A), including a contribution towards improvements to the wider highway network along the defined A6 corridor. Following appraisal of technical consultee advice and taking in to account public representations, it is judged that the proposal accords with development plan and national policies with regard to delivering safe and suitable access.

e) Impacts on Heritage Interests

- 6.57 It is noted that the site was originally allocated as a reserve housing site in the Great Glen Neighbourhood Plan, but that it was removed following an objection representation from Historic England.
- 6.58 Ridge and furrow earthworks in the locality, which cover the application site in its entirety and other surrounding parcels of agricultural land, serve to articulate the agrarian history of the settlement of Great Glen. The ridge and furrow on the site and in neighbouring fields has a social, cultural and economic relationship with designated heritage assets in the area, foremost of which is the Grade II* Listed St Cuthbert's Church.
- 6.59 Historic England (HE) has submitted a strong objection to the proposal in two parts (25.01.17 and 01.03.17) and considers that the application does not meet the requirements of the NPPF, in particular Paragraph numbers 132 and 134. HE's position is that all reasonably legible survivals of ridge and furrow contribute to our understanding of medieval and later agricultural practices and the communities which were sustained by them; hence ridge and furrow has significance as a non-designated heritage asset. HE's objection is grounded in the loss of much of the ridge and furrow remains on the site, as they form part of the setting to the Listed Church and other Listed assets in the locality and contribute to the significance of

these designated heritage assets. HE state “were it not that they survived so well and over such a coherent block we would not be objecting to this particular development”.

- 6.60 HE emphasises that ridge and furrow earthworks can contribute to the significance of heritage assets by providing historic and archaeological landscape context. HE advise that this is more than just co-visibility in views from fixed points; “it is matter of the experience and understanding of a listed building or monument in the landscape context in which it was built, used and supported by a community and their lords and clergy.”
- 6.61 The Applicant’s historic consultants, Ecus, have presented the case that the location of the development on ridge and furrow remains to the north of and discreet from PROW C26 limits the impact of the development. HE have responded to this point, stating “Whilst clearly it would be more harmful to the significance of the church to also develop the land directly to its west this argument fails to engage with the contribution made to the significance of the church from the survival of the ridge and furrow remains as an extensive and coherent tract of earthworks which provides a sense of the scale and complexity of the fields which supported the community and its church.” This is a considered to be a credible argument by the HE.
- 6.62 LCC Archaeology support the position of HE and share concerns about the scheme’s negative impact upon the historic landscape of ridge and furrow earthworks and the concomitant impact upon the setting of the Listed Parish Church and associated Listed buildings.
- 6.63 LCC Archaeology advise that “should the application be determined in favour of the proposed scheme, provision for a full investigation and recording of the earthwork landscape should be made by the Applicant and secured by condition upon any planning approval. This should make provision for a comprehensive topographic earthwork survey, supplemented by documentary and targeted field investigation.”
- 6.64 The HDC Conservation Officer has advised that, in their opinion, “the proposed development of 100 houses in this location will result in less than substantial harm to the setting of St Cuthbert’s Church and also less than substantial harm to the non designated heritage assets. I do however believe that if the scheme were to be re considered to reduce numbers and move the built form further away from the church in the south east corner, which would retain more of the Ridge and Furrow specifically within views of the church in the wider landscape then this harm could be reduced.”
- 6.65 As a consequence of consultee feedback, as well as Planning Officer advice, the Applicant has rationalised the indicative built form of the development in the southeast portion of the site; built development has been pulled farther away from the boundary hedgeline and some additional ridge and furrow is indicated to be retained in this area:

Original Plan



Amended Plan



6.66 This amendment is considered to represent a significant improvement. It would set built development farther away from the boundary hedgerow between the site and PROW C26; the front elevations of dwellings would be approximately 50m to the north of the hedgeline. Development would have a reduced impact on users of PROW C26. It would be less conspicuous and less imposing on the visual environment of the PROW and, in this amended layout, the proposed development would have a reduced impact on one's aesthetic appreciation of the PROW environs. Specifically with regard to the heritage issues currently being appraised, it is considered that the rationalised scheme would ensure that the development does not overtly impose on views towards the Listed Church tower that are experienced, absorbed and enjoyed by users of the PROW in conjunction with countryside views and the discernible ridge and furrow earthworks which span fields to the south of the PROW.

6.67 Commenting on the amended plans, the HDC Conservation Officer has observed that "the amendments to the proposed layout ... has gone some way to reduce the impacts". However, the Conservation Officer has concluded:

"Overall although the harm in my opinion has been reduced the proposed residential development could still result in less than substantial harm to the setting of the designated and non designated heritage assets. Therefore Paragraph 134 (Designated Heritage Assets) and 135 (Non designated heritage assets) of the NPPF and Harborough District Core Strategy Policy CS11 should be applied. The NPPF states that harm should be weighed against the wider public benefit and therefore this should be considered when assessing this proposal against local and national planning policy."

6.68 PROW C26 has been walked, accompanied by the HDC Conservation Officer, and it is considered that the field boundary hedgerow to the north of the PROW provides a strong degree of screening for the development from the height of a pedestrian.

The HDC Green Spaces Officer has observed: "The POS is well distributed around the site and it creates a buffer between the new development, and both existing countryside and road network."

Notwithstanding the new openings proposed in the hedgeline north of PROW C26 (to create access to the development), the hedgerow would significantly obscure views of built development, particularly given the set-away of built development from the hedgeline shown on the amended plans. Furthermore, with regard to the development's impact on the setting of (and significance of) heritage assets, the hedgerow was found to obscure nearly all views of the ridge and furrow earthworks in

the fields to its north. Also, the site is generally on higher land than the PROW, which makes observing the ridge and furrow more difficult from the PROW. The following two images help to exemplify the screening offered by the hedgeline which separates the PROW from the site of built development – these were taken on 09.02.17 when foliage was not in leaf:

Image 13: View west along PROW C26 (see arrow A on Figure 12 below)



Image 14: View east towards Church tower (see arrow B on Figure 12 below)



Figure 12: Amended Illustrative Masterplan extract (with Officer annotations)



- 6.69 The argument that HE makes is acknowledged; with regard to inter-visibility (“co-visibility”) not being an absolute, sole or necessarily-primary factor in determining the significance that a particular landscape, archaeological or other feature plays in contributing to the “experience and understanding” – the setting – of a heritage asset/s. However, to the majority of observers experiencing this landscape and the setting of the Listed Church from PROW C26 and elsewhere in the public realm, the lack of inter-visibility between the Listed Church and the ridge and furrow on the site (that which would be lost to development) is judged to reduce the value and contribution that the ridge and furrow on the site makes to the setting of the Listed Church.
- 6.70 The fields to the south of PROW C26 contain well-preserved ridge and furrow earth patterns. These fields are on land which slopes down and away from PROW C26. This enables the ridge and furrow patterns to be seen and appreciated, both from PROW C26, as well as PROW C27 and from roads in the locality. The fields are integral in views which include the Listed Church and they conspicuously and clearly define the historic agrarian setting of the Church. The same cannot be said for the application site.
- 6.71 The field to the immediate west of London Road and south of The Sycamores is also judged to be particularly important in terms of its contribution to the historic agrarian setting of The Sycamores and the Church. This field contains ridge and furrow which can be observed from London Road. Development is not proposed in this field. The hedgeline between the field and PROW C26 is also less robust; there is more inter-visibility. Northward views are provided along PROW C27. The formal front elevation of the Sycamores looks over this field, southwards, as approximately

identified in Figure 12 above as a shaded triangle. A range of foliage to the west of this field would separate the built form of the development from the immediate setting of The Sycamores and this, along with the spatial set-away of built development in this direction, is considered to provide a satisfactory buffer (an existing oval copse and proposed additional structural planting). The development is not considered to harm the immediate setting of The Sycamores and curtilage Listed buildings.

- 6.72 The Applicant proposes drainage and surfacing upgrade works to PROW C26 in order to make it suitable for year-round use in all weather conditions. However, this would need to be carefully handled in order to prevent the presently rural PROW from becoming urbanised in appearance. The rural aesthetic would need to be preserved; the works must not significantly interrupt the agrarian setting of the Listed Church and The Sycamores. It is considered that this matter can be satisfactorily addressed by Condition (see Appendix B) and at Reserved Matters stage.
- 6.73 Policy GG14 'Ridge and Furrow Fields' of the Great Glen Neighbourhood Plan Submission Version is noted. This Policy seeks to protect the best examples of surviving ridge and furrow fields within the Parish for their intrinsic value. It is reported that sites for protection have been identified based on quality (well-defined earthworks, especially where more than one phase of ploughing or several adjacent lands can be seen) and visibility (close to the village or to rights of way). The sites have been judged to be an important aspect of the "historical landscape context of the village" (p.70). The application site represents a portion of the examples identified by GG14. Moderate weight is attached to this Policy, along with other Policies of the Submission Version NP as they pertain to this application.

Figure 13: Great Glen Neighbourhood Plan Submission Version; Policy GG14 "Ridge and Furrow Fields" – shaded areas within the Parish boundary showing "areas of well-preserved ridge and furrow proposed for protection" (GGNP, p.71);



Figure 14: Application Site in relation to nearby GG14 identified ridge and furrow



(Source: Applicant Design and Access Statement; p.10)

- 6.74 The proposal would lead to the loss of a large amount of the ridge and furrow within the site – indicative plans suggest that approximately 75-80% of existing ridge and furrow may be lost. What would remain would not be sufficient to preserve the cohesive legibility of the ridge and furrow. The value of the ridge and furrow earthworks across the site is derived from how pronounced the ridges and furrows are, from the multi-directional nature of the plough lines and from the cohesive and unaffected condition of the earthworks. All these aspects would be dramatically compromised by the development. The development would clearly conflict with Policy GG14 in this respect. It would also conflict with Policy CS11 (d)(iv), which states that “areas of historic landscape” should be safeguarded.
- 6.75 However, as Policy GG14 indicates, it is necessary to be mindful of the degree of public visibility and concomitant public appreciation of ridge and furrow when determining the weight which should be afforded to its protection.
- 6.76 The ridge and furrow on the development site presents a striking example when observed aerially, as evidenced by the Applicant’s Geophysical Survey imagery (see Figure 15 below). However, as discussed above, this cannot be appreciated from PROW to the south of the site and can barely be seen in views which include the Church and The Sycamores. There is presently no public access to the site where built development is proposed. As mentioned, views of ridge and furrow from London Road near to the Church and The Sycamores (from around the junction of London Road and Church Road) would not be significantly compromised by the development; this near-field is not within the development site and there is existing landscape screening, which is proposed to be enhanced. There are some limited views across the site (and of its ridge and furrow) from the elevated London Road along its length between No.47 London Road (bungalow property) and the Grammar School, but, as seen in Section 1 of this report (Site and Surroundings), these views

are significantly interrupted by boundary foliage. These views are also remote from the Listed Church and The Sycamores. Furthermore, this locality is judged to be desensitised in historic value by the visual and aural impacts of London Road and by existing modern highway works (e.g., the LGS access, bus stops, street lighting, signage etc.). The public pavement runs along the north side of London Road, farther away from the development site, which reduces one's engagement with and appreciation of the countryside to the south of London Road.

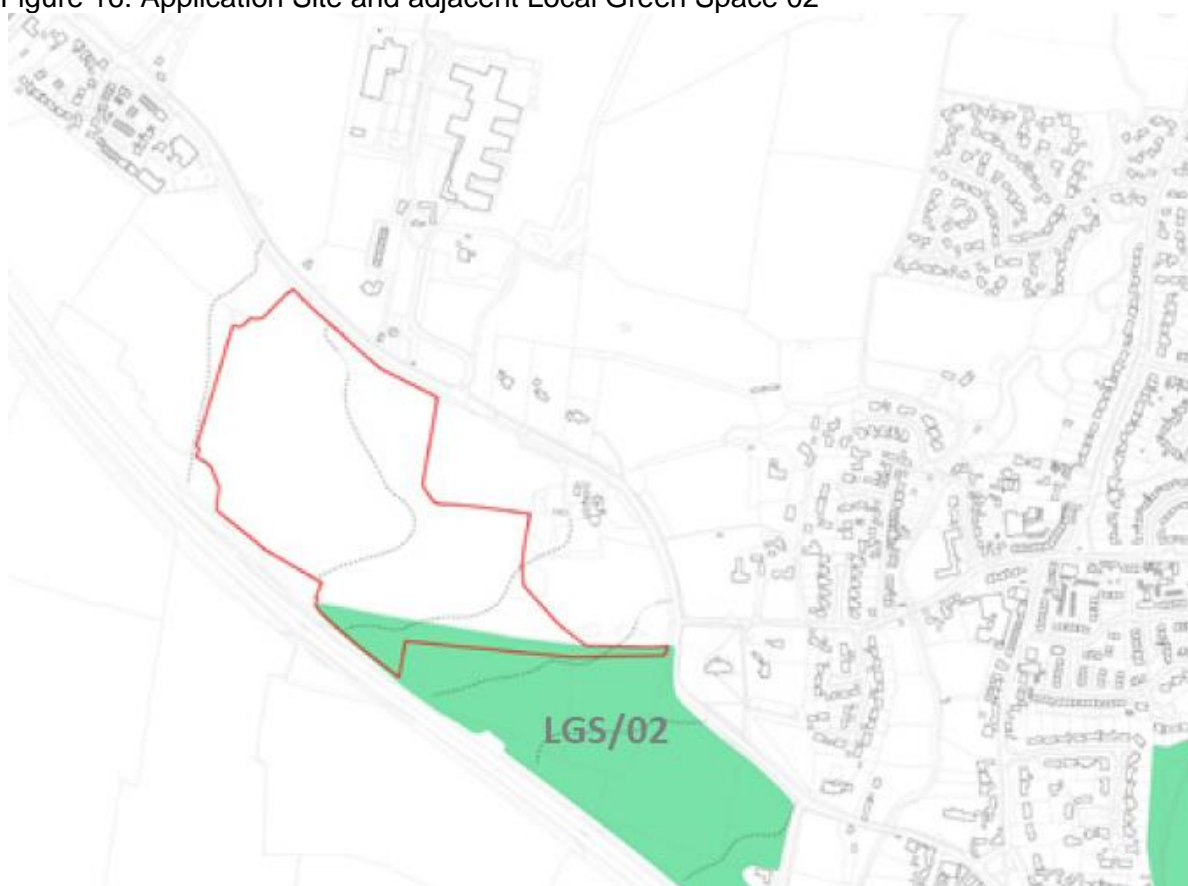
Figure 15: Geophysical Survey image of earthworks, with Application Site outlined



(Source: Applicant Design and Access Statement; p.26)

- 6.77 The matters discussed above are considered to reduce the value which can be attached to the preservation of the ridge and furrow on the development site.
- 6.78 This assessment is supported by Neighbourhood Plan Policy GG12 'Protection of Local Green Spaces' and Policy GG13 'Other Important Open Space', neither of which identify the site as a 'Protected Local Green Space (LGS)' or 'site of environmental significance'. Policy GG12 pretext states: "Conserving and enhancing the rich natural and historic environment of Great Glen is important in its own right and underpins health, wellbeing, sustainability and the distinctive and attractive character of Great Glen." (p.66). Policy GG12 identifies and maps seven Local Green Spaces, which are considered to be of particular local importance in terms of their natural and historic features and proximity to the community. It is noted that the application site is not identified as a Local Green Space, although the adjacent ridge and furrow land to the south / southeast of the site is:

Figure 16: Application Site and adjacent Local Green Space 02



(Source: Applicant's Design and Access Statement; p.10)

- 6.79 Policy GG13 "Figure 5 – Inventory of Features of Environmental Significance" (p.69) identifies "significant views" from the proximity of the Grade II* Church, shown as two outward pointing arrows in this extract (this is a low quality image in the NP and cannot be replicated any clearer):



- 6.80 Views in to, out of, or across the application site (where building is proposed) are not identified in Policy GG13 Figure 5. This is not to say that there are no views, or that

the views which can be obtained are of no value. However, it does correlate with a finding that the public conspicuousness and value of the ridge and furrow on the application site is more limited than other land parcels and landscape features which have been identified by the community surveys and investigations relayed through unadopted NP Policies GG12 and GG13.

- 6.81 It is noted that only approximately 5.0 hectares of the 11.7 hectares site would be built upon (roads and dwellings). Other areas are set aside for a community orchard and allotments, as well as drainage features and open space. Drainage basins and earthworks would disturb & remove ridge and furrow, but the design of the orchard, allotments and open space should allow preservation of this ridge and furrow in a legible and valuable fashion. As future occupiers / the public would have access to land which presently has no public access, this would allow an enhanced public appreciation of sections of ridge and furrow within the site, thereby increasing its value. This design approach has been advocated to the Applicant and Reserved Matters details would be expected to demonstrate significant preservation of ridge and furrow within the site.
- 6.82 Although mitigating factors have been analysed above, it is considered that the proposal would result in harm to the historic agrarian landscape surrounding Great Glen and that this would detract from the wider landscape context of Listed assets in the locality. Although this harm is considered to be indirect, in that the development would not significantly compromise the immediate setting and views of Listed assets, it is judged that 'less than substantial harm' would result from the development.
- 6.83 Despite the 5 year housing land supply shortfall in the District, full and significant weight is attached to development plan and national policies & legislation which protect historic interests (noting CS8 and CS11 of the Core Strategy, Section 12 of the Framework and Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990). It is not considered that these Core Strategy policies are weakened by Paragraph 49 of The Framework. This approach is supported by the 10 May 2017 Supreme Court Judgement on this subject.
- 6.84 Attention must turn to Paragraphs 134 and 135 of The Framework, which state:
- “134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”
- “135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
- 6.85 The primary public benefits of the current application are judged to be the delivery of market and affordable housing on a locationally sustainable site. Additional weight is attached to these benefits because the District is currently experiencing undersupply. Further public benefit stems from the development's over-provision of public open space, which includes a community orchard and allotments. Despite the regrettable loss of valued ridge and furrow earthworks that would result from this development and the concomitant harm to the significance of designated and non-designated heritage assets, the public benefits of the application are judged to outweigh the harm.

f) Design

6.86 Core Strategy Policy CS2(b) states, in respect of new housing development, that the key considerations are: (1) the need for the highest design standard (in conformity with Policy CS11), (2) a layout that makes the most efficient use of land and is compatible with the built form and character of its surroundings, and (3) an appropriate mix of housing types.

6.87 Policy CS11 states that the highest standards of design will be sought. Development should respect its context and respond to the unique characteristics of the site and wider environment. Development should be of an appropriate scale, density and design. Where the setting of listed assets is affected, special regard must be paid to preserving setting. The Framework, Paragraph 56, is particularly instructive, stating:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

6.88 Although the design (form/layout, mass, scale, proportions, style, materials) is not a matter which is currently for consideration and would be tested at Reserved Matters stage in the event of an Outline approval, an illustrative layout (“Illustrative Master Plan”) and a Land Use Parameters Plan have been provided, together with supporting design information (contained mainly within the Design and Access Statement and Planning Statement). It should be noted that the application submission does not preclude alternative layouts as part of a subsequent Reserved Matters application or Full planning application, providing the key underlying principles established in the DAS and within the Illustrative Master Plan and Land Use Parameters Plan are followed. However, the submitted information provides an understanding of how the site could be satisfactorily developed with up to 100 dwellings, associated infrastructure & open space, taking into account the constraints of the site.

6.89 Key design considerations are outlined as follows.

Layout and Density

6.90 The site comprises a single L-shaped field that totals 11.7 hectares in size. (For comparison, the Oaks Road site of 170 dwellings totals 8.48 ha in size.)

6.91 Approximately 4.0 hectares (9.88 acres) is provided for residential development, with a resultant density of 25 dwellings per hectare (this is based on the rationalisation of built development in the southeast area of the site). This density is judged to be appropriate given the site’s constraints in terms of:

- its ordnance datum levels and wider landscape impacts;
- the value of preserving some ridge and furrow sections within the site;
- the edge of settlement location of the site, the space-need for structural planting and the need to maintain visual and aesthetic accord with its rural setting (notably to the south); and
- the need to mitigate impacts on the setting of heritage assets.

6.92 The proposed development density, combined with the substantial tracts of proposed open space, would lend the development a semi-rural and green character. Implementation of the illustrative layout would lead to most street-heads having a green outlook over hedgelines, foliage and/or fields.

6.93 The Applicant's Design and Access Statement outlines 4 key design principles which have informed the development's design (pp.1-2), as follows:

1. "Housing for the 21st Century

The development is to deliver a high quality "place" which is sustainable, safe, and attractive. The development will comprise of a mix of housing of approximately 100 new dwellings, offering 1-4 bedroom properties, comprising of a range of house types from semi-detached to detached properties, and may include some apartments and short length of terraced houses.

The layout illustrated on the masterplan and described in further detail within this Design and Access Statement (DAS) provides a high quality urban design that incorporates Best Practice principles and accords with design and layout policies of the emerging Great Glen Neighbourhood Plan."

2. "Respect Context

The development will respect the setting of Great Glen. It will be designed to sit sensitively on the lower reaches of the Site, with higher ground on the western edge of the Site reserved as open space. The arrangement of development blocks will respond to the character of the settlement layout. Buildings will be designed to utilising high quality materials and seek to reflect the local vernacular.

The development will respect the privacy of the surrounding residents, with structure landscape planting for screening. It will also provide a balance of public and private space for residential amenity in the area."

3. "Integration

The development will establish a legible environment, with a choice of interconnecting attractive streets and pedestrian routes which provide excellent connectivity through and around the Site.

The existing Public Right of Way to the south of the Site will be retained along the original alignment and enhanced with new surfacing and signage, to provide access to facilities in the Great Glen village core.

The development will adopt inclusive design, by making the place accessible for all.

An attractive palette of building materials common to the wider area will help to integrate development within the landscape and create a distinctive sense of place."

4. "Sustainability and Conservation

The development will incorporate sustainable design measures including sustainable system and permaculture.

A 'green spine', which follows a historic hedgeline and a new habitat area to the north west of the Site are proposed to contribute to the protection and enhancement of the biodiversity of Great Glen.

Development will be set within a robust Green Infrastructure, which will include the retention of existing trees, hedgerows and ditches, areas of ridge and furrow, augmented with extensive new tree planting and new habitat creation."

- 6.94 The Applicant underlines their key development objectives, which include delivering a high quality design, attractive streets and public spaces, good quality materials, legibility and permeability throughout and a good mix of house types and sizes. If Outline approval is granted, these objectives would be expected to be delivered at Reserved Matters stage.

Scale (building heights)

- 6.95 The Applicant has stated that dwellings would be limited to 2 storey in height. The maximum ridge height of any dwelling is stated to be 9m: "there may be some 9 metre high dwellings, with the majority being no more than 8.5m high" (Supporting Statement Letter 24 May 2017). When reviewing the original and contemporary landscape investigation work undertaken by The Landscape Partnership, it is apparent that dwelling heights are an issue which TLP have consistently focussed on. TLP have repeatedly advised that dwellings should not exceed two storey in height. However, what this translates to in terms of maximum ridge height is not defined. A typical new two storey dwelling is approximately 7.5m to 8.5m in height. Accordingly, it is considered that the proposed dwellings should be no more than 8.5m in maximum height, which (noting the ridge and furrow earthworks) should be measured from the lowest existing ground level that would be covered by the footprint of a particular dwelling. However, higher ridge line heights may be achieved if existing ground levels are further reduced to compensate. It is recommended that this matter is controlled by Condition. This would ensure that the landscape impacts of the development are not harmfully significant, it would protect visual amenities, it would preserve the setting of heritage interests and it would accord with Policies CS1, CS8, CS11 and CS17 of the Harborough District Core Strategy.

Public Open Space and Green Infrastructure

- 6.96 Landscaping is a Reserved Matter and so detailed specifics are not required at this stage. However, the Illustrative Masterplan, Land Use Parameters Plan and supporting information shows that open space provision has been well-integrated throughout the proposed development.
- 6.97 The Illustrative Masterplan and "Constraints and Opportunities" plan (p.34, Design & Access Statement) show:
- New equipped play area with space for naturalistic play**, such as boulders and earth mounding.
 - Existing boundary foliage and hedgerows would be retained, except for new access points along the north and south boundaries.
 - Boundary areas would be subject to additional structural tree and shrub planting, to screen the development from the A6 London Road and to provide additional wildlife habitats and enhance biodiversity. A "15m proposed vegetation screen" is proposed around the majority of boundaries.

- Indicative ponds and associated swales within public open space for sustainable drainage, public amenity and biodiversity.
- Enhanced pedestrian access between the development site and locality (noting PROW C26 upgrading).
- Provision of a community orchard and allotments.
- Retention of the existing ridge and furrow in the undeveloped areas of the site, including within the community orchard and allotments.
- Private drives and key junctions to be enhanced in a different material to slow traffic, maximise pedestrian priority & visually enhance the streetscape

****a naturalistic play design for the formal play area appears particularly appropriate to this site.**

- 6.98 It is considered that the south boundary adjacent to PROW C26 would also benefit from enhanced structural planting. For example, access openings in this hedgerow could utilise chicane planting in order to block views through from PROW C26 into the site.
- 6.99 The overall quantum of public open space significantly exceeds policy requirements and this is a positive aspect of the scheme. Suggested S106 contributions relating to its provision are identified within Appendix A. The proposal would accord with Policies CS8 and CS11 in this respect.
- 6.100 The submitted plans and information are judged to provide a good indication of how the development of up to 100 dwellings on this site could proceed. The indicative plans satisfactorily demonstrate that good design can be secured if approval is granted and the proposal moves to Reserved Matters stage.

g) Housing Mix (types / sizes)

- 6.101 At this stage the housing mix is currently unknown, but is anticipated to include a mix of dwelling types and tenures, which should be in general accordance with the Housing and Economic Development Needs Assessment (HEDNA, Jan 2017). At Reserved Matters stage it would be important to ensure that both the market housing and affordable housing mixes accord with the objectively assessed needs of the District. Future development would need to include a significant proportion of 1 / 2 bedroom market dwellings; these are housing types which are commonly underprovided in the District.
- 6.102 It is noted that the Applicant has, in their application submission, stressed their objective to deliver “a mix of housing of approximately 100 new dwellings, offering 1-4 bedroom properties, comprising of a range of house types from semi-detached to detached properties, and may include some apartments and short length of terraced houses.” (D&A Statement, p.4). “Bovis Homes Ltd is committed to provide a range of housing types, size and tenures to meet the housing needs of the community and provide a high quality environment for future residents to live and play.” (D&A Statement, p.4). “A broad mix of dwellings and house types will cater for first time buyers, family homes as well as for older people.” (D&A Statement, p.41).
- 6.103 In accordance with Core Strategy Policy CS3, 40% of the development is proposed to be offered as affordable housing. This equates to 40 dwellings. This requirement has been included within the suggested S106 obligations outlined in Appendix A.

h) Residential and General Amenities

- 6.104 Core Principle 4 of the Framework (Paragraph 17) seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. This is also reflected in Core Strategy Policy CS11.
- 6.105 As the layout, scale and external appearance of the proposed development are Reserved Matters, it is not possible to provide a detailed assessment of residential amenity impacts. Whether or not the amenity of existing dwellings / properties located adjacent to, or within close proximity to, the development would be affected in terms of in terms of loss-of-light (overshadowing), loss-of-privacy (overlooking) or over dominant, overbearing or harmfully enclosing development are issues which would be fully considered at Reserved Matters stage.
- 6.106 However, it is judged that the Illustrative Masterplan, Land Use Parameters Plan and Constraints & Opportunities Plan (D&A Statement, p.34), considered alongside the proposed development density and amount of open space, would enable a satisfactory development to be designed. There would be adequate space to create satisfactory amenity relationships between new dwellings (for future occupiers), as well as to protect the amenities of existing dwellings and approved dwellings yet to be built on the recently approved 16/00321/FUL and 16/01382/OUT application sites.
- 6.107 During construction there may be some adverse impacts on residential and general amenities in the locality. However, a planning Condition requiring a Construction Method Statement to be approved and implemented could be imposed on any grant of planning consent; this is recommended in Appendix B. Such a Condition would seek to control and limit the disturbance and inconvenience that may arise when building works are undertaken. In addition to planning controls, the Environmental Protection Act provides a variety of safeguards in respect of noise, air and light pollution.
- 6.108 The proposal is, in Outline form, judged to comply with the development plan in these respects.

i) Archaeology

- 6.109 The Applicant has undertaken additional archaeological investigation work which has led LCC Archaeology to conclude that “The work has satisfactorily addressed the buried archaeological potential of the application area”. However, LCC Archaeology support the position of HE with regard to concerns regarding the scheme’s impact upon the historic landscape of ridge and furrow earthworks and the impact of the proposals upon the setting of the Parish Church and associated Listed buildings. These matters have been discussed in the heritage section of this report above.
- 6.110 LCC Archaeology advise that “should the application be determined in favour of the proposed scheme, provision for a full investigation and recording of the earthwork landscape should be made by the Applicant and secured by condition upon any planning approval. This should make provision for a comprehensive topographic earthwork survey, supplemented by documentary and targeted field investigation.”

- 6.111 It is judged that outstanding archaeological considerations can be satisfactorily secured by planning Condition. The proposal is judged to accord with the development plan and the Framework in respect of archaeological matters.

j) Ecology

- 6.112 The site has been found to contain sensitive ecological species and the Applicant has undertaken further work to address concerns regarding the development's impact on legally Protected Species. Addendum Ecology reports have been submitted, which have been appraised by LCC Ecology.
- 6.113 LCC Ecology dept. is now satisfied that a satisfactory solution can be achieved, which would safeguard Protected Species.
- 6.114 The site contains a range of existing boundary hedgerows and foliage, all of which are of biodiversity value. The hedgerows are to be retained by the development and large areas of additional structural planting are proposed. An area in the northwest portion of the site is also formally designated as a "Habitat area for wildlife to enhance biodiversity". The proposed community allotment and orchard would also provide habitat areas and encourage biodiversity. The same is true of other open space and drainage features if appropriate designs are implemented; with suitable planting and biodiversity enhancing features in mind.
- 6.115 A buffer between the hedgerows and individual plot boundaries is shown on the indicative plans; for example, the Constraints and Opportunities plan (D&A Statement, p.34) shows a 15m vegetation screen between dwelling plot boundaries and site boundary hedgerows. It is anticipated that the maintenance of structural planting and other such features would become the responsibility of a landscape management company, or another appropriate mechanism for securing their long-term management and maintenance. This design approach (of off-setting private plots from boundary foliage) would reduce the likelihood of unsuitable removal or other works taking place to the hedgerows; a pressure which would exist were they to form private garden boundaries.
- 6.116 Justification for the above approach to protecting hedgerows can be found in the Leicestershire and Rutland Environmental Records Centre (LRERC) 'Leicester, Leicestershire and Rutland Hedges and Planning' guidance note, as well as Policy CS8 of the Core Strategy and Paragraph 118 of the Framework. As per the advice contained in the LRERC guidance, the rationale for retaining buffer zones alongside hedges is, inter alia, to protect a hedgerow's biodiversity value as a linear wildlife corridor and habitat, as well as to protect landscape character and appearance.
- 6.117 LCC Ecology recommends a range of Conditions to secure an ecologically appropriate development. These are listed in the Consultation section of this report and in one composite Condition in Appendix B.
- 6.118 Ecological interests have been given satisfactory consideration in the proposed development. The application is judged to comply with local and national policies, guidance and legislation in this respect.

k) Arboriculture

- 6.119 The County Forestry Officer has reviewed the proposal and concluded that there are “few (if any) arboricultural constraints in principle on this outline proposal.” Said Officer observes that “Additional planting, screening and ecological swathes are proposed to augment local amenity and enhance conservation values.”
- 6.120 The main vehicular access works would require that 6 trees be removed (T34, B2 Category tree; T35, U Cat; T36, B2 Cat; T37, B2 Cat; T38, C2 Cat; T44, C2 Cat). Although 3 of these trees are B Category trees (of “moderate” quality and significant in the landscape), they are not the subject of Tree Preservation Orders and do not fall within the A Category of trees (“high” quality trees which are likely to warrant a TPO).
- 6.121 The Site Access and Footway plan (Drawing No. 201-21253 Rev D) shows the creation of a footpath link to London Road, to reduce walking distances to bus stops in this direction. With the benefit of this link the originally proposed footway between the main site access and existing footpaths becomes redundant and is removed from the plans. The location of the footpath link means that there would be minimal impacts on the existing hedge / trees associated with the footway, with the loss limited to ‘G4’ identified in the Arboricultural Assessment. G4 is a small group of Ash Trees which are category C2 when assessed against BS5837.
- 6.122 An appropriate Condition is recommended to protect the roots of trees and hedges on site during the construction process. The development is judged to be acceptable in arboricultural terms.

l) Flooding and Drainage

Proposed Surface Water Drainage and Flood Risk Mitigation

- 6.123 The site lies wholly within low risk Flood Zone 1 and, as such, represents an appropriate location for development in flood risk terms.
- 6.124 Surface water flooding maps identify a moderate to high risk of flooding from this mechanism along the northern site boundary adjacent to London Road. This is in the location of an existing highway drainage channel and the site masterplan allows for a green buffer and the inclusion of SuDS in this area. The Applicant’s submission indicates utilising multiple SuDS features across the site, including for dispersed attenuation and conveyance channels.
- 6.125 Other limited areas within the site are prone to standing water / waterlogging, for example, parts of public footpath C26. The Applicant proposes to undertake works to PROW C26 to remedy its drainage issues and create a right of way which can be used at all times of the year and, for example, by people with pushchairs.
- 6.126 Despite the apparent favourable starting point for the site in terms of drainage and flooding considerations, drainage has proven to be a protracted issue during the application’s assessment process. The Applicant’s original submission with regard to drainage was considered insufficient for the Lead Local Flood Authority (LLFA) to provide acceptance of the proposals. The LLFA advised:

“In order to provide a positive response, the following information is required:

- More details/clarification regarding the drainage outfall proposals.
- Scaled drainage strategy plans with Source Control calculations provided to ensure sufficient space is available for drainage.”

6.127 Subsequently, a number of additional drainage submissions have been made by the Applicant, resulting in three further consultation responses from the LLFA. The Applicant’s amended SuDS plans involve a range of drainage ponds / basins and associated swales / channels which would maintain the site’s current run-off rates. These are features of the public open space which seek to deliver sustainable drainage and mitigate flood risk, as well as provide public amenity and biodiversity. The LLFA has considered the most recent additional information and confirmed that they have no outstanding objections, subject to 4 Conditions being added (see Appendix B).

Proposed Foul Water Drainage

6.128 Severn Trent Water has not returned comments. However, in accordance with standard practice, it is considered that foul drainage matters can be satisfactorily controlled by Condition (see Appendix B).

6.129 The application is judged to accord with Policy CS10 in respect of flood risk and drainage considerations.

m) Planning Obligations

6.130 Planning obligations, also known as Section 106 Agreements (based on that section of The 1990 Town & Country Planning Act) are legal agreements made between local authorities and developers and can be attached to a planning permission to make a development acceptable (which would otherwise be unacceptable in planning terms).

6.131 Those obligations can encompass, for example, monetary contributions (towards healthcare, libraries or education), the provision of affordable housing, the on site provision of public open space / play areas, or off-site works (highway improvements), as long as the obligation meets the three statutory tests. Planning obligations must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

6.132 These legal tests are also set out as policy tests in Paragraph 204 of the Framework.

6.133 Policy CS12 states that new development will be required to contribute to funding the necessary infrastructure which arises as a result of the proposal. More detailed guidance on the level of District and County contributions is set out in the HDC Planning Obligations Supplementary Planning Document and the Leicestershire County Council Planning Obligations Policy (November 2014).

6.134 Appendix A identifies the developer contributions sought by consultees, provides assessment as to whether the requests are CIL compliant and suggests trigger points (to determine when the contribution should be provided by the developer).

- 6.135 Officers consider that the Appendix A S106 provisions would meet the LPA's and LCC's policy requirements, the tests set out in Paragraph 204 of the Framework and the CIL Regulations 122 and 123, including as they relate to pooled contributions.

7. Conclusion / Planning Balance

- 7.1 The Framework requires LPAs to grant planning permission for sustainable development. Paragraph 7 of the Framework states: "There are three dimensions to sustainable development: economic, social and environmental."
- 7.2 In terms of economic considerations, additional housing would provide employment and business generation during the construction period and the ensuing occupiers would contribute to the local and wider economy.
- 7.3 In social terms, the development would provide much needed housing in a Rural Centre settlement, thereby helping to meet local housing needs (both market housing and affordable housing needs). The development would contribute to evidence-based social and environmental infrastructure needs in the locality.
- 7.4 The proposal would make a significant contribution towards boosting the Council's Five Year Housing Land Supply (5YS), which is a consideration which generates additional weight in favour of the proposal as the Council cannot currently demonstrate a 5YS.
- 7.5 The site is located on the edge of a sustainable settlement, within a reasonable walking/cycling distance to the village centre. A range of shops, services, facilities, employment opportunities and public transport links lie within close proximity and there is a realistic opportunity to access these by non-private vehicle means (for example, by foot or cycle). Satisfactory access to the village centre would be provided through associated highways works.
- 7.6 Good design is recognised by the Framework as comprising "a key aspect of sustainable development...indivisible from good planning" (Paragraph 56). Whilst layout, scale and appearance are Reserved Matters, the illustrative masterplan and supporting information indicates good design could be delivered. The proposal would respect the rural setting of the village.
- 7.7 The site is satisfactorily contained in landscape terms and suitable structural planting and other landscape mitigation can be secured, with associated improvements to biodiversity. In landscape and visual terms, therefore, the proposal is acceptable.
- 7.8 The proposal would not lead to unacceptable amenity relationships for surrounding residents or future residents, would not harm general amenities in the area, would not adversely affect ecological or arboricultural interests, and would not unacceptably compromise buried archaeological potential.
- 7.9 As a result of the development's impacts on the broad, cohesive tract of ridge and furrow earthworks which span this site, less than substantial harm has been identified to this non-designated heritage asset, with associated less than substantial harm to the significance of nearby designated heritage assets. However, national policy requires that this is weighed against the public benefits of the proposal. At a time of 5 year undersupply in housing in the District, the public benefits of additional housing, as well as the level of public open space provision, have been found to outweigh these adverse heritage impacts.

- 7.10 The impacts of the development on existing community infrastructure, including the existing highways networks, would be mitigated by a range of S106 infrastructure contributions.
- 7.11 With appropriate mitigation where required, the proposal is judged to accord 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.
- 7.12 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 (noting Paragraphs 134 and 135), the benefits of the proposal have been found to outweigh the adverse impacts of the development.
- 7.13 The application has been assessed taking into account Paragraphs 186 and 187 of the Framework, as well as the national Planning Practice Guidance.
- 7.14 The application is, therefore, recommended for approval, subject to S106 provisions (Appendix A) and planning Conditions (Appendix B).

Appendix A – Planning Obligations

APPENDIX A PROPOSED PLANNING OBLIGATIONS			
Request by LCC	Obligation for Highways		
Amount / Detail	Delivery	CIL Justification	Policy Basis
<p>1. A contribution towards improvements to the wider highway network along the defined A6 corridor as considered appropriate by Harborough District Council in consultation with Leicestershire County Council – a S106 obligation to deliver or contribute towards the defined schemes via the Highways Act (1980).</p> <p>2. A contribution of £7,500 should a Traffic Regulation Order be required to deliver the speed limit change outlined in access proposals on London Road.</p> <p>3. Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (may be supplied by LCC at £52.85 per pack).</p> <p>4. 6 month bus passes, two per dwelling (2 application forms to</p>	TBC	<p>To accommodate the wider growth in the areas identified within the A6 study report (appended to formal advice on the public file). There is no full scheme cost as yet for this package of measures, however Leicestershire County Council has proactively commissioned an Options Appraisal. Moving forward, this will ensure all parties are in the most informed position with regards to the required contributions and the highway schemes are fit-for-purpose. This will ensure that costs are accurately and transparently reflected when detailed to developers to ensure the necessary mitigation is delivered in a proportional and compliant manner.</p> <p>To ensure that legal orders are in place to support the delivery of the proposed highway works.</p> <p>To inform new residents from first occupation what sustainable travel choices are in the surrounding area.</p> <p>To encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of</p>	<p>Core Strategy Policy CS12.</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014.</p> <p>The Framework Section 8.</p>

be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (may be supplied through LCC at (average) £360 per pass (NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).		sustainable travel modes other than the car (LCC may be able to supply these at the developers' cost).	
Request by LCC	Obligation for Civic Amenity		
Amount / Detail	Delivery	CIL Justification	Policy Basis
£0 – Existing capacity is sufficient			
Request by LCC	Obligation for Library Services		
Amount / Detail	Delivery	CIL Justification	
£3,020 / The contribution is sought for refurbishment and improvement to Great Glen Library to account for additional use from the proposed development. It will be placed under project no.GRE003. There is currently one other obligation under GRE003 (subject to change	To pay the Library Facilities contribution to the County Council prior to the first occupation of the first dwelling.	<p>The proposed development at London Rd, Great Glen is likely to generate an additional 144 plus users and would require an additional 347 items of lending stock plus reference, audio visual and homework support material to mitigate the impacts of the proposed development on the local library service.</p> <p>The County Council and LPA consider the library contribution is justified and is necessary to make the development acceptable in planning terms in accordance with the relevant national and local</p>	<p>HDC Planning Obligations Supplementary Planning Document Jan 2017.</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014.</p> <p>The Framework Section 8.</p>

due to future priorities of the library service).		<p>policies and the additional demands that would be placed on this key infrastructure as a result of the proposed development. The contribution requirement is directly related to the development because the contribution is to be used for the purpose of providing the additional capacity at the nearest library facility to the proposed development which is at Great Glen.</p> <p>It is considered fair and reasonable in scale and kind to the proposed scale of development and is in accordance with the thresholds identified in the adopted policies and to meet the additional demands on the library facilities at Great Glen which would arise due to this proposed development.</p> <p>(See full consultation response dated 24th January 2017 for full justification.)</p>	
Request by LCC	Obligation for Education		
Amount / Detail	Delivery	CIL Justification	Policy Basis
<p>Total Requirement: £652,738.74</p> <p>Broken down as:</p> <p>Primary School Sector Requirement £290,376.24</p> <p>Secondary School (11-18) Sector Requirement £362,362.50</p>	<p>10% prior to the commencement of the development</p> <p>45% prior to the first Occupation of 25% of the dwellings</p> <p>45% prior to the first Occupation of 50% of the dwellings</p>	<p>The overall deficit including all schools within a two mile walking distance of the development is 108 pupil places. The 24 deficit places created by this development cannot therefore be accommodated at nearby schools and a claim for an education contribution of 24 pupil places in the primary sector is justified.</p> <p>There is an overall deficit in this sector of 289 pupil places. The 20 places generated by this development cannot therefore be accommodated at nearby schools and a claim for an education contribution of 20 pupil places in the 11-18 sector is justified.</p>	<p>Core Strategy Policy CS12.</p> <p>HDC Planning Obligations Supplementary Planning Document Jan 2017.</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014.</p> <p>The Framework Section 8.</p>

Request by LCC	County Council Monitoring Cost Contribution		
Amount / Detail	Delivery	CIL Justification	Policy Basis
2% or £300 of the total value of each contribution in favour of the County Council (whichever is the greater)		It is appropriate for the County Council to recover costs associated with the negotiating, production and subsequent monitoring of developer contributions. This covers any costs associated with obtaining independent or specialist advice to validate aspects of the contributions and the costs of monitoring the payment and implementation of schemes and funding.	Leicestershire Planning Obligations Policy Adopted 3rd December 2014.
Request by HDC	Obligation for Public Open Space		
Amount / Detail	Delivery	CIL Justification	Policy Basis
£541,880.00 See Appendix A Addendum below – Green Spaces Officer Comments	To comply with an agreed Schedule.	The site is considered to be in an urban location for semi natural and natural greenspace. All typologies are required on site. If the POS is maintained by the developer or appointed management company in the future then there are no commuted sums for maintenance to pay to the Local Authority or Parish Council. An off site contributions will be required for Cemeteries and burial grounds and for 'Greenways' for improvements of the sustainable travel network (Rights of Way and cycle networks) into Great Glen etc. If all on site contributions are made then off site contributions, save for those identified above, will not be required. If sufficient POS provision is not made on site, then off site contributions can be considered but this will need to be discussed with officers.	Provision for Open Space Sport and Recreation (HDC, 2015). Core Strategy Policy CS12; Appendix 2 (Infrastructure Schedule). The Framework Section 8. HDC Planning Obligations Supplementary Planning Document Jan 2017.
Request by HDC	Obligation for Affordable Housing		
Amount / Detail	Delivery	CIL Justification	Policy Basis
40% Affordable Housing / 60% Affordable rented and 40% to be provided as	Unless otherwise agreed in writing with the District Council to use reasonable	Consultation Response received 07.01.17 from Raj Patel (HDC Housing Enabling and Community Infrastructure Officer); a CIL compliant justification is judged to be	Policy CS3. This policy aims to increase provision of affordable housing, particularly in rural areas,

<p>intermediate or shared ownership. We will be flexible on our tenure request if a RP requires a different tenure split.</p>	<p>endeavours to enter into a binding contract with a Registered Provider within 6 months of the Commencement of Development for the construction and transfer of the Affordable Dwellings (such contract to be on the terms contained in clause <insert>) at a price agreed with the Registered Provider which shall enable it to let those units comprising the Affordable Rented Dwellings or Social Rented Dwellings and to dispose of any Shared Ownership Dwellings by way of a shared ownership lease to persons in need of Affordable Housing, such agreement to provide that the Affordable Dwellings shall be constructed and ready for Occupation on accordance with the following:</p> <p>Fifty percent (50%) of the Affordable Dwellings shall be ready for Occupation prior to the first</p>	<p>satisfied therein.</p>	<p>in order to meet the high need across the district as demonstrated in the Strategic Housing Market Assessment (SHMA).</p> <p>HDC Planning Obligations Supplementary Planning Document Jan 2017.</p>
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	<p>Occupation of Fifty percent (50%) of the Market Dwellings; and</p> <p>The remaining Fifty percent (50%) of the Affordable Dwellings shall be ready for Occupation prior to the first Occupation of Seventy Five percent (75%) of the Market Dwellings.</p>		
Request by HDC	Community Facilities		
Amount / Detail	Delivery	CIL Justification	Policy Basis
£73,500 / for new build / extension projects or upgrading of existing premises.	<p>50% to be paid to HDC prior to the Commencement of Development.</p> <p>50% to be paid to HDC prior to the First Occupation of any dwelling.</p>	<p>HDC consider the Community Facilities request to be fair and reasonable in scale and kind to the proposed scale of the development and is in accordance with the thresholds identified in the adopted policies and to meet the additional demands on the Great Glen Community Facilities.</p> <p>(See full consultation response 07.02.17 for full justification.)</p>	<p>HDC Planning Obligations Supplementary Planning Document Jan 2017.</p> <p>The Framework Section 8.</p>
Request by HDC	Obligation for Performance Bond		
Amount /Detail	Delivery	CIL Justification	Policy Basis
District contribution – 15% of application fee or £250 per Contribution.	TBC	It is appropriate for the Council to recover costs associated with the negotiating, production and subsequent monitoring of developer contributions. This covers the legal costs of creating agreements, any costs associated with obtaining independent or specialist advice to validate aspects of the contributions and the costs of monitoring	HDC Planning Obligations Supplementary Planning Document Jan 2017.
Request by Leicestershire Police	Obligation for Police		

Amount /Detail	Delivery	CIL Justification	Policy Basis
Not requested.			
Request by NHS	Obligation for East Leicestershire and Rutland Clinical Commissioning Group		
Amount /Detail	Delivery	CIL Justification	Policy Basis
Based on the number of dwellings proposed the figure requested is £50,231		<p>Existing facilities in Great Glen are too small and not fit for purpose.</p> <p>ELRCCG is requesting a capital contribution from the developer towards the use of Doctors space in the proposed new community centre in Great Glen.</p> <p>The indicative size of the premises requirements has been calculated based on current typical sizes of new surgery projects factoring in a range of list sizes recognising economies of scale in larger practices.</p> <p>The cost per sqm has been identified by a quantity surveyor experienced in health care projects. This is the cost of providing additional accommodation for 240 patients as part of the extension to existing building.</p> <p>[At the Applicant's request, additional justification has been provided by email from Salim Issak dated 13 Mar 2017 @13:47.]</p>	<p>Core Strategy Policy CS12; Appendix 2 (Infrastructure Schedule).</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014.</p> <p>The Framework Section 8.</p>

Appendix A Addendum – Green Spaces Officer Comments

Site: London Road, Great Glen Ref 16/02081/OUT Dwelling Number 100 Assumed Population 230 <i>All figures are from Provision for Open Space Sport and Recreation 2015</i>			notes; The site is considered to be in an urban location for semi natural and natural greenspace. All typologies are required on site. If the POS is maintained by the developer or appointed management company in the future then there are no commuted sums for maintenance to pay to the Local Authority or Parish Council. An off site contributions will be required for Cemeteries and burial grounds and for 'Greenways' for improvements of the sustainable travel network (Rights of Way and cycle networks) into Great Glen etc. If all on site contributions are made then off site contributions, save for those identified above, will not be required. If sufficient POS provision is not made on site, then off site contributions can be considered but this will need to be discussed with officers.		
POS type		Minimum Area (ha)	Commuted sum for maintenance per ha	Total commuted maintenance for minimum area of POS (payable only if the POS is adopted by DC or PC)	Off site contribution if required
Parks and Gardens 0.5ha per 1000 pop	On site	0.115	£574,757.00	£66,097.06	£20,470.00
Outdoor Sports Facilities 1.6ha per 1000 pop	On site	0.368	£141,111.00	£51,928.85	£163,300.00
Amenity Greenspace 0.9ha per 1000 pop	On site	0.207	£224,692.00	£46,511.24	£16,100.00
Natural and Semi Natural Greenspace	rural areas 8.5ha per 1000 pop		£260,117.00		
	urban areas 1.5ha per 1000 pop	0.345	£260,117.00	£89,740.37	£283,130.00
Children and Young People Provision 0.3ha per 1000 pop	On site	0.069	£3,051,803.00	£210,574.41	£8,510.00

Allotments 0.35ha per 1000 pop	On site	0.0805	£60,223.00	£4,847.95	£4,830.00
Greenways 1.3ha per 1000 population	Off site	0.299	provision of additional signage and other enhancements of the sustainable travel infrastructure		£27,370.00
Cemeteries and Burial Grounds 0.375ha per 1000 pop	Off site contribution				£18,170.00
Total		1.4835			£541,880.00

All POS to be provided on site, except Cemeteries and Burial Grounds contribution. Any off site contributions to be through negotiation of S106 with officers. If off site contributions are required this will either be for enhancement of existing facilities or provision of new facilities within the accessibility thresholds of the site for each typology. If more Open Space than the minimum provision for any typology is proposed by the developer, then commuted sums will be calculated on a pro rata basis.

Appendix B – Recommended Conditions and Informative Notes

Recommended Conditions:

1. Reserved Matters

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 layout of the development;
- (c) The external appearance of the development; and
- (d) The landscaping of the site (including specification of the children's play area).

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 2 (5) of the Town and Country Planning (Development Management Procedure) Order 2015.

2. Time Limits

Application for the approval of Reserved Matters shall be made to the local planning authority not later than 3 years from the date of this permission and the development hereby permitted shall take place commence not later than 2 years from the date of approval of the last of the Reserved Matters.

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. Master Plan and Land Use Parameters Plan

The details to be submitted pursuant to Condition 1 shall be in general accordance with the principles and parameters shown within the Illustrative Master Plan (Drawing No. 168-P-003 Rev E) and Land Use Parameters Plan (Drawing No. 168-P-002 Rev D).

REASON: To ensure a form of development which is appropriate to its context, to protect the character and appearance of the landscape, to benefit heritage interests, to create satisfactory access and permeability for the development, to promote ecological, archaeological and arboricultural interests, to safeguard residential amenity and to accord with Policies CS1, CS2, CS8, CS11 and CS17 of the Harborough District Core Strategy.

4. Layout and Landscaping Details

The layout and landscaping details to be submitted in accordance with Condition 1 shall include open space, amenity areas and a play area, 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. The development shall be carried out in accordance with the approved details.

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.

5. Existing Trees and Hedgerows

The landscaping 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, which are to be removed and the method of protection during construction.

REASON: To protect existing important landscape features and to 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.

6. Boundary and Surface Treatments

The landscaping details to be submitted in accordance with Condition 1 shall include details of the position and design (height, dimensions and materials) of all boundary and surface treatments (including details of paths, driveways and all public areas). The boundary and surface treatments for each dwelling and around each dwelling shall be provided 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, to ensure satisfactory landscaping design and to accord with Policies CS1, CS2, CS8, CS11 and CS17 of the Harborough District Core Strategy.

7. Landscape Management Plan

The landscaping details to be submitted in accordance with Condition 1 shall include a Landscape Management Plan, which shall provide details of the management and maintenance of:

- (a) All areas of formal and informal open space within the development;
- (b) Children's play area/s;
- (c) Sustainable Urban Drainage Systems, watercourses and other water bodies;
- (d) Green Infrastructure linkages, including pedestrian and cycle links, and public rights of way.

The development shall, thereafter, be implemented and maintained in accordance with the approved Landscape Management Plan.

REASON: To ensure the proper management and maintenance of the approved landscaping, in the interest of the character and appearance of the development, in the interest of general amenities and to accord with Policies CS1, CS8, CS11 and CS17 of the Harborough District Core Strategy.

8. Levels

No development shall take place until full details of the finished levels, below / above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved levels.

The ridge height (excluding any chimney) of any building on any part of the development hereby approved shall not exceed 9.0 metres in height as measured from the finished ground floor level approved pursuant to this condition.

REASON: To ensure that the development is carried out at suitable levels in relation to existing ground levels, adjoining properties and the wider surroundings, having regard to amenity, access, highway, drainage, landscape and historic interests, to ensure that proposed earthworks are satisfactory and to accord with Policies CS1, CS2, CS8, CS11 and CS17 of the Harborough District Core Strategy.

9. Materials Details

Prior to commencement of above ground works, full details of the materials to be used externally in the construction of the approved dwellings (and any other buildings) shall be 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 ensure that the materials are appropriate to the character and appearance of the development and the surrounding area and to accord with Policies CS1, CS2, CS11 and CS17 of the Harborough District Core Strategy.

10. Storage Facilities for Refuse and Recycling Materials

The layout details submitted in accordance with Condition 1 shall include details of storage facilities for refuse and recycling materials (wheelie bins). The storage facilities shall be provided for each dwelling in accordance with the approved details before that dwelling is first occupied.

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, CS2, CS11 and CS17 of the Harborough District Core Strategy.

11. Construction Method Statement

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 and road cleaning arrangements;
- (f) measures to control the emission of dust, dirt and noise 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;
- (j) full details of any piling technique to be employed, including timetabling, if relevant;
- (k) location of temporary buildings and associated generators, compounds, structures and enclosures
- (l) details of any security lighting on site
- (m) details of the routing of construction traffic.

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.

12. Access and Footway Matters

No development shall commence on site until full details of the proposed site access, highway improvements, footways (including from the site to the bus stop on the south side of London Road), crossing improvement of London Road, and traffic calming (as generally shown on the Site Access and Footway plan, Drawing No. 21253-201 Rev D), which shall incorporate further two-dimensional and three-dimensional revisions as recommended by a Stage 2 Safety Audit and in accordance with engineering details, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include construction, surfacing, drainage and street lighting. Thereafter, the development shall be implemented in accordance with the approved details prior to first occupation of the development hereby approved.

REASON: To ensure a satisfactory form of development, in the interest of highway safety and to accord with Policies CS5 and CS11 of the Harborough District Core Strategy.

13. Public Right of Way Works

No development shall commence on site until full details of the drainage, surfacing and other works to Public Right of Way C26 have been submitted to and approved in writing by the Local Planning Authority. Details shall include provision for management during construction, surfacing material/s, width, structures (e.g., gates), signage and landscaping. The Public Right of Way works shall be completed in accordance with the approved details prior to the occupation of the 50th dwelling.

REASON: In the interest of visual amenity, to ensure that the design and materials are appropriate to the character and appearance of the countryside and the setting of Listed assets, in the interests of the amenity, safety and security of users of the Public Right of Way, to encourage travel by means other than the private motor vehicle and to accord with Policies CS1, CS2, CS8, CS11 and CS17 of the Harborough District Core Strategy.

14. Ecology

As part of the Reserved Matters application, a Biodiversity Management Plan shall be submitted to and approved by the Local Planning Authority. The Plan shall include details of the mitigation of development on great crested newts and badgers and of the management of retained and created habitats. Development shall be undertaken in accordance with the approved details.

In the event development does not commence within 2 years of the date of publication of the ecology surveys for bats, badger and great crested newts, update surveys shall be undertaken. These surveys shall be submitted to and approved in writing by the Local Planning Authority and shall inform any amended or supplementary mitigation required in the Biodiversity Management Plan.

REASON: In the interests of wildlife and nature conservation, to maximise habitat creation, to benefit biodiversity and to accord with Policy CS8 of the Harborough District Core Strategy.

15. Archaeology WSI

As part of the Reserved Matters application, a programme of archaeological mitigation work (to be informed by the submitted archaeological geophysical survey, desk-based assessment and evaluation trenching reports) shall be detailed within Written Scheme(s) of Investigation (WSI), submitted to and approved by the Local Planning Authority. The WSI(s) shall include a statement of significance and research objectives, and:

- (a) The programme and methodology of site investigation, recording, a detailed environmental sampling strategy and consideration of appropriate analytical methods to be utilised;
- (b) The programme for post-investigation assessment and subsequent analysis;
- (c) Provision for public outreach, publication, dissemination and deposition of resulting material in an appropriate archive repository; and
- (d) Nomination of competent person(s) or organisation(s) to undertake the agreed work.

For land and/or structures included within the WSI, no development or related ground disturbance shall take place other than in accordance with the agreed WSI.

REASON: To ensure satisfactory and proportionate archaeological investigation and recording of the significance of any heritage assets impacted upon by the development proposal prior to its loss, and to accord with Policy CS11 of the Harborough District Core Strategy.

16. Foul and Surface Water Drainage

No development shall commence on site until a foul and surface water drainage scheme 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.

REASON: To ensure the satisfactory drainage of the site/development and to require, where possible, sustainable drainage methods to be employed, to reduce the risk of creating or exacerbating a flooding problem, to minimise the risk of pollution and to accord with Policies CS8 and CS10 of the Harborough District Core Strategy.

17. Construction Surface Water Management Plan

No development shall commence on site until details in relation to the management of surface water on site during construction of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, to prevent damage to the final surface water management systems through the entire development construction phase and to accord with Policies CS8 and CS10 of the Harborough District Core Strategy.

18. SuDS Maintenance Plan & Schedule

No development shall commence on site until details in relation to the long term maintenance of the sustainable surface water drainage system within 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.

REASON: To establish a suitable maintenance regime, that may be monitored over time, that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development and to accord with Policies CS8 and CS10 of the Harborough District Core Strategy.

19. Infiltration Testing

No development shall commence on site until infiltration testing has been carried out to confirm the suitability (or otherwise) of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.

REASON: To demonstrate the suitability of the site for the use of infiltration techniques as part of the drainage strategy and to accord with Policy CS10 of the Harborough District Core Strategy.

Recommended Informative Notes

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. Above Ground Works Definition

For the purposes of this consent "above ground works" can be defined as any works protruding above the agreed finished floor level of that element.

3. Material Details

The details of external materials to be submitted in accordance with Condition 9 shall qualify 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.

4. Highway Design Standards

All details of the proposed development shall comply with the design standards of the Leicestershire County Council Highway Authority (as contained in its current design standards document; The 6Cs Design Guide). 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. [Note: Your attention is drawn to the requirement contained in the Leicestershire County Council Highway Authority's current design guide to provide traffic calming measures within the new development.]

5. Highway Advice

(a) 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.

(b) 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.

(c) Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the Applicant, who shall first obtain the separate consent of the Highway Authority.

(d) The Applicant shall be advised that a minimum of 6 months' notice is required by Leicestershire County Council for the making of a Traffic Regulation Order. This is to allow all statutory processes to be completed. Further information can be found in the 6C's Design Guide available at: <http://www.leics.gov.uk/index/6csdg.htm> or by contacting the Network Management Team via 0116 305 0001.

(e) In order to undertake the works shown on the submitted plans, it may be necessary to remove/carry out works to trees within the limits of the Highway but before any works to the trees are commenced you must first obtain the separate consent of the Highway Authority. If approval is granted, you will be required to provide appropriate replacement trees.

6. Rights of Way Advice

When preparing a Rights of Way scheme, the Applicant's attention is drawn to the following:

(a) The route of the footpath as shown on the Applicant's master plan does not accord with the Definitive Map. This needs to be corrected or an application for a Public Path diversion Order submitted should permission be granted. See attached overlay plan.

(b) The Public Footpath should be provided with a 2 metre wide all-weather surfaced path in accordance with the County Council's Guidance Notes for Developers, with a minimum metre of clear unencumbered land either side.

(c) The two proposed linking pathways will also require to be provided with 2 metre wide all-weather surfaces in accordance with the County Council's Guidance Notes for Developers, with a minimum metre of clear unencumbered land either side. (Whether or not they are to be adopted or to be maintained in future by a landscape management company.

(d) No trees or shrubs should be planted within 1 metre of the edge of the Public Right of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species.

(e) Prior to construction, any changes to existing boundary treatments running alongside the Public Rights of Way, must be approved by the Local Planning Authority following consultation with the Highway Authority.

(f) Public Rights 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.

(g) If there are any Public Rights of Way which the Applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. The

Applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.

(h) Public Rights 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.

(i) 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 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.

(j) 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.

(k) 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.

7. Ecology Advice

The development shall comply with the following criteria:

(a) All landscape planting in the informal / natural open space to be of locally native species only;

(b) All hedgerows to be retained shall be provided with buffer zones of at least 5 metres of natural vegetation to be maintained alongside;

(c) The SuDS shall be designed to maximise benefit to wildlife;

(d) Light spill onto retained hedgerows shall be minimised to a value of 1lux or lower at the edge of the habitats;

(e) Removal of vegetation shall occur outside the bird nesting season;

8. Archaeology Advice

(a) The WSI(s) shall comply with relevant Chartered Institute for Archaeologists "Standards" and "Code of Practice", and Historic England's 'Management of Research Projects in the Historic Environment (MoRPHE).

(b) The WSI(s) shall include a suitable indication of arrangements for the implementation of the archaeological work and the proposed timetable for the development.

(c) The LCC Historic and Natural Environment Team (HNET), as advisors to the Local Planning Authority, will monitor the archaeological work to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the Local Planning Authority.

9. Severn Trent Water

Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals.

10. Land Drainage Consent

If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the Applicant may require consent under s.23 Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found at the following: <http://www.leicestershire.gov.uk/Flood-risk-management>

11. LLFA Advice

(a) The surface water drainage scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing 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.

Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year + climate change. Where discharging to a sewer, this should be modelled as surcharged for all events above the 1 in 30 year, to account for the design standards of the public sewers.

(b) Construction Surface Water Management Plan details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

(c) Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.

(d) The infiltration testing results should conform to BRE Digest 365 where trial pits are allowed to drain three times and the calculation of soil infiltration rates is taken from the time taken for the water level to fall from 75% to 25% effective storage depth. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.

Planning Committee Report

Applicant: Davidsons Developments

Application Reference: 17/00257/REM

Location: Land Part OS 8797, Uppingham Road, Houghton On The Hill

Proposal: Erection of 70 dwellings (reserved matters of 15/01975/OUT)

Application Validated: 07.03.2017

Target Date: 06.06.2017

Consultation Expiry Date: 13.06.2017

Case Officer: Sarah Luckham

Recommendation

Planning Permission is **APPROVED**, for the following reasons, and for the appended conditions:

The development hereby approved is considered consistent with the outline consent (15/01975/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 & Surroundings

- 1.1 The application site (hereafter referred to as 'the Site') lies beyond, but adjacent to, the northern edge of the Limits to Development of the Selected Rural Village of Houghton on the Hill, north of Uppingham Road.

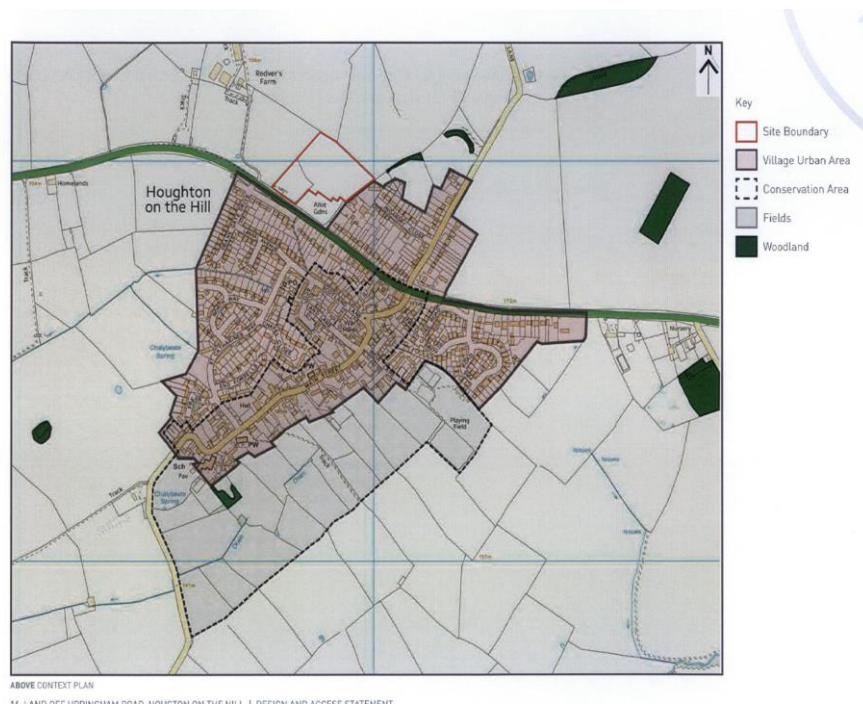


Figure 1: Site Location

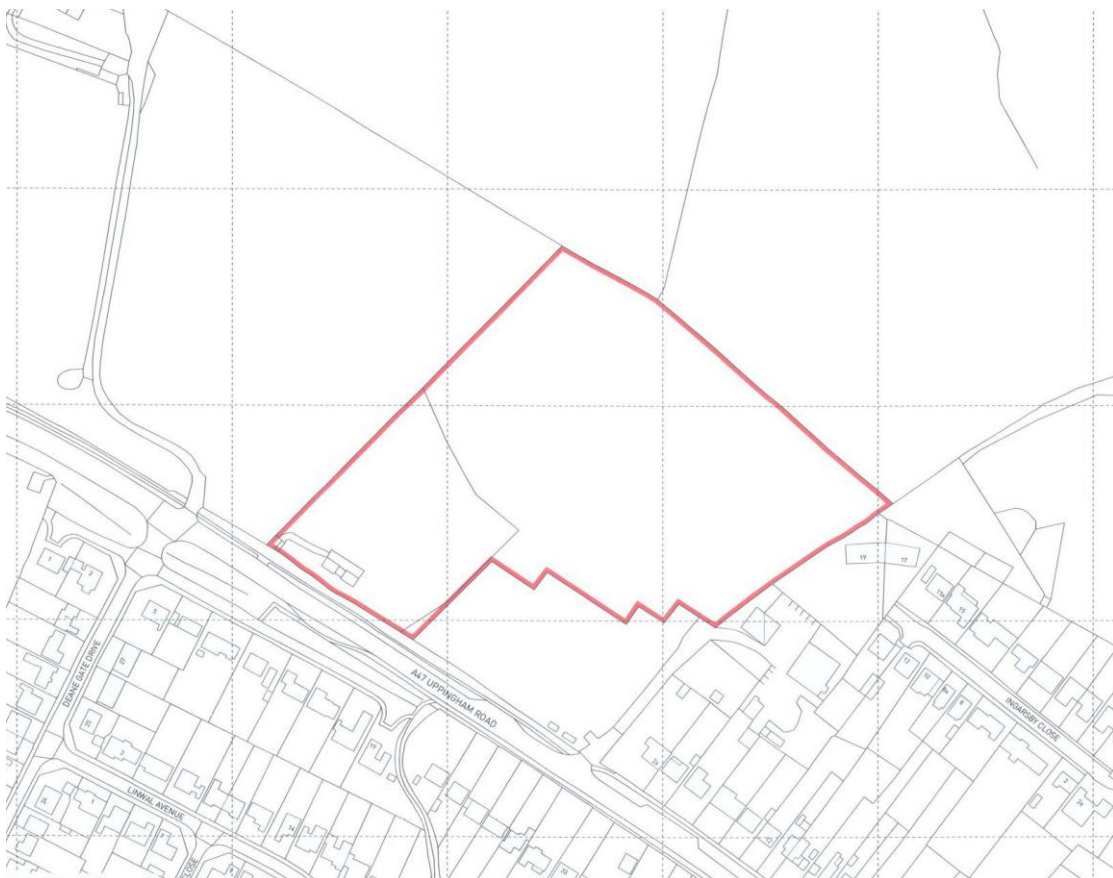


Figure 2: Site Location

- 1.2 The Site is greenfield land and lies adjacent to the settlement edge as shown above.
- 1.3 The site is bordered by open fields to the north west and north east with residential development to the south east and the A47 Uppingham Road to the south west of the site. Adjacent to the southwest corner of the site are existing allotments.
- 1.4 In 2015 Members were minded to approve an application on land to the west of the site for 'Demolition of two existing dwellings, demolition of existing builders yard and associated outhouses and hard standing, and erection of 17 dwellings with associated external works' by Hazleton Homes (14/01439/FUL)'.
- 1.5 The topography of the site's context slopes down in a northerly direction away from the A47.
- 1.6 There are no public rights of way within or adjacent to the site

2. Site History

- 2.1 Change of use of land from agricultural to equestrian; erection of two field shelters and creation of hardstanding which was approved in 2012. Ref.12/00386/FUL.
- 2.2 Outline planning permission (15/01975/OUT) was granted 2nd August 2016 for the 'Erection of up to 70 dwellings (access only to be considered)'

3. The Application Submission

- 3.1 In accordance with Condition 2 of the Outline permission, this application is for approval of the reserved matters (i.e. details relating to scale, layout, external appearance, and landscaping).
- 3.2 During the course of the application, amendments have been made to the original submission. Consequently there was a full re consultation.

a) Summary of Proposals

Site Layout

- 3.3 The scheme proposes the development of 70 dwellings, the layout of which, including public open space, generally accords with the approved Development Framework Plan that comprised part of the Outline Application (See Figure 3 below).



Figure 4: Site Layout Plan (1118-100 P03)

- 3.5 As can be seen, the development would be set reasonably well back from Uppingham Road, with a wide area of meadow planting between the dwellings closest to Uppingham Road, and the road itself.
- 3.6 An area of public open space would form a focal point at the head of the main entrance, giving an open and green appearance to the development.
- 3.7 There is also a large area of public open space along the north eastern boundary, which would incorporate a balancing pond, a play area, and in the most northerly corner, a pumping station that would be surrounded by green galvanised fencing.
- 3.8 Garages are predominantly set adjacent to, but set back from, the frontage of the dwellings or are integral. There is however a small element of parking court areas.
- 3.9 The proposed development would be accessed via a new junction onto the A47 (Uppingham Road) the approval for which is linked with the outline approval. The development would incorporate a hierarchical approach to streets as indicated in Figure 5 below, incorporating a street, lane and shared surface.

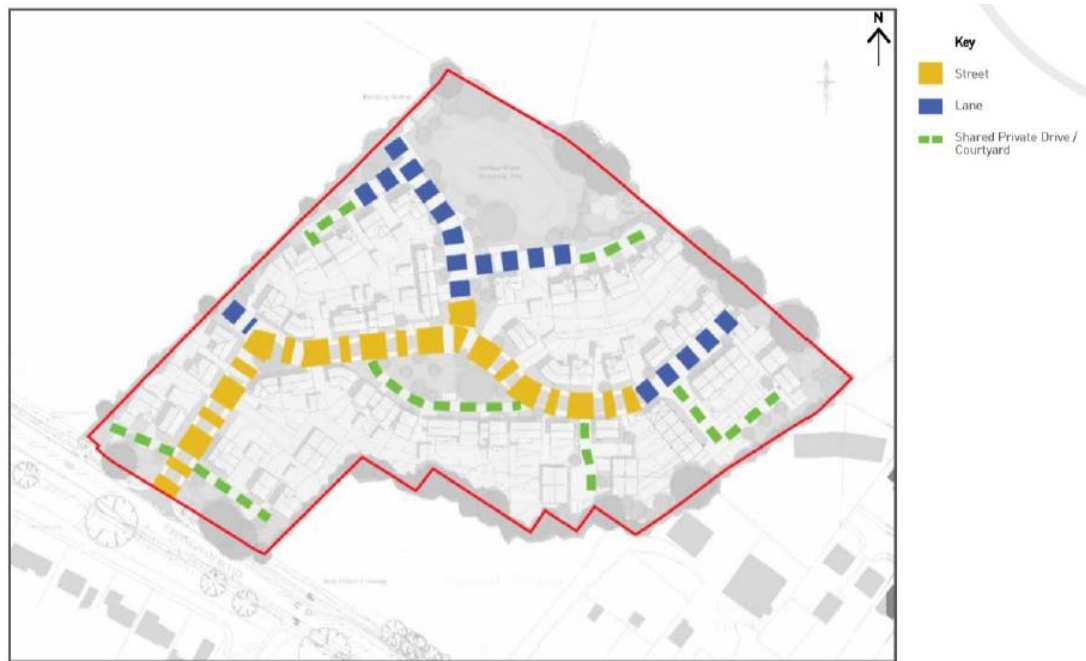


Figure 5: Road Hierarchy (Taken from the Design and Access Statement)

3.10 The plans also show that there is the potential for a public footpath along the side of Plot 20, which could link with the new development to the south.

3.11 The development would consist of the following sizes of market dwellings:

- 4 x 2 bed dwellings
- 17 x 3 bed dwellings
- 20 x 4 bed dwellings
- 7 x 5 bed dwellings

3.12 In terms of affordable dwellings there would be :

- 8 x 1 bed maisonettes
- 6 x 2 bed semi detached
- 6 x 2 bed bungalows
- 3 x 3 bed semi detached

House Types and Materials

3.13 A revised Design Document was submitted during the course of the application to take account of the revisions during the application process. This is available to view on the website.

3.14 The development would be comprised predominantly of 2 story dwellings, although there are also 6 bungalows that would form a part of the affordable housing provision.

- 3.15 The ridge heights of the open market dwellings would vary from 7.980m (2 storey) to 9.409m (2 ½ storey).
- 3.16 Aside from the 2 ½ storey, all dwellings would be less than 9m in height to the ridge.
- 3.17 There are a number of dual aspect house types in prominent locations which have been designed to avoid the presentation of a blank wall. These dwellings help the houses respond to different street alignments. Figure 6 below shows examples of how the dual aspects would work in relation to this site.



Figure 7: Dual aspect house types are designed to respond to changes in street alignment and where streets meet (street corners).

Figure 6: Taken from Design and Access Statement

- 3.18 Figure 7 below offers a perspective of the elevational street scenes within the development.



Figure 7 Street Scenes (1118_801 P01)

3.19 Overall there are proposed to be 23 different house types spread throughout the development, as illustrated in Figure 8 below.

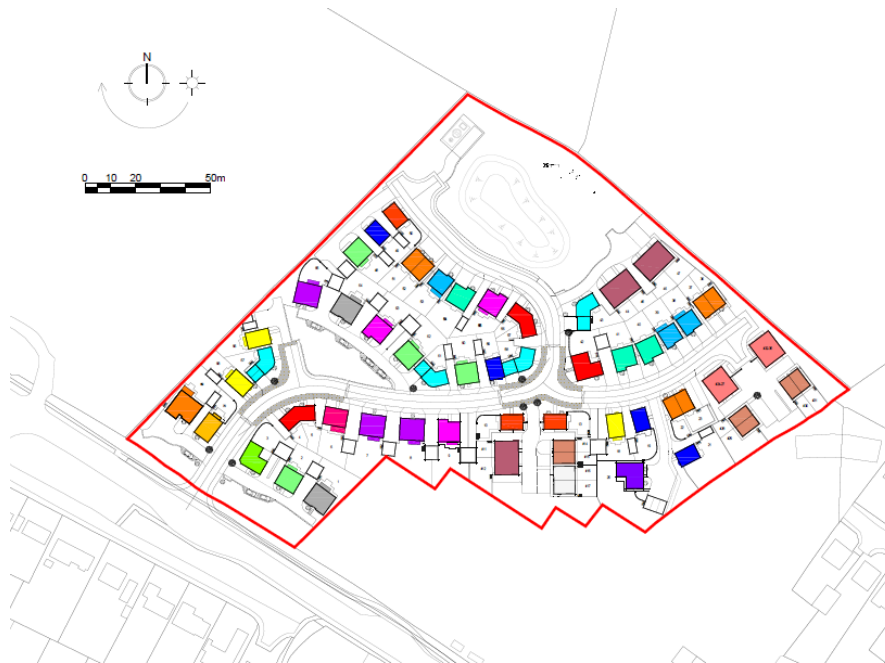


Figure 8: House type Plan (1118_101 P01)

3.20 A schedule of materials has been submitted with the application that indicates the use throughout the development of four different brick types and 2 different render options for dwellings, and a mix of brick wall and close board fencing boundary treatments.

3.21 There would also be a mix of slate grey, russet and red roof tiles.

3.22 Figure 9 below illustrates how the different material types would be dispersed within the site.



Figure 8: Materials Layout Plan as submitted 1118_200 P03

- 3.23 All house driveways would be tarmacadam, with pathways to houses/patios being buff paving slabs.

Public Open Space (POS) and Landscaping

- 3.24 The location of the main area of on site Public Open Space (POS) is very similar to that indicated on the approved Development Framework, along the north western boundary. This includes a balancing pond, play area and pumping station.
- 3.25 There is also an area of POS at the head of the main access, lending as a focal point as well as greening to the development.
- 3.26 The landscape plan submitted with the application indicates that whilst there will be some loss of trees, a majority will be retained.
- 3.27 As part of the evolving design process changes were also made to the way in which homes relate to the hedgerow along the north-western boundary.
- 3.28 Following advice from the ecologist, instead of homes abutting the hedgerow, more space has been afforded to the hedgerow. This has been achieved by changing the orientation of homes, placing a driveway adjacent to the hedgerow, thereby 'pulling' buildings away from it. The space between the homes and the hedgerow has subsequently increased to 9.75m from approximately 2m.
- 3.29 The site would incorporate meadow grassland to the accessible public open space areas (including mixture suitable for wetlands within the balancing pond area), and turfing where appropriate to front gardens. New hedgerows and shrubs would also be planted within the site and along boundaries, with a number of trees/hedges also being retained.
- 3.30 A Landscape Management Plan has also been submitted in support of the application.

Affordable Housing

- 3.31 The applicant has engaged with the Council and Parish Council from the pre application stage in relation to affordable housing.
- 3.32 As discussed above, the proposed provision is :
- 8 x 1 bed maisonettes
 - 6 x 2 bed semi detached
 - 6 x 2 bed bungalows
 - 3 x 3 bed semi detached

- 3.33 It should be noted that the affordable home proposals include the provision of 6 bungalows, for which there is an accepted 1 for 2 basis.

Drainage

3.34 There is a balancing pond located in the north western corner of the site to attenuate flows into an existing ditch to the north east will be established for the disposal of surface water run off.

3.35 The discharge for the entire site would be limited to the existing Greenfield run-off rate of the associated area discharging to the Melton Brook Catchment.

b) Documents submitted

- Street Scenes 1118_801 Rev P01
- Planning Layout 1118_100 P00 (Superseded)
- Planning Layout 1118_100 REV P02 (superseded)
- Site Layout Plan (1118-100 P03)
- Site Location
- Arboricultural Impact Assessment, Method Statement and Tree Protection Plan RSE_364-02-V2
Issue Date: February 2017 (Superseded)
- Arboricultural Impact Assessment, Method Statement and Tree Protection Plan RSE_364-02-V3
Issue Date: June 2017
- Landscape Management Plan for Public Open Spaces April 2017 Ref GL0495
- Design Document
- Drainage Strategy Addendum 25.05.2017
- Materials/Boundary Treatment Plan 1118_200 P00 (Superseded)
- Materials/Boundary Treatment Plan 1118_200 P01 (Superseded)
- Revised Materials/ Boundary Treatment Plan 1118_200 P02 (Superseded)
- Materials Layout Plan as submitted 1118_200 P03
- Tree Removal Plan 1118_603 P00
- Soft Landscaping Proposals Sheet 1 of 2 GL0495 01 (Superseded)
- Soft Landscaping Proposals Sheet 2 of 2 GL0495 02 (Superseded)
- Soft Landscaping Proposals Sheet 1 of 2 GL0495 01A (Superseded)
- Soft Landscaping Proposals Sheet 2 of 2 GL0495 02A (Superseded)
- Soft Landscaping Proposals Sheet 1 of 2 GL0495 01C
- Soft Landscaping Proposals Sheet 2 of 2 GL0495 02C
- House Type Plan 1118_101 Rev p00 (Superseded)
- House type Plan (1118_101 P01)
- Single Garage AS DG1-3 Rev C02
- Drainage Feasibility Layout E1118_002
- Dwg no. DG13-3 Double Garage (AS) Rev C00
- Dwg no. DG2-3 Double Garage (AS) Rev C02
- House Type DG27 Single Shared Garage
- House Type DG9 Triple Garage
- Dwg no. DG4V Double Garage (AS) Rev C00
- Dwg no. DH202MI & ME-3 Plots 56 & 57 (OP) Rev C02
- Dwg no. DH302RE-3 (AS) Rev C01
- Dwg no. DH302RE-3 (OP) Rev C01
- Dwg no. DH302RI-3 (AS) Rev C00
- Dwg no. DH302RI-3 (OP) Rev C00
- Dwg no. DH313RD-2 (AS) Rev 12
- Dwg no. DH313RD-2 (OP) Rev 12
- Dwg no. DH317A-3 (AS) Rev C01
- Dwg no. DH317A-3 (OP) Rev C01
- Dwg no. DH330G-3 (AS) Rev C01
- Dwg no. DH330G-3 (OP) Rev C01
- Dwg no. DH342M-3 (AS) Rev C02

- Dwg no. DH342M-3 (OP) Rev C02
- Dwg no. DH400IB-3 (AS) Rev C00
- Dwg no. DH400IB-3 (OP) Rev C00
- Dwg no. DH405G-3 (AS) Rev C01
- Dwg no. DH405G-3 (OP) Rev C01
- Dwg no. DH418G-3 (AS) Rev C01
- Dwg no. DH418G-3 (OP) Rev C01
- Dwg no. DH425G-3 (AS) Rev P00
- Dwg no. DH425G-3 (OP) Rev P00
- Dwg no. DH430W-3 (AS) Rev C04
- Dwg no. DH430W-3 (OP) Rev C04
- Dwg no. DH460W-3 (AS) Rev C01
- Dwg no. DH460W-3 (OP) Rev C01
- Dwg no. DH501G-2 (AS) Rev 16
- Dwg no. DH509V-3 (AS) Rev C04
- DH509V-3 (OP) Rev C04
- Dwg no. DH522GC-2 (AS) Rev 16
- Dwg no. DH522GC-2 (OP) Rev 16
- Dwg no. LCC1-3 Single Garage (AS) Rev C02
- Dwg no. SB21V-3 (AS) Rev C01
- Dwg no. SB21V-3 (OP) Rev C01
- SH10 G-2 Planning Elevations
- Dwg no. SH24BRE-3 (AS) Rev C01
- Dwg no. SH24BRE-3 (OP) Rev C01
- SH34BRE-3 (AS) Rev C01
- Dwg no. SH34BRE-3 (OP) Rev C01
- Dwg no. DG18-3 Double Garage (AS) Rev C00
- Dwg no. DH409G-3 (AS) Rev C01
- Dwg no. DH409G-3 (OP) Rev C01
- Dwg no. DH409G-3 (OP) Plot 65 Rev C01
- Dwg no. DH414GR-3 (OP) Rev C01
- Dwg no. DH410G-2 (AS) Rev 10
- Screen Wall and Screen Fence External Details March 2013
- Two example House Type Photographs

c) Pre-application Engagement

- 3.36 Prior to submitting the planning application, the applicant held a pre-application discussions with officers of the Council and also the Parish 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 LCC Highways

- *The Local Highway Authority advice is that, in its view 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 outlined in this report.*

ADVICE TO LOCAL PLANNING AUTHORITY

Further to the County Highway Authority's previous formal response of the 4th April 2017 the applicant has submitted drawing number 1118_100 Rev P02 in pursuance of a layout designed in accordance with the 6Cs Design Guide and thus suitable for adoption as publically maintainable highway.

Upon review of the latest drawing the County Highway Authority would still raise no objection and would advise that any outstanding technical design matters can be dealt with at the S38 technical approval stage.

4.3 Ecology (LCC):

County Ecology expressed concerns regarding the buffer distance between hedgerows and the new development. The applicants have revised the plans in line with their requirements, and at the time of writing, written confirmation is awaited from County. This will be reported via the Supplementary Sheet.

4.4 Lead Local Flood Authority

- The reserved matters application as submitted is sufficient for the Lead Local Flood Authority to support the proposals in terms of drainage and flood risk.

4.5 Severn Trent Water

No Objection to the proposal subject to the inclusion of conditions

4.6 HDC Parish Liaison and Engagement Officer

Please note that a S106 contribution request was made and agreed at outline planning stage (reserved matters 15/01975/OUT). Therefore we have nothing further to add at this stage .

4.7 Affordable housing officer

'The below mix of AH units has been agreed with Davidsons which meet our requirements and unit mix preferences

8 x SH14 (1 bed apartment)

6 x SB21 (2 Bed Bungalow)

AFFORDABLE RENTED (60%)

6 x SH24 (2 Bed)

2 x SH34 (3 Bed)

SHARED OWNERSHIP (40%)'

4.8 Neighbourhood and Green Spaces Officer

Comments received via 2 emails summarised as :

- The play area is acceptable. It has sufficient play value for a LEAP and has bins and seating. I would suggest the inclusion of a sign for contact details for reporting any issues.
- The tree and plants species are satisfactory for their location. Trees are not located too close to dwellings.
- The planting specification is included on the plans with 300mm of topsoil below shrub areas and 100mm below turf.
- I have reviewed the landscape management plan and am satisfied it covers all the areas of maintenance for open space and children's play areas.

4.9 LCC Forestry and Arboriculture Officer

Recommended the removal of pillar apple (*Malus tschonoskii*) from the list of species. Following revised plans, final comments are awaited and will be reported via the Supplementary Sheet.

b) Local Community

4.10 Houghton on the Hill Parish Council

Resolved to submit the following comments:-

When consulting with developers in Autumn 2016 the Houghton Neighbourhood Working Party (NPWP) handed representatives of Davidsons a copy of the June 2016 Consultation Draft of the Houghton Neighbourhood Plan containing the VDS and requested they consider the VDS in their design considerations for the site and the dwellings. The following comments are framed by comparing the application to the requirements of the VDS.

i) General Points

The main issue is that the housing distribution takes no note of the needs of the village. 39% of the houses in the development have 4 or 5 bedrooms which is considerably higher than the HDC Housing and Economic Development Needs Assessment (HEDNA) figures and significantly higher than the proportions which came from the village wide consultations (4-bed dwellings 14%). The scheme also takes no note of the needs of residents in the village for dwellings suitable for downsizing.

The equipment in the children's play area needs to be suitable for a wider range of ages particularly at the lower end e.g. cradle swings.

There is some concern about child safety on the two green areas, particularly from potential standing water and from traffic.

Policy S5 in the Neighbourhood Plan deals with the provision of high-speed broadband at 30Mbps or better. No information has been provided in the plan on the provision of broadband in the new development.

ii) The Village Design Statement (VDS) contains 12 principles. This is how the Davidson's plan does or does not fulfil those requirements.

1. **Connections**

Only one route into the site unless the footpath is called the second route. Two vehicle routes are much preferable.

2. **Facilities and Services**
Routes to the rest of the village are not yet well specified. Crossing and traffic management on the A47 needs clarification.
 3. **Public Transport**
There is public transport if the bus continues to run. The bus service is poor but not much can be done by either the village or developers to change the situation.
 4. **Meeting Local Housing Requirements**
As mentioned in the heading the pattern of housing does not meet local housing requirements. Specifically, there are too many large houses and no market bungalows.
 5. **Character**
Standard Davidson's designs have no connection to the architecture of the village. Could Davidsons explain how local features have been incorporated into their design? It would be easy to put some variety into materials used for pathways to houses (from material palette 1118-200 on plans).
 6. **Working with the site and its content**
Generally acceptable. Poor distribution of green space, positioned less appropriately from the original proposal shown at the village consultation. The main green space would be better towards the centre of the development.
 7. **Creating well defined streets and spaces**
The layout is acceptable.
 8. **Easy to find your way around**
Layout logical. Subject to appropriate signage no further comment. The footpath through to the next development is very important and care should be taken to make sure it happens (at present it is closed at the Hazelton end where it looks to enter a garden). If Hazeltons feel that is unacceptable then the exit from the Davidson's site could be moved further south.
 9. **Streets for All**
Looks satisfactory
 10. **Car Parking**
Private parking satisfactory but there appears to be only five visitor parking spaces in the development.
 11. **Public and Private Spaces**
Satisfactory.
 12. **External storage and amenity space**
No information on bin storage or for cycles.
- iii) *Design of houses as described in section 1.6.1 of the VDS*
- 1.6.1 (e) *Featureless and window-less walls on many buildings – VDS points to selective and sympathetic use of bricks to form a pattern making such walls more attractive. Chimneys are mostly internal whilst it would be more attractive to have them external to break blank walls. More detailed information for each design is provided in the table at the end.*

1.6.1. (i) *Many garages will be located entirely in back gardens so detracting from social space. This is contrary to the VDS.*

1.6.1 (j) *Harvesting surface water – no information.*

Table – Critique of building design types in terms of external view features

DH460W-3	Side elevation has a large blank wall with just two service cupboards.
SH10G-2	Front elevation – small window panes contribute to too much fussy detail.
DH302RE-3	Blank side elevation.
DH342M-3	One blank side elevation and one semi-blank.
DH313RD-2(AS)	Poorly featured rear elevation.
DH313RD-2(OP)	Poorly featured rear elevation.
DH202MI & ME-3	Poorly featured rear elevation.
DH302RE-3	Poorly featured rear elevation.
DH317A-3	Poorly featured side elevation (both sides).
DH302RI-3	Totally blank side elevation.
DH330G-3	Two very nearly blank side elevations.
DH317A-3	Two very nearly blank side elevations.
DH342M-3	Two very nearly blank side elevations.
DH400IB-3	Blank side elevation.
DH405G-3	Blank side elevation.
DH418G-3	Blank side elevations, both sides.
DH425G-3	Blank side elevations, both sides.
DH430W-3	Blank side elevations, both sides.
DH460W-3	Not as bad as some, but still one poor side elevation.
DH509V-3	2 blank elevations.
DH501G-2	1 Blank elevation. Bricked in window patterns?
DH522GC-2	1 Blank elevation.
SH24BRE-3	1 nearly blank elevation

- **Following amendments to the scheme, the Parish Council made the following additional comments on 3rd July 2017**

The Parish Council is pleased that Davidsons have paid attention to the comments which it made on the earlier version of the plans following its meeting on 13 April 2017, and that adjustments have been made to mitigate several of the points which were raised.

In particular, the Parish Council makes the following observations:

- 1. It has noted the many alterations to details of the layout and house designs, which address comments previously made and those proposed by others, which have been incorporated, and are noted as being positive changes.*
- 2. The Parish Council is pleased to see the inclusion of 5 dwellings with options for downstairs bedrooms and wet-rooms.*
- 3. The Parish Council has noted Davidsons' comment that 'the LEAP has been updated to introduce more equipment for a variety of ages'.*
- 4. The Parish Council has noted that, following contacts with Housing Associations, Davidsons will, at a later stage, explore if any of the bungalows could be made open-market dwellings.*

4.11 Local Community

1 General Comment was received and copied in full below:

'Although I do not have any objection to this development, can you please provide, or inform of the expected upload date, for the following documents:

- S278 Works Package*
- Transport Assessment*
- Design and Access Statement*
- Planning Statement*

Additionally, in terms of the Section 106, I appreciate this may not have yet been documented, but is there any indication as to the councils requirements?

At present, the attachments do not provide justification for the development'.

1 objection has been received and is copied in full below:

'I bought my house some ten years ago and have enjoyed the views over open countryside which was a consideration made at the time as I didn't particularly want to live on the main Uppingham Road and this aspect I considered a compromise. 70 houses occupying open countryside directly opposite my house I consider to be unacceptable as together with the obvious increase in traffic there will be an increase in noise and disturbance and how the traffic leaving the proposed estate will access the A47 heading towards Leicester in the mornings is anybodys guess or will the next application be for a roundabout or traffic lights'.

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
CS17 - Countryside, Rural Centres and Rural Villages

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)
- The Houghton on the Hill Neighbourhood Plan (Regulation 14 Consultation Complete)
- CIL Regulations 2010

c) Other Relevant Information

5.4 S106 Policy - There is clear government advice set out in the Framework concerning Section 106 Agreements and contributions required of developers, which must be necessary in relation to local and national planning policy and directly and fairly related in scale and kind to the proposed development. Section 106 Agreements impose obligations on both the Developer and the Council. The Council's Planning Obligations Developer Guidance Note and supporting document Provision for Open Space Sport and Recreation were adopted by the Council's Executive on 21st September 2009.

5.5 Whilst noting the Parish Council desire for two access points, the outline included approval of access.

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 70 dwellings (access only to be considered) granted 2nd August 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 Development Framework on which the outline application was approved.
- 6.3 The site plan shows the development to be set well back from Houghton Road, with a good buffer of landscaping between the dwelling and road side.
- 6.4 The comments from the Parish Council regarding detailed design of the dwellings has been noted, and the Design Document that accompanies the application indicates how the proposals have evolved through the course of the pre-application, and application process to those now under consideration.
- 6.5 The Design Statement indicates that the village green has been retained in its current position so that it can be seen from Uppingham Road. It indicates that as one looks into the development from Uppingham Road therefore, a generous green space with large trees will be seen, as opposed to a hard surfaced area tightly enclosed by built form. The applicant considers that this is a more effective and sensitive design response to a site located on the edge of open landscape. From this perspective it would be difficult to counter otherwise.
- 6.6 There is a good mix of dwellings spread through the development, and although concerns have been expressed in regards to the corner plotting details, as indicated above, attention has been made to ensure that there are not blank elevations in associated locations.
- 6.7 The proposed dwelling types and materials are in keeping with the surrounding area, and adjacent new development, and so will not appear incongruous.
- 6.8 The proposals therefore accord with Policy CS11, SPGs 1, 2 and 13, and Paragraphs 6 and 7 of the NPPF.

Residential amenity

- 6.9 The layout submitted demonstrates that 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, and 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

- 6.10 The proposals provide the appropriate levels of public open space for the needs of the development, including children's play. Trees have been incorporated within the development and new landscaping and planting will be implemented. Landscape drawings have been submitted with the application, the County Forestry Officer and the HDC Green

Spaces Officer have raised no objections, although final comments are awaited following the revised plan submission.

- 6.11 I am satisfied therefore 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.

Access, Highway safety and parking

- 6.12 As previously indicated, the main vehicular access into the site will be from Uppingham Road as approved in detail at the outline stage.
- 6.13 The structure for vehicle circulation is based on a hierarchy of roads as discussed above and no objections have been raised by County Highways..
- 6.14 The proposal is therefore considered acceptable in highway safety terms, and accords with Core Strategy Policies CS5 and CS11 and paragraph 32 of the Framework.

Drainage

- 6.15 As part of the approved outline application, the applicants submitted a full Flood Risk Assessment (FRA) and drainage strategy. This was acceptable to the Lead Flood Authority subject to conditions, which will be dealt with separately.
- 6.16
- 6.17 The Local Lead Flood Authority have advised that as the proposed development site is already subject to a drainage condition as part of the outline application 15/01975/OUT, they will advise further when the conditions are proposed to be discharged.
- 6.18 In relation to the proposals under consideration, the LLFA is satisfied that they will support the proposals in terms of drainage and flood risk.

Affordable Housing

- 6.19 As noted above, the proposals incorporate affordable housing that meets with current policy requirements.
- 6.20 Following discussions with the Parish Council, bungalows have been included on a two for one basis
- 6.21 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 Development Framework 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 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.
- 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 If Members are minded to approve the application, a list of suggested planning conditions is attached below.
- 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.

Suggested Conditions

1. Plans

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

- Site Layout Plan (1118-100 P03)
- Site Location
- Landscape Management Plan for Public Open Spaces April 2017 Ref GL0495
- Materials Layout Plan as submitted 1118_200 P03
- Tree Removal Plan 1118_603 P00
- Soft Landscaping Proposals Sheet 1 of 2 GL0495 01C
- Soft Landscaping Proposals Sheet 2 of 2 GL0495 02C
- House type Plan (1118_101 P01)
- Single Garage AS DG1-3 Rev C02
- Drainage Feasibility Layout E1118_002
- Dwg no. DG13-3 Double Garage (AS) Rev C00
- Dwg no. DG2-3 Double Garage (AS) Rev C02
- House Type DG27 Single Shared Garage
- House Type DG9 Triple Garage
- Dwg no. DG4V Double Garage (AS) Rev C00
- Dwg no. DH202MI & ME-3 Plots 56 & 57 (OP) Rev C02
- Dwg no. DH302RE-3 (AS) Rev C01
- Dwg no. DH302RE-3 (OP) Rev C01
- Dwg no. DH302RI-3 (AS) Rev C00
- Dwg no. DH302RI-3 (OP) Rev C00
- Dwg no. DH313RD-2 (AS) Rev 12
- Dwg no. DH313RD-2 (OP) Rev 12

- Dwg no. DH317A-3 (AS) Rev C01
- Dwg no. DH317A-3 (OP) Rev C01
- Dwg no. DH330G-3 (AS) Rev C01
- Dwg no. DH330G-3 (OP) Rev C01
- Dwg no. DH342M-3 (AS) Rev C02
- Dwg no. DH342M-3 (OP) Rev C02
- Dwg no. DH400IB-3 (AS) Rev C00
- Dwg no. DH400IB-3 (OP) Rev C00
- Dwg no. DH405G-3 (AS) Rev C01
- Dwg no. DH405G-3 (OP) Rev C01
- Dwg no. DH418G-3 (AS) Rev C01
- Dwg no. DH418G-3 (OP) Rev C01
- Dwg no. DH425G-3 (AS) Rev P00
- Dwg no. DH425G-3 (OP) Rev P00
- Dwg no. DH430W-3 (AS) Rev C04
- Dwg no. DH430W-3 (OP) Rev C04
- Dwg no. DH460W-3 (AS) Rev C01
- Dwg no. DH460W-3 (OP) Rev C01
- Dwg no. DH501G-2 (AS) Rev 16
- Dwg no. DH509V-3 (AS) Rev C04
- DH509V-3 (OP) Rev C04
- Dwg no. DH522GC-2 (AS) Rev 16
- Dwg no. DH522GC-2 (OP) Rev 16
- Dwg no. LCC1-3 Single Garage (AS) Rev C02
- Dwg no. SB21V-3 (AS) Rev C01
- Dwg no. SB21V-3 (OP) Rev C01
- SH10 G-2 Planning Elevations
- Dwg no. SH24BRE-3 (AS) Rev C01
- Dwg no. SH24BRE-3 (OP) Rev C01
- SH34BRE-3 (AS) Rev C01
- Dwg no. SH34BRE-3 (OP) Rev C01
- Dwg no. DG18-3 Double Garage (AS) Rev C00
- Dwg no. DH409G-3 (AS) Rev C01
- Dwg no. DH409G-3 (OP) Rev C01
- Dwg no. DH409G-3 (OP) Plot 65 Rev C01
- Dwg no. DH414GR-3 (OP) Rev C01
- Dwg no. DH410G-2 (AS) Rev 10
- Screen Wall and Screen Fence External Details March 2013

REASON: For the avoidance of doubt.

2. Barriers

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.

3. Drainage on Highway

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 highway users.

4. Parking surfacing

The car parking and any turning facilities shown 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.

5. Materials:

The development hereby permitted shall be constructed entirely of the materials as detailed in the materials schedule

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.

6. Drainage

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Notes to Applicant

1. Garages

Any garages must have minimum internal dimensions of 6 metres x 3 metres if they are to be counted as a parking space and once provided, shall thereafter permanently remain available for car parking.

2. Building Control

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.

Suggested Informative

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly

over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Highways

- If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge **MUST** be made before building commences.

- If it is the developer's intention to seek either; the adoption of roads which incorporate nonstandard features/materials, or the adoption of additional areas beyond that which would normally be considered necessary for the safe functioning of the highway, then commuted sums for future maintenance will be payable. The Applicant should refer to the 6C's Design Guide available at www.leics.gov.uk/index/6csdg.htm for more information.

Planning Committee Report

Applicant: Slam Developments - Halloran

Application Ref: 17/00376/OUT

Location: Land Rear of 28 Kibworth Road, Fleckney, Leicestershire

Proposal: Outline application for residential development of up to 3 dwellings (access to be considered only).

Application Validated: 21.03.2017

Target Date: 16.05.2017 (Extension of time agreed until 31st July 2017)

Consultation Expiry Date: 20.06.2017

Site Visit Date: 07.04.2017

Case Officer: Jeremy Eaton

Recommendation

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

The proposed development would be in accordance with Policies CS1, CS2, CS5, CS8, CS9, CS10, CS11 and CS17 of the Harborough District Core Strategy and “saved” Policy HS/8 of the Harborough District Local Plan, 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 National Planning Policy Framework (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 comprises managed former garden land and land pertaining to No. 26 Kibworth Road, approximately 0.20 Ha in extent, located to the rear of No.'s 24-30 (even) Kibworth Road within the Development Limits to the village of Fleckney.
- 1.2 The main, former garden land element of the application site is defined to all boundaries by extant mature hedgerows containing trees. Adjoining the southern boundary of the application site is No.'s 6-22 (even) Kibworth Road, whilst agricultural land adjoins the northern and western boundaries of the application site.
- 1.3 The smaller element of the application site includes land located within the residential curtilage of No. 26 Kibworth Road. It is occupied by a double-storey side extension to the host dwellinghouse, whilst the remainder of the site comprises front and rear private amenity space.
- 1.4 At present, there is no direct vehicular or pedestrian access to the application site from the un-adopted part of Kibworth Road. However, indirect access can be achieved via the rear private amenity space of No. 28 Kibworth Road.



Figure 1: Site Location Plan

2. Site History

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

- 06/01170/FUL - Change of use of agricultural land to residential garden – Approved (29.09.2006); and
- 16/01408/FUL - Erection of five dwellings including a new access – Withdrawn (25.10.2016).

3. The Application Submission

a) Summary of Proposals

- 3.1 This application seeks outline planning permission for a residential development of up to 3 no. dwellings on the application site including means of access to the un-adopted part of Kibworth Road.
- 3.2 With the exception of the means of access, matters of Access, Layout, Scale, Appearance and Landscaping are reserved for later consideration.
- 3.3 It is worth noting that in order to facilitate access to the rear part of the application site, an existing extension to No. 26 Kibworth Road is proposed to be demolished, and it is the intension of the Applicant that the dwellinghouse will be returned to its former condition.
- 3.4 This application is accompanied by an Illustrative Masterplan (see Figure 2, below).

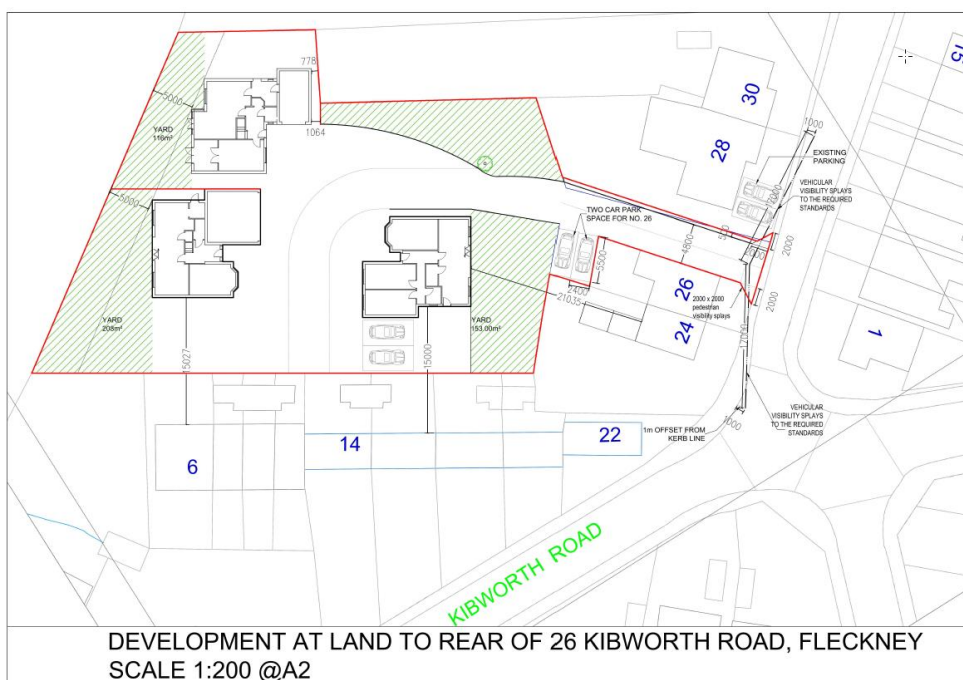


Figure 2: Illustrative Masterplan

b) Documents submitted

i. Plans

3.5 The application has been accompanied by the following plans:

- Site Location Plan (now superseded);
- Site Location Plan (amended);
- Site Layout Plan;
- Topographical Survey;
- Illustrative Masterplan (now superseded);
- Illustrative Masterplan (now superseded);
- Illustrative Masterplan (amended);
- Site Access Plan (now superseded)
- Site Access Plan (amended); and
- Limits to Development Plan.

i. Documents

3.6 The application has been accompanied by the following documentation:

- Design & Access Statement (now superseded);
- Design & Access Statement (amended);
- Negative Bat Survey Statement; and
- Transport Statement.

c) Pre-application Engagement

- Local Planning Authority
- 3.7 Prior to the submission of this planning application, following the withdrawal of Planning Application reference 16/01408/FUL, the Applicant engaged in discussions with the Local Planning Authority in respect of the proposed development during a pre-application meeting on 1st November 2016. It is understood that informal verbal advice was provided during this meeting in respect of the principle of the proposed development and highway matters, including advice to consult further with the Local Highways Authority.
- Local Highways Authority (Leicestershire County Council)
- 3.8 It is understood that following the pre-application meeting with the Local Planning Authority, outlined above, the Applicant engaged in pre-application discussions with the Local Highways Authority and informal Officer advice was sent to the Applicant on 13th December 2016.

4. Consultations and Representations

- 4.1 Consultation with technical consultees and the local community was carried out on the application.
- 4.2 A Site Notice was displayed outside the application site on the un-adopted part of Kibworth Road on 7th April 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

Fleckney Parish Council

- 4.4 Object on the following grounds:

The proposed access on to the unadopted and unsurfaced section of Kibworth Road is unsuitable for the volume of traffic that this development would generate.

The proposed access on to Kibworth Road would restrict resident parking on Kibworth Road and cause further congestion on this narrow part of the highway.

The size and scale of the development limited to three dwellings is more in keeping with area of land available and will ensure the dwellings to be built adjacent to the southern boundary will not be overbearing with regard to the existing cottage type properties on Kibworth Road.

The Parish Council will support the development of small infill sites in the Village where it can be demonstrated that the size and scale of any development will not have an adverse or detrimental impact on adjacent properties or the highway in the immediate vicinity.

Harborough District Council (Technical Services – Drainage)

- 4.5 No representation received.

Harborough District Council (Environmental Health)

4.6 No representation received.

Leicestershire County Council (Highways)

4.7 The County Highway Authority previously sought to resist application number 16/01408/FUL which proposed the erection of five dwellings on land rear of 28 Kibworth Road, Fleckney. The development proposed access from the unadopted Kibworth Road, the nature of which is restricted in terms of width and geometry and it was concluded unsuitable to serve access for the scale of development proposed.

Application 17/00376/OUT proposes a reduced scale of development whereby, and noting the outline with access application type, up to three dwellings are proposed. The County Highway Authority must therefore consider the impact of vehicle movements associated with an additional three dwellings using the unadopted Kibworth Road from the extent of public highway which ends in the mouth of the junction of Kibworth Road and Manor Road.

There have been no recorded injury incidents on Kibworth Road (this also includes the Kibworth Road /Manor Road Junction). It should also be taken into consideration that the physical characteristics of Kibworth Road lend themselves to a low speed environment.

A balanced and objective consideration of the anticipated increase in traffic levels has been undertaken and conclusion that, in traffic volume terms, this standalone planning application for a development of three dwellings is no longer of a quantum whereby the residual cumulative impact of development is expected to derive a severe impact subject to Conditions 10-15, Appendix A.

The geometry of Kibworth Road is such that there is sufficient space in the junction mouth of Kibworth Road for two vehicles to pass or wait whilst a vehicle negotiates the narrowest point of the unadopted Kibworth Road. When quantified, this increase in traffic is no longer considered to lead to a material impact on the public highway.

In principle, Carriageway widths should be appropriate for the particular context and uses of the street. In line with best practice and relevant design guidance, Manual For Streets (MfS) indicates that, whilst not an ideal design feature, in lightly-trafficked streets the carriageway may be narrowed over a short length.

Weighing up the principles of the proposed development, the existing satisfactory safety record and the low levels of traffic on Kibworth Road, it is the view of the County Highway Authority that this development can now go forward without objection relating to highway matters.

On the basis of the plans at our disposal, it would appear that the site does not have a common boundary with the adopted highway on Kibworth Road and the Applicant will need to demonstrate that a right of access into the site exists. The Applicant has also proposed to improve the unadopted Kibworth Road by way of a carriageway resurfacing scheme. The Applicant would also need to demonstrate ownership or the necessary permission / approval to undertake these works. All works within the limits of the highway would have to be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001).

Conditions 10-15, Appendix B were requested.

- Leicestershire County Council (Principal Ecologist)**
4.8 No objection.

On the basis of the Design and Access Statement outlining that the application site is garden land, of amenity grassland, the habitats on site (apart from the hedgerows) are considered to be of low wildlife value.

The retention of the hedgerow along the north-western boundary of the application site has been requested, with a buffer zone of 5.0m or natural vegetation alongside, in order to preserve it as a local wildlife corridor and to avoid adverse landscape impacts.

- Leicestershire County Council (Archaeology)**
4.9 No representation received.

- Severn Trent Water**
4.10 No representation received.

b) Local Community

- 4.11 This application has generated a significant level of objection from the local community. To date, 15 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:
- Development within the open countryside;
 - Development not in keeping with the character and appearance of the surrounding context;
 - Impact on local wildlife;
 - Impact on neighbouring properties residential amenity (loss of privacy, noise pollution, and impact during the construction process);
 - Impact on residential house values;
 - Proposed access off the un-adopted part of Kibworth Road (a cul-de-sac) and the associated traffic implications and highway safety concerns this will have on Kibworth Road and the surrounding roads within the village;
 - Maintenance of the un-adopted part of Kibworth Road;
 - No affordable housing provision;
 - No detailed information concerning bin storage and recycling;
 - Suggested errors on the accompanying drawings, including the omission of a bay window and porch to No. 28 Kibworth Road and sub-standard sized vehicular parking space provision to No.'s 26 and 28 Kibworth Road;
 - Potentially setting a precedent for future development of land to the north of the application site in the event that outline planning permission is granted in this case;
- 4.12 Many of the comments received refer to the previous application reference 16/01408/FUL, which was withdrawn by the Applicant, and reiterate the previous points made which they consider to still be valid despite an amended scheme being put forward for consideration under this planning application.

5. Planning Policy Considerations

- 5.1 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.”*
- 5.2 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

- 5.3 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

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

- Policy CS1 (Spatial Strategy);
- Policy CS2 (Delivering New Housing);
- Policy CS5 (Providing Sustainable Transport);
- Policy CS8 (Protecting and Enhancing Green Infrastructure);
- Policy CS9 (Addressing Climate Change);
- Policy CS10 (Addressing Flood Risk);
- Policy CS11 (Promoting Design and Built Heritage); and
- Policy CS17 (Countryside, Rural Centres and Rural Villages).

Harborough District Local Plan (“saved policies”)

- 5.5 Of the limited policies which remain extant, the following policy is considered to be relevant to this application:
- Policy HS/8 (Limits to Development).

b) Material Planning Considerations

- 5.6 Material Planning Considerations relevant to this application are:

- The National Planning Policy Framework (The Framework/NPPF);
- National Planning Practice Guidance (PPG);
- Supplementary Planning Guidance Notes 1, 2, 3;
- Five-Year Housing Land Supply Statement; and
- HEDNA (2017).

c) Other Relevant Documents

- 5.7 The following documents should be noted:

- Circular 11/95 Annex A – Use of Conditions in Planning Permission;
- ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System);

- Building for Life 12 (BFL12) (2012);
- Leicestershire County Council Local Transport Plan 3 (LTP3); and
- Leicestershire County Council Highways Authority 6Cs (Highways) Design Guide.

d) Other Relevant Information

Reason for Committee Decision

- 5.8 This application is to be determined by Planning Committee because the application received more than 5 no. letters of representation objecting to the proposed development.

6. Assessment

a) Principle of Development

- 6.1 The application site is located within the Development Limits of Fleckney (a Rural Centre) as established under “saved” Policy HS8 of the Harborough District Local Plan.

- 6.2 “Saved” Policy HS/8 of the Harborough District Local Plan states:

“The District Council will grant planning permission for development within the defined Limits to Development of settlements indicated on the Proposals Map Insets, where the following criteria are met:

- 1. The design and layout of the development is in keeping with the scale, form character and surroundings of the settlements;*
- 2. The development does not conflict with Policy HS/9;*
- 3. The development does not adversely affect the amenity of residents in the area.”*

- 6.3 Policy CS1 of the Harborough District Core Strategy states:

“To maintain the District’s unique rural character whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services, the spatial strategy for Harborough District to 2028 is to:

- a) Enable the development of at least 7,700 dwellings across the District during the period 2006-2028;*

...

- g) Develop the communities of ... Fleckney ... as Rural Centres as a focus for rural housing ...”*

- 6.4 Policy CS2 of the Harborough District Core Strategy states:

“The overall housing provision of at least 7,700 dwellings between 2006-2028 will be distributed as follows:

...

- Rural Centres and selected rural villages at least 2,420 dwellings.*

a) *Limits to Development boundaries around settlements will be used to shape their future development as follows:*

...

- *Housing development will not be permitted outside Limits to Development ... unless at any point there is less than a five year supply of deliverable housing sites and the proposal is in keeping with the scale and character of the settlement concerned."*

6.5 Policy CS17 of the Harborough District Core Strategy states:

"Beyond Market Harborough, Lutterworth, Broughton Astley and Leicester PUA, development over the plan period will be focussed on ... Fleckney ... As Rural Centres they will be the focus for rural affordable and market housing ... 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.

...

Rural development will be delivered as follows:

a) ... Fleckney ... will be the focus for additional housing beyond that already built or committed. ..."

6.6 In this case, the proposed development will contribute up to 3 no. dwellings towards the Council's overall housing provision target within Rural Centres, and in general, over the Plan period (2006-2028).

6.7 Subject to the proposal complying with the relevant planning policies and guidance, the principle of residential development on the application site is considered to be acceptable in line with Policies CS1, CS2 and CS17 of the Harborough District Core Strategy, and "saved" Policy HS/8 of the Harborough District Local Plan.

b) Technical Considerations

1. Highway Matters

6.8 Access is a matter for consideration as part of this planning application.

6.9 Vehicular and pedestrian access to the application site is proposed via the creation of a new access to the un-adopted part of Kibworth Road, as indicated within the illustrative masterplan (Figure 2) and an extract of the Site Access Plan (Figure 3), below.

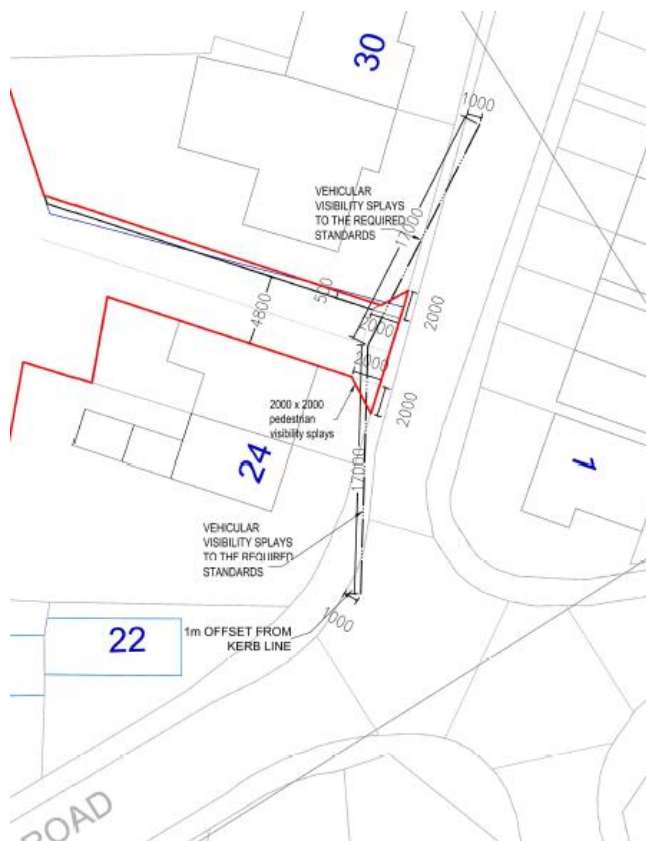


Figure 3: Extract of the Site Access Plan

- 6.10 The proposed access would have a minimum width of approximately 4.8m with vehicular and pedestrian visibility splays of the un-adopted part of Kibworth Road of approximately 17.0m and 2.0m respectively on either side. The access width provision exceeds the requirements of the Leicestershire County Council Highways' 'The 6Cs Design Guide', which outlines a minimum width requirement of 4.25m for an access to serve a residential development of up to 5 no. dwellings, whilst the visibility splays are considered to be in accordance with 'The 6Cs Design Guide'.
- 6.11 The illustrative masterplan (Figure 2) outlines that the existing residential property of No. 26 Kibworth Road would be afforded 2 no. vehicular parking spaces, with each space measuring approximately 2.4m x 5.5m, in accordance with 'The 6Cs Design Guide'. It is worth noting that No. 26 Kibworth Road has no current off-street vehicular parking provision. With regard to the proposed dwellings, it would be expected that the proposed vehicular parking provision, whether it be in the form of driveway parking spaces and/or garages, would be in compliance with 'The 6Cs Design Guide', with the necessary turning facilities afforded, again in compliance with 'The 6Cs Design Guide', to allow vehicles to enter and exit site in a forward direction; however, this detail will form part of a later Reserved Matters planning application in the event that Outline planning permission is granted. It is considered that this matter can be controlled by way of a planning condition in such a case (see Conditions 11-12, Appendix A).
- 6.12 Leicestershire County Council Highways were consulted on this application and raised no objection to the proposed development subject to conditions (see Conditions 10-15, Appendix A).

- 6.13 In view of the above, subject to conditions, 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, and Leicestershire County Council Highways' 'The 6Cs Design Guide'.

2. Layout, Scale and Design

- 6.14 Although the matter of design (form/layout, mass, scale, proportions, style, materials) and landscaping of the proposed development is not a matter which is currently for consideration at this time, and will be tested at the Reserved Matters stage in the event that Outline Planning Permission is granted, an illustrative masterplan (Figure 2) has been provided together with supporting information contained within the Design and Access Statement. Together, these demonstrate how the application site could be developed, taking into account the constraints of the application site.
- 6.15 With regard to matters of design, the Government attaches great importance to the design of the built environment. Paragraph 56 of the NPPF states 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."*
- 6.16 Paragraph 58 of the NPPF advises that planning decisions should aim to ensure that developments function well and add to the overall quality of the area, respond to local character and history and reflect the identity of local surroundings and materials and are visually attractive as a result of good architecture and appropriate landscaping. Paragraph 60 continues to state that planning decisions should *"seek to promote or reinforce local distinctiveness"*. Paragraph 61 of the NPPF states *"visual appearance and the architecture of individual buildings are very important factors."*
- 6.17 With regard to determining applications, paragraph 63 of the NPPF states *"great weight should be given to outstanding or innovative designs which raise the standard of design more generally in the area"*. Paragraph 64 continues to state *"permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."*
- 6.18 Policy CS2 of the Harborough District Core Strategy states:
- "b) All housing developments should be of the highest design standard (in conformity with Policy CS11) and have a layout that makes the most efficient use of land and is compatible with the built form and character of the area in which it is situated...."*
- 6.19 Policy CS11 (Promoting Design and Built Heritage) of the Harborough District Core Strategy requires proposals for development to exhibit a high standard of design to *"create attractive places for people to live, work and visit."* To meet these requirements, proposed development should *"be inspired by, respect and enhance local character, building materials and distinctiveness of the area in which it would be situated."* In addition, development *"should respect the context in which it is taking place and respond to the unique characteristics of the individual site and wider local environment beyond the site's boundaries to ensure that it is integrated as far as possible into the existing built form of the District."*

- 6.20 “Saved” Policy HS/8 of the Harborough District Local Plan requires the design and layout of development proposals to be in keeping with the scale, form, character and surroundings of the settlement in which it is to be sited within.
- 6.21 The proposed illustrative masterplan (Figure 2) and supporting information demonstrate that a residential development comprising up to 3 no. dwellings could be accommodated on the application site. Furthermore, it demonstrates the following:
- The site will be accessed from one point, off the un-adopted part of Kibworth Road, through the creation of a new vehicular access;
 - The retention of existing boundary trees and hedgerows.
 - There would be three distinct plots of development within the application site centred around the access road;
 - The Design and Access Statement identifies that the character and appearance of the proposed dwellings will be similar to other properties within the village – Planning Officers consider this to be an appropriate response for this site; and
 - The proposed dwellings would be designed with privacy strips/gardens to the front (of various depths) with parking located to the front/side of the dwelling, and rear gardens of various sizes/depths.
- 6.22 Furthermore, the illustrative masterplan indicates that the proposal would require the demolition of an existing extension to No. 36 Kibworth Road and alterations to the residential curtilage of this property in order to facilitate access to the rear part of the application site from the proposed new vehicular access to the un-adopted part of Kibworth Road. In demolishing the extension, it is the intention of the Applicant to reinstate the dwellinghouse to No. 36 Kibworth Road to its former condition (pre-extension). It is considered that the demolition of this extension would remove an incongruous extension to the host dwellinghouse, which in turn would improve the character and appearance of the dwellinghouse (and the pair of semi-detached dwelling houses which it relates to) and the visual amenity to the immediate section of the streetscene to the un-adopted part of Kibworth Road.
- 6.23 In view of the above, it is considered that the illustrative masterplan and supporting Information, notably the Design and Access Statement, indicate that a high quality design could potentially be achieved for the proposed development, in the event that Outline Planning Permission is granted, which would not cause a significant level of harm to the character and appearance of the village.

3. Residential Amenity

- 6.24 Paragraph 17 of the National Planning Policy Framework “*seeks to secure a high quality design and good standard of amenity for all existing and future occupants of land and buildings*”.
- 6.25 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.*”

- 6.26 Saved Policy HS/8 of the Harborough District Local Plan requires proposals for development to protect the amenity of the occupants of neighbouring residential properties, and the wider local area.
- 6.27 As the matters of layout, scale and appearance of the proposed development is not a matter which is currently for consideration at this time, and will be tested at the Reserved Matters stage in the event that Outline Planning Permission is granted, it is not possible to provide a detailed assessment on whether or not the amenity of existing residential properties located adjacent to, or within close proximity of, the proposed development will be adversely affected in terms of loss of light (overshadowing), loss of privacy (overlooking) or over dominant or overbearing structure (as outlined within the Council's Supplementary Planning Guidance).
- 6.28 Notwithstanding the above, the Case Officer is satisfied that the proposed illustrative masterplan (Figure 2) demonstrates that the proposal would protect the amenity of those neighbouring residential properties in relation to the above.
- 6.29 In order to ensure an acceptable amenity relationship between existing and proposed development, the Local Planning Authority has adopted minimum separation distances, as outlined within SPG Note 2. This SPG requires a level of separation of 21.0m between facing elevations containing principal windows and 14.0m between a blank elevation and a principal window.
- 6.30 The proposed illustrative masterplan (Figure 2) and supporting information outline the Applicant's intention to retain the existing mature boundary trees and hedgerows. The proposed dwellings situated to the south of the application site, which could potentially be either double-storey in height with blank side elevations or single-storey bungalows, or a mixture of the two options as currently indicated on the proposed illustrative masterplan, would be located behind this existing landscaping. The separation distances indicated between these dwellings and the existing residential properties adjoining the southern boundary of the application site would be in excess of 15.0m, which would be considered to be sufficient in this case in line with SPG Note 2. The proposed separation distances between the proposed dwelling situated to the east of the application site and the existing residential properties adjoining the eastern boundary of the site would be in excess of 21.0m in the case of the two-storey elements, albeit this would be less in the case of single-storey elements (approximately 12.8m at its minimum); however, they would be located behind this existing landscaping to the site boundary. These separation distances would be considered to be sufficient in this case in line with SPG Note 2.
- 6.31 It is considered that during construction there could potentially be some adverse impacts on residential amenity. However, a planning condition requiring a Construction Environmental Management Plan to be approved and implemented could be imposed upon any grant of planning permission in order to limit the disturbance and inconvenience that may arise when building works are undertaken (see Condition 15, Appendix A). In addition to planning controls, the Environmental Protection Act provides a variety of safeguards in respect of noise, air and light pollution.
- 6.32 Accordingly, it is considered that the proposed development would be in accordance with the relevant provisions of Policy CS11 of the Harborough District Core Strategy, Policy HS/8 of the Harborough District Local Plan, Supplementary Planning Guidance, and the NPPF.

4. Ecology

- 6.33 Leicestershire County Council's Ecologist has been consulted on this application and raised no objection on ecological grounds. The application site comprises managed former garden land, of amenity grassland, in which case, the habitats on site (with the exception of the hedgerows which in the most part are to be retained) are considered to be of low wildlife value. The retention of the hedgerow along the north-western boundary of the application site has been specifically requested, with a buffer zone of 5.0m or natural vegetation alongside, in order to preserve it as a local wildlife corridor and to avoid adverse landscape impacts. A buffer zone of 5.0m is identified to the north-west boundary of the application on the illustrative masterplan (Figure 2). Notwithstanding this, a planning condition requiring this provision could be imposed upon any grant of Outline planning permission (see Condition 8, Appendix A).

5. Flood Risk/Drainage

- 6.34 Policy CS10 of the Harborough District Core Strategy states:

"a) New development will be directed towards areas at the lowest risk of flooding within the District; with priority given to land within Flood Zone 1."

- 6.35 The Environment Agency Flood Map indicates that the application site is located outwith Flood Zones 2 and 3, within Flood Zone 1. In view of this, residential development within Flood Zone 1 is considered to be acceptable in principle in line with Policy CS10.

- 6.36 Notwithstanding the above, Policy CS10 continues to state:

"d) All new development will be expected to ensure that it does not increase the level of flooding experienced in other areas of the District."

e) Surface water run off in all developments should be managed, to minimise the net increase in the amount of surface water discharged into the local public sewer system."

...

g) The use of Sustainable Drainage Systems (SuDS) will be expected; and design and layout schemes which enhance natural forms of on site drainage will be encouraged."

- 6.37 The Application Form outlines the Applicant intends on surface water being disposed of to a Sustainable Drainage System (SuDS), whilst the method of foul water drainage is unknown at this time.

- 6.38 Harborough District Council (Technical Services – Drainage) and Severn Trent Water have both been consulted on this application; however, no consultation responses have been received from either party. In this case, it is suggested that appropriate conditions should be applied in the event that Outline Planning Permission is granted in order to ensure an appropriate method of foul and surface water drainage can be achieved (see Conditions 17-18, Appendix A).

- 6.39 In view of the above, and subject to planning conditions, it is considered that the proposed development would be in accordance with the relevant provisions of Policy

CS10 of the Harborough District Core Strategy in respect of flood risk and drainage considerations.

c) Sustainable Development

- 6.40 The NPPF identifies three dimensions to sustainable development – economic, social and environmental. Taking each of these in turn the following conclusions can be reached.
- Economic
The development would contribute towards economic growth during the construction period in terms of employment. In the longer term, the additional population would be likely to increase spending, for instance in the local shops and help support the range of other local services, which would help maintain their viability.
 - Social
The development would increase the supply and choice of housing in line with an Objectively Assessed Need in an area where there is no NPPF compliant supply of housing land.
 - Environmental
In terms of environmental considerations, the application site is located within the Rural Centre of Fleckney, close to the village centre within walking distance to a range of amenities and services.
Statutory consultees are satisfied that the development would not adversely affect highway safety or ecological interests.
The development would safeguard the amenities of existing residents.
- 6.41 In view of the above, it is considered that the proposal would represent sustainable development.

7. Conclusion/The Planning Balance

- 7.1 It is considered that the proposed development would be in accordance with Policies CS1, CS2, CS5, CS8, CS9, CS10, CS11 and CS17 of the Harborough District Core Strategy and “saved” Policy HS/8 of the Harborough District Local Plan and no material considerations indicate that the policies of the Development Plan should not prevail.
- 7.2 When assessed against the NPPF, Paragraph 14 (presumption in favour of sustainable development), as well as the NPPF taken as a whole, no significant and demonstrable harm is identified and thus the proposal should be approved without delay.
- 7.3 The recommendation has been made taking into account Paragraphs 186 and 187 of the NPPF, as well as National Planning Practice Guidance.
- 7.4 In view of the above, and subject to conditions (those listed within Section 8), it is considered that the proposal would meet the relevant national and local policies. Therefore, this application is recommended for approval subject to conditions.

8. Planning Conditions & Informatives

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

Appendix A: Conditions and Informatives

Planning Conditions:

1) **Reserved Matters**

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 layout of the development;
- (c) The external appearance of the development; and
- (d) 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) **Time Limits**

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.

3) **Reserved Matters to be submitted**

An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason : To accord with the provisions of Section 92 of the Town and Country Planning Act 1990.

4) **Approved Plans**

The development hereby permitted shall be in accordance with the following approved plan(s):

Site Location Plan received on 28th June 2017;
Topographical Survey received on 8th March 2017;
Site Layout Plan received on 8th March 2017; and
Site Access Plan received on 28th June 2017.

Reason: For the avoidance of doubt.

5) **Levels**

The layout and landscaping details to be submitted in accordance with Condition 1 shall include details of existing and proposed ground levels of the site and the finished ground floor levels of proposed dwellings, garages and other structures. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the work is carried out at suitable levels in relation to adjoining properties and the wider surroundings, having regard to amenity, landscape, biodiversity, access, highway and drainage requirements and to accord with Policies CS1, CS8, CS11 and CS17c of the Harborough District Core Strategy.

6) **Boundary and Surface Treatments**

The landscaping 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.

7) **Materials Details**

The external appearance details to be submitted in accordance with Condition 1 shall include details of the materials to be used externally in the construction of dwellings and other buildings (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 Market Harborough Conservation Area) and to accord with Policies CS1, CS2, CS11 and CS17 of the Harborough District Core Strategy.

8) **Landscape**

The landscaping details to be submitted in accordance with Condition 1 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) the provision of a buffer zone of 5.0m or natural vegetation alongside the north-western boundary of the site;

- (d) 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;
- (e) finished levels and contours;
- (f) minor artefacts and structures (e.g. furniture, refuse and other storage units, signs, lighting etc);
- (g) retained historic landscape features and proposed restoration, where relevant.
- (h) 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 Policy CS8 and CS11 of the Harborough District Core Strategy.

9) **Landscape Management Plan**

No development shall commence on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, 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: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area and to accord with Policy CS8 and CS11 of the Harborough District Core Strategy.

10) **Site Access**

Prior to first occupation of the development hereby permitted, the vehicular access to the site shall be provided in accordance with the submitted access drawing received on 28th June 2017. Visibility splays shall be provided in accordance with the current standards of the Local Highways Authority and shall be maintained in perpetuity.

Reason: To provide access to the site and in the interests of highway safety, and to accord with Policies CS5 and CS11 of the Harborough District Core Strategy.

11) **Car Parking Provision**

Prior to first occupation of the development hereby permitted, car parking shall be provided, hard surfaced and made available for use to serve the dwellings in accordance with Leicestershire County Council 6 'C's Design Guide. The parking spaces so provided 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 Policy CS11 of the Harborough District Core Strategy.

12) **Garages**

Whereby garage accommodation is to be counted towards on-site car parking provision, they shall be provided with minimum internal dimensions measuring 6.0m x 3.0m. The garage accommodation so provided 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 Policy CS11 of the Harborough District Core Strategy.

13) **Turning Facilities**

Prior to first occupation of the development hereby permitted, turning facilities shall be provided, hard surfaced in accordance with Leicestershire County Council 6 'C's Design Guide. The parking spaces so provided shall thereafter be permanently so maintained, and made available for use within the site to enable vehicles to enter and leave site in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.

Reason: To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users , and to accord with Policy CS11 of the Harborough District Core Strategy.

14) **Gates/Barriers/Bollards/Chains**

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 , and to accord with Policy CS11 of the Harborough District Core Strategy.

15) **Construction Management Plan**

No development shall commence on site (including any site clearance/preparation works), until a Construction Management Plan 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 and road cleaning arrangements;
- 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;
- j) full details of any piling technique to be employed, if relevant;
- k) location of temporary buildings and associated generators, compounds, structures and enclosures;
- l) details of the routing of construction traffic; and
- m) measures to control and minimise noise from plant and machinery.

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.

16) **Storage Facilities for Refuse and Recycling Materials**

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 and CS11 of the Harborough District Core Strategy.

17) **Foul Water Drainage Details**

No development shall commence on site until full details of the means of foul water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity.

Reason: To ensure the satisfactory drainage of the site and to accord Policy CS10 of the Harborough District Core Strategy.

18) **Surface Water Drainage Details**

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory drainage of the site and to accord Policy CS10 of the Harborough District Core Strategy.

Informative Notes:

1) **Building Regulations**

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. As such please be aware that according with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.

2) **Permission not authorising work on land outside the applicant's control and Party Wall Act**

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

3) **Leicestershire County Council (Local Highway Authority)**

The Applicant is advised of the information contained within Leicestershire County Council, Local Highways Authority's consultation response to this planning application.

4) **Turning Facilities**

The proposal is situated in excess of 45 metres from the highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 2005 and Building Regulations Approved Document B, Fire Safety 2006.

5) **Highway Works**

All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001).

Planning Committee Report

Applicant: Mr Ronan Donohoe

Application Ref: 17/00639/FUL

Location: Walton Hall, Chapel Lane, Walton, Leicestershire, LE17 5RL

Proposal: Erection of a dwelling with associated garage/summer house (revised scheme of 16/00786/FUL)

Application Validated: 20/04/2017

Target Date: 15/06/2017

Consultation Expiry Date: 01/06/2017

Case Officer: Faizal Jasat

Recommendation

Planning Permission is **REFUSED** for the following reason:

By virtue of its siting, the proposal is not considered to be acceptable infill development as it does not respect the predominantly linear character of the village within a sustainable village. Walton lacks a number of key services and it is therefore likely that the occupiers of the dwelling would be highly or solely reliant upon the private motor vehicle to access key services therefore having a negative environmental impact. The positive social and economic impacts are considered to be negligible. The proposal is therefore not sustainable development and is contrary to the National Planning Policy Framework; Policy HS/8 of the Harborough District Local Plan; and Policy CS17 a) of the Harborough District Adopted Core Strategy.

1. Site & Surroundings

- 1.1 The application site comprises a grassed field to the immediate west of the walled garden of Walton Hall, a Grade II Listed Building. The field has a number of trees, including a mature Ash, and is generally level with a slight fall of land to the south. The site is entirely enclosed by residential properties, with the exception of a driveway/access track to the north of the site leading up to Park Lane. Boundary treatments vary, but generally consist of shrubs and low-level fencing, with the exception of a brick/cob garden wall of approximately 2m in height to the east boundary. The site is within the centre of the village of Walton and is within its Conservation Area and defined Limits to Development.

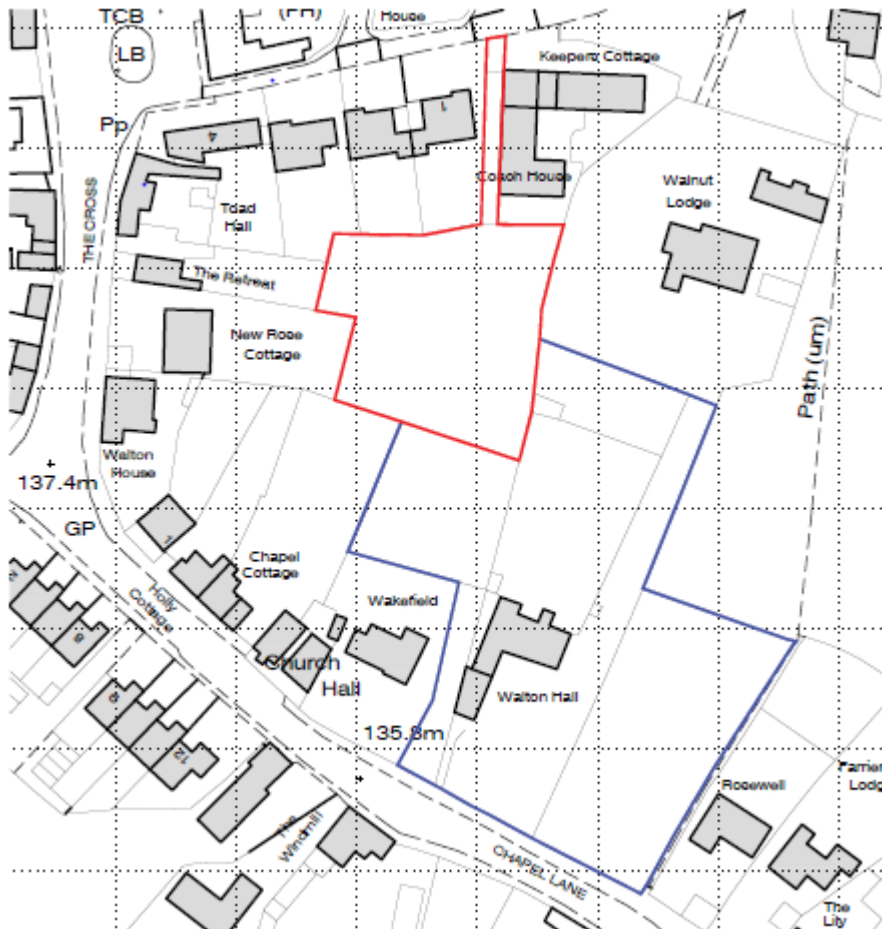


Figure 1: Site Location



Figure 2: Existing and proposed access on Park Lane



Figure 3: Proposed driveway



Figure 4: View across site facing southeast



Figure 5: View across site facing southwest

2. Site History

- 2.1 11/01274/FUL – Erection of a conservatory to side/rear: Approved
- 2.2 16/00786/FUL- Erection of a dwelling with associated garage/summer house

Reason for refusal:

1. By virtue of its siting, the proposal is not considered to be infill development within a sustainable village. Walton lacks a number of key services and it is therefore likely that the occupiers of the dwelling would be highly or solely reliant upon the private motor vehicle to access key services therefore having a negative environmental impact. The positive social and economic impacts are considered to be negligible. The proposal is therefore contrary to CS9 a), CS17 a), HS/8 and paragraphs 14, 17, and Chapter 4 of the Framework.
2. By virtue of its design and siting, the proposal will cause harm to the amenity of the neighbour at Coach House, Park Lane, thus failing CS11 c) iv) and paragraph 17 of the Framework.
3. By virtue of its siting and size, the proposal fails to respect local character and distinctiveness, fails to respect the context in which it is taking place and is unsympathetic to the special characteristics of the area. It fails to protect and conserve the character of the Conservation Area and is inconsistent with the special character of the Conservation Area. This harm outweighs the modest public benefit of an additional dwelling. The proposal fails CS11 a), b) and d), and paragraphs 14 and 134 of the Framework indicate that the proposal should be refused.



proposed elevations



Above: Refused layout plans and elevations of refused scheme.

3. The Application Submission

a) Summary of Proposals

- 3.1 The application is a resubmission of an application that was refused due to the site being an unsustainable location and the adverse impacts of the development on residential amenity and the Conservation Area.
- 3.2 The current submission is also for the erection of a two-storey detached dwelling, with a detached garage and garden store; however, the application has been amended and proposal is now reduced in scale and sited differently. It is proposed to still use the existing access to Park Lane.



Figure 6: Proposed site plan





South Elevation



East Elevation



West Elevation

Figure 7: Proposed elevations of dwelling



Figure 8: Proposed elevations of garage

b) Documents submitted

i. Plans

3.3 The application has been accompanied by the following plans:

- Location Plan – 1407(02)-P01
- Proposed Site Plan 1:500 – 1407(02)-P03
- Proposed Site Plan 1:200 – 1407(02)-P04
- Proposed Ground Floor – 1407(02)-P05
- Proposed First Floor – 1407(02)-P06
- Proposed East & South Elevations – 1407(02)-P07
- Proposed West & North Elevations – 1407(02)-P08
- Proposed House Views 01 & 02 – 1407(02)-P09
- Proposed House Views 03 & 04 – 1407(02)-P10
- Proposed Garage Elevations – 1407(02)-P11

ii. Supporting Statements

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

- Listed Building Impact Assessment

c) Pre-application Engagement

3.5 No pre-application advice was sought prior to the application being submitted.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 28th April 2017 and the initial consultation period expired on 1st June 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

- Kimcote & Walton Parish Council***
- 4.3 Object to the proposal due to opposition of local residents.
- LCC Highways***
- 4.4 The Local Highway Authority refers the Local Planning Authority to current standing advice.
- LCC Ecology***
- 4.5 Submitted surveys are satisfactory. No need for further surveys at this time. Consideration should be given to the recommendations in the report.
- HDC Environmental Health***
- 4.6 No comments received
- Historic England***
- 4.7 No comment
- HDC Technical/Engineers***
- 4.8 No comments received
- HDC Conservation***
- 4.9 The proposed dwelling has been significantly reduced in size to that proposed under the previous scheme. The location of the development is still on the area of land behind the road frontages which was historically open land used by the village. However because of the amendments to the proposed dwelling it is felt that the design is now complementary to the character of the area and the size is more akin to the size of the surrounding properties. This along with the fact that the building will now take up less space within the plot giving it a more open nature lead me to believe that the proposal will not be harmful to the special character and setting of the Conservation Area and therefore now accords with policy CS11 of the Harborough District Core Strategy and chapter 12 of the NPPF.

b) Local Community

- 4.10 9 objections received from 9 neighbouring addresses. Issues raised through objections include:
- Overlooking
 - Loss of privacy
 - Out of scale
 - Unsustainable location
 - Inappropriate and out of character with Conservation Area
 - Land is agricultural and should remain so
 - Negative impact on trees

- Noise and light pollution
- Land used to be the “Wake-field” (open space) for the village
- Adverse impact on Listed Buildings
- Adverse impact on highways, including during construction/poor access/highway
- Adverse impact on nearby unadopted private road
- Access width does not comply with Building Control requirements for fire engines
- Adverse impact on flora and fauna
- Backland development could ruin the character of the village where there is almost exclusively no infill
- Adverse impact on the open and undeveloped character is important to the village
- Loss of views;
- Loss of sunlight and daylight, particular to gardens
- Over concentration of new residential development within village
- Adverse impact on biodiversity and wildlife

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 within existing limits to development for Walton.
- *Harborough District Core Strategy (Adopted November 2011)*
- 5.3 Relevant policies to this application are CS2, CS5, CS8, 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 does not identify Walton as a Selected Rural Village (SRV), based on its service provision of a primary school only, 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 Whilst Walton is not identified as a Selected Rural Village, Policy CS17 a) states that ‘Villages not identified, but which have identified Limits to Development, may be suitable to receive very limited small scale infill development’.

b) Material Planning Considerations

- *National Planning Policy Framework 2012 (NPPF)*

5.7 *Supplementary Planning Guidance Note 2 (SPG2): Residential Development, Major housing sites*

- *Supplementary Planning Guidance*

5.8 *Supplementary Planning Guidance Note 2 (SPG2): Residential Development, Major housing sites*

5.9 *Supplementary Planning Guidance Note 3 (SPG3): Development of single plots, small groups of dwellings and residential development within Conservation Areas*

- *Supreme Court Judgement – [2017] UKSC 37; On appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin) – (Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant)) – Judgement given on 10 May 2017.*

5.10 This Judgement relates to the proper interpretation of Paragraph 49 of the National Planning Policy Framework. Paragraph 49 states:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

The Judgement notes that the primary purpose of Paragraph 49 is simply to act as a trigger to the operation of the “tilted balance” under Paragraph 14. The Judgement asserts, therefore, that it is important to understand how that is intended to work in practice: “The general effect is reasonably clear. In the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the benefits are “significantly and demonstrably” outweighed by the adverse effects, or where “specific policies” indicate otherwise. (See also the helpful discussion by Lindblom J in *Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government* [2014] EWHC 754 (Admin), paras 42ff).” (Para.54 of Judgement).

The Judgment goes on to explain:

“55. It has to be borne in mind also that paragraph 14 is not concerned solely with housing policy. It needs to work for other forms of development covered by the development plan, for example employment or transport. Thus, for example, there may be a relevant policy for the supply of employment land, but it may become out-of-date, perhaps because of the arrival of a major new source of employment in the area. Whether that is so, and with what consequence, is a matter of planning judgement, unrelated of course to paragraph 49 which deals only with housing supply. This may in turn have an effect on other related policies, for example for transport. The pressure for new land may mean in turn that other competing policies will need to be given less weight in accordance with the tilted balance. But again that is a matter of pure planning judgement, not dependent on issues of legal interpretation.

56. If that is the right reading of paragraph 14 in general, it should also apply to housing policies deemed “out-of-date” under paragraph 49, which must accordingly be read in that light. It also shows why it is not necessary to label other policies as

“out-of-date” merely in order to determine the weight to be given to them under paragraph 14. As the Court of Appeal recognised, that will remain a matter of planning judgement for the decision-maker. Restrictive policies in the development plan (specific or not) are relevant, but their weight will need to be judged against the needs for development of different kinds (and housing in particular), subject where applicable to the “tilted balance”.

The Judgement affirms that the correct approach has historically been taken by HDC.

c) Other Relevant Information

- *Reason for Committee Decision*

- 5.11 This application is to be determined by Planning Committee as the application has received 5+ objections against proposal.

6. Assessment

a) Principle of Development

- 6.1 Paragraph 49 of the Framework states that where local planning authorities cannot demonstrate an up-to-date five year supply of deliverable sites, policies for the supply of housing should not be considered up to date. As at 30th September 2016 the Council has 4.88 years of housing supply and it is acknowledged that HDC cannot currently demonstrate a robust five year supply and therefore policy CS2 is considered out of date. Paragraph 14 of the Framework therefore requires that Planning Permission should be granted unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted”. This proposal is considered to make a very small contribution towards meeting the shortfall in the District’s housing supply and some weight must be attached to this consideration, though not determinative, in light of the scale of contribution. The three dimensions to sustainability are addressed in Paragraph 7 of the NPPF as:

- *Economic*

The proposal will generate employment in the construction of the dwelling and its ongoing maintenance. The occupiers may use the pub within the village. These contributions to economic sustainability are very modest and cannot be relied on.

- *Social*

The proposal will make a modest contribution to the social sustainability of the settlement as additional inhabitants of the village would live there.

- *Environmental*

For new development to be acceptable, it must be in a location from where future occupiers have a range of travel options to access sufficient numbers of key amenities. Paragraph 17 and Chapter 4 of the Framework seek to minimise the use of the private motor vehicle, and promote sustainable transport by other means.

- 6.2 Walton currently only has a pub with all other key services (GPs, convenience store, post office, library and primary school) found outside the village (Husbands

Bosworth, north Kilworth, Market Harborough and Lutterworth). It is therefore considered highly likely that the occupiers of the proposed dwelling would be solely reliant upon the private motor vehicle to access these services and therefore contrary to the aims and objectives of the Framework. For this reason the proposal is considered to have poor environmental sustainability credentials and is not considered to be sustainable development and therefore no presumption in favour of the scheme.

- 6.3 CS17 seeks to direct new housing and other development towards the larger settlements and villages. Villages with at least two key services are designated 'Select Rural Villages' (SRV). All development will be "on a scale which reflects the size and character of the village concerned [and] the level of service provision". Walton is not designated as an SRV. However, CS17a) does allow for "very limited small-scale infill development" within settlements which have Limits to Development, such as Walton.
- 6.4 Notwithstanding that Limits to Development is considered out of date by Inspectors and officers, it is not considered that this site can be classified as 'infill'. A new dwelling was recently approved by the LPA to the south of Walton Hall (ref 15/01674/FUL). This site was considered infill, as it has dwellings to either side and fronts the street with a single plot depth. The proposed dwelling at Walton Hall does not front the street and does not respect the predominantly linear character of the village. For these reasons, it is considered that the proposal is not limited infill development and is therefore contrary to CS17a) and HS/8.
- 6.5 Whilst the Council does not currently have a five-year housing supply and whilst the site is within Limits to Development, the proposal is not considered to be infill development and the settlement is not considered to be a sustainable location. The proposal therefore fails CS17a) and there is no presumption in favour of the development due to its unsustainable location.
- 6.6 Having full regard to the recent Supreme Court Judgement, Officers consider limited weight should be given to 2001 Local Plan Policy HS/8, Core Strategy Policy CS2a and those elements of Core Strategy Policy CS17 which restrict housing development solely on the basis that it is proposed outside Limits to Development. Resisting the proposal on the sole ground of it being beyond defined Limits to Development is not judged to be sustainable at appeal, nor a desirable approach if the Local Planning Authority is to seek to deliver the current and future housing needs of the District.

b) Housing Requirement and Housing Land Supply

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

c) Technical Considerations

1. Scale, appearance and landscaping
- 6.8 The proposed dwelling is two-storey and of a traditional design. Facing walls would be constructed in russet brick, with grey slate roof tiles and timber framed windows and doors finished in grey. Rainwater good would be uPVC, but of a cast iron

appearance. The proposed materials are considered acceptable and would not appear out of keeping or incongruous with those used in building in the surrounding area.

- 6.9 The scale, layout and design of the dwelling has been significantly amended and now consists of a much smaller dwelling of a more traditional design, with a rectangular form and gable roof. The design and scale are a vast improvement over the previous submission and concerns with the previous design have now been adequately addressed. The proposed garage has been significantly reduced in scale and massing from the previous application and is now of a more modest design to accommodate a single car, with an integrated store room. The garage would be constructed in the same external facing materials as the main house and has a subservient relationship with the main dwelling.
- 6.10 The overall area of the application site is 825m². The combined footprint of the house and garage is approximately 110m² and therefore the combined footprint of the house and garage would take up one seventh of the overall plot size, which is considered more than adequate and not overdevelopment of the site. Similarly, the host property would retain an even larger house footprint to plot ratio than the proposed dwelling would.
- 6.11 The siting of the proposed dwelling has been amended from the previous submission, due the close relationship with adjoining neighbouring property Coach House. The siting of the house as previously proposed was however considered acceptable in all other respect and the revised siting is also considered acceptable, with the benefit of being sited slightly further away from Coach House.

2. Amenity

- 6.12 Objections have been made by occupants of the surrounding neighbouring houses, many of which have back onto the site. Although it is acknowledged that there would be some loss of a view for the neighbouring occupants, there is no 'right to a view' in planning terms. Due to the siting of the proposal towards the north of the site, the distance between the proposed built form and the rear elevations of the dwellings to the south and west is at least 40m. This more than exceeds the minimum separation distances required by the SPGs and considering the significant amount of screening by way of vegetation and planting, particularly in the summer, it is considered that the proposal would not harm the amenity of any of these neighbours.
- 6.13 Walnut Lodge lies almost directly to the east of the proposed dwelling. The distance between the two is 43m, again meeting minimum separation distances. Were the proposal considered acceptable overall, any windows could be conditioned as obscure glazed, if necessary, in order to mitigate any harm to amenity.
- 6.14 The nearest residential property is Coach House on Park Lane, which has a facing elevation 18m northeast and at a right angle away of the proposed principal elevation. The minimum separation distance required between facing principal elevations is 14m and therefore it is not considered that the proposal would result in any adverse overbearing impact on this neighbour, nor contribute to any adverse degree of overlooking.
- 6.15 The bungalow at number 1 Park Lane would directly face the side elevation of the proposed dwelling; however this is at a distance of 25m, which exceeds the required minimum separation distance and considered to be sufficient to minimise overlooking

and not cause an adverse overbearing impact. 2 Park Lane is also a bungalow and at its closest point is 19m north of the side elevation of the proposed garage. Again, this is a side to principal relationship and the building is a garage, rather than habitable accommodation. It is acknowledged that the outlook of the occupier of number 2 would change however on balance the proposal is not considered to cause harm to the amenity of this neighbour.

- 6.16 The bungalow at 3 Park Lane has an oblique relationship with the proposed garage and is 20m from its nearest point. Again, this is a principal to side relationship and the minimum separation distance is met and therefore there would be no adverse loss of privacy or overlooking.
- 6.17 Walton Hall is the host dwelling for the proposal and in the same ownership as the site. Due to the distance between the proposal and the Hall, it is not considered that there would be any harm caused by the proposal to the residential amenity of the occupiers of the Hall.

4. Conservation and Heritage

- 6.18 Walton is characterised by its linear development, with dwellings fronting the various roads through the village and being generally of single plot depth. Whilst the proposal does not wholly respect this, the amended design now has an improved relationship with the form of the village, as the house is less dominant and more in keeping with the character and scale of the surrounding properties.
- 6.19 Neighbour representation refers to the site as being part of the 'Wake-field' for the village, an area historically used for fairs and fetes. Although this is uncorroborated, historic mapping shows that the site has been undeveloped for over a century and has remained as a field, despite other land belonging to or adjacent to Walton Hall having housing development. However, the site is not identified nor has policy status as an area of Important Open Space.
- 6.20 The Council's Conservation Officer has commented on the proposal and considers the amendments to the proposal now result in the proposed dwelling complimenting the character of the area and scale of the surrounding properties and that the reduced footprint would retain the open nature of the site.
- 6.21 The nearest Listed Buildings affected by the proposal would be Walton Hall (Grade II) to the southeast and Toad Hall (also Grade II) to the west. Due to the backland nature of the site and the surrounding residential development, there is very limited intervisibility between the two buildings. The proposed dwelling would be sited a significant distance away from both Listed Buildings and would not compete with them nor adversely affect their settings.
- 6.22 Despite the 5 year housing land supply shortfall in the District, full weight is attached to development plan policies which protect historic interests (noting CS8 and CS11). It is not considered that these policies are weakened by Paragraph 49 of The Framework. This approach is supported by the 10 May 2017 Supreme Court Judgement on this subject.
- 6.23 It is therefore considered that the design of the proposal would not be harmful to the special character and setting of the Conservation Area and therefore now accords with policy CS11 of the Harborough District Core Strategy and chapter 12 of the NPPF

5. Trees & Ecology

- 6.24 LCC Ecology have been consulted on this application and have no objections to the application.
- 6.25 Approximately eight category C trees would be removed to make room for the proposal. These are immature and make little or no contribution to public or visual amenity and their loss is considered acceptable. A large and mature Ash tree (T8) grows on the southern boundary and is considered category A: It has a height of 16.5m, a single stem of 1.17m diameter, a Root Protection Area (RPA) of 619.4 m² with a radius of 14.04m. The proposed dwelling would make a minor incursion into the edge of the RPA, which could be overcome by suitably designed foundations. The crown of the Ash tree is of sufficient distance away from the proposal to be unlikely to lead to pressure for works to the tree and it is considered that the proposal would retain and protect the tree. If the proposal were otherwise acceptable, suitable conditions could be imposed to control this.

6. Highways and Public Right of Way

- 6.26 Highways have not objected to the proposal. Concerns raised by neighbours regarding construction traffic could be addressed through a suitably worded condition. The access width would appear not to meet Part B of the Building Regulations, but this cannot be used as a Planning reason for refusal and would be covered under Building Regulation legislation if the application were to be approved.
- 6.27 There are gates to the access which are set back approximately 8.5m from the boundary with the highway and therefore considered acceptable. The driveway does slope down somewhat towards the highway, but appears to meet the requirements of the Standing Advice. The access width is 4m which is wider than the minimum 3.75m required in the Standing Advice to serve a single dwelling, including a 0.5m strip either side as the access is bounded on both sides by the side elevations of adjoining properties. Junction radii are not required for single private residential accesses and in any case the driveway meets the highway at right angles, which is an acceptable alignment. Turning is provided within the site, as is sufficient parking. Visibility at the point of access appears suitable, particularly bearing in mind that the access is existing and no alterations are proposed. The access is surfaced with tarmacadam for approximately 8m back from the highway which is considered sufficient to avoid any deleterious material being deposited in the highway.
- 6.28 It would appear that the highway impact from the proposal would not be severe and that the proposal accords with Highways Standing Advice and CS5.

7. Drainage

- 6.29 The site is within Flood Zone 1, with a low probability of flooding. The application form shows that the method of foul drainage is unknown and that surface water would discharge to the main sewer. Were the proposal considered acceptable in all other respects, details of both foul and surface water drainage could be controlled via condition(s).

d) Sustainable Development

6.30 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

Provides some economic development in the building of one additional dwelling, including one dwelling towards the Council's five-year supply, currently a shortfall. The development would also generate New Homes Bonus funding for the Council to invest in facilities and infrastructure in the area. As well as the direct economic benefits related to employment generation and investment, the proposal will deliver up to one dwelling.

- Social

Provides one new dwelling, which contributes to housing need. However, there is only access to one key service in the village - a pub within walking distance.

- Environmental

Although the design of the proposal is considered broadly in keeping with the character and appearance of the surrounding area, the proposal is not considered infill development within a sustainable village; therefore, due to the reliance on private motor vehicles by future occupants the proposal would have an overall negative impact on the environment.

7. Conclusion

7.1 By virtue of its siting, the proposal is not considered to be acceptable infill development as it does not respect the predominantly linear character of the village within a sustainable village. Walton lacks a number of key services and it is therefore likely that the occupiers of the dwelling would be highly or solely reliant upon the private motor vehicle to access key services therefore having a negative environmental impact. The positive social and economic impacts are considered to be negligible. The proposal is therefore not sustainable development and is contrary to the National Planning Policy Framework; Policy HS/8 of the Harborough District Local Plan; and Policy CS17 a) of the Harborough District Adopted Core Strategy.

7.2 The proposal is therefore considered unacceptable and recommended for refusal.

Planning Committee Report

Applicant: Mr James Garner

Application Ref: 17/00763/FUL

Location: Keyham Livery, Ingarsby Road, Keyham

Proposal: Erection of a detached workers dwelling (revised scheme of 16/00665/FUL)

Application Validated: 10/05/17

Target Date: 05/07/17 (extension of time agreed)

Consultation Expiry Date: 06/07/17

Site Visit Date: 23/05/17

Case Officer: Janet Buckett

Recommendation

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

- The conditions set out in Appendix A

Having regard to the essential need previously demonstrated, the proposed dwelling would constitute an appropriate form of development, would have a siting and massing that would complement the character and visual amenity of the site's surroundings, and respond appropriately to the site's characteristics. In addition, the proposal would not adversely affect residential amenity as there are no issues of overlooking created and will not be overbearing, and there is satisfactory parking provision. The proposal would thus comply with Policies CS1, CS2, CS5, CS11 and CS17 of the Harborough District Core Strategy and SPG4, and the relevant sections of the NPPF.

1. Site & Surroundings

- 1.1 The application relates to an equestrian unit just outside of and to the north of Keyham. The overall site is approximately 16 acres (6.5ha) which extends between Ingarsby Road and Hungarton Lane. The entrance to the site is at the western side of the site off Ingarsby Road. There is a large barn with stables, residential accommodation above the barn, a menage and hardstanding for parking. A high hedge runs along the north and south boundaries of the site and there is a band of hedgerow and trees along the western boundary of the site. There are two Public Rights of Way across the land extending between Ingarsby Road and Hungarton Lane. One of these runs between the site for the dwelling house and the existing barn.
- 1.2 A dwelling house has been built at the site (see Figure 2). However, this is not in accordance with the approved application 16/00665/FUL hence the need for this application. The dwelling house is located close to the large barn on the site and to the rear a detached garage that gained separate planning consent is being built.

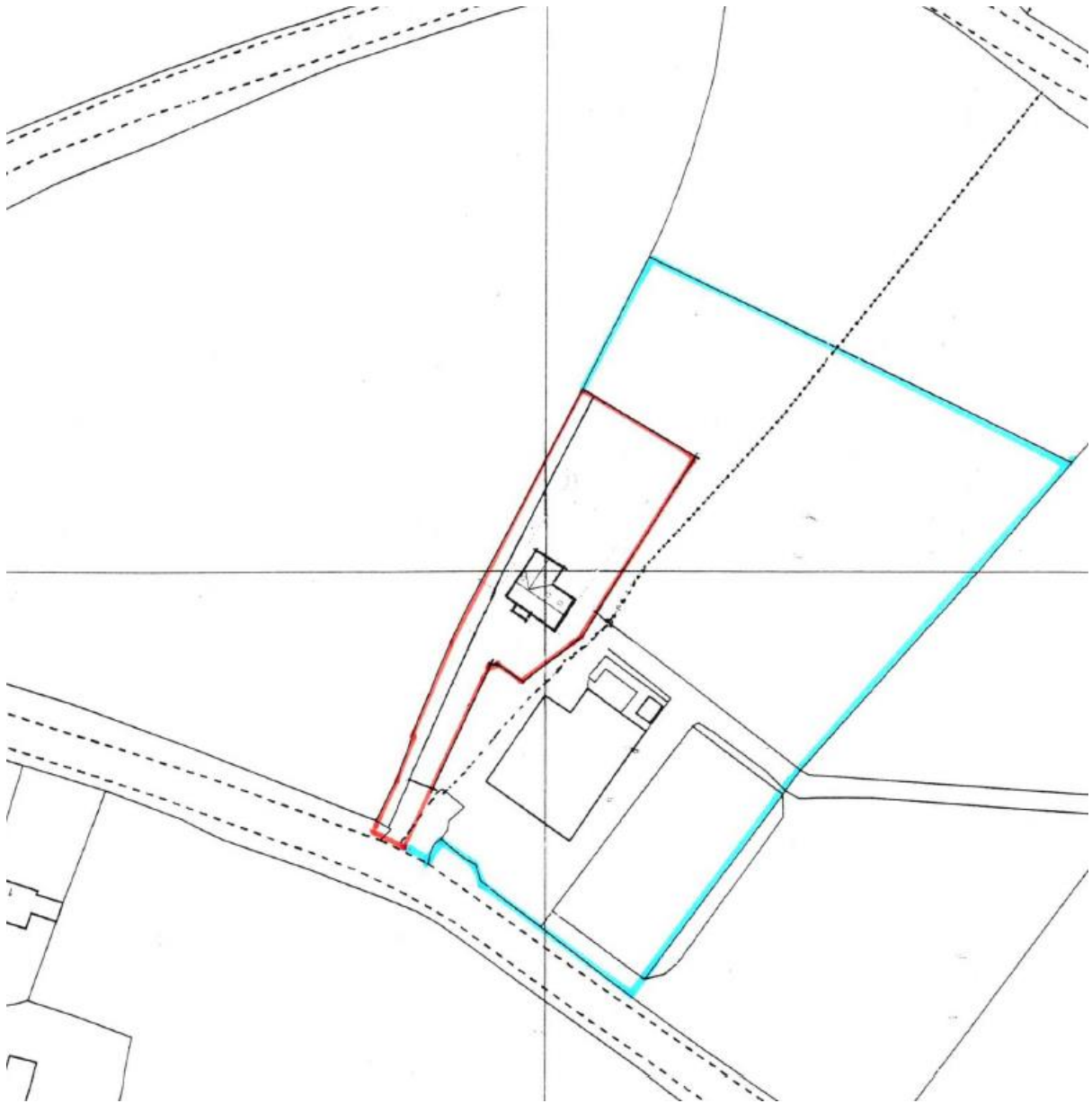


Figure 1: Site Location



Figure 2: View into the site from the access off Ingarsby Road



Figure 3: View from Hungarton Lane towards the barn, new dwelling house and approved detached garage

- 1.3 Keyham does not have designated Limits to Development. It has a Conservation Area but the application site is outside of this.

2. Site History

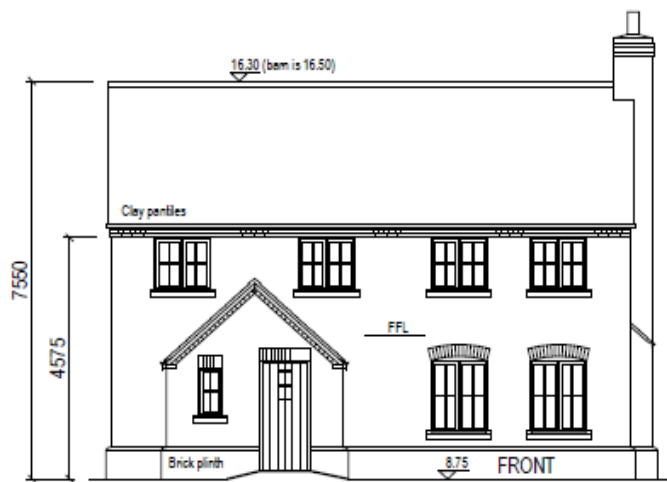
- 2.1 Prior to this application, the site has been subject to planning applications as below:

- 98/00421/FUL Conversion of existing dutch barn to stabling and associated storage – Permitted
- 04/00723/FUL Conversion of existing barn to create an additional 6 stables for use as a DIY Livery – Permitted
- 07/01393/VAC Variation of condition 4 of 98/00421/FUL to allow for a commercial DIY livery business, use of 4 stables and alterations to existing building – Permitted
- 08/01314/FUL Creation of a manege and erection of associated post and railo fencing – Permitted
- 10/01543/FUL Retrospective application for the siting of a caravan for non-residential use in connection with the livery yard – Refused
- 11/00401/FUL Siting of temporary occupational dwelling (caravan), creation of 6 full livery stables, associated tack rooms and storage (retrospective) – Refused
- 11/00871/FUL Siting of temporary occupational dwelling (within existing barn) and the creation of 6 additional full livery stables, associated tack rooms and storage (retrospective) – Permitted
- 15/00672/FUL Erection of a detached dwelling – Refused
- 15/01365/FUL Variation of condition 2 of 11/00871//FUL to allow siting of temporary occupational dwelling (within existing barn) for further two years – Permitted
- 16/00665/FUL Erection of a detached workers dwelling – Permitted
- 16/01436/PCD Discharge of conditions 3 (materials), 7 (residential curtilage and boundary treatment) and 8 (badger survey) of 16/00665/FUL
- 16/02066/FUL Erection of a detached garage – Withdrawn
- 17/00273/FUL Erection of a detached garage (revised scheme of 16/02066/FUL) – Permitted

3. The Application Submission

a) Summary of Proposals

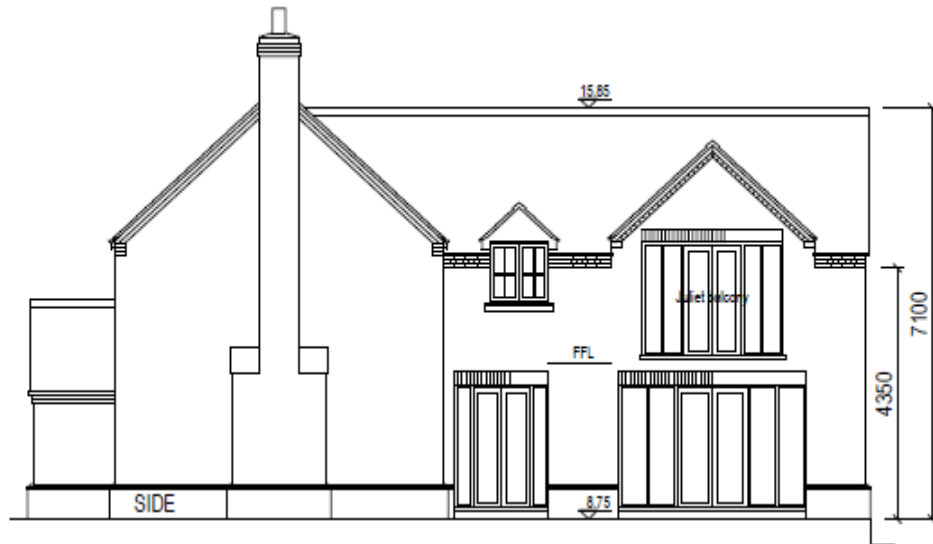
- 3.1 The proposal seeks full planning approval for the erection of a permanent dwelling to serve the needs of Keyham Livery. This will replace the current temporary accommodation provided within the barn on the site.
- 3.2 The dwelling has been built but not in accordance with the approved application (16/00665/FUL). The dwelling is accessed from the existing access off Ingarsby Road. This is split into a vehicular access next to the hedgerow on the western boundary of the site that serves the dwellinghouse, a vehicular access that serves the livery and a pedestrian gate to access the public right of way.
- 3.3 The plans have been amended during the course of this application to reduce the size of the property to closer to that which was approved previously. The dwelling house as built is 55 square metres larger than the approved dwelling. Amended plans have been submitted that reduce the size of the two storey extension at the rear and remove the first floor front extension. These elements of the building will be reconstructed.
- 3.4 The amended plans show a three-bedroom two-storey dwelling house. This is to be sited 45m back from Ingarsby Road and approximately 10m from the existing barn. The dwelling has an L-shape footprint. It has a front pitched roof porch and brick headers over the windows and doors. The proposal is 8.7m high. The previously approved dwelling was 7.55m high. The dwellinghouse is brick with grey concrete plain tiles. Figure 4 below shows the previously approved elevations and the proposed elevations. The blue dotted lines show the parts that have been built but are to be removed to reduce the size of the dwellinghouse.



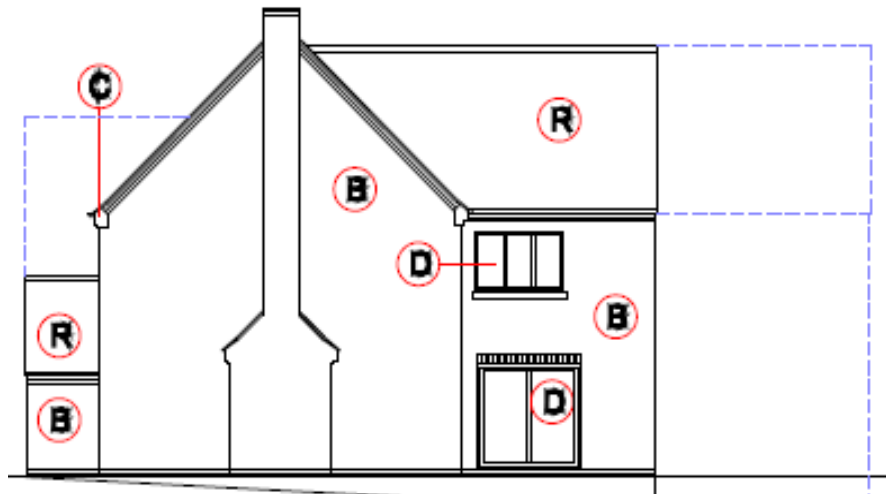
16/00665/FUL Front 1



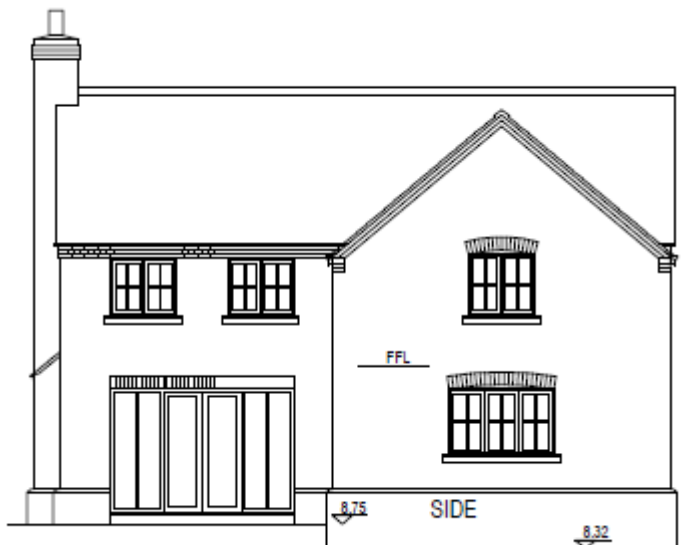
17/00763/FUL Front 1



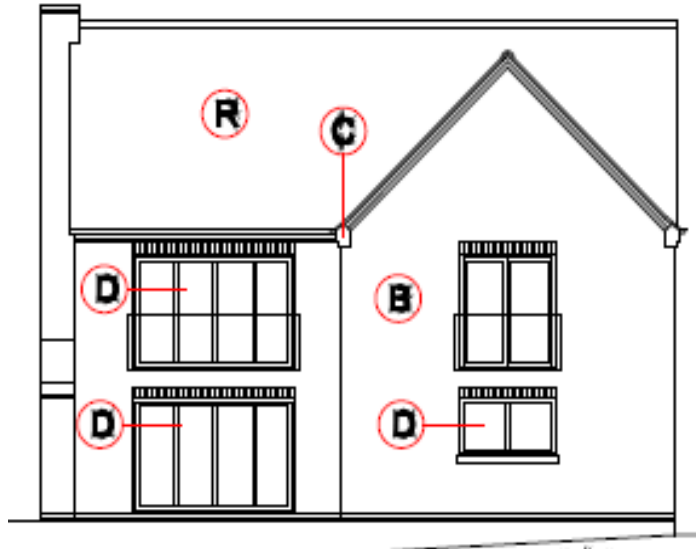
16/00665/FUL East 1



17/00763/FUL East 1



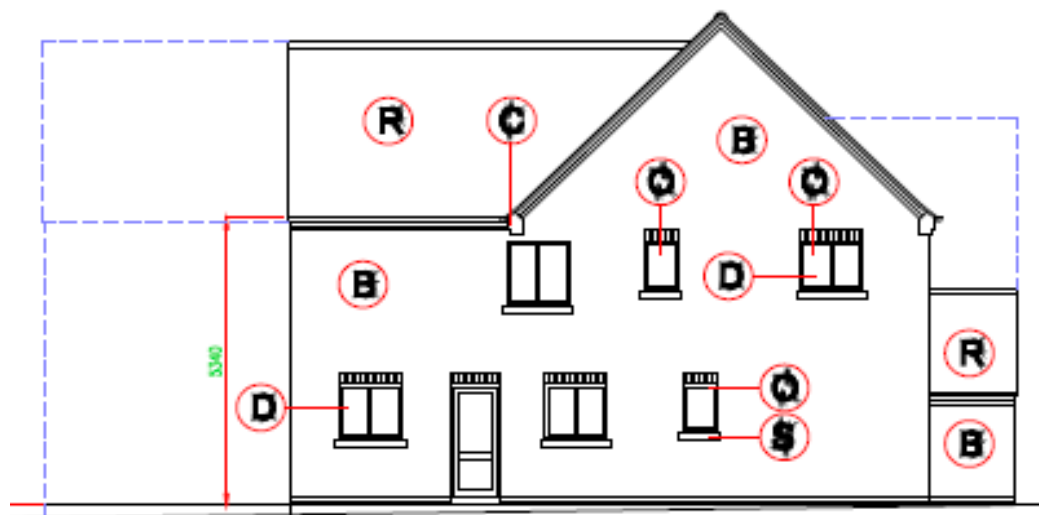
16/00665/FUL Rear 1



17/00763/FUL Rear 1

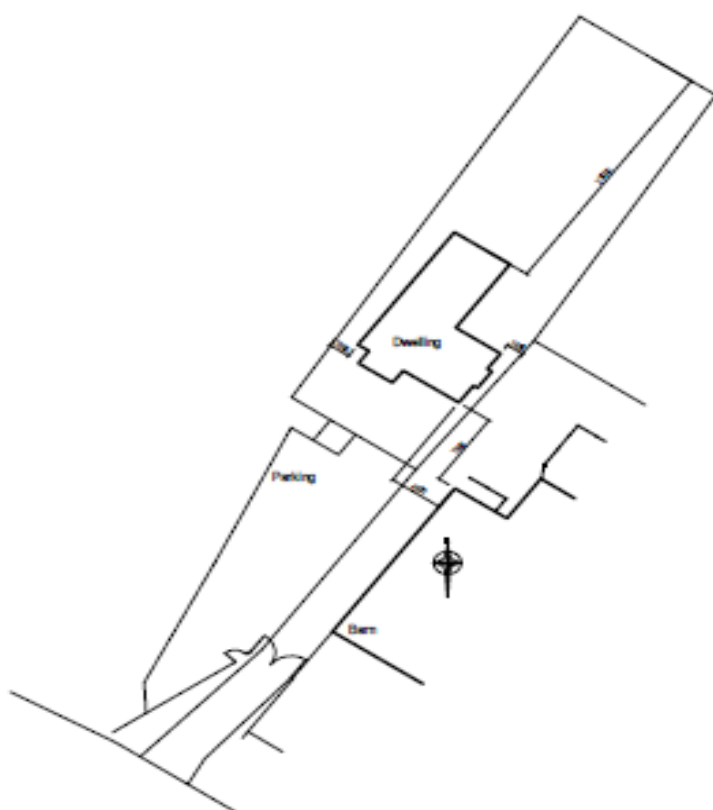


16/00665/FUL West 1



17/00763/FUL West 1

Figure 4: Previously approved elevations & proposed elevations



BLOCK PLAN 1:500

16/00665/FUL Site plan 1

ii. Supporting Statements

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

Amended Design Statement (Received 22/06/17)

c) Pre-application Engagement

- 3.7 Prior to submitting the previous planning application the proposal was subject to pre application discussions after application 15/00672/FUL was refused.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 17th May 2017, including a site notice posted on the 23rd May 2017. The consultation period expired on 13th June 2017.
- 4.2 Amended plans were submitted on the 22nd June 2017. Re-consultation has been carried out and this expired on 6th July 2017.
- 4.3 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

Keyham Parish Meeting and Conservation Committee

- 4.4 Having not OBJECTED to the original application 16/00665/FUL in May last year, Keyham Parish Meeting and Conservation Committee feels that it has been deceived by the applicant and badly supported by Harborough Planners and now strongly OBJECTS to this proposal.
- 4.5 The original proposal was supported by information relating to the livery that gave the impression of a viable business in operation; we supported the application on this basis. We became aware that the house was not being constructed in line with the planning application and alerted Harborough Planners to this fact in January 2017. Subsequent E mails have been sent highlighting the issue but no action was taken until recently- the submission of a revised planning application.
- 4.6 As far as we can tell no horses are currently at this site and have not been for several months; rumours abound about the future sale of both the house and business. We feel that we (and HDC) have been duped and, should this application be granted, it would establish a dangerous precedent for other non-permitted development in our area.
- 4.7 The original building plan was for a relatively modest house to support the business. What has been built is a much larger property which is visible on the skyline from a long distance, far in excess of what can be justified in support of a small rural business.

- 4.8 We ask that HDC now reapply the building regulations functional and financial tests required for applications of this nature. Our initial examination suggests that the application may fall short in several ways.
- 4.9 We ask that HDC takes on board our position contained herein and brings forward our COMMENTS from last year. In addition we ask that this matter goes before the Planning Committee and stringent enforcement action is taken.
- 4.10 16/00665/FUL KCC has a number of COMMENTS to make: Over the past few decades many of the farms in and around Keyham have ceased to trade and associated land has been broken up and sold off in small lots. These lots have been further subdivided such that much of the village is now surrounded by plots of land of just a few acres in size. Many of these plots have been purchased and used for agricultural and recreational purposes. Some however, it could be argued, have been purchased with the longer term objective of building residences and associated outbuildings in the countryside.
- 4.11 The village of Keyham is a Conservation Area surrounded by attractive countryside. The Keyham Parish Meeting (through the auspices of the Keyham Conservation Committee) and the majority of Keyham residents are committed to preserving what is a quintessential English Country Village set in typically English countryside. Our general objective is, therefore, to oppose development in the countryside around the village. We look to HDC to support us in this objective and believe that HDC has a duty to protect our local amenity and to protect us from unattractive, unsuitable and unauthorised development in and around Keyham.
- 4.12 We ask therefore, that HDC consider this application rigorously to ensure that:-
The information supplied regarding the livery business and the finances of the applicant are accurate and they are fed in the appropriate "justification" formula to arrive at a decision. Should the application be successful: The development, given its close proximity to a Conservation Area, be constructed using materials similar to those used generally in Keyham (i.e. brick & slate). Landscaping and screening must be sympathetic and consistent with a rural location.
- 4.13 Should the application be successful: As with similar applications of this type, HDC is asked to place a covenant on this development such that it cannot be let or sold as a separate entity and that it is tied to the land and the business in perpetuity. Should the application be successful: The existing residence within the barn be removed. Should the application be successful: The route of the Public Footpath through the site be preserved, and the path and stiles be maintained to a high standard.

LCC Highways

- 4.14 The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Note: Access is a PROW footpath D30.
- 4.15 Further to amended plans – Refers the Local Planning Authority to current standing advice.

LCC Rights of Way

- 4.16 In my last email to you I pointed out that the proposed new hawthorn hedge would obstruct the public footpath. I've taken this detail from plan no 17_00763_FUL-AMENDED_DESIGN_STATEMENT-724663. Please note the close boarded fence would probably also obstruct the footpath. Please find my previous comments attached [below]. I have a statutory duty to assert and protect the public's right to the

use and enjoyment of the public footpath. There has been a consistent, flagrant and repeated disregard of the Definitive Legal line of the footpath throughout this case other than the original application which got the alignment right. I am therefore obliged to object to the proposal.

Previous comments -

17/00273/FUL – (Revised Application) Erection of a detached garage, Keyham Livery, Ingarsby Road, Keyham, Leicestershire

Thank you for your further consultation letter dated 28th February 2017. In my last email to you I pointed out that the proposed new garage would sit on top of the footpath. In addition to the garage the proposed new hawthorn hedge would also obstruct the footpath. While the garage has been re-positioned in the amended plans, unfortunately the hedge has not. ((See attached Definitive Map Overlay). Please note the close boarded fence would probably also obstruct the footpath. I have a statutory duty to assert and protect the public's right to the use and enjoyment of the public footpath. I am therefore obliged to object to the proposal.

b) Local Community

- 4.17 3 letters of objection from 3 different households raising the following points,
- The original application was for a "detached worker's dwelling" and the applicant's Planning Statement stated "The new dwelling is a modest 2 storey property with 3 bedrooms and will be occupied by the applicants". What has actually been built is a very substantial three storey house with no fewer than four bathrooms (yet only three bedrooms apparently) and a very suspicious large storeroom (to be used for what?) and office on the third storey. Could they actually be bedrooms four and five?
 - It is noted that Sanlam Agricultural pointed out when the original application was submitted that the livery business, upon which the justification for a house was completely reliant, was not viable. This has proved to be the case and the livery business shut down several months ago. In conclusion, the need for a worker's dwelling no longer exists, it has been built in the wrong location and is not to the approved design. Consequently, the house should be demolished and the land restored to pasture without further delay.
 - Since permission was granted there has been no horses on the site since day one, hence no business is being run there. Fact. The permission was given on this basis, and as the footprint of the building has been altered without permission and the business no longer exists, I fail to understand why HDC is considering the property as valid, as it has been built clearly for domestic use, in an area of natural beauty and conversation, and not in keeping with the area.
 - This house which is already built across a public footpath, is very large for a workers dwelling. My understanding is that this is a retrospective application. Do Harborough adhere to their own planning or can anyone build anywhere, whatever they want and then just apply for retrospective permission. It appears so and it makes a nonsense of any rules. The Livery for which this application is made is no longer trading.
- 4.18 1 letter of objection further to amended plans raising the following points,
- Reducing the size of the house seems to be the wrong approach. It should be demolished.
 - There is no reason to have a house there now as there is no business onsite.
 - As for omitting the accommodation in the "roofspace" - the house has already been built with a third storey and windows into it. How on earth would this be policed?

- 4.19 1 letter of support stating the following,
- I have kept my two horses at Keyham Livery Yard, since it very first opened. I'm writing thus comment, to tell the council that as soon as the building work is finished at Keyham Livery, both of my horses shall be returning to the yard. As far as I am aware, the owners have no intention of shutting the yard down, or selling the dwelling.

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 any limits to development, and is located in the countryside.
- *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 the countryside and in settlements not identified as selected rural villages will be strictly controlled. It states that only development required for the purposes of agriculture, woodland management, sport and recreation, local food initiatives, support visits to the District and renewable energy production will be appropriate in the countryside. 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.

b) Material Planning Considerations

- *Supplementary Planning Guidance*
- 5.5 The Supplementary Planning Guidance Note that is relevant to this application is Note 4 Residential Development in the Countryside.
- *The Framework*
- 5.6 Applications for agricultural and other rural workers dwellings including equestrian dwellings are currently assessed at paragraph 55 which says:
“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.”
- *PPS7 Annex A*
- 5.7 PPS7 was superseded by The Framework and with it Annex A. However, most Local Planning Authorities, and Planning Inspectors, still have regard to the guidance given in Annex A to PPS7, as although superseded by the Framework, it is still considered to be a relevant and useful guide in assessing agricultural/equestrian workers dwellings, in the absence of any guidance within The Framework.

- 5.8 Paragraph 3 of Annex A to PPS7 sets out five criteria which must be satisfied to justify a permanent dwelling on an equestrian or agricultural holding these are:-
- o “There is a clearly established existing functional need (see paragraph 4 below);”
 - o “The need relates to a full-time worker, or one who is primarily employed in agriculture/equestrian and does not relate to a part-time requirement;”
 - o “The unit and the agricultural/equestrian activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so (see paragraph 8 below);”
 - o “The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;”
 - o “Other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.”

c) Other Relevant Information

- o *Reason for Committee Decision*

- 5.9 This application is to be determined by Planning Committee as 3 letters of objection, 1 letter of support and an objection from the Parish Meeting and Conservation Committee have been received.

6. Assessment

a) Principle of Development

- 6.1 The proposed dwelling is located in the countryside. Although it is within walking distance of Keyham, Keyham is not a Selected Rural Village. Policy CS17 states that development in a location such as this will be strictly controlled.
- 6.2 Para 55 of the Framework states that, “[LPAs] 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”. In addition, the Framework is only supportive of *sustainable* development, which in this context means that the enterprise is required to be financially viable (i.e. sustainable), and able to sustain the cost of the proposed new dwelling in the long term. It is considered that, in the absence of further guidance in the Framework, LPAs should continue to use Annex A to PPS7 as a basis for assessing the need for agricultural dwellings. For this application, the proposed dwelling would be tied in occupancy to a worker of an equestrian business or agriculture.
- 6.3 The principle of the dwelling house was accepted in 2016. The essential/functional need for the dwelling was met due to the approval of a temporary dwelling at the site in 2011 and 2015. In addition to this the equestrian use had been established for at least 3 years, been profitable for at least one of them, was currently financially sound and had a clear prospect of remaining so. Both Reading Agricultural Consultants Ltd, acting on behalf of the applicant, and Sanham Agricultural Consultants, acting on behalf of the Local Planning Authority, accepted that there was an essential need for the dwelling house.

- 6.4 At the time of the previous application the agent representing the applicant stated that the proposal was economically viable and the agent representing the Local Planning Authority stated that it was not. The Local Planning Authority had allowed the time scale for the temporary accommodation on the site to be extended once but this could not continue indefinitely and therefore it needed to be assessed whether the application for a permanent dwelling should be refused and the temporary accommodation on the site removed.
- 6.5 Based on the information submitted by the applicant they demonstrated that a permanent dwelling could be sustained. It could not be said that beyond reasonable doubt that this information submitted was incorrect, and therefore it was not considered reasonable to refuse the permission and stipulate the temporary accommodation had to be removed, when the essential need for the accommodation had been accepted and when the business has been operational since 2007 and was showing profitability.
- 6.6 The dwelling house that has been built is 55 square metres larger than the approved dwelling house. The application has not been backed up by an appraisal showing that this additional size is justified. The applicant has therefore amended the plans to reduce the size of the dwelling house by reconstructing parts of it and removing the accommodation in the roof space so that the floor area is not larger than the dwelling house that has been approved.
- 6.7 The additional size was not justified in the countryside. However, the removal of parts of the dwelling to bring the floor area down now brings the dwelling house back to being very similar in size to the approved dwelling house. The design is slightly different and the property is higher. It will be assessed below whether this significantly harms the character of the countryside. However, in principle, as the dwelling house is to be reconstructed to accord with the previously approved floor area, it is considered to be acceptable as is now approximately the same floor area as the extant planning permission on the site.

b) Housing Requirement and Housing Land Supply

- 6.8 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
- 6.9 The house is situated next to the western boundary of the site near to the existing access and barn on the site. The ridge height is 8.7m high. The previously approved dwelling was 7.55m. The front elevation is 11.46m and previously was 10.565m. The east side elevation is 7.45m deep and previously was 6.29m. The west side elevation that contains the two storey rear extension was 14.39m and is now proposed to be 11.42m.
- 6.10 A single storey front porch was approved but a two storey front extension was built. The first floor is to be removed so this returns the dwelling to having a single storey porch which is less dominant than the two storey front extension.
- 6.11 Though the built dwelling is 1.2m higher than previously approved it is not considered that this would result in the dwelling having an adverse impact on the character of the surrounding countryside. The dwelling will be seen in context with the surrounding livery business and is adjacent to a high hedgerow. It is considered that removing the

first floor of the front extension will reduce the property's dominance and reducing the size of the two storey extension will reduce its impact on the surrounding countryside especially when viewed from the public right of way to the rear.

- 6.12 It is considered that once reconstructed the impact of the dwellinghouse will be reduced which will outweigh the harm caused by it being higher. The amended plans are of such a scale, design, siting and massing so as to comply with Policies CS11 and CS17 c) of the Harborough District Local Plan.

2. Amenity

- 6.13 The proposal is not located next to any residential properties and therefore will not have an impact on residential amenity. The proposal therefore accords with Core Strategy Policy CS11 in this regard.

3. Highways

- 6.15 The dwellinghouse has a parking area to the front of the property and a garage to the rear. The livery business has a separate access. Due to the existing temporary residential use on site the proposal would not create a need for further intensification of traffic movements to and from the site.

4. Ecology

- 6.16 A badger survey was submitted as part of application 16/01436/PCD. This found no evidence of badgers and stated that no further surveys were required. As the majority of the work is complete, and due to this survey from 2016, it is considered that requesting a further badger survey is not necessary but there will be a note to keep a watching brief for badgers.

5. Rights of Way

- 6.17 The right of way is currently due to be obstructed by the proposed landscaping. Therefore a note to applicant will advise that an application will need to be made to divert the public right of way.

d) Sustainable Development

- 6.18 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
Provides economic development in the building of 1 additional dwelling. As well as the direct economic benefits related to employment generation and investment, the proposal will deliver up to 1 dwelling.
 - Social
Provides 1 new dwelling, which contributes to housing need, and has regard to the essential agricultural need that was previously demonstrated.
 - Environmental
The proposal is in keeping with the character and appearance of the surrounding area and is well sited. It is not considered that it would have a harmful impact on the surrounding countryside.

7. The Planning Balance / Conclusion

- 7.1 Having regard to the essential need previously demonstrated, the dwellinghouse, once reconstructed to be in accordance with the amended plans, would constitute an

appropriate form of development, would have a siting and massing that would complement the character and visual amenity of the site's surroundings, and relates well to the existing buildings on site. The additional height and width would not have a significant impact on the surrounding countryside and the dominant two storey front and rear extensions are to be reduced in size. In addition, the proposal would not adversely affect residential amenity, would not affect highway safety and there is satisfactory parking provision. The proposal would thus comply with Policies CS1, CS2, CS11 and CS17 of the Harborough District Core Strategy, SPG Note 4 and the relevant sections of the NPPF.

- 7.2 A temporary dwelling has been approved on site and given an extension of time to remain on site due to the accepted essential need for a dwelling to be on site. The business has been operating since 2007 and information was previously submitted to show the business has been profitable since 2013. It was therefore not considered reasonable to refuse a proposed permanent dwelling that is to replace the approved temporary residence when the business is shown to be viable. The principle of the dwellinghouse has therefore already been accepted and now the built dwelling is to be reduced in size it is considered that this principle is still complied with. The proposal is considered on balance to comply with Policy CS17 of the Harborough District Local Plan and paragraph 55 of the NPPF.

APPENDIX A – Planning Conditions

8. Planning Conditions

8.1

Planning Permission Commencement

- 1) The reconstruction of the dwelling house hereby permitted shall be carried out within 6 months from the date of this permission. REASON: To ensure that the approved plans are constructed and for the avoidance of doubt.

Permitted Plans

- 2) The development hereby permitted shall be in accordance with the following approved plans Site Location Plan 1:1250 (Received 22/06/17), Site Plan Re-submission AL(0)11 828 Rev. A, Plans, Elevs & Section Re-submission AL(0)12 828 Rev. A and the Amended Design Statement (Received 22/06/17). REASON: For the avoidance of doubt.

Agricultural Occupancy

- 3) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the training/keeping/breeding of horses, in agriculture or in forestry in the locality, or a widow or widower or civil partner of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture, an equine enterprise or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated and to accord with Harborough District Core Strategy Policy CS17.

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 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

- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roof slope of the development hereby permitted. **REASON:** In the interests of residential amenity and privacy and to accord with Harborough District Core Strategy Policy CS11.

Parking provision

- 6) Two parking spaces shall be provided before the development is brought into use and shall be retained thereafter for this purpose on a permanent basis. **REASON:** To ensure that adequate parking facilities are provided and maintained to accord with Harborough District Core Strategy Policy CS11

Residential curtilage and landscaping

- 7) The residential curtilage shall be as shown on plan AL(0)11 828 Rev. A. This shall be retained as such in perpetuity. **REASON:** It is essential that the Local Planning Authority has the opportunity to control the curtilage of the development in the interests of preventing encroachment into the open countryside 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) A watching brief for badgers 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.
- 3) The proposed landscaping obstructs a Public Right of Way. Therefore an application will need to be made to divert this Right of Way.

Planning Committee Report

Applicant: Harborough Town Community Trust

Application Ref: 17/00782/FUL

Location: Harborough Town Football Club, Northampton Road, Market Harborough

Proposal: Installation of artificial grass football pitch (106m x 70m); erection of ball stop fencing; erection of pitch perimeter barrier; installation of hard standing for pedestrian use; erection of maintenance/sports equipment store; resurfacing of an existing car park; creation of additional car parking area

Application Validated: 12/05/2017

Target Date: 07/07/2017

Consultation Expiry Date: 04/07/2017

Site Visit Date: 13/06/2017

Case Officer: Mark Patterson

Recommendation

Planning Permission is **APPROVED**, for the reason set out below and subject to the conditions suggested at **Section 8** of this report:

The proposals will not adversely affect the character and appearance of the area or, the amenities of occupiers of neighbouring properties, or the safe and efficient use of the local highway network. The proposal therefore satisfactorily complies with Sections 8 and 11 of the NPPF, and Policy CS11 of the Harborough Core Strategy.

1. Site & Surroundings

- 1.1 The application site is located within the grounds of Harborough Town Football Club situated on the Southern outskirts of the town of Market Harborough. The application site currently comprises a grassed football pitch with floodlights. The pitch is bound by a 1.8m high timber fencing, with the exception of the Northern boundary which joins an adjacent club house. A 2.0-2.5m high hedgerow is planted along the Eastern boundary of the pitch behind the timber fence to provide screening to the adjacent rugby club. No other trees or significant vegetation are contained within the football ground (see **Figure 1**).



Figure 1: Aerial Site Plan

- 1.2 Further sports pitches lie to the North, West, South and East; and both the application site and surrounding land are relatively flat. Additionally, the Leisure Centre (190m), Guides Hall (100m), BumbleBees Day Nursery (130m) and Air Cadet unit (125m) are situated to the north east of the site. The closest residential properties are located approximately 180m to the south (a farm house and two cottages outside of the District), 310m to the north (Tungston Way) 330m to the north east (Monks Close) and 360m to the west (Rainsborough Gardens) (see **Figure 2**).



Figure 2: Contextual Aerial Site Plan

2. Site History

- 2.1 The relevant planning history of the is set out below:
- 86/01657/3D - Change of use of land from agriculture to recreation
 - 90/00490/3P - Erection single storey changing room and social room – Approved – 12/04/1990
 - 03/00599/FUL - Erection of floodlights for football pitch – Approved – 23/07/2003
 - 07/01835/FUL – Extension and alteration to the club house, construction of an all weather training facility (site opposite) and the relocation of the existing floodlights – Approved – 25/02/2008
 - 08/01017/FUL – Erection of timber tea cabin – Approved – 23/10/2008
 - 09/01143/VAC – Variation of Condition 10 of 07/01835/FUL – Approved – 02/12/2009
 - 10/01275/FUL - Siting of temporary mobile cinema for two years, and associated hardstanding – Approved – 08/12/2010

- 12/00216/PCD - Discharge of Condition 6 (details of tiered seating and standing grandstands) of 07/01835/FUL – Approved – 01/03/2012
 - 15/01818/VAC – Removal of Condition 11 (opening times) of 07/01835/FUL – Approved – 04/02/2016
- 2.2 The 2009 variation of condition approval 09/01143/VAC related to condition 10 of 07/01835/FUL and allowed the extension of the hours of use of the all weather pitch (and its floodlighting) to 11pm (previously 10pm) and the clubhouse until midnight Sundays to Thursdays and 1am on Fridays and Saturdays (previously 11pm all week). This was a temporary consent for 1 year which lapsed on the 2nd December 2010.
- 2.3 The 2015 variation of condition approval (15/01818/VAC) removed condition 11 of 07/01835/FUL which controlled hours of use was removed completely for the training pitch and imposed a condition extending the closing time of the Clubhouse to until midnight Sundays to Thursdays and 1am on Fridays and Saturdays (previously 11pm all week). This again is a temporary permission for 2years which expires in February 2018.
- 2.4 The 2010 cinema consent (10/01275/FUL) proposed the siting of a mobile cinema on the area of land on which the extended car park element of the current application is proposed. The Cinema consent included areas of hardstanding. Whilst the cinema consent was only temporary for 2 years (ceasing in December 2012) and therefore cannot be considered as a fall back position in the consideration of this application, the fact that it was considered acceptable in terms of visual amenity should be given some weight in the consideration of the current application.

3. The Application Submission

a) Summary of Proposals

- 3.1 The application proposes a range of alterations and improvements to the current facility. The main element is the replacement of the existing playing surface with a 3G Artificial Grass pitch (AGP) (see **Figures 3 and 4**). The application also proposes the erection of new ball stop fencing (see **Figure 3 and 5**) around the boundary of the football ground which would be 4.5m high (as per the existing adjacent training pitch), a 1.2m high perimeter boundary (see **Figure 3 and 5**) around the pitch itself (as per the existing adjacent training pitch), the installation of new hardstanding areas around the pitch (as per the existing adjacent training pitch), the installation of a new maintenance and sports equipment store (see **Figure 5**) within the newly secured area of the football ground, improvements to the existing on site car park and the creation of additional car parking (see **Figures 3 and 4**).
- 3.2 The provision of a new AGP will provide increased usage in comparison to the existing grassed football pitch, for benefit of Harborough Town Football Club and its partner organisations and community groups including local junior and youth football teams to gain the maximum football developmental outcomes; both during the day and during evenings and at weekends via pre-arranged and structured community access. The new AGP will offer a variety of football pitches and training areas within the same enclosed playing space to support development plans into grassroots football.

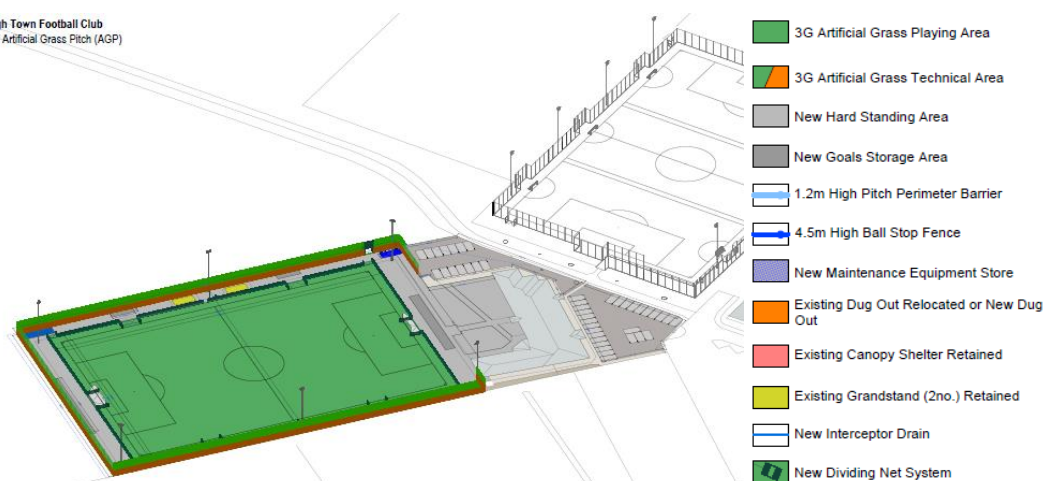


Figure 3: Axonometric view of proposals



Figure 4: Plan of proposals

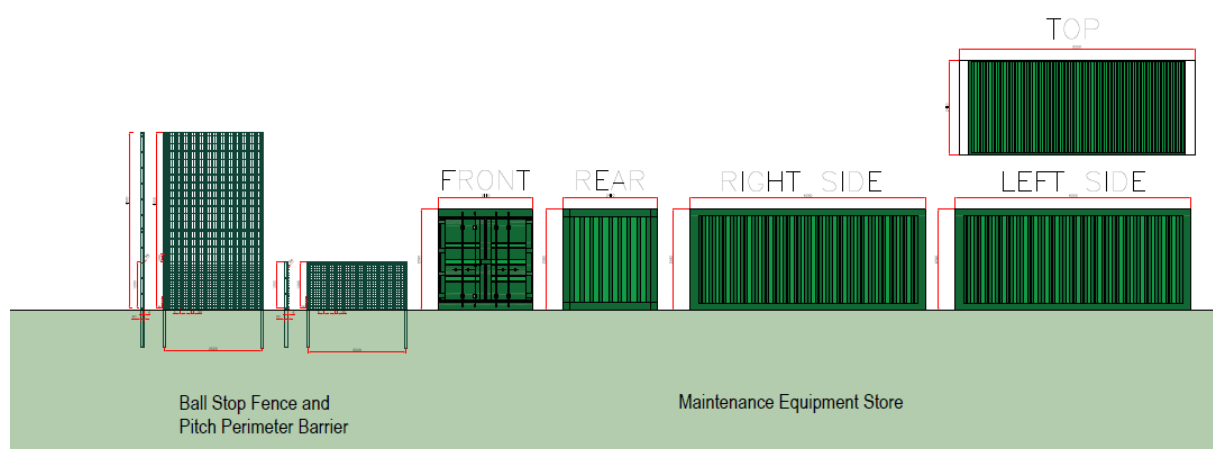


Figure 5: Elevations of Equipment Store, Ball-stop fence and Pitch Perimeter Fence

b) Documents submitted
i. Plans

3.3 The application has been accompanied by the following plans:

- SSL-1963 01-01 Site Location Plan
- SSL-1963 02-01 Block Plan of Site
- SSL-1963 03-04 Proposed Site Plan
- SSL-1963 04-04 Proposed AGP Plan
- SSL-1963 05-00 Proposed Elevations
- SSL-1963 06-04 Isometric View
- SSL-1963 07-00 Existing Football Ground Layout
- SSL-1963 08-01 Car Park Improvements
- SSL A Proposed Materials and Appearance
- SSL B Photographs of Application Site

c) Pre-application Engagement

3.4 No pre-application advice was sought prior to the submission 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 18th May 2017 (expired 8th June) and also included a site notice put up on the 13th June 2017 (expired 4th July).

a) Statutory & Non-Statutory Consultees
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4.2 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.

4.3 *LCC Highways*
The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.

4.4 *Market Harborough Civic Society*
No Comments

4.5 *HDC Community Partnerships Team*
As this is application refers to the installation of an artificial football pitch I would not be required to request a community facility contribution.

b) Local Community

4.29 1 letter of representation from a neighbouring property (103 Rainsborough Gardens) have been received stating the following:

- I have no objection to the proposal provided the artificial pitch area or car park is not used to host an event with either live or pre-recorded music or an event that uses/requires a commentary over a public address system.

5. Planning Policy Considerations
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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

Harborough District Core Strategy (Adopted November 2011)

- 5.3 Relevant policies to this application is CS11. This is detailed in the policy section at the start of the agenda.

b) Material Planning Considerations

The Framework

- 5.5 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, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 5.6 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.
- 5.7 Sections 8 (Promoting Healthy Communities) and 11 (Conserving and Enhancing the Natural Environment) of The Framework are the most relevant parts in relation to this application.
- 5.8 Section 8, Para 73 states:
“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.”
- Section 8, Para 74 states:
“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

c) Other Relevant Information

5.9 Reason for Committee Decision

The application is to be determined by Planning Committee in the interests of transparency related to the fact that HDC have an interest in the land.

6. Assessment

a) Principle of Development

- 6.1 The application proposes development on an existing sports facility and the loss of an element of playing field. The planning system encourages and promotes the retention of existing and the provision of additional, outdoor sports facilities, both public and private. This is reaffirmed by the National Planning Policy Framework as existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless it can be demonstrated the building or land is surplus to requirements, the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity or quality in a suitable location or if an alternative development could benefit the community and outweigh the loss of an open space as it is felt access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
- 6.2 Whilst it is acknowledged the proposed development would result in the loss of a playing pitch, it must be noted that the scheme would provide a purpose built multi-functional facility that would facilitate greater level of use throughout the day and year. In addition when assessing the proposal, consideration must be given to the importance of the standard of design and compatibility of a scheme to harmonise with the general character of the area in which they are set, the impact upon the private amenity of the neighbouring occupiers and highway safety, amongst other material considerations.
- 6.3 The proposed development will implement better provision in terms of quality and quantity and in a suitable location to benefit the community and provide access and opportunities for sport and recreation, making an important contribution to the health and well-being of communities. The proposal will be sited close to existing onsite facilities; providing convenient access to and from welfare facilities for club footballers and partners and community visitors alike.
- 6.4 This location will also afford convenient pedestrian and maintenance access as well as providing for suitable management, supervision and security by Harborough Town Football Club's management and administration teams. The close proximity of existing facilities described above will help to create a vibrant and successful place and a safe and accessible environment. This proposal satisfies the above planning objectives and is beneficial to the advancement of sports activity and development. As such, it is considered that the principle of the proposal is considered to be acceptable.
- 6.5 The acceptability of the proposal as a whole therefore must be determined having regard to other material considerations, principally the visual impact of the proposal, its impact on nearby neighbours and the impact of the proposal on highway safety.

b) Technical Considerations

1. Design, and Impact on Visual Amenity

- 6.7 The new AGP will be surfaced with 3G artificial grass coloured grass green. The visual appearance will be similar to existing fine sports turf (see **Figure 6**) and in keeping with the football ground and a playing field environment. This is similar in appearance to the adjacent “training pitch”.



FIGURE 6: Representative image of AGP surfaces

- 6.8 The proposals incorporate ball stop fencing around the boundaries of the site (see **Figures 7 and 8**), which the applicants have stated is necessary around the AGP to ensure the adequate long term protection of the facility for a variety of vital reasons as follows:

- To contain balls within the pitch during training, competition and recreational activities
- To protect the playing surface from contamination that will severely compromise the longevity of the artificial grass playing surfaces
- To help prevent unauthorised use and vandalism

The height of ball stop fencing is intended to provide protection and to prevent any ball escaping the playing areas. The proposed height of 4.5m is similar to that of the ball stop fencing around the adjacent “training pitch”.



Figure 7: Representative image of Ball stop fencing



Figure 8: Representative image of Ball stop fencing

- 6.9 In terms of the visual impact of high level fencing, elevations will consist of a cord netting and weld mesh design comprising see-through mesh, coloured black and dark green. This type is commonly installed around artificial sports pitches and is visually permeable, reducing the visual impact of the fencing. Whilst the proposed fencing would introduce a new feature in this particular area of the playing fields, there are other examples in close proximity, for instance, surrounding the adjacent “training pitch” (see **Figures 9 and 10**) and also separating the adjacent Rugby club car park from the public car park (see **Figure 11**). As such, it is not considered that the type of ball stop fencing proposed would give rise to unacceptable visual impacts to warrant refusal of the application.



Figure 9: View of existing “Training Pitch” fencing with site in background



Figure 10: View of existing “Training Pitch” fence to left with site to the right



FIGURE 11: View of site (indicated by floodlights behind clubhouse, centre-right of picture) and existing) and “Training Pitch” fencing beyond Guides hall (to left of picture)

- 6.10 The proposed new car parking facility to the west of the clubhouse would result in the hard surfacing of an existing area of soft landscaping. This area is currently under-utilised as playing field, and is often used for the parking of vehicles when an event is being hosted at the Football Club as can be seen by the wear and tear to the grass evident in **Figure 12**. The sensitive treatment of this area with the inclusion of suitable soft landscaping would result in a form of development which would not demonstrably detract from the open nature of the area. A condition requiring the submission of soft landscaping details is recommended.



Figure 12: Existing view of proposed car park site

- 6.11 The proposed Maintenance Equipment store is essentially a steel shipping container (see **Figures 5 and 14**). The site already features a similar facility outside of the current pitch enclosure on the area which is proposed to be laid out as car park (see **Figure 13**) It is proposed that the store will be located within the proposed Ball stop fence which will reduce its visual impact. Subject to the store being finished in green as per **Figures 5 and 14**, it is considered that the Store in this location would be acceptable and would be an improvement over the current position.



Figure 13: Existing view of proposed car park site



Figure 14: Representative image of Equipment Store

- 6.12 On the basis of the above and subject to the imposition of suitable conditions, it is considered that the proposal is in accordance with Policy CS11 of the Harborough District Core Strategy in relation to its design, and its impact upon the visual amenity of the area.

2. Impact on Residential Amenity

- 6.13 The closest residential properties are located to the south of the application site (as set out above). They are outside of the District Council administrative area and are situated with Daventry District. As can be seen in **Figure 15** (property highlighted in red) there is substantial boundary screening between the properties and the playing fields. The new fencing may be visible from the area around the properties, however, it will be seen through the boundary hedge and against the backdrop of the existing fencing around the training pitch. As can be seen in **Figures 9 and 10** this is visually permeable and given its distance from the properties it is not considered that it will have any impact upon the resident of these or any other adjacent property as set out above.



FIGURE 15: View of closest property from site

- 6.14 The replacement of the pitch will enable the extended use of the facility over and above its current levels. The applicants have stated that the AGP will be capable of supporting a number of formal pitch arrangements (see **Figure 16**).

Age grouping	Type	Pitch size	Quantity
Over 18 and Adult Football	11v11	100 x 64m	1
Youth U11 / U12*	9v9	63.8 x 45.9m	2
Mini Soccer U9 / U10**	7v7	55 x 37m	2
Mini Soccer U7 / U8* **	5v5	37 x 27m	4
Training Areas**	Various	48 x 30m	4
*Smaller than recommended size, but acceptable for match play use			
**the variety of over markings will be agreed in due course, to be considered against the football development plan			

Figure 16: Table of pitch arrangements

- 6.15 It is acknowledged that the application proposal would result in extended times of use of the external sports facility; particularly during winter months; which is resultant from an intensification of use made possible by the enhanced durability of 3G artificial grass playing surface in comparison to natural turf and especially during winter weather conditions and the illumination at night via an existing artificial (flood) light system. The inclusion of neoprene washers (inserts) fitted to ball stop fence post / panel fixings to reduce panel rattle and vibration from ball impacting on perimeter ball stop fencing, will reduce noise emission created from use of the AGP. This can be secured by condition. Also, unlike a small ball-court, playing lines shall be permanently marked 3m minimum away from the pitch perimeter to mitigate balls impacting onto the fenced enclosure.

- 6.16 It is anticipated that the AGP could be used for up to 85hrs a week by a combination of Harborough Town Football Club purposes as well as use by the Football Club's partner organisations and community groups. This extended use (and consequent extended use of the floodlights) has the potential to impact upon the residential properties as set out above. The 2003 consent for the floodlights was unrestricted in terms of the hours of use, however, given that extended use of the grass pitch would have led to a deteriorated playing surface, it is understandable that no restrictions were imposed at the time. Given that the new AGP could result in the pitch being used 24/7 7days a week without any deterioration of the playing surface, it is considered reasonable to impose a condition restricting the use of the pitch to mirror the hours of use of the floodlights on the adjacent training pitch (originally 8am – 10pm, although currently temporarily extended to 11pm as discussed above). The applicants have suggested that the use of the AGP should be allowed until 22:00hrs Monday to Friday and until 20:00hrs on Saturdays and Sundays which is considered to be acceptable. Likewise, due to the fact that the clubhouse is regularly used as an entertainment venue and currently benefits from hours of use up to 1am on Fridays and Saturdays, it is also considered reasonable to impose a condition restricting the use of the AGP to sports uses and no other outdoor events.
- 6.17 On the basis of the above, and subject to the imposition of the conditions discussed above, it is considered that the proposal would not unduly affect the amenity of neighbouring residents, including those outside within Daventry District Council's administrative area and the proposal is therefore in accordance with Policy CS11 of the Harborough District Core Strategy in terms of residential amenity.

3. Impact on Highways Safety

- 6.18 The application site currently features an informal gravel surfaced parking area to the front of the clubhouse (see **Figure 17**). Due to the fact that this area is unmarked, it is unclear as to how many spaces are provided on site. Adjacent to the site there is also a substantial car parking area providing provision for the Guides Hall, Air Cadets Unit and the playing fields as well as spill parking for the Leisure Centre, Nursery and Rugby / Football Clubs (see **Figure 18**).



Figure 17: Proposed Car Park layout



FIGURE 18: View of existing adjacent public car

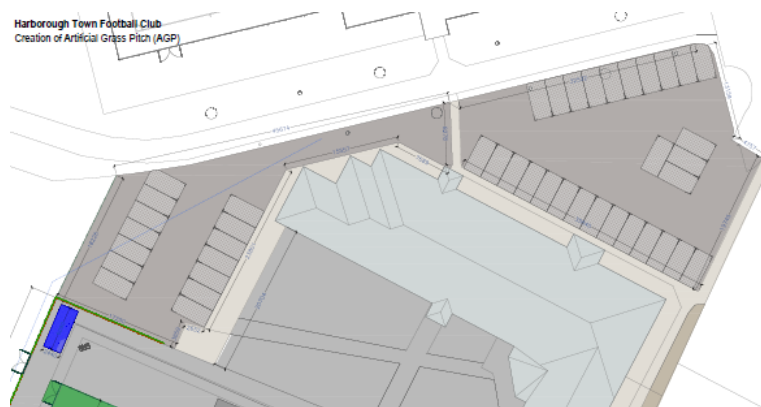


Figure 19: Proposed Car Park layout

- 6.19 The proposals seek to refurbish the existing on site car parking facilities and provide a new area of on site parking with provision for approximately 14 vehicles (see **Figure 19**). The application site is accessed via the adjacent car park, and as such, is remote from the Highway. It is not anticipated that the alterations to the playing surface and consequent intensification of use of the pitch will demonstrably increase the number of vehicles for which parking is required. Notwithstanding this, the provision of the additional 14 spaces, and the proximity of the adjacent car park means that it is unlikely that the proposal will have any impact upon highway safety and the highway network in the vicinity of the site in either Leicestershire or Northamptonshire. It is therefore considered that the proposal is in accordance with Policy CS11 of the Harborough District Core Strategy in terms of highways safety.

c) Sustainable Development

- 6.20 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:* Providing a self-funding facility for use by Harborough Town Football Club and its partner organisations.
 - *Social:* Provides modern facilities that will encourage the maximum football developmental outcomes with the benefits to health and wellbeing associated with this.
 - *Environmental:* The proposal will ensure that the existing natural environment is not harmed and that facilities are designed to conserve and reduce energy wastage wherever possible.

7. The Planning Balance / Conclusion

- 7.1 The replacement of the existing grass pitch with an AGP will not reduce the level of sports provision within the area, rather, it would have the effect of increasing the opportunities for the pitch to be used without impacting upon the quality of the playing surface. As such, it is considered that the principle of the development is considered to be acceptable.
- 7.2 Furthermore, as set out above, it is not considered that, subject to appropriate conditions, there would be any detrimental impact to the visual amenity of the area, the residential amenity of neighbouring properties or highways safety in the area, including outside of the District boundary in the Northamptonshire area. On the basis of the above, it is considered that the proposal complies with the Harborough District Core Strategy and the NPPF and that there are no material planning matters which indicate that Development Plan should not be approved. On balance therefore it is considered that the proposed development does comply with the Framework and relevant policies in the Development Plan.

8. Conditions

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.

2. The development hereby permitted shall be in accordance with the following approved plans:
- SSL-1963 01-01 Site Location Plan
 - SSL-1963 02-01 Block Plan of Site
 - SSL-1963 03-04 Proposed Site Plan
 - SSL-1963 04-04 Proposed AGP Plan
 - SSL-1963 05-00 Proposed Elevations
 - SSL-1963 06-04 Isometric View
 - SSL-1963 07-00 Existing Football Ground Layout
 - SSL-1963 08-01 Car Park Improvements

REASON: For the avoidance of doubt.

3. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall deal with the treatment of any environmentally sensitive issues, aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Such a plan shall include (but not be limited to) details of the following:
- The timing of the works;
 - The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution);
 - Construction methods, including (but not restricted to) hours of work, including deliveries;
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;

- wheel cleaning facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of any security lighting on site
- a restriction on construction and delivery traffic during construction

The approved statements shall be adhered to throughout the construction period and verified where appropriate.

REASON: In the interest of highway safety, residential amenity and the amenities of the area, and to mitigate against the impact of the development during the construction phase and to accord with Harborough District Core Strategy Policy CS11.

4. Prior to the commencement of development, a Community Use Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall deal with the use and management of the facility as well as detailing the provisions to be put in place showing how the local environment will be protected during the operation of the facility. Such a scheme shall include (but not be limited to) details of the following:

- Day to day management of the facility;
- Maintenance and security provision to be made to protect the facility;
- Community use of facilities;
- Community booking and operational procedures;
- Local resident communication, to include a published timetable of events and means of contact for local residents to report issues; and
- Onsite car parking for community users.

The approved statement shall be adhered to in perpetuity throughout the operational period of the development and verified where appropriate.

REASON: In the interest of highway safety, residential amenity and the amenities of the area, and to mitigate against the impact of the development during the operational phase and to accord with Harborough District Core Strategy Policy CS11.

5. Prior to the commencement of development, details of the neoprene washer system referred to in para 4.7.1 of the Design and Access Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved system shall be installed and maintained in perpetuity.

REASON: To protect the amenities of the neighbouring residents so far as possible and to ensure compliance with Policy CS11 of the Harborough District Core Strategy.

6. The hereby approved sports pitch shall only used be between the hours of 08:30 and 22:00 from Mondays to Fridays and between 08:30 and 20:00 on Saturdays and Sundays.

REASON: To ensure the 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.

7. The site shall be used for as a sports pitch and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, (or in any provisions equivalent to that class in

any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case so as to ensure that the development remains in accordance with Policy CS11 of the Harborough District Core Strategy.

8. 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) details of any trees and hedgerows to be retained, together with measures for their protection in the course of development;
 - (b) 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;
 - (c) finished levels and contours;
 - (d) hard surfacing materials; and
 - (e) 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.

9. 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.

Planning Committee Report

Applicant: Miss K Jennison

Application Ref: 17/00800/FUL

Location: Trevean, Mill Hill Road, Arnesby

Proposal: Erection of a dwelling, demolition of existing garage (revised scheme of 17/00014/FUL)

Application Validated: 16/05/17

Target Date: 11/07/17 (extension of time agreed)

Consultation Expiry Date: 10/07/17

Site Visit Date: 19/06/17

Case Officer: Chris Brown

Recommendation

Planning Permission is **REFUSED** as set out below;

The proposal by virtue of its size, design and location in close proximity to others will be unneighbourly and detract from residential amenity, especially Ferndale House and Trevean. It is therefore contrary to Core Strategy policy CS11 and the National Planning Policy Framework and no material considerations, including contribution to housing land supply and District Supplementary Planning Guidance, outweigh this harm.

1. Site & Surroundings

- 1.1 The site is located to the south west corner of Arnesby within the residential curtilage to the west of Trevean. The proposed dwelling will be accessed from Chestnut Lane to the north, with the host dwelling sited to the east and fronting Mill Hill Road.

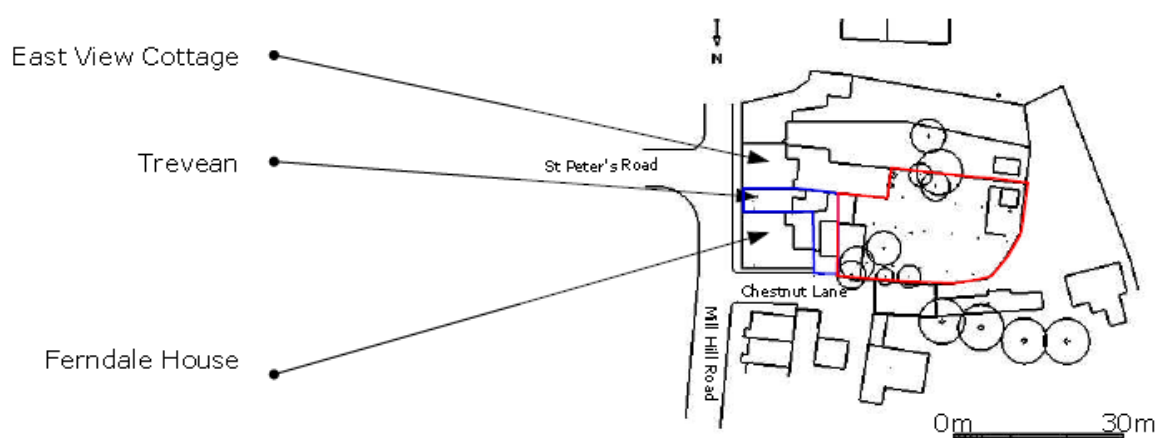


Figure 1: Site Location



Figure 2: View west across the site



Figure 3: existing garage and proposed access from Chestnut Lane



Figure 4: rear elevations of dwellings along Mill Hill Road

- 1.2 The host dwelling is a two storey attached dwelling, fronting Mill Hill Road in a line of 4 dwellings. The dwelling is an off white render to the front elevation, matching the two immediate neighbours to the south, but contrasting with the red brick Ferndale House adjacent to the north. The site is the rear garden of Trevean, and is a long, linear garden running east to west, approx. 36m in length, and approx. 20m in width, and spanning across the rear elevations of Trevean, Ferndale House and East View Cottage, with a single detached garage fronting Chestnut Lane to the north. The site is bordered by the rear elevations of Ferndale House and Trevean to the east together with the rear garden of East View Cottage, the garden of Corner Cottage to the south, the garden of Westfield Cottage and open countryside to the west, and Chestnut Lane to the north.
- 1.3 The site is within limits to development for Arnesby, and is located within a conservation area.

2. Site History

- 2.1 The site has the following planning history:
- 17/00014/FUL – Erection of a dwelling – REFUSED 05/04/17
 - This application is currently at appeal

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal seeks full planning approval for the erection of one dwelling at 1 ½ storeys in height and demolition of the existing garage to provide additional off street parking. A layout plan of the site shows one vehicular access from Chestnut Lane to the north boundary of the site, widening the existing garage access to provide off street parking provision for both the host dwelling and proposed dwelling.

- 3.2 The proposed dwelling will be set halfway down the garden of Trevean, and will be approx. 10.50m (11.90m for previous application) in length east to west down the garden, and approx. 8.40m in maximum width (approx. 1/3, with the remaining 2/3 at approx. 7.25m in width, matching previous application). The proposed dwelling will be approx. 6.00m (a drop from 7.66m for the previous application) in height to the ridge and approx. 3.10m (3.60m previous application) in height to the eaves (rear elevation) and a split of approx. 3.05m and 2.30m (2.65m) to the eaves to the front elevation. The proposed dwelling will be a 2/3 bed dwelling, with lounge, and kitchen/diner and study / bedroom 3 to the ground floor, and will feature 3 dormer windows to the rear elevation, together with a first floor Juliet balcony to the west elevation.

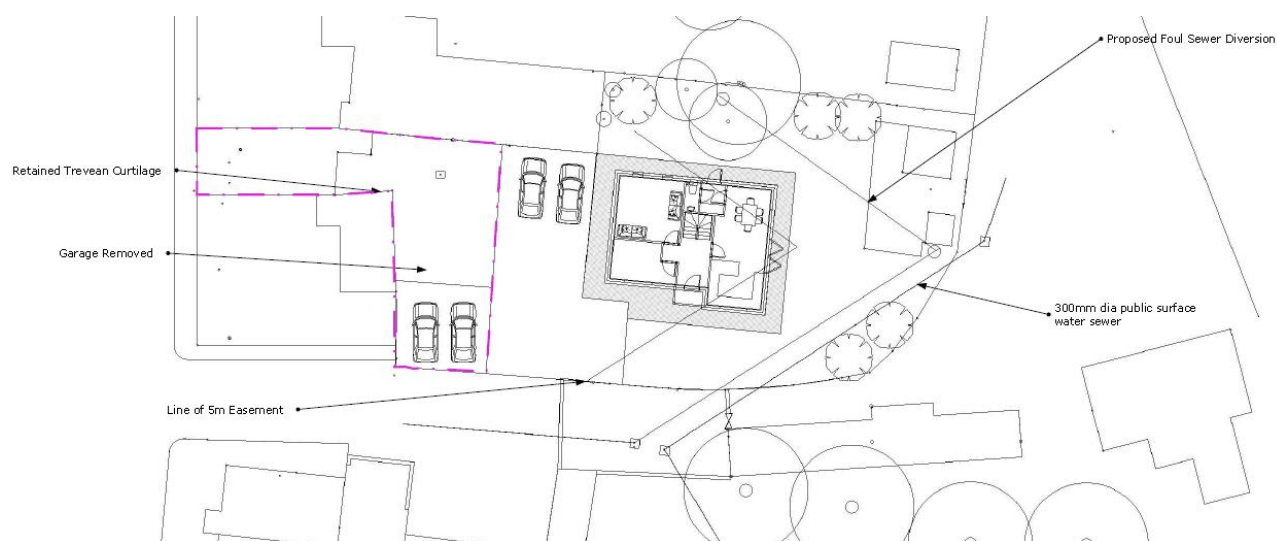


Figure 5: Proposed site plan



Figure 6: Proposed elevations



Figure 7: Proposed elevations of previous application 17/00014/FUL

- 3.3 The proposed dwelling will be approx. 17.80m (up from 16m for the previous application) from the host dwelling, and approx. 13.50m (up from 12m) from the closest dwelling of Ferndale House at its closest point. The proposed dwelling will front Chestnut Lane to the north of the site, with principal views from the dwelling to the west to open countryside and to the south to its immediate residential curtilage.

b) Documents submitted

i. Plans

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

Location Plan FTP.0001.A
Site Plan FTP.003.A
Proposed Landscaping Plan FTP.004.A
Proposed Plans and Elevations 15-130 1 Rev H
Street Scene Plan FTP.006.A
Tree Protection Plan FTP.005.A
Proposed site plan distances FTP.009.A
Proposed site plan – 45 degree angles FTP.007.A
Street scene plan – 25 degree angles FTP.008.A
Curtilage / parking provision FTP.010.A
Site survey P881-1

ii. Supporting Statements

- 3.5 The application has been accompanied by the following supporting statements –

Planning Statement
Design and Access Statement
Heritage Statement
Written Scheme of Investigation Archaeology Assessment

c) Pre-application Engagement

- 3.6 Prior to submitting the previous planning application (17/00014/FUL) the site was subject to a pre-application. The pre-application proposed the erection of a dwelling.
- 3.7 The pre-application response stated that the principal of the development was considered acceptable with the dwelling within limits to development, and whilst Arnesby is not a Selected rural Village, the village primary school is within 800m of the proposal. Impact on the conservation area was considered to be acceptable in principal subject to suitable siting and use of materials, and that any amenity issues would be required to be assessed on site as part of any application.
- 3.8 No additional pre-application advice has been requested between applications.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 23rd May 2017, and the consultation period expired on 10th July 2017. This included a site notice being put up on 19th June 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

Arnesby Parish Council

- 4.3 The Council opposed the application on the following grounds:
There are no significant changes from the original application refused by HDC. The proposed property is not in keeping with the character of surrounding properties and does not fulfil the criteria set out in Policy CS11: Promoting Design and Built Heritage in the HDC Core Strategy 2006-2011.

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. Consider: Parking provision

LCC Ecology

- 4.5 The proposal is sited on existing garden land and I have no objection or comment on the proposals.

HDC Environmental Health

- 4.6 No comments received

Seven Trent Water

- 4.7 I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following:
- 4.8 Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our New Connections Team (Tel: 0800 707 6600).
- 4.9 **Suggested Informative**
Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
- 4.10 NB: The developer will need to ensure that they have located the exact position of both the foul and surface water pipes in relation to their proposals. The developer will also need to apply and gain consent to divert or build close to these sewers.

LCC Archaeology

- 4.11 No comments received for this application, comments below for previous application 17/00014/FUL.
- 4.12 The Leicestershire and Rutland Historic Environment Record (HER) notes that the site lies within the medieval and post-medieval historic settlement core of the village of Arnesby (HER ref.: MLE9279). To the west of the application area aerial photographic survey indicates the presence of earthwork remains suggesting the presence of closes and/or paddocks defining the edge of the medieval village (MLE1190), whilst immediately adjacent to the development area previous observation has indicated the presence of a cobbled surface or trackway (MLE10098).
- 4.13 Appraisal of the available aerial photography suggests the site itself has remains largely undeveloped since at least the late 1960's. Historic mapping shows no evidence of development back to the late 19th century (1st edition OS mapping), however the Ordnance Survey drawings from the start of the 19th century may indicate buildings on or in the near vicinity of the site.
- 4.14 Development will result in groundworks for foundations, services and landscaping which will impact upon any surviving archaeological remains present.
- 4.15 In accordance with National Planning Policy Framework (NPPF), paragraph 129, assessment of the submitted development details and particular archaeological interest of the site, has indicated that the proposals are likely to have a detrimental impact upon any heritage assets present. NPPF paragraph 141, states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development. In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording. The Historic & Natural Environment Team (HNET) will provide a formal Brief for the latter work at the applicant's request.
- 4.16 If planning permission is granted the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.
- 4.17 We therefore recommend that any planning permission be granted subject to the following planning conditions (informed by paragraph 37 of Historic England's *Managing Significance in Decision-Taking* HE GPA2), to safeguard any important archaeological remains potentially present:
- 1) No demolition/development shall take place/commence until a programme of archaeological work, informed by an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include a statement of significance and research objectives; and:

- i) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- ii) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.
- lii No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason: To ensure satisfactory archaeological investigation and recording

- 2) 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 Scheme of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To advance understanding of the significance of any heritage assets affected by the proposals and to make the evidence and the archive publicly accessible

4.18 The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

4.19 The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

LCC Lead Local Flood Authority (LLFA)

4.20 Standing advice only.

b) Local Community

4.21 20 objections received, from 18 households, of which 1 is outside of Arnesby

4.22 Issues raised through objections include:

4.23 Issues raised regarding residential amenity:

- Impact on views
- Overbearing impact from proposed development
- Overlooking impact to neighbouring gardens
- Noise from parking vehicles

4.24 Issues raised regarding highways:

- Narrow width of existing Chestnut Lane
- Increase in traffic on Chestnut Lane

- Parking provision
- Lack of suitable pavements in the village

4.25 Other issues raised:

- Drainage – this area of the village prone to flooding
- Siting of Severn Trent Water sewer pipes
- Setting a precedent for future development

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 within existing limits to development for Arnesby.

- *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 does not identify Arnesby as a Selected Rural Village, based on its service provision of a primary school only, 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 Whilst Arnesby is not identified as a Selected Rural Village, Policy CS17 a) states that 'Villages not identified, but which have identified Limits to Development, may be suitable to receive very limited small scale infill development'.

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

b) Material Planning Considerations

- *Supplementary Planning Guidance*

5.7 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.

c) Other Relevant Information

- *Reason for Committee Decision*

5.8 This application is to be determined by Planning Committee as the application has received over 5 objections.

6. Assessment

a) Principle of Development

- 6.1 The village of Arnesby is not identified within CS17 as a Selected Rural Village (having only 1 of the 6 key services and therefore not considered sustainable), however the settlement of Arnesby does have identified Limits to Development, and the site falls within this. The site is within 800m of primary school serving Arnesby village.
- 6.2 As Arnesby is not identified as a Selected Rural Village the site is identified as countryside, with development to be strictly controlled. However, Policy CS17 a) states that villages not identified as SRVs, but that have limits to development, may be suitable to receive very limited small scale infill development.
- 6.3 The site is within limits to development of Arnesby, and is located on residential garden land. The proposed dwelling will be sited at 90 degrees to the host dwelling and further dwellings on Mill Hill Road, and instead front Chestnut Lane, with Westleigh opposite and Westfield Cottage to the north west of the proposed dwelling. As such, the proposal is considered as infill development, and is not considered to impact on the existing layout or scale of the village.
- 6.4 Whilst Arnesby is not identified as an SRV, and all trips to access GPs, food shopping, libraries, post offices and pubs will be made by car, the site is within 800m of a primary school, negating any additional trips to access the primary school, and the village also benefits from an Indian restaurant. Previous recent infill applications (single dwelling on Mill Hill Road and 3 dwellings on a paddock on Mill Hill Road) have recently been approved for development.
- 6.5 As the Council is unable to demonstrate a 5yr supply, and the site is within limits to development of settlement, the principle of development therefore is considered in compliance with the Core Strategy.

b) Housing Requirement and Housing Land Supply

- 6.6 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
- 6.7 The proposed dwelling is sited on existing residential garden land in a wider residential area, and is therefore considered in landscape terms to have capacity to accommodate development.
- 6.8 The existing site is characterised by a mix of lawn, landscaping and small fruit trees located to the north side boundary and within the site. The site slopes from east to west down the garden, with additional outbuildings to the bottom (west) of the garden. A detached single garage is sited to the rear of Ferndale House and

accessed from Chestnut Lane to the north, and proposed to be removed to accommodate sufficient off street parking for the host dwelling.

- 6.9 The proposed application will change the existing formal residential garden layout of the site to form both the dwelling and additional hard surfacing (gravel drive) to provide parking provision, with the southern and western boundaries left as residential garden land to serve the proposed dwelling, and a small portion of the site allocated as garden land to the host dwelling.
- 6.10 The dwelling proposed is 1 ½ storeys in height, at a ridge height of approx. 6.00m, with low eaves to the front elevation. Further, the proposed dwelling will be located on a sloping site, set below the neighbouring Ferndale House to the east. The dwelling will be sited to the rear of the existing garage to Westfield Cottage to the west side, and the proposal also removes the built form of the existing garage to the host dwelling immediately to the rear of Ferndale House.
- 6.11 The dwelling is a 1 ½ storey dwelling with dormer windows breaking the eaves to the rear elevations, matching in scale and character Westleigh opposite the site on Chestnut Lane, and also the character of Ferndale House to the east. The host dwelling, together with its two adjoining neighbours to the south, are of a different scale and character; at two storeys in height with an off white render elevation. The dwelling is also considered to be very similar to, in scale and character, the recently constructed dormer bungalow further north on Mill Hill Road (with rear dormers only).
- 6.12 The applicants have also submitted a landscaping plan in support of the application. The proposed landscaping plan shows new trees to be planted to the southern boundary of the proposed dwelling, with further trees to the north west boundary proposed. No further details are given with regards to the tree species, and can be conditioned. The proposed garden boundaries are proposed to be maintained as per the existing of 2m close boarded fences, with additional 2m fences to separate the proposed dwelling curtilage from the existing, and to separate the proposed parking areas for both dwellings. The rest of the site is shown maintained as lawn.

■ 2. Amenity

- 6.13 Objections have been received regarding the proposed height of the dwelling, overbearing impact and overlooking impact to neighbouring dwellings and gardens.
- 6.14 With regards to the proposed height, the dwelling will be a maximum ridge height of approx. 6.00m, a reduction from approx. 7.66m from the previous application, with eaves of approx. 3.10m to the rear elevation and approx. 2.30m to the front elevation. This height is considered comparable to Westleigh opposite the proposed dwelling, and significantly lower than the 3 storey Ferndale House to the east, together with the row of dwellings south of Ferndale House, including the host dwelling. The dwelling is also sited in the sloping rear garden, with the land reducing in height away from the row of dwellings on Mill Hill Road.
- 6.15 The proposed dwelling is located approx. 17.25m and 17.90m from the main rear elevations of Ferndale House and the host dwelling (Trevean) respectively, an increase of approx. 1.00m from the previous application, and shows a blank 1 ½ storey elevation to its east side elevation. This distance of between 17 and 18m is above the 14m recommended distance from a principal window to a blank two storey elevation as specified in the Supplementary Planning Guidance. The proposed dwelling is considered less than two storeys in height, whilst the closest rear elevation of Ferndale House (at 13.50m distance) has principal windows at the 3rd floor height only (serving a bedroom). These 3rd floor windows are considered to be

sited higher than the ridge height of the proposed dwelling due to the difference in height and change in levels as demonstrated in the submitted 25 degree lines plan and street scene plan.



Figure 8: rear elevation of Ferndale House to left, with principal windows at 3rd floor height (garage in foreground to be demolished)

- 6.16 With regards to any perceived overlooking impact, the proposed dwelling will have the main principal windows to the rear (south) and west side, with secondary principal windows to the front elevation (north) at ground floor height only. The original plans for the previous application (17/00014/FUL) included first floor principal windows to the front elevation, however these were considered to potentially impact upon Westleigh opposite the proposed dwelling. As such, the internal layout was amended through that application and a dormer window removed to show now two skylights serving a bathroom and landing only, with the previous dormer windows now removed. Westleigh is located approx. 16m from the proposed dwelling across Chestnut Lane, and with the garage of Westfield Cottage partly obscuring the front elevation.
- 6.17 To the west side, principal windows serve both the ground and first floors, including a Juliet balcony to the first floor. These windows will look directly to open countryside to the west, with Westfield Cottage both located north west of this side elevation, at a distance of approx. 21m, and with no principal windows to its side elevation. To the south side, principal windows are proposed to both the ground and first floor levels. The ground floor windows are considered to be adequately screened by the existing boundary treatment fence, whilst the first floor windows will look over the residential curtilage of the proposed dwelling in the first instance to approx. 6.40m. Beyond the 6.40m, the first floor windows do have scope to overlook the garden area of Corner Cottage beyond, however additional tree planting is proposed to this boundary. As these first floor windows overlook its own curtilage in the first instance, suitable conditions could be proposed to mitigate any winder overlooking impact to the garden of Corner Cottage, on balance the overlooking impact is considered insufficient to warrant refusal of the application.

- 6.18 The previous application, 17/00014/FUL was refused by Planning Committee for the following reason:

'The proposal by virtue of its size, design and location in close proximity to others will be unneighbourly and detract from residential amenity, especially Ferndale House and Trevean. It is therefore contrary to Core Strategy policy CS11 and the National Planning Policy Framework and no material considerations, including contribution to housing land supply and District Supplementary Planning Guidance, outweigh this harm'.

- 6.19 This application, including minor amendments from the previous application, is on balance, not considered to overcome the previous reason for refusal. Whilst the height of the proposed dwelling has been reduced, and siting moved approx. 1.00m to the west away from neighbouring dwellings, the siting of the dwelling is still considered to form an unneighbourly and cramped form of development, out of keeping with the surrounding nature of the settlement, and therefore contrary to Policy CS11 a) and b).
- 6.20 Whilst the proposed development does meet the Supplementary Planning Guidance recommended distances from neighbouring dwellings, the proposed dwelling would detract from residential amenity to both Ferndale House and the host dwelling Trevean, dominating the view to the west from these dwellings and result in an overbearing impact. Both Ferndale House, and the proposed amendments to Trevean, have and would result in small garden amenity space for the comparative size of the dwellings, with the proposed development considered to have a dominating effect on the garden amenity space of both dwellings, and therefore contrary to Policy CS11 c) iii) and iv).
- 6.21 The siting of the proposed dwelling is not considered harmful to the character and appearance of the Arnesby Conservation Area. The dwelling will be sited to the rear of existing dwellings, and opposite a dwelling of similar scale and design. Further, the dwelling is similar in design to a much more prominent dwelling recently built further north on Mill Hill Road. The application also includes the demolition of a detached single flat roofed garage of modern construction, and removal of approx. 3 trees from the existing garden. The loss of the garage and trees from the site are not considered harmful, with neither the garage or trees considered to significantly contribute to the setting of the conservation area.

3. Ecology

- 6.22 LCC Ecology have been consulted on this application. As the site is currently maintained garden land, LCC Ecology have no comments on, and no objections to the application.

4. Highways

- 6.23 The layout proposes a total access width of approx. 14.50m from Chestnut Lane to serve both the host and proposed dwellings, split approx. 6.00m to serve the host dwelling and the remaining 8.50m to serve the proposed dwelling.
- 6.24 Chestnut Lane is approx. 5.00m in width at the top of the Lane from Mill Hill Road, with a wider section to approx. 6.00m directly opposite the entrance to the site. The application has been amended through the process to include off road parking provision (and amendment to the red line plan) to show sufficient off road parking for

both the host and proposed dwelling, whereas the original plans showed off road parking for the proposed dwelling only.

- 6.25 LCC Highways have commented on the application proposing standing advice only, however to ensure assessment of the parking provision. The revised plans are considered suitable in accommodating sufficient off road parking for both dwellings, with the proposed dwelling 2/3 bedrooms in size, with the dwelling smaller than the previous application and parking provision increased. The proposed landscaping plan shows a 2m fence separating the parking provision for the two dwellings to the boundary with Chestnut Lane. This is considered suitable for separating the curtilages of the dwellings, however is unlikely to lead to sufficient visibility splay for the proposed dwelling when existing the driveway. As such, a visibility splay condition is proposed which will result in the 2m fence having to be either reduced in height or moved back away from the highway boundary, or both. Such a minor amendment would be considered acceptable and able to be controlled through a condition. The site does not have a highway pavement to the boundary, instead pedestrian movements would be into Chestnut Lane, a cul de sac, prior to joining the footway outside no. 5 Mews Cottages.
- 6.26 Objections have been received regarding impact of additional traffic and on street parking on Chestnut Lane, with Chestnut Lane also providing the garage access to the Mews Cottages to the north whilst also providing access to two further dwellings (Westleigh and Westfield Cottage). These are noted, however the proposal is considered to be able to meet its requirement for off street parking, and therefore not result in any additional on street parking, nor lead to any highway safety impacts.
- 6.27 LCC Highways have been consulted on the application and have no objections, recommending standing advice only. Conditions are proposed to cover visibility splay, parking provision, surfacing and highway drainage.

5. Heritage impact

- 6.25 The application site is located within the Arnesby Conservation Area, however is not located within close proximity to any listed buildings.
- 6.29 Paragraph 131 of the Framework sets out that in determining planning applications, LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and putting them to viable uses consistent with their conservation. Paragraph 132 of the Framework confirms that the significance of a designated heritage asset, which includes conservation areas, can be harmed or lost through development within its setting.
- 6.30 The proposed development, of a 1 ½ storey detached dwelling, is considered to preserve the character of the conservation area. The site at present is residential garden land, and whilst it contributes to the setting of the conservation area through its open appearance, with wider views through the site to open countryside beyond, the site is not publically accessible, and has no additional significance beyond its use as a garden for the host dwelling. The proposal create additional built form on the site, however this is in the context of existing outbuildings on the site, and the existing detached garage proposed for demolition.
- 6.31 The proposed dwelling, whilst located within the conservation area, will be located in a mixed street scene or types and ages of dwellings. The host dwelling contrasts with

neighbouring Ferndale House in appearance and particularly in height, whilst opposite the site Westleigh is of a similar scale and design and more modern than neighbouring dwellings, and similarly the 5 garages located across Chestnut Lane.

- 6.32 LCC Archaeology have been consulted on the application, and due to the proposed dwelling being sited in the historic core of Arnesby have recommended conditions should the application be approved. The conditions include a programme of archaeological work, informed by an initial phase of trial trenching, to be detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing.

6. Drainage

- 6.33 A series of objections have raised drainage and flood risk impacts resulting from the proposed development.
- 6.34 The application site is located within flood zone 1, at low risk of flooding, although is located within an area of the village at a lower level, and at a location of existing drainage schemes serving the village. Information has been provided stating that previous works have been undertaken by Severn Trent Water to improve drainage and flooding to Westfield Cottage to the west of the site.
- 6.35 The site plan submitted with the application shows the existing lines of both a proposed foul sewerage diversion, and the existing public surface water sewer. The public surface water sewer is located outside of the proposed scope of the dwelling, although within the existing curtilage of Trevean and runs within approx. 4.00m of this surface water sewer.
- 6.36 Severn Trent Water have been consulted on the application and have no objections to the application, subject to an informative and condition requesting drainage plans for the disposal of surface water and foul sewage to be submitted to and approved by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details before the development is first brought into use.
- 6.37 The above proposed condition, and suggested informative, are considered sufficient for the application proposed. The proposed dwelling is sited in an area of low flood risk and away from any watercourses, with instead the main issue being of the potential impact upon the existing Severn Trent drainage systems running across the site. Any permission for the dwelling will also be subject to building regulations and further dialogue with Severn Trent in terms of connections to the existing network and through a build over agreement being sought.

d) Sustainable Development

- 6.38 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
Provides economic development in the building of 1 additional dwelling, including 1 dwelling towards the Council's 5yr supply, currently a shortfall. The development would also generate New Homes Bonus funding for the Council to invest in facilities and infrastructure in the area. As well as the direct economic benefits related to employment generation and investment, the proposal will deliver up to 1 dwelling.

- Social
Provides 1 new dwelling, which contributes to housing need. The site can also access a primary school within 800m walking distance. The proposed development is considered to impact on the residential amenity of neighbouring Ferndale House and the host dwelling Trevean.
- Environmental
The proposal is not in keeping with the character and appearance of the surrounding area, and will result in a cramped nature of development out of keeping with the surrounding dwellings.

7. The Planning Balance / Conclusion

- 7.1 Overall it is considered that the proposed dwelling, by virtue of its siting, appearance, scale and massing, the proposal would not adversely affect local highway safety or give rise to a road safety hazard.
- 7.2 The proposal would provide housing development within the District, and would contribute towards the Council's Housing Land Supply. The National Planning Policy Framework provides an undertone of the importance of housing delivery and this site is considered to be sustainable. The site is within the Limits to Development for Arnesby.
- 7.3 The application site is within the Limits to Development, and the Council is unable to demonstrate an up-to-date five year supply of deliverable sites for housing, and therefore finds support from Policy CS2(a). This is a very important material consideration that weighs strongly in favour of the proposal.
- 7.4 In the absence of a five year housing land supply, paragraph 14 of the Framework is engaged, and therefore permission granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits.
- 7.5 The proposal by virtue of its size, design and location in close proximity to others will be unneighbourly and detract from residential amenity, especially Ferndale House and Trevean. It is therefore contrary to Core Strategy policy CS11 and the National Planning Policy Framework and no material considerations, including contribution to housing land supply and District Supplementary Planning Guidance, outweigh this harm.