

PLANNING COMMITTEE

APPLICATIONS FOR DEVELOPMENT

APPLICATIONS FOR DETERMINATION BY COMMITTEE

12/00711/FUL – Carlton Curlieu
Hospital Estate

Erection of one wind turbine (102m to tip of
blade) and associated ancillary infrastructure
at Land OS 6256, Main Street, Carlton
Curlieu

Target Date: 08.10.2012

Recommendation:

REFUSE for the following reasons,

The proposal, by virtue of the size, siting, design and prominence of the turbine, would appear as a dominant and visually intrusive feature in the landscape, and would detrimentally affect the character of the local High Leicestershire landscape. The proposed development is therefore contrary to Policy CS9, CS11 and CS17 of the Harborough District Core Strategy and Regional Plan Policy 40.

The proposal does not demonstrate that it will not harm habitats or species which are protected or which are of importance to biodiversity and is therefore contrary to Policy CS8 of the Core Strategy.

Site/Context:

The site is located in the countryside and is agricultural. The nearest villages are Carlton Curlieu to the north east of the site and Burton Overy to the north west. The nearest dwelling is The New House on Main Street, Carlton Curlieu, which is 880m away.

The site is well away from any other built form and is outside any village boundary or defined Limits to Development. The closest listed building is St Mary's Church in Carlton Curlieu (approximately 1040m away). The listed gates at Carlton Curlieu Hall are approximately 1070m from the site and Carlton Curlieu Hall is approximately 1140m from the site.

The Proposal:

The proposal is for a single direct drive turbine with a rated capacity of 500Kw. The turbine would have a total height to tip of 102m with a hub height of 75m and a blade length of 27m. The rotor will consist of three blades connected to a hub supported by a tapered steel tower, painted in a semi-matt off white colour.

Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 the proposed development is not EIA development, i.e. it does not meet the thresholds therein (relating to number of turbines, generating capacity and the proposal's relative strategic importance), and so an Environmental Statement has not been required or submitted.

Policy:

National

National Planning Policy Framework

Ministerial Statement – 'Planning for Growth' (23.03.11)

Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System

Regional

East Midlands Regional Plan:

Policy 26 – Protecting and Enhancing the Region’s Natural and Cultural Heritage
Policy 27 – Regional Priorities for the Historic Environment
Policy 31 – Priorities for the Management & Enhancement of Region’s Landscapes
Policy 39 – Regional Priorities for Energy Reduction and Efficiency
Policy 40 – Regional Priorities for Low Carbon Energy Generation
Appendix 5 – Renewable Energy Targets

Local Policy:

Harborough District Core Strategy:

CS8 – Protecting and Enhancing Green Infrastructure
CS9 – Addressing Climate Change
CS11 – Promoting Design and Built Heritage
CS17 – Countryside, Rural Centres and Rural Villages

Harborough District Local Plan:

RM/8 – Sites of local ecological or geological interest

Local Guidance:

Wind Turbines – A Developer Guidance Note (HDC) – July 2009

Other

UK Renewable Energy Strategy (DECC, 2009)
Wind Energy and the Historic Environment (English Heritage, 2005)
Climate Change Programme (DCLG, 2006)
Meeting the Energy Challenge – a White Paper (HMSO, 2008)
Harborough District Landscape Character Assessment (2007)
Planning for a Sustainable Future: White Paper (DCLG, 2007)
The Planning for Climate Change Report (IT, 2008)
Market Harborough Landscape Character Assessment and Landscape Capacity Study (2009)
Planning for Climate Change (supplementary national guidance) (April 2012)
Circular 11/95 – Use of conditions in planning permission
Circular 06/05 – Biodiversity including statutory obligations within the planning system

Consultations:

LCC Ecology:

Requested details of the exact location of the access track. The site map submitted shows the access track to be ‘on top’ of the existing hedgerows on site. Asked for confirmation of which side of the hedgerow the track is proposed and if any hedgerow removal is required.

Further comments made, pleased that the turbine has been sited in accordance with the Natural England Technical Information Note TIN059 – Bats and single large turbines, in that no part of the turbine will be closer than 50m to a hedgerow. This guidance indicates that a full bat survey will not be required. The ecological survey submitted with the application was completed in 2008, with updates in 2012. It is unclear if the badger surveys were updated this year and would appreciate clarification of this. If they haven’t been completed within the last two years would request these are updated prior to determination. Not received requested clarification of access track. Therefore

submit a holding objection to this as plans show access on existing hedgerow. The location of the track will influence any habitat removal and influence any protected species mitigation and will form a key part of recommendations for the development. Note Great Crested Newts have been found within a pond in the field. Unable at this time to advise on implications of this species being present without the clarification on the access track.

LCC Highway Authority (LHA):

No objections to the proposal as it could not be demonstrated that it would result in a material increase in traffic visiting the site following construction. Subject to conditions requesting details of routing and vehicle tracking for construction and abnormal load vehicles, a plan showing the detailed and exact means of access, wheel washing facilities, parking facilities during construction and any agreed accommodation works to be used for the delivery of any construction materials and wind turbine components and reinstated.

Health & Safety Executive:

No objections.

English Heritage:

Having reviewed the submitted proposals English Heritage does not wish to make detailed comments in this case. We offer the following observations and we advise that the application be determined in line with national and local planning policy and guidance.

We note that the turbine location as submitted appears to have been revised from initial proposals, this appears to reduce setting impact on the deserted medieval village scheduled monument.

With regard to below ground archaeological impacts on un-designated archaeological remains (and the application of appropriate planning conditions to address these matters) we refer you to the advice of the Leicestershire County Council Senior Development Control Archaeologist

Ministry of Defence:

No objections. Requests that the turbine is fitted with aviation lighting.

British Horse Society:

No comments as too far from any road or PRow useable by horses to affect any horses being ridden or driven in the area.

Leicestershire Aero Club:

Object to the application. Even though outside of ATZ could never-the-less pose a potentially serious hazard to both fixed wing and helicopters when using bad weather, low level approaches to our airfield.

A report was submitted regarding impact on Leicestershire Aero Club.

Further comments received stated objected to application as site is just 1.4 miles outside of ATZ and on a direct line with one of runways. Not a commercial training organisation with experienced aviators and have student pilots. Little room left for error regarding circuit heights. One of their tenants, Helicentre Ltd, involved in low level flying over gas pipeline routes at 500ft or less. Carlton Curliou is on a direct line with one such route.

East Midlands Airport:

No objections subject to condition.

Bruntingthorpe Proving Ground:

No objections.

Harborough District Council:HDC Environmental Services:

Overall happy with the report and conclusions and happy to condition noise emissions from the Turbine as recommended in parar 15.3 p16 of the report subject to some further information. Requested. Received more information but this did not address all of Environmental Health's concerns. Requested more information.

Parish Councils / Meetings:Burton Overy:

Objects to the proposal. Contrary to Policy CS8, CS9, CS11 and CS17. Concerned about affect on Carlton Curlieu. Application isn't sufficiently robust and doesn't represent true situation as contains many inaccuracies. Both Burton Overy and Carlton Curlieu are attractive conservation villages. The turbine will appear as enormous, discordant and artificial in this wonderfully natural landscape. (Full copy of comments on file).

Tur Langton:

Support Burton Overy wholeheartedly in their objection to the application. All comments for concern raised around the application itself and its dramatic impact on the local visual profile of this historically rich and beautiful part of High Leicestershire are supported.

Kibworth Harcourt:

Object to the application. The visual impact this proposed structure would cause to the local community would be of huge consequence to this beautiful and historic area of High Leicestershire, within close proximity of areas of conservation and natural beauty. Significant disturbance and damage to the rural highways. Understand that the proposed site has been cultivated in order to encourage a vast array of important wildlife.

Illston on the Hill:

Objects to the proposal as it will spoil uninterrupted views from the village and many parts of the parish that have been for centuries down the Burton Brook valley and vice versa up the valley to Illston and beyond into High Leicestershire.

Representations:

71 letters of objection received (44 from Burton Overy, 1 from Kibworth Beauchamp, 1 from Kibworth Harcourt, 9 from Carlton Curlieu, 1 from Shangton, 7 from Illston on the Hill, 1 from Leicester, 1 from Smeeton Westerby, 2 from Tur Langton, 1 from Evington, 1 from Three Gates and 1 from Haselbech) raising the following issues: 1) Concerned it will lead to more than 1 turbine. 2) Turbine will have an adverse impact on the landscape. Attractive, tranquil area with public footpaths and permissive footpath. Will create a dominant and oppressive environment. Dominate views from many points in the surrounding area. Totally unspoiled rural and agricultural stretch of land. Outstandingly attractive countryside. Popular area with walkers, joggers and horse riders. 3) The road leading to the turbine will have a harmful impact on the landscape and wildlife. 4) The erection of the turbine will cause dangers for walkers/riders/cyclists. 5) The advantages of the wind turbine will not justify it's impact. 6) Turbine is too large. 7) Close to houses. Disturbance from both low frequency noise and aerodynamic modulation for homes within 2km. The UK Noise Association recommends wind turbines are not sited within 1m (1.6km) of houses. Potential risk of sleep disturbance and related health issues and worsening of existing health conditions. Excessive noise. Shadow flicker. 8) Coalition Government indicated development shouldn't be permitted if local community opposed to it. 9) Burton Overy is a small conservation village with many well maintained listed buildings and 7 working farms, not a town as described in the application. Both Burton Overy and Carlton Curlieu are attractive historic conservation villages containing ancient monument sites and important listed buildings. The turbine will be visible from and have a detrimental effect on these villages. 10) Impact on local wildlife. Haven for wildlife including many species of birds. 11) No mention of wind farm at Low Spinney, Gilmorton in documents.

Approximately 10 miles away. Clearly visible from many points in the area. Numerous views where new turbine and these would be seen together. 12) Negligible public consultation. 13) Owns kennels near to the site and reliably informed that dogs and cats are very badly affected by the sound frequency of the noise generated. Stress and disturbance to animals will be immense. Adverse impact on business, quality of life and welfare of animals. Working farms in area and cattle and sheep might be affected. 14) The position chosen is surprising. The area generally is not particularly windy, being sheltered by several ranges of hills from the prevailing south west wind. Placing it on low ground would result in it generating very little electricity. 15) Wind turbines are expensive, unsightly and inefficient. They only generate electricity when the wind blows. Without the subsidy paid by tax payers and electricity users there would be no commercial interest in them. Water turbines are less intrusive and much more reliable. Why are these not found on all rivers in the UK like in Europe? 16) The application describes the surrounding area as urbanised. This is utterly misleading. 17) Aware the land is owned by Wyggeston Hospital Estates and have no argument with what they do. This time however, think the chance to get a 25 year income stream underpinned by government subsidies to Prowind UK Ltd is putting the wrong type of income stream in the wrong place. Understand Trustees of Wyggeston Hospital have entered an agreement with Prowind which would mean the turbine would be built. The Trustees can not be distanced from the application and will be as responsible as Windenergy. 18) Live closest to the site. Always thought this countryside would be preserved in its existing states as aware of the strict planning policy to achieve this aim. Can already clearly see the wind turbines erected at Ashby Magna and Swinford. Understood that a maximum of one wind farm should be visible from any single dwelling. The house in which we live will look straight at the wind turbine, which I suspect would subsequently be accompanied by more. The documentation is headed 'wind farm'. 19) Will be contrary to the Council's own policies in the saved Local Plan, the East Midlands Regional Plan and the NPPF in that it will not contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests etc. 20) The turbine will stand between and close to two Conservation Areas and be visible from both. 21) The associated infrastructure will be huge and its construction, which will require at one stage the delivery of 50 lorry loads of ready mixed concrete in a 24 hour period, the movement of specially constructed lorries in excess of 28 metres in length to transport the blades and the crane will play havoc on and destroy much of the narrow lanes through the hamlet of Carlton Curlieu. 22) The type and amount of damage and disturbance is totally out of proportion to the gains which may be experienced by the addition of at best production of electricity for 274 homes. 23) The turbine will be there for 25 years plus. 24) The application contains errors and has mis-leading information. 25) Does not comply with Policies CS8, CS9, CS11 and CS17. 26) Will be installed near a viewing point of Higher Leicestershire where you can view 5 local parish councils. Will dominate the landscape of all these historic parishes and beyond. 27) Ironical that in Burton Overy we can not erect a satellite dish as planning would not be approved as we can't keep the dish out of public view. How can a 102m wind turbine be acceptable without duel standards. 28) The decommissioning section of the application implies that only the above ground works would be removed, 584 cubic metres of concrete would be left in the ground, not a satisfactory legacy and will impact drainage and use of the area in the future. 29) The application gives no information on the various ancillary works that would be involved, such as the design and route of the necessary access roads, the route and method of connecting to the grid and the design and location of the substation, all of which have the potential to create considerable additional industrial clutter and increase the visual intrusion of the development. 30) Proposed location is some 200m away from the B6 footpath between Kibworth Harcourt and Burton Overy. 31) The proposed location is in the landscape character area of High Leicestershire. This should ensure protection from a dominant artificial feature such as the proposed 102m turbine. 32) Intrusive impact on views down the valley for residents of the Illston on the Hill parish. 33) 50% higher than those proposed for Ingarsby so any visual impact will be much greater. Comments made by the Inspector regarding this appeal will apply here with regards to the intrusive impact on landscape and character of High Leicestershire. 34) Several Conservation Areas, including Burton Overy and Kibworth Harcourt are within 2km of the location. English Heritage recommend a zone of theoretical visibility for a turbine exceeding 100m as 35km. These recommendations also include that direct and indirect impact

assessments on Scheduled Monuments and Grade I and II* buildings within a 10km radius including views from their settings, plus Grade II within a 5km radius should be included. A listing of all Scheduled Monuments, Grade I, II* and II buildings between the 10km and 35km radius should be provided. This would include many more heritage features and buildings than in the current application. The Historic Environment assessment has not assessed a wide enough area, if one accepts the recommendations from English Heritage, and the application therefore needs to be resubmitted or refused. 35) The existing tenant has developed the field margins to encourage ecology and wildlife. The 16m wide field margins have been developed to encourage small mammals which in turn have led to raptors and owls being seen regularly. The construction of the access track and wind turbine would seriously compromise the ability for this habitat to maintain the current ecology and wildlife so contravenes CS17 c (iv). 36) The Highways Authority request a number of conditions should the application be approved. But some things should be considered before determination. The access is from the narrow lane north-west of Carlton Curlieu. This appears to be the same location as the finger post for the C7 footpath. Where are the detailed drawings showing visibility splays, access to existing footpath, materials to be used for access, distance back from highway for gate etc. Volume and number of lorry journeys through the village during construction period. Mentions need for 59 lorries containing concrete for base. This presumes 8 ton lorries, and only a single journey, not return journeys, making at least 118 concrete journeys alone in total. There will also be other large lorry movements, eg crane construction, ancillary building construction, access track construction etc. Regarding wind turbine transportation. The rotor blades are 27m in length. There are no diagrams explaining how a vehicle transporting these rotor blades and other long and wide components, is going to navigate through the village of Carlton Curlieu without causing damage to highway verges, hedges, trees and highway equipment on public land, let alone private land. The construction and transport chapters do not include sufficient detail and the application should be resubmitted or refused. 37) Seems decision based on only place land was available rather than carrying out a detailed study. Prowinds lack of understanding and their admittance that they've not got a turbine up and running doesn't fill one with confidence. No sequential test has been done to show this is the best location. 38) Wind power is not all it is claimed to be and does not eliminate the need for gas or coal fired plants. 39) Some of the hedgerows that could be damaged by transportation are hundreds of years old and will take years to recover or be replaced. 40) Would be a big distraction to those drivers on the A6. Concerned about road safety. 41) Location of turbine is just off the ridgeline (approximately 118m above sea level). Given the scale and visual dominance of the turbine on the horizon it is clear it will be seen from nearest villages and further afield. 42) Concerned about impact on New House. Says in Landscape and Visual Impact that New House 'would suffer unavoidable adverse effects'. 43) Concerned about visual dominance in the locality and from our home of Carlton Curlieu Hall (Grade II*) situated 1km north east of the site. English Heritage identified Carlton Curlieu Hall as one of several 'key visual receptors in this area'. Do not feel there has been adequate consideration of this or other listed buildings, such as the church in Carlton Curlieu which is also Grade II* Listed. 44) Concerned about loss of amenity. 45) Significant infrastructure costs, this raises serious concerns over sustainability of the proposal for a single turbine. 46) The application is plagued with discrepancies, unclear statements and non-supply of information. 47) The Ecology survey is too old and from only one time of year. The grass margin isn't shown. Is the turbine to be in the arable part of the field or the grass margin. The construction compound etc is I assume going to destroy the carefully managed wildlife habitat. Hedgerows affected. Will result in agricultural land being lost. The track they refer to is a grass margin. The turbine is not situated in a re-seeded pasture field, it is an arable field with a 16m grass margin. There are not large barn buildings, there is one farm on the top of the hill overlooking Burton Overy. 48) Impossible to believe that lorries can negotiate village without major changes such as removal of tree and central green. No proper report or assessment has been carried out. 49) Planning statement is untrue because although the surrounding land can still be farmed land I will lose land for farming and suffer huge disruptions and damage for which compensation will be negligible. The business will not become more sustainable as I get no income from the turbine. States turbine will be temporary, is it guaranteed they will remove it at the end of the 25 years. 50) Proposal is within 500m of a scheduled monument. 51) The site is not surrounded by power lines

and there are only 2 small farm wind turbines by the B6047. 52) Only 9 viewpoints were used. There should be a further viewpoint added on the hill going out of Carlton towards Burton Overy by the gate. This is the most important point from which you can see the unspoilt valley. 53) There are no pylons traversing the valley. 54) Will not support the community, will help to destroy it. Will destroy natural built and historic environment. 55) The calculations for power production and carbon emissions are very optimistic. 56) Objected to the two turbines at Thistle Farm. Always concerned these two would lead to more. 57) It's in the wrong place as the Grid will struggle to cope with the energy provided, they've already had to take the proposal down from two turbines to one because of this and the ability to use the one is unproven. 58) Moral obligation to preserve the area for our children. 59) The development does not demonstrate a need in respect of identifying alternative sites which are of less significance in terms of the quality of the environment and place. 60) Fails to respect or enhance the distinctiveness of the area and is unsympathetic to the inter-relationship between architectural and archaeological heritage. 61) Public exhibition was hastily put together, contained sparse information and did not merit either of the terms 'consultation' or 'exhibition'. It was very poor. 62) Led by profit. 63) Many maps in the application have the turbine in the wrong place. 64) Cultural heritage chapter lists 98 assets but concludes there will only be a discernible impact on one of them. The evaluations are based on incorrect premises. Have not listed Illston Grange which has a grade II listed stable block which looks directly onto the site and is seen directly from the site to the north – another omission. Bases their evaluation on which assets can be seen from the wind turbine. Surely it should be more important to work out how the turbine can be seen from the assets. No one is going to stand at the turbine and look out. 65) Extremely quiet area where sound travels long distances. Will cause noise disturbance. 66) Located beneath East Midlands Airport approach flight path and in direct line of sight of PSR guidance systems. Unsuitable on grounds of air safety. 67) Flicker effect will frighten horses. 68) Timing of the submission with the holidays is disappointing. 69) Construction work will cause pollution from noise, dust, exhaust and other emissions. 70) Flicker effect at sunrise will cause long shadows across the landscape. Where this is onto houses the effects can be as if someone is switching lights on and off. May also cause danger to road users. 71) A blimp should be installed. 72) Connected to a German company and doubt they would invest in the UK. (Full copies of letters on file).

Other Information:

Public Rights of Way:

Footpath C7 runs to the north of the site, approximately 940m at its closest point. Footpath B6 runs to the west of the site, approximately 410m at its closest point.

History:

None relevant to proposal.

Information:

The application is being reported to the Planning Committee at the discretion of the Development Control Manager due to public interest.

Supporting Information:

The applicant's planning statement includes the following documents:

- Design and Access Statement
- Planning Statement
- Introduction and Non-Technical Summary
- Existing Site Conditions
- Noise
- Ecology
- Construction, Operation & Decommissioning
- Traffic and Transport

- Landscape and Visual Impact
- Cultural Heritage
- Utilities and Telecommunications
- Aviation
- Shadow Flicker
- Socio-Economics
- Climate Change, Energy and Emissions

Policy Overview:

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the relevant policies contained within the Development Plan unless material considerations indicate otherwise. At the present time the Development Plan for the site comprises the East Midlands Regional Plan (EMRP), the adopted Harborough District Core Strategy, and the retained policies of the Harborough District Local Plan (HDLP). National guidance in the form of the National Planning Policy Framework, together with Government White Papers and Reviews, is also relevant.

Climate Change:

Change in global and regional temperatures and precipitation patterns is a natural phenomenon and there have been a number of cooling and warming periods over the last millennium. However, in the late 1980s, a growing concern emerged that the climate was being influenced by man beyond these normal fluctuations.

In 2007 the Intergovernmental Panel on Climate Change (IPCC) stated that it is unequivocal that climate change is happening and it strengthened its conclusions as to the causes of the temperature rises. Evidence of climate change is all around us. On average summers are getting warmer and winters milder. This reflects the global rise in temperature identified by the IPCC: *“Eleven of the twelve years (1995 – 2006) rank among the 12 warmest years in the instrumental record of global surface temperatures (since 1850)”* These increases in temperature are having global environmental effects.

The fact that the need for renewable energy stems from the supranational level is crucial, as has been recognized by Government. It means that, in drawing any planning balance, considerable weight is to be attached to bringing forward any relevant renewable energy project, while recognising the need to *sensitively* exploit the local environment.

The UK Renewable Energy Strategy (published July 2009) suggests ways in which the tensions caused by high levels of renewable energy production can be eased. These were stronger national planning policy statements, developing a clear deployment strategy at a regional level and resolving potential conflict with other national Government policies through the development of memoranda understandings to provide clarity on the scope and applicability of UK and EU environmental regulation.

National Guidance:

The Energy White Papers of 2003 and 2007 provide the broad context for planning policies concerned with renewable energy. These state that renewable energy is key to the Government’s strategy for tackling climate change and, “supporting the transition to a low carbon future in a changing climate”. The Government’s target is for renewables to grow as a proportion of the UK’s electricity supplies to 10% by 2010, with an aspiration for this level to double by 2020.

Core Planning principle in the Framework para. 17 states: *“[Planning should] support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change,*

and encourage the use of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (e.g. by the development of renewable energy.”

Paragraphs 93 to 98 explain that planning plays a key role in supporting the delivery of renewable and low carbon energy and associated infrastructure by planning for new developments, actively support energy efficiency improvements to existing buildings and set local area requirements for zero carbon buildings. In determining applications new development should comply with local plan policy regarding decentralised energy supply and take account of landform, layout building orientation, massing and landscaping to minimise energy consumption. An application should be approved, unless other material considerations indicate otherwise, if its impacts are (or can be made) acceptable.

In respect of the historic environment the statutory requirements of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are of particular relevance. The first requires that special regard shall be paid to the desirability of preserving Listed Buildings or their settings or any other features of special architectural or historic interest which they possess. The second requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The closest Conservation Area is Leire at approximately 2.3km to the south-east of the site.

The NPPF guards against harm upon residential amenity which stems from noise. Para 123 of the NPPF states that decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Renewable Energy Targets (Policy 39) Note that all targets are indicative

Renewable energy Technology	Current Capacity (2006) GWh/y	Current Capacity (2006) MWe	Target for 2010 GWh/y	Target for 2010 MWe	Target for 2020 GWh/y	Target for 2020 Mwe	Indicative Target for 2026 GWh/y	Indicative Target for 2026 MWe
On shore Wind	142	54 ¹	319	122	460	175	460	175
Biomass Wet agricultural waste	0	0	42	5	42	5	77	10
Biomass Poultry Litter	0	0	118	15	210	27	210	27
Biomass Energy Crop	38	5	344	46	1,012	136	1,114	150
Hydro	14	3	39	9	62	14	73	16
Micro-generation Wind	0 (negligible)	0 (negligible)	9	10 ²	1,832	2,091	1,832	2,091
Micro-generation PV	0 (negligible)	0	52	59 ³	1,018	1,162	1,018	1,162
Landfill Gas ⁴	438	53	438	53	438	53	358	43
Anaerobic Digestion	11	1	39	5	64	8	72	9
Total ⁵ (%)	3%		6%		20%		20%	

- Includes 2 wind farms in construction in 2006 (now in operation).
- Micro wind corresponds to 2000 installations of 5kw turbines
- PV corresponds to approximately 2kw PV on half of the new properties to 2010
- Landfill gas is not a natural renewable resource but it is eligible for renewable obligations certificates. Note that landfill gas contribution will begin to fall off after 2020 due to reduced organic waste going to landfill.
- In addition to the Regional onshore targets offshore generation targets are 1,315GWh/y for 2010, 3,000GWh/y for 2020, and 3,483GWh/y by 2026. Percentages are electricity generation as a % of regional electricity consumption.

Renewable targets based on modified scenario 4f of RFF report, with reduced 2010 targets to be more realistic.

Appendix 5 - Renewable Energy Targets (Policy 39 is referred to in the table, which is taken from the Regional Plan – the relevant policy is now Policy 40)

Regional Policy (East Midlands Regional Plan (EMRP)):

There are six main policies within the EMRP which relate to Renewable Energy and Biodiversity within the Region (Policy 1, Policy 26, Policy 27, Policy 31, Policy 39 and Policy 40). Renewable Energy targets for the Region which are set out in Appendix 5 of EMRP (see above).

Local Policy (Harborough District Core Strategy):

Policy CS9 states that development which adapts to climate change and helps to reduce the District's carbon emissions will be supported. Development will be directed towards the most sustainable locations and mitigate against any potential impacts on the environment, and the use of renewable and low carbon energy sources are promoted. Policy CS9 also states that energy generation will be supported, where the proposal:

- Ensures that the most appropriate technology is selected for the site;
- Ensures that the siting of development avoids harm to the significance of a heritage asset, whether designated or not, and its setting;
- Ensures that the impact of the development on local landscape character and historic landscape character is minimised;
- Ensures that the siting of development does not create a significant noise intrusion for existing residential dwellings;
- Includes measures to mitigate against any adverse impacts on the built and natural environment resulting from the construction, operation and decommissioning of any equipment/infrastructure;
- Does not create an overbearing cumulative noise or visual impact from renewable energy developments when considered in conjunction with similar developments and permitted proposals within the District and within adjoining Local Authority Areas.

Policy CS11, among other things, requires development to be of a scale, density and design that would not damage quality and character of areas in which they are situated, and which respects the context in which it is taking place. It also states that new development affecting Conservation Areas (CAs) should be sympathetic to those characteristics that make CAs special.

Policy CS5 states that the majority of future development will be located in areas well served by local services to reduce the need to travel, where people can gain convenient access to public transport services for longer journeys and where local journeys may be undertaken on foot or by bicycle

Policy CS10 states that new development will be directed towards areas at the lowest risk of flooding within the District.

Policy CS8 (d) states that the Council will protect, manage and enhance the District's biodiversity, and avoid demonstrable harm to habitats or species which are protected or which are of importance to biodiversity.

CS17 lists development required for renewable energy production alongside agriculture, woodland management, sport and recreation and local food initiatives as being appropriate development in the Countryside. CS17(c.) states that rural development must be located and designed in a way that is sensitive to its landscape setting, safeguards important views, and protects the landscape setting of individual settlements.

Harborough District Local Plan (HDLP)

The HDLP was adopted in 2001, with 2006 as its original end date. As a result of the Planning and Compulsory Purchase Act 2004, the Government allowed some Local Plan policies to be 'saved' beyond 27th September 2007 until the Local Development Framework (LDF) is adopted, and some of these have been retained until such time as an Allocations DPD (and other necessary DPDs/SPDS) has been adopted. The only retained policy of particular relevance to this application is RM/8 (Sites of local ecological or geological interest).

Planning Considerations:

In light of this policy overview, especially paragraphs 93 to 98 of the NPPF and policies CS9 and CS17 of the Core Strategy, current planning policy is clearly very supportive of the principle of renewable energy development. Each proposed development will present material considerations which must be assessed individually and then balanced together before making a final judgement on the merits of the detailed proposal in question. Each of the principal land-use planning considerations is assessed in turn under the following section headings:

- Contribution to Renewable Energy Generation
- Landscape and Visual Impact
- Cumulative Impact
- Visual Intrusiveness and Impact to Residential amenity
- Historic Environment
- Ecology & Ornithology
- Highway safety
- Noise
- Shadow flicker & TV signal interference
- Other matters, including equine, decommissioning and reversibility

Contribution to Renewable Energy Generation

When determining planning applications for development of the type proposed it is reasonable and proper to attach weight to the contribution they would make to the region's renewable energy

generation. The proposal would make a relatively small contribution (when compared, for example, to Low Spinney and Swinford), but nonetheless this is a material consideration which weighs in favour of the proposal.

Landscape:

The site is located in the countryside near to the villages of Carlton Curlieu and Burton Overy. The site lies within a shallow bowl of agricultural land. The immediate landscape is rural in nature, attractive and unaffected by intrusive features.

The access track will lead from the western edge of Carlton Curlieu, where an existing farm track exists and the existing footpath of C7 adjoins Main Street. There is an existing farm gate at this access.

The LVIA states that the turbine will have a slight adverse impact on landscape and will have a slight to moderate adverse impact on visual amenity.

The turbine, at a height of 102 metres to blade tip, would be readily discernible in the landscape from a variety of vantage points and would have a demonstrable visual impact. There are clear and applicable policy criteria on landscape and visual impacts to instruct decision makers, aided by the *Harborough District Landscape Character Assessment (2007)*¹ (HDLCA).

The Harborough District Landscape Character Assessment (2007) (HDLCA) identifies the site as being within High Leicestershire. This is an area of undulating agricultural countryside with hedgerows and some areas of woodland. The Assessment states that it is an area with a low capacity to accept any major developments in all but the western suburban areas, towards Leicester. It states that High Leicestershire's character would be adversely affected by the influence of any development, other than small scale developments.

Key issues listed are:

- Development may have an adverse impact on topography and landform which are key defining features of the landscape character of this area. The landscape is particularly vulnerable to negative landscape and visual impacts.
- Traditional features and form of smaller more rural and isolated villages may be particularly vulnerable to development pressure, even on a small scale.
- Inappropriate development may erode the defining characteristics of the landscape setting for smaller scattered villages across the landscape character area.
- Distinctive historic features and elements, which remain within the relatively intact landscape, may suffer adverse and irreversible impacts from inappropriate development.
- Important features and elements of the historic landscape, including parks and gardens, estates and mature hedgerows and woodlands may be threatened by development and prove impossible to replace or replicate once lost.

A recent decision taken by HDC at Ingarsby (and subsequently dismissed at appeal) was to refuse a proposal for 2 x 71m high turbines which had a slight to moderate impact at up to 3km. In this case, it was felt that the intimate, small scale nature of the surrounding landscape hindered its capacity to absorb such a major development.

A recent decision refused by Harborough District Council and then dismissed at appeal was for the erection of a single 47m high wind turbine at Valley View Farm, Red Lodge Road, Tilton On The Hill. In paragraph 10 of the Inspector's decision (Appeal Ref: APP/F2415/A/10/2134781), Inspector Elizabeth Fieldhouse stated:

¹ Harborough District Landscape Character Assessment (2007)

“Other radio masts and transmission pylons in the vicinity have been taken into account but rather than providing a justification they demonstrate the impact of such developments and/or are closely associated with other buildings, structures or planting.”

It is evident when viewing the locality of the application site that the same can be said for this area. There are very few vertical structures in the vicinity of the site. The landscape is largely undisturbed by significant or intrusive artefacts. The only power lines visible are to the west south west of the site and lie on lower land than the turbine and are considerably smaller and therefore do not have the same dominant impact that the turbine would have. The power lines are also not visible in all views of the turbine due to their low lying location and are only present in views of the turbine towards the east. Furthermore they are static in appearance and due to their lattice construction they are more transparent.

It is considered that in this rural setting the proposed turbine will impose itself as a result of its height and the moving turbine blades and would be seen from local roads and footpaths. It would appear as a relatively prominent, isolated structure with moving blades in a rural setting, which because of its undulating character and relative freedom from intrusive artefacts would appear visually intrusive.

Core Strategy Policy CS17 accepts that renewable energy development is appropriate in the countryside, subject to compliance with relevant strategy policies. Policy CS17(c) requires sensitivity to landscape settings and sets out particular considerations for the landscape character areas (in this case High Leicestershire). First among these at CS17(c)(i) is the need to protect and, where possible, enhance the character and quality of the landscape. In view of the intrusive nature of this development in this setting this policy cannot be said to be respected.

From most viewpoints the turbine would be viewed against the background sky. For this reason the turbine is proposed to be off white with a semi-matt finish to minimise visibility and reflection. However, notwithstanding this it is considered that the turbine will still visually harm the character of the landscape for the reasons set out above.

An additional photomontage was requested of the view from the edge of Carlton Curlieu. This has not been received. However, it is not considered that it is essential for this to have been seen to be able to assess the application and it is not considered that the photomontage would alleviate concerns about the impact on the landscape.

Compliance with CS9 is not reliant on the LVIA or HDLCA but they are helpful material considerations.

Cumulative Impact

There are two 25m lattice turbines at Illston on the Hill and although Gilmorton and Low Spinney can be seen from the site it is not considered that they would result in a harmful cumulative impact. In this respect the application therefore complies with Policy CS9 of the Harborough District Core Strategy.

Visual Intrusiveness and Impact to residential amenity:

It is a well held planning principle that there is no “right to a view” such that an attractive or cherished outlook from a private property can be protected from development that would adversely affect it. The fact that the proposed wind turbine would be seen from a number of dwellings in the surrounding area, and in some cases would be moderately prominent and would have some effect on countryside views, is not determinative in itself. A change in the view is simply that and how it is perceived depends in part on how the viewer is disposed to the development in question².

² APP/E2530/A/08/2073384

However, private and public interests may coincide where a proposal would have such a severe adverse impact on the outlook from a property that it would make it a significantly less attractive place to live, as perceived by a reasonable observer without strong views for or against the type of development in question. In such a situation, protecting the amenities of a dwelling may be a legitimate and material planning consideration.

The Inspector's comments at South Cambs and Langdon, Dover, are helpful in this regard:

12.34 "...the outlook from private property is a private interest, not a public one, and the public at large may attach very different value judgements to the visual and other qualities of wind turbines than those who face the prospect of having to live close to them. Equally, however, people pass through a diverse variety of environments when going about their daily lives, whether by car or when using the local rights of way network, and I find nothing generally objectionable in turbines being part of that broad experience" (South Cambs³)

66. However, when turbines are present in such number, size and proximity that they represent an unpleasantly overwhelming and unavoidable presence in main views from a house or garden, there is every likelihood that the property concerned would come to be widely regarded as an unattractive and thus unsatisfactory (but not necessarily uninhabitable) place in which to live. It is not in the public interest to create such living conditions where they did not exist before" (Langdon, Dover, decision 28.04.09⁴)

Thus the size and scale of the proposal and its relationship to nearby amenities must be considered in order to assess, for example, any overbearing or oppressive effect. The turbine would potentially be visible from residential properties within the settlements of Great Glen and Carlton Curlieu. The turbine may be more significantly visible from New House. While the proposed turbines would undoubtedly have an impact on the outlook from the above mentioned properties, it is considered that this impact is not so grave as to lead to unacceptable harm to residential living conditions.

Historic Environment:

Cultural heritage features include built features, historic landscape features and archaeological remains, whether earthwork monuments, industrial remains, or buried remains of human activity. Whilst there are nearby heritage features in proximity including listed buildings' and conservation areas (eg Kibworth Harcourt, Carlton Curlieu and Burton Overy) the proposal will not be a dominating feature against any of these assets in itself and is unlikely to significantly affect their setting. Overall, the proposal is considered not to adversely effect the character or setting or any designated heritage asset, and would thus comply with NPPF paragraphs 126-139.

Ecology and Ornithology:

The site is situated in an agricultural landscape. The ecological survey submitted states that 'no significant effects on protected species or priority habitats have been identified'.

LCC Ecology notes that the proposed turbine would be sited in accordance with Natural England's Technical Information Note TIN059 – Bats and single large turbines in that no part of the turbine will be within 50m of a hedgerow.

However, details of the access track have not been submitted with regards to its relationship to an existing hedgerow. This could have implications on habitats and protected species and also the affect on a pond containing Great Crested Newts is unknown due to this lack of information. In addition to this it is not clear when the badger surveys were carried out.

³ APP/W0530/A/07/2059471

⁴ APP/X2220/A/08/2071880

Therefore as it stands not enough information has been submitted to assess the impact of the turbine on habitats and protected species and therefore the application is contrary to Policy CS8 of the Core Strategy. Whilst a decision could be delayed to try and obtain this that would not be in the public interest or assist challenge of climate change as the certainty of a decision is helpful. The applicant is not prejudice from submitting additional information via a further proposal or at appeal if necessary.

Highway safety:

The local Highway Authority (LHA) have been consulted regarding the proposed development. No objections have been received subject to conditions. They do not consider that the development will lead to a material increase in traffic following construction. Conditions request further information prior to works commencing on site with regards to routeing and the access. Concerns have been raised by the Local Planning Authority about the impact the transportation of the turbine could have on the tight route through Carlton Curlieu and more information has been requested. This had not been received at the time of writing this report but it is not considered that this could be a recommended reason for refusal as the developer should be able to demonstrate that the route will not be damaged or that any works to the highway to enable transportation will be returned to their existing state. This could be secured by a planning condition or obligation. The application would therefore accord with Policy CS5 of the adopted Core Strategy.

Noise and Impact to health:

Given the NPPF's relative silence on this matter (paragraph 123 is its sole reference to Planning and Noise), the Companion Guide to Planning Policy Statement 22: Renewable Energy (PPS22), issued in December 2004, states that the 1997 report by ETSU⁵ for the Department of Trade and Industry (DTI), "*The Assessment and Rating of Noise from Wind Farms*" (ETSU, 1997), should be used to assess and rate noise from wind energy developments.

Since the release of the ETSU guidance there has been further work undertaken into the effects of noise from wind farms commissioned by both the DTI and DEFRA. Following the release of reports into wind turbine noise undertaken by Hayes McKenzie and Salford University the Government issued a robust advice note in 2007 stating that ETSU-R-97 should continue to be followed for the assessment of noise from wind farms.

Noise from turbines is measured in accordance with a specific methodology in ETSU. The recommendations of this report established accepted background noise levels and the extent to which they may be reasonably exceeded, i.e. by setting a 5 dB (A) level above background levels (at both day and night) at the nearest noise sensitive properties.

In successive appeal cases⁶ since Feb 2009, Inspectors have confirmed that ETSU-R-97 should be used for the assessment and rating of noise from wind farms, and restated the guidance of the Companion Guide to PPS22: "*There is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be harmful to human health*" and it is not considered that officers are in a position to disagree with Inspectors' findings.

The Council's Environmental Health officer advises that he is happy with the noise assessment that was submitted with this application subject to some further information being received. This has not been received yet but it is not considered that the concerns would be unresolvable and therefore refusal is not recommended on this basis. Noise emissions would be conditioned, if this application were approved, as recommended in para 15.3 p16 of the noise assessment report. Subject to this and the further required information being satisfactory the proposal would accord with Core Strategy Policies CS9 and CS11 of the Core Strategy, and the NPPF, in this regard.

⁵ ETSU-R-97 was written by a Noise Working Group (NWG) of developers, noise consultants, EHOs and others set up in 1995 by the DTI through ETSU (the Energy Technology Support Unit).

⁶ Langdon (ref as 28), Market Drayton (APP/L3245/A/08/2088742) and Clacton-on-Sea (APP/P1560/A/08/2088548)

Interference and Shadow flicker:

If a reduction in television reception quality occurs in the surrounding area, it is most likely to be noticed when the wind energy development becomes operational. To mitigate this, a planning condition might be imposed⁷, requiring the applicant to assess current television signals in advance of development and take measures necessary to mitigate post-development where effects are attributable to the wind energy development. However, there is no evidence that this is required and therefore a commensurate approach to this proposal. Such a condition might require the applicant to meet the cost of investigating and rectifying any problems should they arise.

Shadow flicker occurs when turbine blades intersect the line of sight between a window of a building and the sun, causing a flickering effect in the affected room. The probability of this happening and its severity depends on a number of factors including: the relationship between the turbine, the dwelling and the path of the sun; the height of the turbine, rotor diameter and its distance from the dwelling; the time of year; and the proportion of daylight hours when the turbine is operating.

In the UK, only properties within 130 degrees either side of north, relative to the turbines, can be affected. Generally the residential property must also be within a distance of 10 times the rotor diameter of the turbine, i.e. within 540 metres in this instance. As there are no residential dwellings within a 540m radius of the proposed wind turbine, it is considered that the proposal would not have an adverse effect in terms of shadow flicker.

Impact to horses/equestrianism:

There is considered to be no impact in this regard. Inspector's comments at appeal⁸ are helpful in this regard.

Decommissioning:

It seems reasonable to assume that decommissioning noise would be generally less or similar to that experienced during the construction period. On this basis noise relating to the decommissioning of the wind energy development may also be perceptible, but would also be limited by restricting working hours and transport routes, and could be controlled via condition.

Conclusion:

Local (CS policy CS9) and national (NPPF paragraphs 93 to 98) planning policies establish a welcoming stance to renewable projects in general where environmental, economic and social impacts can be addressed satisfactorily. The broad thrusts of national planning guidance acting in combination with adopted RSS and Core Strategy and policy related development and open countryside provides the policy basis for the determination of applications for wind turbine proposals.

The need to maintain continuity and security of energy supply nationally, regionally and locally in the face of diminishing resources of fossil fuels is indisputable. More particularly, wind energy is an integral component of the Government's desired energy mix for reasons of diversity and security of supply, and sustainability. Whether the claimed output and carbon savings from this scheme are achieved, compliance with Government aims is not in question. Furthermore, The Framework also affirms that the fact that a target has been reached should not be used in itself as a reason for refusing planning permission for further renewable energy projects.

As discussed above, the electricity generation / renewable energy delivery benefits offered by development are relatively small but still of significant weight. Notwithstanding this, the concerns

⁷ South Cambs appeal decision (APP/W0530/A/07/2059471)

⁸ APP/W0530/A/07/2059471

regarding the adverse landscape impact and potential effects on habitats and protected species are such that permission should be refused.

12/00900/OUT LUTTERWORTH
Leicestershire County Council
(Property Services)

Residential development comprising 130 dwellings and a 1.2ha cemetery, with associated infrastructure including public open space (outline application with all matters reserved for subsequent approval), Land at Leaders Farm, Coventry Road, Lutterworth.

Target Date: 28/09/12

Recommendation

APPROVE for the following reasons and subject to the appended conditions and the completion of a satisfactory S106 Agreement or similar undertaking to secure the contributions included at Appendix A to this report:

The proposed development would result in the loss of a site identified for B1 employment and cemetery use in the saved Local Plan Policy LW/2. However the undeveloped nature of the site since before 2001 for employment uses and in the context of paragraph 22 of the NPPF weigh in favour of the site not being identified in the Allocation DPD solely for employment uses. The proposal would make an important contribution to the delivery of housing, including affordable housing for Harborough District and would also provide a cemetery, without having an adverse impact on interests such as highway safety, residential amenity, cultural heritage or the character of the surrounding countryside. The proposal generally satisfies the aims and objectives of the NPPF, and the grant of permission will not seriously undermine the likely achievement of policy objectives including the Council's adopted Core Strategy and Planning for Growth (March 2011). Given the identified benefits of the scheme a departure from Policies LW/5, LW/8, HS/8 and EM/2 of the Harborough District Local Plan is justified.

Site:

The site lies to the western edge of Lutterworth with the southern bypass (A4303) to the South, Cunningham Drive to the East and Brookfield Way to the West and comprises a total site area of 6.26ha. The majority of the site is within the defined limits to development of Lutterworth although the eastern triangle is outside of the limits being the residual of land left over from construction of the Bypass. The site is generally level overall but with a slight cross fall from north to south. It comprises of Grade 3 agricultural land comprising three fields edged by trees and hedgerows. There is an existing access into the site off Coventry Road.

The Proposal:

Outline planning permission is sought for residential development, with all matters reserved. Various supporting information has been submitted including:

- Indicative Site Layout (An illustrative Master plan has been submitted which shows an area of 1.2 ha for the cemetery in the sw corner of the site accessed off an improved access off the Coventry Road with a separate access road linking directly to the cemetery.) A total of 130 dwellings are shown including 91 market units/39 affordable units. A play area is shown with SUDS detention basin to its east (to properties in Cunningham Drive). Further SUDS basins are shown and an ecological buffer zone to the east of the site.
- Planning Statement (Incorporating Affordable Housing and S106 Heads of Terms)
- Design & Access Statement

- Statement of Community Involvement
- Flood Risk
- Ecological Appraisal
- Archaeological Desk Based Assessment
- Tree survey
- Employment land statement
- Transport Assessment / draft Travel Plan

Relevant Policy Considerations:

National Planning Policy Guidance Housing Land Supply Position

Deleted PPS3 required local planning authorities to ensure that there is a continuous five year supply of deliverable sites within their area. To be deliverable, sites need to be: available, i.e. available now; suitable, i.e. the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities; and achievable, i.e. there is a reasonable prospect that housing will be delivered on the site within five years.

The 27th March 2012 formal publication of the NPPF deleted PPS3. However, the principle of LPAs maintaining 5 year housing supply targets has been carried into the NPPF (note Paras. 47-49):

Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%...”

The Councils latest housing position:

April 2012 (04/04/12), the Council issued its most up to date Supply of Deliverable Housing Sites, which includes the NPPF advised 5% additional buffer. This gave a 31 March 2012 position of a 4.6 year supply of housing land, a shortfall of 133 dwellings.

Latest figures will be re-calculated from October 1 2012 (though it is unlikely that these will be available until the end of October). It should be noted however that 120 dwellings have been approved under reference 11/00117/OUT on land off Bill Crane Way, Lutterworth.

Community Infrastructure Regulations 2010

The necessity test for planning obligations is a statutory requirement. Obligations must be necessary in planning terms to make development acceptable, directly related to the development, fairly and reasonably related in scale and kind to the proposal

Circular 01/2006 – Guidance on changes to the Development Control System.

With an application for outline planning permission detailed consideration will always be required on the use and amount of development. In addition, even if layout, scale and access are reserved, an application will still require a basic level of information on these issues in the application. As a minimum, therefore, applications should always include information on:

- Use – the use or uses proposed for the development and any distinct development zones within the site identified.
- Amount of development – the amount of development proposed for each use.
- Indicative layout – an indicative layout with separate development zones proposed within the site boundary where appropriate.
- Scale parameters – an indication of the upper and lower limits for height, width and length of each building within the site boundary.
- Indicative access points – an area or areas in which the access point or points to the site will be situated.

Planning (Listed Buildings and Conservation Areas) Act 1990 section 66 & 72 imposes special duty to consider setting of conservation areas and listed buildings. Local Plan policies EV/11 & EV/16 apply in this respect.

Safer Places – ODPM - (April 2004)

Planning for Growth (March 2011)

The Development Plan

Section 38(6) of the Town & Country Planning and Compulsory Purchase Act 2004 requires that all determinations under the Act are made in accordance with the Development Plan unless material considerations indicate otherwise.

East Midlands Regional Plan (revoked 6 July 2010 but re-established 10 November 2010). The East Midlands Regional Plan was adopted in March 2009 and provides the broad development strategy for the region up to 2026. The plan pursues an urban focussed strategy that directs the majority of development to the existing urban areas.

Policy 3 indicates that new development will be concentrated primarily in and adjoining the Principal Urban Areas (PUAs) of Derby, Leicester, Lincoln, Northampton and Nottingham.

Policy 12 states that outside of Derby, Leicester and Nottingham, employment and housing development should be located within and adjoining settlements. Such development should be in scale with the size of those settlements, in locations that respect environmental constraints and the surrounding countryside and where there are good public transport linkages.

Policy 13a sets out the required provision for each district over the period 2006-2026. For Harborough District, 350 dwellings a year need to be provided, a total of 7,000 dwellings over the plan period to 2026.

Policy 14 sets out the regional priorities for affordable housing. The policy outlines a total amount of affordable housing for each Housing Market Area (HMA) for monitoring purposes. For the Leicester and Leicestershire HMA the target is 26,500 affordable homes. The Policy confirms that local planning authorities should adopt affordable housing targets in line with the conclusions of the most up-to-date Housing Market Area assessments for their area.

Harborough District Local Plan

The Harborough District Local Plan was adopted in March 2001 and provided development policies for the District up to 2006. In September 2007, the Government (in line with the Planning & Compulsory Purchase Act 2004) allowed some of the policies in the Local Plan to be 'saved' whilst work on the Local Development Framework Core Strategy continued, in order to avoid policy vacuum.

On 14/11/11 the Harborough District Core Strategy was formally adopted, thereby replacing the majority of the Local Plan. Certain Local Plan Policies were, however, retained as part of the Core Strategy adoption. The following HDLP Policies have been retained as part of the Core Strategy and are relevant: - EM/2, LW/5, LW/8. Policy HS/8 Limits to development

Supplementary Planning Guidance

Supplementary Planning Guidance supplements the policies of the Local Plan. They were adopted by the Council in March 2003 following public consultation.

(Following Core Strategy adoption and pending Development Control SPD preparation and adoption, SPGs have been 'saved'/retained by Council as a material consideration, and it therefore remains appropriate to consider the advice in SPGs, where applicable.)

SPG Note 1 – Design Principles to be Applied in Harborough District

The purpose of this note is to provide guidance on existing design in the District and to introduce the principles relating to good design

SPG Note 2: Residential Development – Major Housing Sites

The purpose of this note is to provide guidance on the design issues that need to be taken into account to achieve successful urban design in residential development in the District particularly with regard to major housing site. The submission of a masterplan is required for major sites

SPG Note 9: Landscape & New Development

The purpose of this note is to provide guidance on the landscape considerations that relate to development sites

SPG Note 10: Trees & Development

The purpose of this note is to provide guidance for the retention, management and maintenance of trees during the construction of development, to prepare sites for new planting, and provide for future maintenance.

SPG Note 11: Hedges & Development

The purpose of this note is to provide guidance on the retention, planting and management of hedges in relation to new development

SPG Note 13: Crime Prevention & Reduction

The intention of this note is to provide guidance for developers within Harborough District on how to create through careful design areas which are safe, feel safe and can be enjoyed

SPG Note 16: Requirements for the provision of land for outdoor play space in new residential developments

The provision of outdoor play space is required in all developments comprising 50 or more dwellings. The SPG states that such developments should provide a Local Equipped Area for Play, and those comprising 135 or more dwellings should provide a (Neighbourhood Equipped Area of Play) NEAP.

SPG Note 20: Monitoring of Housing Land

Planning Obligations Developer Guidance Note (September 2009)

This document sets out the Council policy for securing Section 106 contributions.

Assessment of Local Community Provision and Developer Contribution (October 2010)

This assessment considers 'community facilities' that are not already covered by other elements of the Council's Developer Contributions Guidance such as libraries, education, outdoor recreation, play areas etc. In particular it assesses indoor community facilities including village halls and indoor sports provision.

It summarises: *'The Town Hall in Lutterworth is well used for a range of community uses, and there are a number of other similar meeting hall type community facilities in the town, there is also a relatively new leisure and sports centre. Based on our consultation and desk review, the community infrastructure requirement in Lutterworth is to provide drama space as an extension of the leisure centre.'*

Core Strategy

Local Development Framework

Harborough District Council is well underway with work on its Local Development Framework (LDF). The Core Strategy Development Plan Document "Version for Council Adoption" was adopted on 14/11/11 to guide future development in the District to 2028.

Core Strategy

Policy CS1 sets out the spatial strategy for Harborough, which is 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*". Policy 1 sets out a series of criteria that the Council considers necessary in order to achieve the objectives of the spatial strategy to 2028.

Policy CS2 deals with delivering new housing and advises that the District's total housing requirement of 7,700 dwellings will be provided in sustainable locations, such as Lutterworth, where at least 700 dwellings are proposed. The Policy states that the mix of housing types provided as part of any new development should be informed by the most up to date Strategic Housing Market Assessment (SHMA) or other local evidence. The Policy also states that "*Limits to Development boundaries around settlements will be used to shape their future development*" and that "*Limits to Development will be reviewed through the Allocations DPD in order to enable the scale of new housing envisaged to be accommodated.*" The Policy clarifies that "*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 5 year supply of deliverable housing sites and the proposal is in keeping with the scale and character of the settlement concerned.*"

Policy CS3 deals with delivering housing choice and affordability and sets out a requirement that all residential developments within the District will be required to contribute towards meeting affordable housing needs.

A minimum of 30% of the total number of dwellings will be affordable within the 'Lutterworth' sub-market area (unless lack of viability can be demonstrated).

Policy CS5 advises that the majority of future development will be located in areas well served by local services to reduce the need to travel, where people can gain convenient access to public transport services for longer journeys and where local journeys may be undertaken on foot or by bicycle.

Policy CS8 seeks to protect and enhance Green Infrastructure (GI) through securing a high quality, accessible and multi-functional GI network across both rural and urban areas of the District, which contributes to healthy lifestyles and a rich, diverse natural environment.

Particularly pertinent to this application, it states:

"Opportunities to maximise the potential value of existing and new green space will be encouraged through the promotion of recreation, tourism, public access, education, biodiversity, geo-diversity and water management, the protection and enhancement of heritage assets and local landscape (including protection of and proposals which increase tree and woodland cover), and the mitigation of climate change. Improvements to links between green assets within and extending beyond the District will be a priority."

*"Green Infrastructure assets will be safeguarded through ensuring that:
i.) Development does not compromise their integrity and potential value."*

Under policy part b, it is stated:

“A detailed review of Green Wedge boundaries will take place as part of the Allocations DPD.

Green Wedges and, where appropriate, Areas of Separation will be the main focus for GI improvements in urban fringe areas of the District.”

Policy CS9 considers measures to address climate change.

Policy CS10 considers measures to address flood risk. It states that Lutterworth is particularly sensitive to any net increase in surface water discharge into the local surface water sewer network and that the use of Sustainable Drainage Systems (SuDS) will, therefore, be expected.

Policy CS11 promotes good design standards in all development and protection and enhancement of built heritage.

Policy CS12 deals with delivering development and supporting infrastructure and seeks to ensure that appropriate measures are taken to mitigate the impacts of development and ensure that the necessary infrastructure to accompany development is provided.

Policy CS14 relates specifically to Lutterworth. It promotes residential development at Lutterworth in order to encourage town vitality.

The Policy affirms that *“In the provision of new housing, any extensions to Limits to Development will take place to the north of the town and will be addressed as part of the Allocations DPD.”*

At Criterion e), the Policy states that *“The principle of a separation area will be maintained between Magna Park, Bitteswell and Lutterworth to ensure the retention of identity and distinctiveness of these nearby places.”*

The Policy “Explanation” (6.22) clarifies:

“The level and location of development at Lutterworth is influenced by available development land, the need to prevent coalescence with nearby settlements, traffic congestion, air quality in the town centre, and landscape capacity.”

Local Development Framework – Evidence Base

Lutterworth Focus Area Landscape Character Assessment (The Landscape Partnership, July 2009)

A study of the Lutterworth Focus Area Landscape Character was carried out by the Landscape Partnership (July 2009). This assessment advises that the eastern triangle part of ‘red line’ development site consists of green land which is identified as a high capacity for development.

Leicester & Leicestershire Strategic Housing Market Assessment (SHMA)

The SHMA identified a need for 264 affordable dwellings in the District per annum up to 2016 (or 75% of the total annual housing requirement). The SHMA however, also recognised that a 75% affordable housing target is unrealistic due to viability issues. The Council’s target is to achieve at least 90 affordable dwellings per annum.

Strategic Housing Land Availability Assessment (SHLAA)

The Strategic Housing Land Availability Assessment (SHLAA) was published in September 2010 and updated an earlier report prepared in March 2009. The report is intended to identify sites with potential for housing development, assess their potential and assess whether they

are likely to be developed. This helps the Council to develop a more accurate picture of the potential housing land supply situation in the District.

East Midlands Council

In light of the recent High Court decision which confirmed that the Regional Plan will remain part of the statutory development plan until it is abolished by primary legislation, HDC asked East Midlands Council (EMC) to assess the conformity of the 'Publication Version' of the Core Strategy against the requirements of the Regional Plan.

They concluded "the Core Strategy taken as whole would appear to be in 'general conformity' with the Regional Plan".

Town/Parish Plans

Lutterworth Town Plan (2010)

Consultations / Representations:

(Representations received are available to view in full on request)

Environment Agency:

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

LCC (Ecology):

The ecological survey submitted with the application (baker, shepherd, Gillespie, April 2012) is satisfactory in support of this application.

The ecological report indicates that there are three trees on site that have been identified for removal that have potential bat roosting features. We are therefore in agreement with the recommendations in the report (section 5.1.1) that a dawn re-entry survey should be completed immediately prior to the commencement of the development. We would recommend that this is forwarded to the applicant as a condition of the development.

When considering the detail of the final master plan, consideration must be given to the retention of the existing ecological features on site. For example, private plot boundaries should not immediately back onto hedgerows.

Highway Authority (LCC):

It is proposed to access the site from Coventry Road through the provision of a simple priority controlled junction. A simple priority junction would not be acceptable for this development. As the proposed development is for 130 dwellings; in view of the traffic generated by the proposed development and the nature of Coventry Road, a ghost island junction with refuges both sides of the access should be provided.

There is no footway/cycleway along the frontage of the development. A footway should be provided on Coventry Road along the frontage of the development between the access and Cunningham Drive and a footway/cycleway should be provided on Coventry Road along the frontage of the development between the access and the existing footway/cycleway at the junction of Coventry Road with Brookfield Way.

Paragraphs 3.5.14 and 3.5.18 – distances to the site entrance are approx 260m; however from the furthest homes on site this is approximately 750m, which is in excess of what LCC would recommend for a 'reasonable' walking distance in order to encourage use of public transport and assist in modal shift away from SOV trips. We would therefore proposed that 2

x new bus stops are located as close as safely possible to the site entrance, this could then reduce walking distances to the further most homes to around 470m, still in excess of the 400m we would recommend but a lot better than 750m. The reduction in walking distance to the next nearest bus stops would also benefit people visiting the cemetery.

Travel Plan

5.2.1 – The proposal to provide travel packs is welcomed. It should be agreed / acknowledged that it will be an ongoing task [of the TPC?] to keep the contents of the packs up to date.

5.2.2 – we feel the free bus pass offer should be extended to 6 months as a greater time period to fully imbed changes to travel habits. These could be offered on an 'either / or' basis with the cycle incentive vouchers mentioned in 5.4.3..

S106 Contributions

To comply with Government guidance in NPPF 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:

Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).

6 month bus passes, two per dwelling (2 application forms to 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 (can be supplied through LCC at (average) £325.00 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).

2 x new bus stops, as close as safely possible to the site entrance on Coventry Road – including:

Raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263.00 per stop.

Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £120.00 per display.

Bus shelters at 2 nearest bus stops; to provide high quality and attractive public transport facilities to encourage modal shift. At £4,908.00 per shelter.

However if the configuration of the site should change, we would expect to be consulted again.

The above requirements are made on the basis of information made available to the Sustainable Travel Group on the above date. Any variation from the submitted information may result in a change in requirements.

Recommends conditions.

Highways Agency:

No objection raised

Archaeology Officer (LCC):

Notes the submitted archaeological desk-based assessment, geophysical survey and trial trench evaluation, and notes that these show that below-ground archaeological remains are

present on the site in addition to the earthwork remains of ridge and furrow cultivation. The archaeological remains included a cluster of pits or potholes containing quantities of Bronze Age worked flint (both tools and waste flakes formed during tool manufacturing) and pottery dating to Middle Bronze age and Early Iron Age periods. Consequently, likelihood that buried archaeological remains will be affected by the proposals.

Therefore recommends that further exploratory trial trenching is carried out prior to commencement of development; further explains the reasons why this is important. In addition, recommends conditions requiring a programme of archaeological work and Written Scheme of Investigation.

Contaminated Land Officer (HDC):

No objections subject to conditions requiring risk based contaminated land assessment and verification report, plus informatives notes regarding no burning of waste and hours of construction.

Environmental Health (HDC):

No observations on noise assessment.

Severn Trent Water

No objections subject to the inclusion of a surface water and foul sewage condition.

Leics Police Architectural Liaison:

Seeks S106 developer contributions

Leics CC (Health); Seeks Section 106 contributions

Leics CC (Education); Seeks Section 106 contributions.

Drainage (HDC)

No comments received.

Section 106 requirements (see Appendix A):

Given the size of the site proposed for residential development the application triggers a requirement for Section 106 obligations. As part of the application the cemetery is provided which is in excess of the adopted Contributions requirements. This is considered to represent a significant community benefit and to ensure that the totals planning obligation is reasonably related in scale and kind to the proposed development. Discussions have taken place between the district and County Council to take account of this and the following has been put forward by the County Council:

- 30% of total affordable housing (ie. 39 out of 130 dwellings) Tenure split and approach to be agreed.
- Delivery and maintenance contribution to on site open space.
- High school contribution.
- Library contribution.
- Contribution to new household sustainable travel pack.
- Monitoring fee.

Contributions not met:

- Police
- Community facilities
- Health

Lutterworth Town Council

In addition, members resolved to support the application.

Representation: 4 letters of objection received from residents in Cunningham Drive (see file for full comments):

- 1) Concerns about noise and fumes especially the new family homes in proximity to bypass.
- 2) Accepts there is a need for cemetery but questions whether this is an appropriate location given the noise levels. It may be better located on the triangular strip owned by Gazeley.
- 3) Concerned about the intrusive nature of the residential development and impact on neighbours.
- 4) Impact on infrastructure including schools and medical facilities.
- 5) Impact on roads/congestion.
- 6) Some of the Gazely land is outside of the limits to development and any development outside should be done through the allocations DPD. There would be a sufficient supply of housing sites without the inclusion of the Gazeley land (18 dwellings on Gazeley land).
- 7) Considers that the Gazeley land should be used for a more suitable "green" use which would have more community benefits, such as nature reserve, allotments, etc.
- 8) The Applicant states that the proposal has been amended to meet local concerns but it is evident from the proposed layout that the layout fails to safeguard the amenities of all residents (for example 35 Cunningham Drive). There would be substantial loss of light and overbearing impact to this property.
- 9) The scheme is contrary to numerous planning policies, namely HS/8, CS14, CS2
- 10) Concerns about the detention basin at back of property-will it be fenced off? If not may result in danger to children.
- 11) Concerned about the time the noise survey carried out.

One letter of support in favour of the overflow from Lutterworth Church Yard

Other Information:

History:

99/01115/OUT Use of land for business (B1), General industrial (B2) and storage and distribution (B8) uses and demolition of existing farm buildings (withdrawn)

00/00567/OUT Erection of 4 class B8 (storage and distribution) units comprising approx 14399sq.m, cemetery (1.2ha), together with associated access and landscaping (refused)

Planning Considerations:

This application has to be assessed in the light of the relevant national, regional and local plan policies. It should be determined in accordance with the development plan unless there are material considerations that would indicate otherwise.

The fundamental issues associated with this application are considered to be:

Principle of Residential Use

- The adopted Core Strategy identifies an additional 560 dwellings remaining to be planned for (as of March 2011) in Lutterworth. Policy CS2 states that Limits to Development will be reviewed through the Allocations DPD to enable the scale of new housing growth to be accommodated.
- The proposal site lies inside the Limits to Development for Lutterworth (saved Policy HS/8), and subject to acceptance of its loss as an employment allocation, it maybe a preferred site for housing limiting the extent of change required to the towns Limits to Development to accommodate planned growth. The additional "triangle" of Gazeley land, though outside of the established limits, is considered well related to the existing built form of development and given its location is not considered rural in character or particularly attractive (as recognised by the Landscape Capacity Study which identifies land as green "high capacity for development".

- SHLAA 2011 considered the site; Potentially Suitable, Available and Potentially Developable for housing. At 5.3ha, with a development ratio of 62.5% and density of 30 dw per ha – site estimated to deliver 89dw within a 6-10yr timeframe. Proposal provides 130dw which exceeds the estimated capacity. The current land use allocation (of employment) was a key factor preventing the sites elevation to a 'Suitable' and 'Developable' classification in the SHLAA.
- Generally consider the site sustainable; relates well to adjacent uses, possible to access services within a reasonable distance via sustainable modes, good range of facilities nearby & within Lutterworth. Site layout / design and its relationship with adjoining residential areas could reinforce & maximise its sustainability.

Principle of Employment Use / Loss of Employment Use

- Proposal site allocated for B1 employment use (4.4ha) in the saved Harborough Local Plan (2001) policy LW/5. Saved policy EM/2 affords additional protection, against development other than B1/B2/B8, for existing and proposed sites.
- The adopted Core Strategy supports employment development which reinforces Lutterworth's role as a Key Centre (policy CS7a & CS14d). Policy CS7 does not set out an employment land requirement, stating that existing provision (sites & allocations) will be assessed via the Allocations DPD process and a portfolio of sustainable sites confirmed to meet identified shortfalls in need
- The primary evidence documents for the employment policies in the Core Strategy are the [Leicester & Leicestershire HMA Employment Land Study 2008](#) and [Harborough Employment Land Study 2006](#). The conclusions of the former study in terms of demand / supply and need, are accurately reflected in the Employment Land Statement submitted with the proposal. In summary the district is concluded to have an oversupply of offices, even when the proposal site (Leaders Farm) is excluded, and a slight oversupply of industrial land.
- Both evidence studies assessed existing employment allocations including the Leaders Farm site. The HELS (2006) considered the site to be potentially suitable for small B1 units / mixed use, with High suitability for employment land allocation, but Low likelihood of take-up 2005-16. The later L&L HMA ELS (2008) considered the relative strengths & weaknesses of partly /wholly undeveloped sites in the HMA district by district; it identified 3 sites in the district as 'Unlikely to be Developed' including the proposal site therefore excluding it from the district's effective supply.
- The L&L HMA ELS is currently being updated, and although the work hasn't been concluded, indications are that; effective supply in the district has reduced and that the supply side of deliverable sites is highly constrained, raising issues of competition and choice which will need to be addressed via the portfolio of sites in the Allocations DPD.
- In furtherance of policy CS7c) HDC has recently published an [Employment Land Availability Assessment 2012](#) that assesses the employment potential of sites, including existing allocations, using a range of criterion covering; constraint factors, market attractiveness, sustainability and strategic planning. The ELLA 2012 considered the proposal site; Suitable, Not Available and Potentially Achievable for employment use. At 4.4ha, with an average density of 3,600m² per ha the site is stated as having an estimated capacity of 15,840m². However, overall based on one or more grounds (i.e. suitability, availability, achievability) the site is listed as 1 of 12 sites 'Without potential for Employment Development'.
- In furtherance of policy CS7d) HDC has recently undertaken a further piece of evidence (as yet un-published) the Existing Employment Area Review. It assesses the fitness for purpose of the main employment areas in the district, with a view to them being afforded different degrees of policy protection via the Allocations DPD. Two sites in Lutterworth, totalling 2.6ha in predominantly B2 use, are recommended as 'C-Lower Quality Employment Sites' that can be considered for non protection /

release to other non-employment uses as appropriate. If the EEAR recommendations are followed through via the Allocations DPD the effect of this potential loss of existing premises stock for the local / Lutterworth demand / supply balance will need to be considered when determining a portfolio of sites.

- Note the marketing & market commentary sections of the Employment Land Statement submitted with the proposal – it updates / adds to the market view of the site contained in the evidence documents mentioned above.
- Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

Overall Conclusion:

In summary the observations listed above, and in particular the undeveloped nature of the site since before 2001 for employment uses, on balance and in the context of paragraph 22 of the NPPF weigh in favour of the site not being identified in the Allocations DPD solely for employment uses. If this is the case then cemetery use is considered to meet the requirement of saved policy LW/8 and residential use is considered appropriate for the remainder of the site and would contribute to the delivery of planned growth for Lutterworth.

Layout and Scale:

The majority of the site would be within the established limits to development and would relate well to the current built form of development and Cunningham Drive. The illustrative Masterplan shows a total number of 12, 2 storey properties whose gardens will back onto gardens of properties on the southern side of Cunningham Drive. There are some terraced dwellings indicated on the eastern part of the site and these would present some “side on” relationships. There would also be an ecological zone and 2 detention basins also adjoining residential properties on Cunningham Drive. There may be some 2.5 storey dwellings at “key locations” and also some single/1.5 storey properties, though the majority of dwellings are 2 storey (maximum height of 8-9.5m).

If determining to grant permission, reserved matters can control details of scale and appearance of buildings.

While this is an outline application with all matters reserved, information contained within the Design and Access Statements (DAS) and the Indicative Layout Plans illustrates how the site could be developed and informs a decision. The DAS also confirms how this proposal has evolved, taking account of officer and consultee comment, and how this has been addressed. The Indicative Layout Plans should be treated as a basis for further discussion at reserved matters application stage. Taking account of this, and that the DAS and concept Masterplan demonstrate how development of this site, whilst contrary to planning policy, could be designed acceptably, it is considered to be reasonable to recommend that Condition 3 (requiring subsequent reserved matters to be generally in accordance with Indicative Layout Plan) should be imposed should grant of permission occur.

Highways:

The application has been accompanied by a Transport Assessment and Draft Travel Plan which was prepared by WSP. This concludes that the site is well related to the local services, and that these facilities can be satisfactorily accessed by sustainable modes of transport. Additional footway/cycleway must be provided on Coventry Road/Brookfield Way and 2 new bus stops are also required. LCC Highways have assessed the access to the proposal indicated on the submitted plans. Accordingly, it is considered that the proposal is unlikely to generate unacceptable highways safety, traffic volume movement, and access, parking and turning implications which would affect the acceptability of the scheme.

Notwithstanding this, means of access are reserved for consideration at reserved matters stage should planning permission be granted.

Residential Amenity:

The application is in outline form with all matters reserved and, as such, the intricacies of residential amenity can not be fully investigated. However, it is considered that there is adequate space within the site to enable residential development to be accommodated without having a detrimental impact upon the residential amenity of the neighbouring properties (as indicated on both the Masterplan and design and access statement). Issues surrounding residential amenity can be considered in more detail at the reserved matters stage.

Open Space:

The illustrative layout provides a well positioned open space and play area sufficient for the development needs. This can be secured by conditions and obligation on any approval. The majority of hedgerows and trees are to be protected, with the exception of one mature hedgerow which is proposed to be removed for sensitive ecological reasons .

Drainage:

It is considered that satisfactory sustainable drainage methods have been outlined by the applicant and that they can be appropriately secured by Condition, as recommended by the Environment Agency.

Archaeology:

The archaeology officer considers that the outline application can be approved subject to conditions requiring pre-commencement archaeological investigation, and also an appropriate archaeological mitigation strategy for the development site. It is thus considered that the proposals accord with the aims and objectives of PPS5 Planning for the Historic Environment.

Ecology:

The proposal would have an ecological impact and potentially on protected species of wildlife; Natural England and the County's ecology officer are both satisfied that, subject to conditions and watching briefs, the proposal will not have an adverse impact, and the proposal thus complies with Core Strategy Policy 8 and the NPPF.

Affordable Housing Provision:

The Affordable Housing SPD was adopted in February 2006 and is a material consideration in the determination of planning applications. The SPD establishes a site threshold of developments of 5 dwellings or more and requires that 30% of the dwellings are affordable.

During pre-application discussions with the Housing Strategy Manager, the applicant confirmed that the Council will require 30% of the proposed dwellings to be affordable with a split of 60% social rented and 40% shared ownership. It is proposed that the units will be transferred to a partner Registered Social Landlord (RSL) at Open Market Values.

It is noted that the proposal complies with Policy 3 of the Core Strategy.

S106 Agreement (see Appendix A)

Representations received and existing HDC s106 guidance make various s106 requests including contributions towards affordable housing, PCT, community facilities, open space provision, education and police. These representations are available for inspection as background papers. The suggested contributions require justification related to the proposal consistent with the Council's Planning Obligations, Developers Guidance Note, 2009, the Framework and CIL Regulations.

Given the size of the site proposed for residential development the application triggers a requirement for Section 106 obligations. However, as part of the application the cemetery is provided which is in excess of the adopted Contributions requirements (see Appendix A). This is considered to represent a significant community benefit and to ensure that the totals planning obligation is reasonably related in scale and kind to the proposed development. It is also a significant consideration against the proposals conflict with planning policy. Discussions have taken place between the district and County Council to take account of this and the following has been put forward by the County Council:

- 30% of total affordable housing (ie. 39 out of 130 dwellings) Tenure split and approach to be agreed.
- Delivery and maintenance contribution to on site open space.
- High school contribution.
- Library contribution.
- Contribution to new household sustainable travel pack.
- Monitoring fee.

Contributions not met:

- Police
- Community facilities
- Health

Further justification/clarification has been provided from the Applicants regarding the relevant costs of providing the cemetery; including land, access road and initial layout in lieu of the above contributions (see attached Appendix A).

Housing Land Supply Position

Paragraph 47 of the NPPF requires local planning authorities to ensure that there is a continuous five year supply of deliverable sites within their District. To be deliverable sites need to be available, i.e. available now; suitable i.e. the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities; and achievable i.e. there is a reasonable prospect that housing will be delivered on the site within five years.

In March 2012 the Council demonstrated a 4.6 year supply of housing land with a shortfall of 133 dwellings over the five year period (this compares to 4.5 yrs in March 2011).

As the Council do not currently have a five year supply of deliverable housing land, planning applications for housing should be considered favourably having regard to para 47 of NPPF

Conclusion:

The proposal would make an important contribution to the delivery of housing, including affordable housing for Harborough District and would also provide a cemetery, without having an adverse impact on interests such as highway safety, residential amenity, cultural heritage or the character of the surrounding countryside. The proposal generally satisfies the aims and objectives of the Framework, and the grant of permission will not seriously undermine the likely achievement of policy objectives including the Council's adopted Core Strategy and Planning for Growth (March 2011). Given the identified benefits of the scheme a departure from to Policies LW/8, HS/8 and EM/2 of the Harborough District Local Plan is justified.

Conditions

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. REASON: To accord with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. 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;
 - (d) The landscaping of the site;
 - (e) The means of access to 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 2 (5) of the Town and Country Planning (Development Management Procedure) Order 2010.

3. The development hereby approved shall be carried out generally in accordance with the Illustrative Master plan (dated 18/06/12). Reason: - To ensure a satisfactory form of development that mitigates impact on the character and appearance of the countryside.
4. Prior to the commencement of development, the applicant shall submit for approval by the LPA in consultation with the Highway Authority full details of the proposed access into the site from Coventry Road, such details to include the provision of a footway on Coventry Road along the frontage of the development between the access and Cunningham Drive and a footway/cycleway on Coventry Road along the frontage of the development between the access and the existing footway/cycleway on Brookfield Way.

Reason: In the interests of highway safety and to ensure a satisfactory form of development.
5. Prior to the commencement of development, the applicants shall submit for approval by the LPA in consultation with the Highway Authority full details of a footway/cycleway link between the development site and Coventry Road (the precise location to be agreed) as near as possible to the roundabout junction with the A4303.

Reason: To encourage sustainable travel by enabling pedestrians and cyclists to utilise the pedestrian/cyclist facilities along the A4303 to reach employment sites such as Magna Park.
6. All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycleway and shared use footway/cycleways) and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences.

Note: Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.
Reason: To ensure a satisfactory form of development and in the interests of highway safety.

7. No part of the development (as approved) shall be occupied until details of a Residential Travel Plan for the development as a whole has been submitted to and agreed in writing by the LPA.
Reason: To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to and from the site.
Note: The plan shall comprise proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for all journeys. Details of the proposals shall include measures to secure increases in car sharing, public transport use, cycling and walking, to promote alternative modes of travel to the site.
8. The plan shall make provision for relevant surveys, review and monitoring mechanisms, targets, timescales, phasing programmes and on-site management responsibilities. It shall be implemented and subject to regular review in accordance with the above approved details.
Reason: To ensure that the travel plan is being implemented correctly and is achieving its modal shift targets
9. No development shall commence on site until details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity. REASON: To ensure the adequate provision of facilities and in the interests of visual/general amenity and to accord with Harborough District Core Strategy Policy CS11
10. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - h) measures for the protection of the natural environment;
 - i) hours of construction work, including deliveries; and
 - j) measures to control the hours of use and piling technique to be employed
 has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and to accord with Harborough District Core Strategy Policy CS11
11. The development hereby approved shall be implemented in accordance with the approved mitigation measures detailed in the Ecological Survey. REASON: In the interests of wildlife and nature conservation and to accord with Harborough District Core Strategy Policy CS11.
12. No development shall commence on site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by

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

13. 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 (12) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. REASON: To ensure satisfactory archaeological investigation and to accord with the Harborough District Council Core Strategy Policy CS11.
14. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
 - (a) indications of all existing trees and hedgerows on the land;
 - (b) details of any trees and hedgerows to be retained, together with measures for their protection in the course of development;
 - (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - (d) finished levels and contours;
 - (e) means of enclosure;
 - (f) hard surfacing materials;
 - (g) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
 - (h) retained historic landscape features and proposed restoration, where relevant.
 - (i) programme of implementationThereafter 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
15. No development shall commence on site until full details of the means of foul and surface 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 with Harborough District Core Strategy Policy CS10

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 any protected species must be maintained at all times throughout the development. In the event of any protected species being discovered works shall cease, whilst expert advice is sought from Natural England.
-

12/01043/REM – Husbands Bosworth
Applicant: Languard

Erection of three dwellings (reserved matters of
09/00623/OUT) at 13 Church Lane, Husbands
Bosworth

Target Date: 11/09/12

Recommendation

APPROVE for the following reasons and appended conditions:

The development hereby approved would be in keeping with the scale, form and character of the surrounding settlement, would complement the character and distinctiveness of the site's surroundings and respond appropriately to the site's characteristics, would preserve or enhance the character and appearance of Husbands Bosworth Conservation Area, would not have an adverse affect on the amenity of adjoining residents and would not result in additional traffic which would give rise to a road safety hazard. The proposal is therefore considered to comply with Policies CS1 (g) & (i), CS2 (b), CS5, CS8, CS9, CS10, CS11 and CS17 of the Harborough District Core Strategy, and no other material considerations indicate that the policies of the development plan should not prevail.

Site:

The application site is presently comprised of a rectangular, single-storey industrial building, now vacant but previously occupied by Languard Ltd (the operation has recently moved to Packs Hill Farm, Station Road), plus yard and small outbuildings/sheds to the site's southern corner. The site, with an area of approx. 0.05 ha (0.12 acres), has a 24 metre frontage (broadly eastward) on to Church Lane. The application site is bounded by residential neighbours to either side and to the rear. The site rises very slightly from right to left and more significantly from front to back. The parish church, All Saints, is located to the south-east at the junction of Church Street and High Street. The site is within Husbands Bosworth's defined Limits to Development and its designated Conservation Area.

The Proposal:

The current application seeks approval of the Reserved Matters of the Outline Consent, 09/00623/OUT. All matters are to be assessed, i.e. means of access, layout, scale, appearance and landscaping. The proposal is for three, two-storey, three-bedroom dwellings, with an overall footprint of 15.5 metres by approx. 9.5 metres, an eaves height of 4.9 metres and a ridge height of 7.65 metres. The application relates to amended plans received 04.09.12.

Policy

National Planning Policy Framework (NPPF) (published 27.03.2012):

Paragraphs 9, 13, 14, 47 (presumption), 17, 18-22 (economy), 29-36 (transport), 47-52 (housing), 56-66 (design), 69-75 (healthy communities), 93-104 (climate change and flooding), 109-125 (natural environment), 126-139 (historic environment) and 186-206 (decision taking)

Regional Policy (East Midlands Regional Plan):

Policy 2 (design), Policy 26 (Natural and Cultural Heritage), 35 (flood risk)

Local Policy:

Harborough District Council Core Strategy

CS1 – Spatial Strategy for Harborough (parts (a), (g), (i) and (o) are relevant)
CS2 – Delivering New Housing
CS3 – Delivering Housing Choice and Affordability
CS5 – Providing Sustainable Transport
CS8 – Protecting and Enhancing Green Infrastructure
CS9 – Addressing Climate Change
CS10 – Addressing Flood Risk
CS11 – Promoting Design and Built Heritage
CS17 – Countryside, Rural Centres and Rural Villages

Harborough District Local Plan:

RM/8 – Sites of local ecological or geological interest

Policy HS/8: Limits to Development

Other material considerations

SPG⁹ Note 1 – Design principles

SPG 2 / 5 – Residential development

SPG Note 9 - Landscape & New Development

SPG Note 10 - Trees & Development

Ministerial Statement – ‘Planning for Growth’ (23.03.11)

Circular 11/95 – Use of conditions in planning permission

Circular 06/05 – Biodiversity including statutory obligations within the planning system

Community Infrastructure Regulations 2010

Safer Places – ODPM - (April 2004)

S106 Policy

There is clear government advice set out in the NPPF 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. Under the adopted Core Strategy, the proposed development would trigger a requirement for Section 106 obligations in respect of affordable housing if submitted as a full application, but as this is a Reserved Matters application, no contribution will be required or requested¹⁰.

Consultations / Representations:

Archaeology (LCC):

For various reasons (for full explanation cf. consultation comments on file), there is a likelihood that buried archaeological remains will be affected by the proposed development (from, e.g. foundations, services and landscaping). No objections to the proposal subject to imposition of certain conditions (informed by paras 53–54 of Circ 11/95, and cf. paras 129 and 141 of NPPF for justification) to safeguard any important archaeological remains which may be present.

Highways (LCC):

No objections subject to conditions.

Husbands Bosworth Parish Council (in relation to plans originally submitted):

The Parish Councillors that 2 1/2 storey proposed development is in contravention of the Conservation Area requirements as there are no other buildings fronting Church Lane which

⁹ Supplementary Planning Guidance Notes were adopted by the Council in March 2003 following public consultation, and supplement the policies of the Local Plan. Full Council has voted to retain the said SPGs and link them to Core Strategy policies as applicable, until a new Supplementary Planning Document is produced.

¹⁰ Either way there is a strong fallback position provided by the extant permission 09/00623/OUT.

have this feature. The heights of the buildings in Gilby Close have already caused concerns for neighbouring properties. The plans show that the only tree on the Lane is due for removal. Residents have objected to the removal of this tree on previous plans and as the tree is on land belonging to Highways would they not have to give permission. This appears to be over-development of the site and the Councillors object to this proposal.

[Officer comment: The proposal has since been reduced in scale, from 2.5 storeys to purely two storeys, with a reduction in overall height from 8.8m to 7.65m.]

Environmental Health Officer (HDC):

No comments received

Contaminated Land Officer (HDC):

No objections subject to conditions, amended from Outline permission to reflect updated technical guidance

Water authority (Severn Trent):

No objections and no comments to make

Representations:

Letters of objection from 9 households (have been received raising the following points (for more details please refer to the letters on file):

(1) Adverse visual impact: Proposal for 3x 2.5 storey townhouses would represent an unnecessary intrusion to the already over-developed Begley's site; proposal would be dominant and oppressive; out of keeping; visually inappropriate; finished floor levels must be carefully monitored – must not take Begley's Yard development as guide: there is a significant difference in levels between front and rear of site; design – would require a sensitive approach, to ensure development is in keeping with local vernacular; development should be single-storey to reflect the existing building – and provide a viable alternative for elderly village residents wishing to move from their two-storey properties; and two would have less impact than three.

(2) Adverse impact on Conservation Area; signs required for highways measures would add to street furniture

(3) Contaminated land: Development of this site would require demolition of the existing buildings and removal of the concrete pad that covers the site; the site has been used for many years to store and handle hazardous chemicals, e.g. pesticides, herbicides; the workshop building contains asbestos. Prior to Languard it was a lorry service area and there was diesel and other contaminants dumped into the soil. Removing the concrete pad would expose the village to whatever pollutants remain, and these would likely include banned/toxic materials e.g. DDT, dieldrin, atrazine, paraquat, methyl bromide, anthrax; the applicant should be required to complete on-site tests by way of bore holes drilled into the concrete and for a comprehensive Risk Assessment to be made of the site; is the site fit for human occupation?

(4) Adverse impact on living conditions of neighbours: "extreme loss of privacy"; 8.75m houses would result in an overbearing form of development; loss of the workshop building would affect the neighbour's security and privacy – the developer would be obliged to provide a suitable boundary treatment and masonry wall, preferably of old-style red brick to be in keeping with the other buildings in the locality, of a sufficient height to give privacy and security; overlooking – especially from window to north-western side elevation, obscure glazed required

(5) Adverse impact on highway safety: Insufficient parking provision on Church Lane; proposal would lead to on-road parking; site is approx 26m from T junction and blind corner of Mowsley Road; site would be better used as car parking for Church Lane residents.

(6) Trees: Loss of the last remaining tree on Church Lane (a maple, which was planted to commemorate the 1981 royal wedding); would be destroyed if the development goes ahead; it is on County Council owned land and is not the applicant's property

Other issues raised: Inappropriate location for existing use; drainage – an appropriate, new system would be needed; conditions imposed to any consent for this proposal needed to be tightly worded than those for the Begley's Yard development, esp. on-site working hours and parking for construction vehicles

Comments also made in relation to the Begley's Yard development, which is not part of (and has no bearing on the detail of) the current proposal.

Other Information

History:

09/00623/OUT – Demolition of existing business premises and erection of 3 dwellings (all matters reserved) – granted, conditions, 27.07.09

06/00431/OUT – Demolition of existing business premises and re-development for residential use (all matters reserved) – granted, conditions, 17.05.06

MR/00328/HB – Erection of building to incorporate store office and toilet accommodation – granted, conditions, 09.09.69

Reason for Report to Committee:

This application is being reported to the Planning Committee for determination because 5 or more letters of counter-representation have been received.

Housing Land Supply Position

Paragraph 47 of the NPPF requires local planning authorities to ensure that there is a continuous five year supply of deliverable sites within their District. To be deliverable sites need to be available, i.e. available now; suitable i.e. the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities; and achievable i.e. there is a reasonable prospect that housing will be delivered on the site within five years.

In March 2012 the Council demonstrated a 4.6 year supply of housing land with a shortfall of 133 dwellings over the five year period (this compares to 4.5 yrs in March 2011). The six monthly update will not be available until early October/November 2012. As the Council do not currently have a five year supply of deliverable housing land, planning applications for housing should be considered favourably having regard to para 47 of NPPF.

Planning Considerations:

Section 38 (6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the relevant policies contained within the development plan unless material considerations indicate otherwise. As this application is for the erection of a dwelling within the Conservation Area and built form of the village of Husbands Bosworth, Policies CS2, CS5, CS11 and CS17 are considered most relevant.

Main Issues

The Outline permission granted consent for the principle of the development, and as the Reserved Matters application covers the same area (i.e. that within the red line), the principle of the development has been established.

The key issues in this case are therefore: (1) would the development be in keeping with the scale, form and character of its surroundings? (2) Would the development safeguard the living conditions of neighbouring residents and other land users?

Design & Impact to visual amenity:

Under the amended plans, the proposed two-storey dwellings would result in a development of simple, traditional form, that would respect the existing built form of the locality and through the use of segmental arch lintels, brick banding detail and chimneys would be sympathetic to the local vernacular. The amended plans also show mock windows to both side elevations, which successfully break up the form and massing, with the window positions also reflecting local vernacular, e.g. Honeypot Farm on Main Street.

In order to secure this design and detailing, it would be reasonable to impose appropriately worded conditions. Subject to these and other conditions relating to hard and soft landscaping, materials, boundary treatment and finished floor levels, it is considered that the proposal would respect local character, be visually attractive and individual, and respond successfully to the individual site's characteristics, and would thus comply with the relevant parts of Core Strategy Policy CS11.

Impact on Conservation Area:

For the same reasons, it is considered that the proposal would be sympathetic to the characteristics of the Conservation Area that positively contribute to its significance. To ensure that the development in this regard, it would be critical to impose those conditions mentioned above, e.g. bricks (red) and tiles (slate) must be appropriate to the locality, and boundary treatment should comprise brick walls, and for reasons of character and visual amenity must exclude close boarded fences. Overall, it is considered that the proposal would comply with Core Strategy Policy CS11 and the relevant paragraphs of the NPPF.

Residential amenity:

The proposal would have some effect on the living conditions of neighbouring residents to three sides, 15 Church Lane to the north-west, Church Lane residents opposite the site to the north-east, and future occupiers of the new dwellings to the rear (south-west). The proposal broadly complies with SPG separation distances with regard to the new dwellings to the rear (20.7m, SPG suggests 21.0m), and those on Church Lane have side-to-side relationships (e.g. No. 15) or are across the public realm (e.g. Nos 20, 22 and 24). It would be important for the north-west facing, first floor side window to be obscurely glazed to prevent undue overlooking of No. 15.

It is considered that, by virtue of its amended two-storey form, the proposal would not be visually dominant, imposing or overbearing to neighbouring residents, and the proposed building is sited sufficiently far away from No. 15 so as not to cause overshadowing or undue loss of light. It is thus considered that the proposal would safeguard the living conditions of neighbouring residents, and therefore accords with Core Strategy policy CS11(c.).

Access and parking:

The proposal includes sufficient off-road space for parking of two cars per dwelling. The Local Highway Authority has no objections to the proposal, subject to conditions, which cover gates being set back, gradients, construction methodology, surfacing, parking provision, access drive width, inward opening ground floor windows, footway and visibility splays. Overall, therefore, the proposal accords with Core Strategy policy CS5.

Other issues:

The County Archaeology officer has no objection subject to conditions. The significant public concern on the issue of land contamination is noted, but the current application is for the details of scale, layout and appearance, etc., and the issue of contaminated land was

assessed as part of the principle of development at the Outline application stage: relevant conditions were imposed on the Outline planning permission, which would remain applicable and which the Council's Contaminated Land Officer confirms should be updated to reflect more recent technical guidance but which on the substantive matters are fit for purpose.

Pre-application advice

In accordance with Council and Government policy pre-application advice was provided by the Council in July 2012, covering issues of scale, form and design.

Conclusion:

The proposed dwelling would constitute an appropriate form of development, would have a scale, form 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 preserve the significance of the Husbands Bosworth Conservation Area, 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 CS2, CS5, CS8, CS10, CS11 and CS17 of the Harborough District Core Strategy, SPG2 relating to separation distances and SPG3 residential developments.

Conditions:

1. Except where amended by details agreed pursuant to the conditions of this permission, the development hereby permitted shall be implemented fully in accordance with the submitted plans drawing references "958-12/03", "958-12/02 Rev B", "958-12/01 Rev B" and the Site Location Plan Plan. Reason: For the avoidance of doubt.
2. Notwithstanding the details submitted or the approved drawings, no development shall commence on site until details of the following matters have been submitted to and approved in writing by the Local Planning Authority:
 - (a) Full details and samples of all externally facing materials to be used in the construction of the development, including brick band (string course) detailing, doors, windows, ridge tiles;
 - (b) Full details of sills, lintels, fascias, soffits and bargeboards;
 - (c.) Full details of the bond and mortar to be used in the construction of the development
 - (d) Full details of rainwater goods and any soil/vent pipesThereafter the development shall be implemented in accordance with the approved details, and retained as such in perpetuity. REASON: In the interests of visual amenity and preserving the character and appearance of the Husbands Bosworth Conservation Area and to accord with the Harborough District Council Core Strategy Policy CS11.
3. No development shall commence on site until details of the existing and proposed ground levels and finished floor levels of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. Reason: To ensure a satisfactory form of development which does not cause demonstrable harm to the character of the surrounding locality or the living conditions of neighbouring residents and to accord with Policy CS11 of the Harborough District Core Strategy, Policy HS/8 of the Harborough District Local Plan, and the National Planning Policy Framework.
4. No development shall commence on site until details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. Thereafter the development shall be implemented in accordance with the approved details and shall

be retained as such in perpetuity. Reason: To ensure the adequate provision of facilities and in the interests of visual/general amenity and to accord with Harborough District Core Strategy Policy CS11.

5. The development shall be implemented fully in accordance with the details of the residential curtilage shown in drawing "958-12/03", and shall be retained as such in perpetuity. Reason: To ensure a satisfactory form of development which is compatible with the character of the surrounding locality, and to accord with Harborough District Core Strategy Policy CS11.
6. Any windows or doors at ground floor level on the road frontage shall be of a type other than outward opening and shall be so maintained in perpetuity. Reason: In the interests of the safety of users of the Highway immediately adjacent to the front wall of the building and to accord with Harborough District Core Strategy Policy CS11.
7. Notwithstanding the details shown on submitted drawing "958-12/03", no rooflights are hereby permitted, unless full details of any proposed rooflights (including size, manufacturer and model number) have first been submitted to and approved in writing by the Local Planning Authority. The said rooflights shall be of a design which, when installed, do not project forward of the general roof surface. The works shall be carried out in accordance with the approved details and retained as such in perpetuity. Reason: In the interests of preserving the character and appearance of the heritage asset and to accord with Harborough District Core Strategy Policy CS11.
8. No development shall commence on site until details showing the protection and support to the building(s) and/or adjacent structures, including 15 Church Lane as well as the newly constructed development adjacent to the south-west of the application site, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented as approved throughout the duration of the development unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure that no damage is incurred to surrounding development, to preserve the character and appearance of the heritage asset, and to accord with Harborough District Core Strategy Policy CS11.
9. No development shall commence on site until full details of the means of foul and surface 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 with Harborough District Core Strategy Policy CS10
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Part 1, Part 2 or Part 40, but excluding Classes C and D of Part 40, shall take place, without the grant of further specific planning permission from the Local Planning Authority. Reason: To safeguard the character and appearance of the locality, preserve the character and appearance of the designated heritage asset, and the living conditions of neighbouring occupiers, and to accord with Policy CS11 of the Harborough District Core Strategy and Policy HS/8 of the Harborough District Local Plan.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no additional windows, dormer windows, doors or other openings shall be formed in the dwellings hereby permitted, including roof(s), without the grant of

further specific planning permission from the Local Planning Authority. Reason: To safeguard the visual amenity of the locality, and the design of the building hereby approved, and the living conditions of neighbouring residential occupiers, and to accord with Policy CS11 of the Harborough District Core Strategy and Policy HS/8 of the Harborough District Local Plan.

12. Before the development hereby permitted is first occupied the first floor window in the north-western side elevation shall be glazed with obscure glass (at least Level 3) only and the window shall be permanently maintained with obscure glazing at all times thereafter. Reason: In the interests of residential amenity and privacy and to accord with Harborough District Core Strategy Policy CS11.
13. The gradient of the access drive(s) shall not exceed 1:12 for the first 5 metres behind the highway boundary. Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety, and to accord with Harborough District Core Strategy Policies CS5 and CS11.
14. 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 to open inwards only. Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway and to accord with Harborough District Core Strategy Policy CS11
15. Prior to the first occupation of the development hereby permitted, a footway (to a minimum width of 1.8 metres) shall be completed to the satisfaction of the Local Planning Authority, from the existing footway to the north west of the site across the entire site frontage. Reason: The highway fronting the site has no separate facility for pedestrians and the proposal would lead to an increase in pedestrian movement along the highway. The footway is therefore required for the safety of pedestrians.
16. Before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and thereafter be permanently so maintained. Reason: In the interests of pedestrian safety and to accord with Harborough District Core Strategy Policy CS11.
17. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - h) measures for the protection of the natural environment;
 - i) hours of construction work, including deliveries; and
 - j) measures to control the hours of use and piling technique to be employed, where applicablehas been submitted to, and approved in writing by, the Local Planning Authority. The

approved statement shall be adhered to throughout the construction period. Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and to accord with Harborough District Core Strategy Policy CS11

18. Notwithstanding the details shown on the plans hereby approved, before any development is commenced on site a landscape scheme (i.e. hard and soft landscape works) shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate the treatment proposed for all ground surfaces, grassed areas, and fences and walls to be erected. The development shall be implemented fully in accordance with the approved details prior to the first occupation of the development hereby permitted, and shall be retained as such thereafter and in perpetuity. Reason: To enhance the development, safeguard the appearance of the area and the living conditions of neighbouring residents, and in the interests of highway safety and to ensure compliance with Policies CS5 and CS11 of the Harborough District Core Strategy.
19. Any approved soft landscape works shall be carried out during the first appropriate planting season following the date when the development hereby approved has commenced and all planted material shall be maintained and replaced as necessary by the applicant(s) and/or owner(s) of the said land at the time for a period of not less than 5 years from the date of planting. Reason: To ensure that the work is carried out within a reasonable period and is properly maintained and to ensure compliance with Policy CS11 of the Harborough District Core Strategy.
20. No development shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:
 - BS10175 Year 2011 Investigation Of Potentially Contaminated Sites Code of Practice;
 - BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
 - CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:
 - CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.The Verification Plan shall be prepared in accordance with the requirements of:
 - Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
 - CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall

be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure that the land is fit for purpose and to accord with Core Strategy Policy CS11

21. Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development. Prior to occupation of any part of the completed development, a report showing the findings of the Verification Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
 - Contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - Demonstrate the effectiveness of the approved Remedial Scheme; and
 - Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.
- Reason: To ensure that the land is fit for purpose and to accord with Core Strategy Policy CS11.
22. No development shall commence on site until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions, and:
- The programme and methodology of site investigation and recording
 - The programme for post investigation assessment
 - Provision to be made for analysis of the site investigation and recording, and publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
- The archaeological works shall be carried out by a suitably qualified body acceptable to the Local Planning Authority.
- Thereafter the development shall be implemented in accordance with the approved details. Reason: The site is likely to contain important archaeological remains and to accord with the Harborough District Council Core Strategy Policy CS11.
23. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 22 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. Reason: To ensure satisfactory archaeological investigation and to accord with the Harborough District Council 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. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (Tel:- 0116 3052104/ 0116 3052202).

3. A letter of consent is required from the appropriate water authority (Severn Trent or Anglian Water) before connecting into the foul and surface water drains.

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

5. It is recommended that no burning of waste on site is undertaken unless an exemption is obtained from the Environment Agency. The production of Dark Smoke on site is an offence under the Clean Air Act 1993. Notwithstanding the above, the emission of any smoke from site could constitute a Statutory Nuisance under section 79 of the Environmental Protection Act 1990.

6. A watching brief for all protected species of wildlife 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

7. No part of the development, its supports or foundations shall be positioned in, on, over, upon, or within any part of the public highway.

8. The applicant is advised that Condition 1 of the Outline permission 09/00623/OUT remains applicable, but that all other conditions of the aforesaid Outline permission are superseded by conditions attached to this planning permission.

12/1087/FUL – Laughton
Mr Roger Whitehead

Conversion and extension of dairy buildings to form dwelling; alterations and extension of existing agricultural shed to form stables and workshop; conversion of dairy building to form office; creation of ménage: all to form live/work unit for saddlery business.

Target Date: 28/09/2012

Recommendation

APPROVE for the following reason and the appended conditions and reasons and subject to the completion of a legal agreement in regard to off site affordable housing contribution.

The proposed conversion/extension and associated buildings comply with Paragraphs 21, 28 and 55 of the NPPF and Core Strategy policies 11 and 17. Furthermore, the proposed buildings are of an acceptable scale based on the requirements of the enterprise and would not have a detrimental impact on the character of the countryside/Conservation Area. The proposal will support rural economic growth, facilitate flexible working practises and would re-use a redundant/disused building and enhance the immediate setting. As such, benefits are considered to be of sufficient weight to outweigh any harm to the character and appearance of the countryside. For these reasons the application is recommended for approval as it complies with the aforementioned policies.

Site:

The application site is part of the original dairy farm site which originally included the farm house adjacent, known as “Church Farm”. This was sold off separately by Leicestershire County Council. The site comprises an area of 1.42 ha and includes three traditional brick built dairy and milking parlour structures and some larger more modern agricultural barns set within a concrete apron. Access is via the existing farm yard access set at the end of Main Street which is a narrow lane with the listed mud wall of the church located on the eastern end of the lane and access also to Church Farm house. There is a Public Footpath to the south of the site.

The Proposal:

The proposal is for “a live work unit” as detailed in the Design and Access statement .The application proposes the conversion of the existing brick built barns on the southern part of the site, to form an office with a single storey link to the main barn “Milking Parlour” which would be converted to residential accommodation with a single storey extension/part two storey to incorporate stairs to the northern side (amendment A).

The plans show that the existing eaves height of the Milking Parlour will be retained whilst the ridge height is to be increased by 1.44 m. The Applicants Agent has stated that the reasons for this change to ridge and steepness of pitch are:

1. Existing corrugated sheet roofing is unsuitable for reuse and the pitch would not allow Slate or tile finishes more in keeping with a residential conversion
2. The sheet may contain asbestos (we are awaiting tests) and if so t should be removed and disposed of.
3. The steeper pitch provides a more aesthetically pleasing appearance to the scheme tying in with the roof pitches of the two adjacent dairy buildings.
4. The steeper pitch improves the usable space at first floor level within the existing footprint of the original Milking Parlour part of the conversion.

The single storey link between the barns provides some storage space and screens the bin store/re-cycling and also provides privacy from the footpath. It incorporates timber boarding and slate roof to the footpath elevation. Use is made of existing openings and metal corrugated roofs are replaced with slate.

The majority of the larger more modern agricultural buildings will be removed although one of the metal framed structures will be re-used and re-positioned to the north of the barn conversion to form 5 stables/washroom/tack and feed store and storage/workshop area to be used for the Applicants own horses and in connection with his saddlery business.

The Applicant has stated that the majority of the saddle fitting work is conducted away from his premises as it involves the fitting of saddles to the horse/pony. The majority of the work conducted on the premises involves the repair, maintenance and working of leather goods and equestrian products. The majority of goods, such as saddles are collected from clients and a detailed assessment of the activity at current premises indicates between 2-5 visits to his business premises per day, mostly by cars and light vans from clients, suppliers and other tradesmen.

A ménage is also proposed (25m by 50m) on the northern part of the site to be used for private purposes only by the Applicant. No lighting is proposed. There is a further brick built building which will be retained for storage.

The built form of the dwelling and residential curtilage and adjoining stable would be within the existing built form of the yard and the boundary to the rear (west) of the conversion would be in the form of a ha-ha.

Supporting Documents

In addition to the additional supporting documents submitted, the following documents were originally submitted in support of the application:

- Design and Access Statement incorporating Planning Policy Statement
- Structural survey
- Ecological report
- Revised plans A, showing reduction in size of extension/clarification re:raising roof/link and supporting statement in relation to the use of premises.

Policy

National

NPPF

Ministerial Statement "Planning for Growth" (23.03.11):

Circular 06/05: Biodiversity

Circular 11/95: Conditions

Supplementary Planning Guidance Notes:

SPG Note 1: Design Principles to be applied in Harborough District

SPG Note 2: Residential development

SPG Note 4: Residential Development in the Countryside

SPG Note 6: Agricultural & Equestrian Buildings and Development for Sport & Recreation in the Countryside

Core Strategy

Policy 7: Enabling Employment and Business Development

Policy 8: Protecting & Enhancing Green Infrastructure

Policy 11: Promoting Design and Built Heritage

Policy 17: Countryside, Rural Centres and Rural Villages

Consultations:

LCC Highways

After further consideration, the H.A recognises that this proposal will now replace the agricultural use at the site rather than being ancillary to it. In this case, the Highway Authority is of the opinion that the proposal if permitted would be unlikely to give rise to and any significant increase in traffic generation. On paper, the proposal if permitted would be likely to see a reduction in movements especially in heavy vehicle movements. The Highway Authority would not wish to see any retail sales permitted at the site though as this is not a sustainable location for such a use.

LCC (Public Footpaths officer)

Public Footpath A7 passes through the proposed development site. The route of the footpath is shown incorrectly on the layout plan. Currently the Definitive line of the footpath "clips" the corner of a wall and the corner of a fence but these obstructions are considered so minor that no action has been taken over them in the past. However, if the development proceeds a new green screen fence will unlawfully obstruct the legal line of the footpath. (Please see plans to follow). Therefore I am obliged to object to the proposed development. I would be happy to withdraw my objection if the applicant were to apply to the District Council for the formal diversion of the footpath under the provisions of the Town & Country Planning Act 1990, subject to conditions on surface and width being agreed with the Highway Authority. In addition to the above Public Footpath A9 starts near the entrance to the site. Care should be taken by the developers when designing the entrance layout not to obstruct this footpaths entrance into the adjacent field as to do so would be unlawful.

The aerial photograph shows the current position with the footpath shown in red passing through the development at a slight diagonal.

On the proposed layout plan you can see that the development and more particularly the erection of a green screen fence, will unlawfully obstruct the footpath.

Response from Agent:

The objection relates to a technical and historical matter concerning the difference between the strict legal route of the path and the historic walked route of the path – as they differ from each other by a margin of perhaps 3m or so at its worst point. The County Council's Property dept were made aware of this matter many years ago, but have not sought to remedy matters subsequently despite the fact that the existing concrete yards and fences (forming part of the original dairy facilities) unlawfully obstruct the legal route of the path. The walked route is however entirely satisfactory, and seems to have been in existence for more than 30 years! Mr Lindley has confirmed that he would be quite prepared to remove his objection to the planning application on submission of a Town and Country Planning Act application for a Diversion Order - to divert the legal route of the path on to the existing walked route. We are making arrangements with the owner of the site, Leicestershire County Council, for this application to be submitted within the next few days. Mr Lindley will also confirm this position to you independently.

LCC Ecology

The ecology report submitted in support of this application (Baker, Shepherd, Gillespie, July 2004) is not satisfactory, and further survey work is required.

The survey is over 2 years old and is therefore not considered to be valid for the current application. Evidence of bat usage was found within two of the buildings. Although these were considered to be feeding roosts at the time of the survey, it is possible that bats may have changed the way they are using the buildings in the time since the survey and the

present day. Additionally, the ecological report also suggests that further surveys would be needed.

We therefore require an updated survey of the buildings (for bats, barn owls and evidence of nesting birds), prior to the determination of the application. This will allow the buildings to be assessed for the presence of bats and allow mitigation to be designed and incorporated into the development if appropriate. This is in accordance with our Bat Protocol (please find a copy attached).

Additionally, as badgers have been recorded within the vicinity of the site we would recommend that an updated badger survey is also completed.

Please note that ODPM Regulations require bat surveys to be submitted prior to determination of an planning application. It is also essential that the extent that they may be affected by the proposed development is established before the planning permission is granted.

Response from Agent:

We have appointed Conservation Constructions (based in Kettering) to undertake the required additional survey in respect of bats, barn owls and evidence of nesting birds within the next 7 to 10 days, and we anticipate that it will be available prior to the end of September. It will include recommendations as to any necessary remedial measures in respect of any findings. It is perhaps worth noting that the only issue which arose at the time of the previous survey was a possible feeding roost in Building 2, which we are told is not licensable. Conservation Constructions have worked closely alongside Leics CC's ecologists previously, and we are confident that a sensible solution to any issues will be resolved.

LCC Archaeology:

Welcome the submission of an archaeological desk-based assessment for the development. This has identified that the development lies in an area of archaeological potential. The Leicestershire and Rutland Historic Environment Record (HER) notes that the development site lies in an area of archaeological potential. The south eastern part of the site is within the historic core of Laughton (HER Ref: MLE 8711). Aerial photographs show a number of earthworks in the vicinity of the application site; in addition to ridge and furrow to the north, east and south, there is a possible house platform to the south. There are also known cropmarks (HER Ref: MLE 1824) to the west. To the south, is a windmill mound (HER Ref: MLE 1829) that may be one referred in documentary records of the 13th and 17th Centuries.

Although the site will have been partially disturbed by the buildings presently on site, there is still the potential for buried archaeological remains to be affected by the development, in particular in relation to the manege area where the land has been least disturbed by subsequent activity and alterations within the barn. Any archaeological remains could be under threat from any groundworks related to the scheme.

Based upon the submitted information and an appraisal of the development details, I would recommend that the application for this site can be recommended for approval supported by a condition for trial trenching and further appropriate archaeological mitigation. The Historic & Natural Environment Team (HNET) will provide a formal Brief for the work at the applicant's request.

HDC (Housing Officer:

Recommends full commuted sum for affordable off site housing contribution .

Response from Agent:

The proposed contribution of £28,885 has been assessed for the Harborough Rural South-West submarket area, and therefore reflects a 40% threshold and average property value of £144,425.

Mr Whitehead is prepared to enter into a legal obligation, and make a financial contribution in line with the policy requirements.

HDC Contaminated Land Officer;
Recommends conditions

Parish meeting:

Comments:

A number of concerns raised about the potential increase in traffic, not only on Main Street but on narrow roads leading to village. Concerns raised about potential light pollution and the possibility that precedent will be set for other developments in Laughton. Ambiguity in application with respect to the stabling also noted. 16 in favour of approval subject to the conditions outlined below; 10 against.

Conditions proposed:

No retail use, no livery or riding stables/school, manege and stables private use only, overall use to be linked to house, restriction on numbers visiting business premises, external lighting to be kept to minimum.

Representations:

Letters of objection received on the behalf of 4 households and the Church Warden (see file for full details), also a letter has been received from a Planning Consultant "Adams" and from "Marrons" on behalf of the 4 households (full copies of correspondence is available :

- 1) Various inaccuracies in the planning documentation referred to. The site is described as "redundant farm yard and buildings" but this is misleading as the site is used at very low level and ad-hoc basis by a local farmer whose use of the site has no material impact on the amenities of the neighbouring properties. Also refers to inaccuracies in the policy section.
- 2) Refers to planning history including previous (withdrawn) scheme for 4 houses and refusal for house at Long View Laughton. Considered inappropriate to allow the current scheme which is mainly new build.
- 3) Considers the proposal is not a conversion of existing buildings in a suitable location but is essentially new build in isolated and peripheral location on edge of village.
- 4) Contrary to Policy CS17 and CS7 and could provide an unfavourable precedent that could weaken Councils position for resiting other residential/industrial schemes in isolated settlements such as Laughton. Non sustainable location
- 5) The proposal does not contribute towards the retention and viability of rural services or a land based business or aid farm diversification.
- 6) The development is not required to make the business viable as it is already successful and there is no justification for such an isolated location.
- 7) Not compliant with SPG Note 8 relating to barn conversions. Introduces a two storey element that would overlook Church Farm. Overbearing impact on Church Farm.
- 8) Size and scale of stables/manege more consistent with a commercial use. Questions whether a private use condition can be imposed given the scale.
- 9) Road safety issues.
- 10) Concerns about the potential damage to the listed mud wall of church from additional vehicles in particular horse boxes and HGVs.
- 11) Significant increase in traffic movements.
- 12) Original description referred to equestrian business but Applicant has since confirmed this is not the case and should be deleted.
- 13) There is no specific protection for the greenfield part of the site per se.
- 14) The link element between the converted buildings would mean the buildings lose their original character.

- 15) Insufficient information as to how the live/work unit would function not just for short term but also for long term.
- 16) The difficulties in and out of the site have not been addressed.

Summary of comments from Adams on behalf of objector:

1) proposals are in a highly unsustainable location, the development is completely vehicle-dependent (leading to a significant increase in carbon emissions) and there are no sustainability measures proposed as part of the development. The proposals will lead to increased traffic movements down Main Street, including HGV's, and this will inevitably impact upon the character of the village.

2) We have reviewed the Supporting Statement by Mr Whitehead, however, the contents should be judged immaterial because the proposed residential use of the site is simply not supported by Harborough Council's planning policies. That aside, we are aware from a review of the Laughton Planning Sub-Committee's minutes and they have identified that there is an inconsistency in Mr Whitehead's reported use of the site; this understandably makes my clients nervous, particularly given that he has identified he wants to grow the business from the new premises and he has now indicated that he will potentially have somebody working from the premises leading to increased traffic movement

3) It is more fitting that the use of the site should be retained for agricultural purposes given that there is still local demand for the agricultural use of the site (a concern previously voiced by Laughton Planning Sub-Committee). Once this site is lost for agricultural purposes to a higher value residential use this agricultural provision will be lost forever to the detriment of the local farming community. The question also arises as to what will be done with the property if or when the applicant retires?

4) Approving this application when the Council had previously indicated that an application for an agricultural workers dwelling for a locally based farmer in the centre of the village was going to be refused (which led to the applicant withdrawing the application) would be highly inappropriate and inconsistent. Approving this application would look particularly bad and questionable given a correct and accurate review of planning policies evidences that there is no planning policy support for the proposals; and the fact that the site is owned by the County Council and they will be benefitting from the increased value attributable to the proposed new use.

5) We therefore urge Harborough Council or the Committee, if it is referred, to make the correct and appropriate decision in refusing this application. It is our considered position, that when viewed against Harborough Council's policy, no planning controls can make this development acceptable in planning policy terms. If, however, the Council are not minded to refuse the application we would suggest conditions.

Marrons (summary):

Also consider that the proposals are in conflict with Core Strategy 17. Recommends conditions in regard to live/work unit and a number of other conditions suggested. Requests that Members are advised that sole residential use would require planning permission should they be minded to approve a live/work unit. The Applicants Agent has subsequently responded, particularly in respect on conditions.

On a point of general clarification our letter of 13th September 2012 sought to suggest reasonable and practical conditions to be attached to the live work application if the Council were minded to grant the planning permission. These conditions are consistent with those that might be attached to applications of this type particularly where adjoining residential amenity needs to be taken into account. The agent's response has raised considerable concern for our clients with many of the comments appearing to be at odds and in contradiction of Mr Whitehead's statements at the Village Meeting on 3rd September 2012. It is wrong to suggest that only 4 couples/individuals have suggested conditions be attached to any permission if granted. At the Village Meeting on 3rd

September no-one voted in favour of the application as presented, 16 voted in favour of approval subject to 6 listed conditions and 10 voted in favour of a refusal.

One letter of support:

Supports planning application wholeheartedly, with the proviso that any building work is sensitively done and respects the Conservation Village status of Laughton, which is what would be expected of any development undertaken in this village.

Other Information

History

06/00314/FUL Demolition of farm buildings and erection of 4 dwellings (with drawn).

Reason for Committee Decision:

This application is being reported to the Planning Committee due to the level of local interest and at the discretion of the Development Control Manager.

Planning Considerations:

Policy Assessment:

As this application relates to a residential conversion, saddlery business and equestrian use it is considered under paragraphs 28 and 55 of the NPPF which seek to support a prosperous rural economy and supports the essential need for residents to live permanently at or near their place of work in the countryside.

Laughton is not identified in the adopted Core Strategy as a rural centre or rural village where limited infill development may be acceptable. Outside of such settlements "new development will be strictly controlled. Only development required for the purposes of agriculture, woodland management, sport and recreation, local food initiatives, supports visits to the District and renewable energy...will be appropriate.."

Rural development will be delivered in the identified villages (where appropriate) and proposals will be supported which reduce the need to travel from rural areas and supports the opportunity for people to work at home. Given that the "live/work" aspect of the scheme carries significant weight it is felt appropriate to impose conditions, reflecting Government advice/model PINS conditions. Whilst such a condition is restrictive, it is considered necessary and relevant in this case and has been formed based on the information put forward by the Applicant in the Design and Access Statement.

Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas and seeks to avoid new isolate dwellings in the countryside unless there are special circumstances. One of those circumstances is "where a development would re-use redundant or dis-used buildings and lead to an enhancement of the immediate setting."

In this case, the changes to the site as a whole are considered to represent an enhancement, particularly the removal of the large agricultural structures. Although the "Milking Parlour " is not of any particular merit, its appearance will be enhanced with the new slate roof and the scheme allows for the retention/restoration of the more traditional barns and future long term upkeep.

Impact on Character of the Countryside/Conservation Area.

The scale and design of the proposed barn conversion is considered to be appropriate and would not have a detrimental impact on the character of the countryside/Conservation Area. The revised scheme minimises the additions and serves to retain the visual form and character of the traditional brick built barns, particularly when viewed from the footpath adjacent. The replacement roof would allow a more traditional pitch and the use of slates

which would enhance the current appearance. The scheme would enable the future retention of a traditional barn and more modern “milking parlour” and the enhancement of its setting with the removal of the nearest large functional agricultural buildings. With regard to materials and finishes, the buildings have been designed to reflect the rural character and the Applicants are agreeable to a condition in this respect.

Impact on Residential Amenity

The main property to be impacted on is the adjoining Church Farm but the barn conversion has been designed so as to minimise impact on this property with its main orientation looking north and west. There are no principal windows looking towards Church Farm and the addition is to the northern side of the barn. Permitted development rights would be removed so as to protect the neighbours and to retain the integrity of the barn conversion in respect of design.

Protected Species

There are no ecological constraints to prevent the development of the site. LCC Ecology have assessed the proposal submitted and have concluded they are satisfied with its content subject to conditions regarding any planting to be of native species.

Vehicular Access & Parking

The site would be served by an existing access point located off the end of Main Street. Furthermore, the Highway Authority consider that a vehicular access can be provided which meets all relevant design criteria and visibility splay requirements. They have suggested several conditions if permission is granted. A condition would restrict retail sales and ensure an integrated live/work unit.

Conclusion:

The proposed dwelling complies with the requirements of the NPPF and Core Strategy Policies as detailed above. From the information submitted, the new business is a genuine live/work enterprise. The proposal will support rural economic growth, facilitate flexible working practises and would result in the re-use of redundant or dis-used buildings and lead to an enhancement of the immediate setting and as such, benefits are considered to be of sufficient weight to outweigh any harm to the character and appearance of the countryside. For these reasons the application is recommended for approval.

Recommended 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; 3323.RW.12.001/02/03/40/07A/08A/010A/011A/ Design and Access Statement dated 28/06/12. REASON: For the avoidance of doubt.
3. The live/work unit approved shall be occupied as a single integrated unit and shall not be subdivided without the necessary planning permissions from the Local Planning Authority.
Reason: To enable the Local Planning Authority to retain control over the development in the interests of amenity and in accordance with the Policy CS17 of the Core Strategy.

4. The business floor space of the live/work unit shall not be used for any purpose other than for handmade saddler and repairs, and ancillary storage. There will be no ancillary or incidental retail sales from the premises (except by appointment).

Reason: To enable the Local Planning Authority to retain control over the development in the interests of amenity and in accordance with the Policies CS10 & CS17 of the Core Strategy.

5. (1) The business floor space of the live/work unit shall be finished ready for occupation before the residential floor space is occupied and the residential use shall not precede commencement of the business use;

(2) The saddlery business floor space of the live/work unit shall not be used for any other purpose.

(3) The residential floor space of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the saddlery business occupying the business floor space of that unit, a widow or widower of such a person, or any resident dependents.

Reason: To enable the Local Planning Authority to control the development in order to safeguard the objectives of the Policy CS17 the Core Strategy and for the avoidance of any doubt.

6. The opening hours of the business will be limited to 0800hrs to 1800hrs Monday to Friday. The business will not trade on Saturdays, Sundays and bank holidays (except by appointment).

Reason: To enable the Local Planning Authority to retain control over the development in the interests of amenity and to accord with Harborough District Core Strategy Policy CS11.

7. The use of the stables, equestrian facilities and ménage shall be restricted to private recreational use and at no time shall be utilised for any form of commercial equestrian activity.

Reason: To ensure the satisfactory development of the site and in the interests of the amenity of the area and highway safety and to accord with Harborough District Core Strategy Policy CS11.

8. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details. REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site and to accord with Harborough District Core Strategy Policy CS11

9. 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 those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwelling house(s) 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

10. 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 windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the development hereby permitted. REASON: In the interests of residential amenity and privacy and to accord with Harborough District Core Strategy Policy CS11
11. No development shall commence on site until a further ecological survey for bats, owls and badgers has been carried out (in optimum conditions) and the results and mitigation measures 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 shall be retained as such in perpetuity. REASON: In the interests of wildlife and nature conservation and to accord with Harborough District Core Strategy Policy CS11.
12. No development shall commence on site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition and shall be retained as such in perpetuity. The archaeological works shall be carried out by a suitably qualified body acceptable to the Local Planning Authority. REASON: To ensure satisfactory archaeological investigation and to accord with the Harborough District Council Core Strategy Policy CS11.
13. 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 (3) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. REASON: To ensure satisfactory archaeological investigation and to accord with the Harborough District Council Core Strategy Policy CS11.
14. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in material, colour and texture, to those used in the existing building. 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.
15. No works shall commence on site until full details of all new external windows and door joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:50 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:10 The works shall be carried out in accordance with the approved details and retained as such in perpetuity.

REASON: In the interests of preserving the character and appearance of the heritage asset and to accord with Harborough District Core Strategy Policy CS11.

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

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

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

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

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

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

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

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

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

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

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 public footpath / bridleway crosses the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council Highways Department (Tel. (0116) 305 0001).
 3. The applicant is advised that there should be no burning of manure on site and that it should be regularly removed to avoid accumulation which could lead to smell, flies or vermin.
 4. The applicant is reminded that bats and owls may be using the buildings as a nesting place. Both species are protected under the Wildlife and Countryside Act 1981. Should bats or owls, or evidence of them be present or be suspected in the buildings the applicant should contact Natural England.
-

12/01128/FUL
Nottingham Community Housing Association Erection of 6 affordable dwellings
Land OS 3000 Melton Road,

TILTON ON THE HILL

Target: 03.08.12

Recommendation:

APPROVE for the following reason and subject to the appended conditions and reasons:

Whilst this site would not normally be considered suitable for housing due to its location outside of the limits to development, this development will provide a 100% affordable housing scheme and as such is considered to be a rural exception site which is supported by a local needs study. Further the site is well related to the existing settlement and is accessible to public transport, community facilities and services. The development by virtue of its scale, design and appearance is considered to reflect the surrounding built form without adversely affecting neighbouring amenity. The development therefore complies with policy CS3, CS11 and CS17 of the Harborough District Core Strategy and the aims and objectives of the NPPF.

Site & Surroundings

The application site lies to the north of Tilton on the Hill, between Melton Road and Marefield Lane. The site is currently used as grazing land and extends to approximately 0.18 hectares. The site is bounded by hedgerow to the east and west of the site. The site is outside of the Limits to Development and Conservation Area of Tilton on the Hill (adjacent to the limits).

Proposal

The application seeks planning permission to erect a total of 6 affordable dwellings comprising the following:

Plots 1 and 2: Pair of 3 bed semi-detached houses to maximum height of 8.15m incorporating traditional chimney and design features.

Plots 3 and 4: Semi-detached unit featuring a 2 bed bungalow and a one bed house. Incorporation gable, chimneys and traditional features, up to height of 7.2.

Plots 5 and 6: Semi-detached units, one 3 bed dwelling and one 2 bed dwelling, incorporating traditional chimney and design features, up to 7.26m.

A total of 12 parking spaces are shown within the site and a new access is made from Marefield Lane.

The application has been accompanied by the following supporting documents:

- Design & Access Statement
- Affordable Housing Statement
- Ecological Appraisal

Consultations

Please note the following responses are a summary of the comments received, to view the comments in full, please refer to planning file.

Leicestershire County Council Highway Authority

The Highway Authority recommends conditions.

Leicestershire County Council Ecology

Recommend conditions on any approval.

Harborough District Council Housing Enabling Manager

This is one of our Exceptions site being proposed in partnership with HDC and NCHA.

Harborough District Council Contaminated Land Officer

No comments to make on the application

Tilton on the Hill Parish Council:

Supports the proposal conditional upon the homes being available to people with local connections through family or work.

Neighbour Representations

4 letters of objection have been received (from 3 households: 22 Marefield Lane, 42 Marefield Lane x2, 46 Marefield Lane), Please note the following representations are a summary of the comments received, to view the comments in full, please refer to planning file.

- 1) Concerned that the development will not meet the needs of the village in the long term and conditions may be challenged.
- 2) Increase in traffic on a road that was not built to take large quantities of traffic.
- 3) Impact on wildlife due to removal of sections of hedgerow
- 4) Visually intrusive and will create an oppressive environment
- 5) Loss of light
- 6) Outside the limits to development
- 7) Not in line with the Village Plan
- 8) The parish has no housing strategy, development should not be ad hoc in lieu of such a plan
- 9) The Core Strategy includes statements which undermine the arguments for the Rural Exception in Tilton.
- 10) Development would significantly detract from our shared rural setting by enclosing our houses.
- 11) We are not alone in objecting, residents from a further 9 properties also object to the proposal

Policy

The Development Plan

Section 38(6) of the Town & Country Planning and Compulsory Purchase Act 2004 requires that all determinations under the Act are made in accordance with the Development Plan unless material considerations indicate otherwise.

Regional Spatial Strategy

Regional Strategies were revoked on 6 July 2010 but were re-established on 10 November 2010 after a successful challenge by housing developer CALA Homes. A subsequent challenge by CALA Homes, to prevent local planning authorities and planning inspectors using the intended revocation of the strategies as a 'material consideration' when making planning decisions, was lost by CALA Homes in the High Court on the 7th February 2011. However, until the regional strategies are abolished they remain part of the statutory development plan. The weight given to any 'material consideration' depends on the individual circumstances and it is for the decision maker to decide on the appropriate weight. In light of these recent judgements, the Development Plan for the purpose of these applications consists of the Regional Spatial Strategy for the East Midlands, adopted in 2009; the 'retained' policies of the Harborough District Local Plan, adopted in 2001, and the Harborough District Council Core Strategy adopted in November 2011.

East Midlands Regional Plan, adopted March 2009

Regional Policy of relevance include:

- Policy 1: Regional Core Objectives
- Policy 2: Promoting Better Design
- Policy 3: Distribution of New Development
- Policy 13a: Regional Housing Provision (excluding Northamptonshire)
- Policy 14: Regional Priorities for Affordable Housing
- Policy 17: Regional Priorities for Managing the Release of Land for Housing
- Policy 26: Protecting and Enhancing the Region's Natural and Cultural Heritage
- Policy 29: Priorities for Enhancing the Region's Biodiversity
- Policy 32: A Regional Approach to Water Resources and Water Quality
- Policy 35: A Regional Approach to Managing Flood Risk
- Policy 43: Regional Transport Objectives
- Policy 45: Regional Approach to Traffic Growth Reduction
- Policy 52: Regional Priorities for Integrating Public Transport
- Policy SRS 3: Housing Provision

Harborough District Local Plan, adopted April 2001

The retained policy of relevance is:

- Policy HS/8: Limits to Development

Supplementary Planning Guidance

Supplementary Planning Guidance (SPG) supplements the policies of the Local Plan*. They were adopted by the Council in March 2003 following public consultation. The following SPGs are of relevance:

- SPG Note 1 – Design Principles to be applied in Harborough District
- SPG Note 2: Residential Development – Major Housing Sites
- SPG Note 9: Landscape & New Development
- SPG Note 10: Trees & Development
- SPG Note 11: Hedges & Development
- SPG Note 13: Crime Prevention & Reduction
- SPG Note 16: Requirements for the provision of land for outdoor play space in new residential developments
- SPG Note 20: Monitoring of Housing Land
- SPD Affordable Housing (adopted February 2006);

*Until replaced by a new SPD, the Council has agreed to continue to treat specified guidance or parts of it (some will be out of date and can be completely set aside) as a material consideration in the determination of planning applications. Whilst this guidance relates to policies which no longer exist, it has been subject to public consultation, been agreed by Council and been in operation for many years. To suddenly completely ignore the guidance would leave a policy vacuum that would not be in the public interest and could be harmful to interests of local importance. However planning decisions would have to relate to Core Strategy and could only make reference to the Guidance if it related to a policy in the Local Plan which has not been replaced.

Planning Obligations Developer Guidance Note (September 2009)

This adopted document sets out the Council policy for securing Section 106 contributions

Harborough District Core Strategy

- Policy CS1: Spatial Strategy
- Policy CS2: Delivering New Housing
- Policy CS3: Delivering Housing Choice & Affordability
- Policy CS5: Providing Sustainable Transport
- Policy CS11: Promoting Design & Built Heritage

Policy CS12: Delivering Development & Supporting Infrastructure
Policy CS17: Countryside, Rural centres and Rural Villages

Local Development Framework Documents

Harborough District Landscape Character Assessment (September 2007).
Leicester PUA Landscape Character Assessment and Landscape Capacity Study (Landscape Partnership, July 2009).
Leicester & Leicestershire Strategic Housing Market Assessment (SHMA)
Strategic Housing Land Availability Assessment (SHLAA)

Parish Plan

Tilton on the Hill Parish Plan

National Planning Guidance

National Planning Policy Framework (NPPF)

Other Information

Recent Planning History
None relevant.

EIA Development

This application is not an EIA development in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Reason for Planning Committee Meeting

This application is being reported to the Planning Committee for determination the request of Councillor Rook in the interest of transparency.

District-wide Housing Requirement

The Council has decided to keep the housing figures proposed in the East Midlands Regional Plan (EMRP). This specified 350 dwellings a year should be provided in the District (7,000 over the plan period 2006-2026). In order to ensure that the Core Strategy enables continuous delivery of housing for at least 15 years from the date of adoption, the plan period has been extended beyond that of the of EMRP to 2028. Housing figures for 2027-2028 have been derived by rolling forward the 350 dwelling annual requirement set out in the EMRP (7,700).

Housing Requirement within Rural Centres and selected rural villages

Of the 7,700 dwellings required within the Harborough District between 2006-2028, at least 2,420 dwellings will be provided within Rural Centres and selected rural villages.

Housing Land Supply

In considering a 5-year supply of housing, sites should be available i.e. available now; suitable, i.e. the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities; and achievable, i.e. there is a reasonable prospect that housing will be delivered on the site within five years. The Council has calculated its current five year land supply position (March 2012), establishing that Harborough District has 4.6 years or 92.4% supply for the period 2010-2015, a shortfall of 133 dwellings over the five year period. Notwithstanding recent approvals, the Council can not demonstrate a 5 year land supply and in accordance with the Framework, the LPA should consider favourably planning applications for housing, having regard to the policies in the Framework.

Planning Considerations:

This application should be determined in accordance with the development plan unless there are material considerations that would indicate otherwise.

Principle of Development

Affordable Housing

Policy CS3 explains how the Council will secure the delivery of affordable housing in all residential developments. Policy CS3 (e) states that the Council will consider proposals for 100% affordable housing on sites which would not normally be realised for general market housing (**Rural exception sites**). Evidence of local affordable housing need and a willing housing provider will be required (a Housing needs study has been submitted and is supported by the Housing Enabling Officer).

Policy CS17 states:

*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. As Rural Centres they will be the focus for rural **affordable** and market housing, additional employment, retail and community uses to serve the settlement and its rural catchment area.*

Rural development will be delivered as follows:

*a) Billesdon, Fleckney, Husbands Bosworth and Ullesthorpe will be the focus for additional housing beyond that already built or committed. Housing in **selected rural villages** will be on a lesser scale reflecting their size, character and service provision. Villages not identified, but which have identified Limits to Development, may be suitable to receive very limited small scale infill development.*

The explanation to Policy CS17 explains that the Tilton on the Hill is a Selected Rural Village and will be the focus for additional housing on a lesser scale reflecting its size, character and service provision. As such the development is considered to comply with Policy CS17

Design and Appearance:

The whole development will be constructed from a mix of locally sourced red brick. Roofs will generally be grey concrete tiled reflecting the traditional vernacular of materials in the area. The development is considered to reflect the scale and appearance of surrounding properties. The proposal makes an attempt to address both Melton Road and Marefield Lane, which given the constraints of the site is quite difficult. It is considered that the elevation to Marefield Lane completes the streetscene in this location, and that adequate features on the properties will ensure that the proposal does not entirely turn its back on Melton Road.

Residential Amenity:

The nearest residential properties are pairs of semi-detached 2 storey dwellings located at 20 – 46 Marefield Lane. Plot 1 would be closest and this comprises a dwelling with a gable end facing 26 Marefield Lane to a height of maximum ridge height of 8.15m. There would be a distance of approximately 21m between the side elevation and the front elevation of the existing dwelling which is in accordance with minimum distances as set out in the adopted Design Guidance (14m principle to side blank elevation and 21m principle to principle). The side of the house would have one very small secondary window. The other nearest properties on Marefield Lane are in excess of 25m away. Thus, there would be no significant adverse impact on adjoining properties.

Access & Parking

The proposed site access is via a new access from Marefield Lane and there is a turning head and 12 parking spaces are provided in accordance with adopted parking standards.

Conclusions

The development is not previously developed land, but it is considered to be well related to the existing village and offer considerable benefits in respect of providing affordable housing. Policy CS3 (e) states that the Council will consider proposals for 100% affordable housing on sites which would not normally be realised for general market housing (Rural exception sites). The development will provide a good mix of affordable housing, which is accessible to public transport, community facilities and services. The development by virtue of its scale, design and appearance is considered to reflect the surrounding built form without adversely affecting neighbouring amenity.

Conditions/Reasons

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) Any shared private drive serving more than 5 but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the highway boundary and have 6 metres kerbed radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times.

NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

REASON: *To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.*

3) No development shall commence on site until full details (including colour and finish) and samples of the materials to be used for the external walls and roofs of the approved 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: 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.

4) No development shall commence on site until full details of the means of foul and surface 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 with Harborough District Core Strategy Policy CS10

5) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units/bed spaces;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

- iv. the occupancy criteria, including cascade mechanism, to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON: To ensure the delivery of affordable housing of an appropriate type and tenure and for the correct occupancy to ensure compliance with Policy CS3 of the Harborough District Core Strategy

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

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

7) 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

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

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

have been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

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

9) 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 and thereafter shall be so maintained.

REASON: *To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.*

10) Before first use of the development hereby permitted the access drive and any turning space shall be surfaced with tarmac, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

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

11) Prior to the commencement of the development, an amended parking plan shall be submitted and approved in writing by the District Planning Authority (showing the dimensions of spaces in accordance with the guidance contained within the LCC 6Cs Design Guidance. The car parking and any turning facilities shown shall be provided hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.

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

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. 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) The proposed roads do not conform to an acceptable standard for adoption and therefore they will NOT be considered for adoption and future maintenance by the Highway Authority. The Applicant is strongly encouraged to provide a revised layout that will be suitable for adoption in accordance with the guidance contained in the '6Cs Design Guide'. The Highway Authority will serve APCs in respect of all plots served by any private roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see www.leics.gov.uk/htd or phone 0116 3057198.

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

satisfaction of the Highways Manager. For further information, including contact details, see Part 6 of the '6Cs Design guide' at www.leics.gov.uk/htd.

12/01159/FUL –
KIBWORTH BEAUCHAMP

Erection of 154 dwellings comprising
phases 3, 4 & 5 of existing consent

David Wilson Homes East Midlands

Land off Warwick Road.

Target Date: 2nd November 2012

Abbreviations Used Within Report:

LP – Local Plan

SPG – Supplementary Planning Guidance

Recommendation 1

APPROVE for following reason and subject to;

- the appended conditions
- a S106 legal agreement or similar to secure items as set out in this report.

The development hereby approved would preserve the surrounding form and character of the settlement, would not have an adverse affect on the amenity of adjoining residents, and would not result in additional traffic which would give rise to a road safety hazard. The proposal is therefore considered to comply with the National Planning Framework, Core Strategy Policies CS2, CS3, CS5 and CS/11 and saved policy KB/1 of the Harborough District Local Plan and no other material considerations indicate that the policies of the development plan should not prevail.

Recommendation 2

Delegated authority to DC Manager to refuse consent should the required S106 agreement/variation referred in recommendation 1 not be completed by 2nd November 2012

Site

The 6.28ha site is part of the overall 19.17ha site, which has consent to construct a total of 660 dwellings on land formerly agricultural located to the North West of Kibworth. Parcels 1 and 2 are currently under construction, some of which have been recently occupied.

Parcel 3 is located to the South of Parcel 1. To the South and West of Parcel 3 are both a public and school playing fields. Beyond the playfield to the west and south are Parcels 4 and 5. To the south of both these parcels is the existing railway line.

All of the parcels are well defined by existing vegetation consisting of native hedgerow and trees.

The Proposal

The proposal is for the erection of 154 dwellings over three parcels (3 (remainder), 4 and 5). This is a reduction from the original approval of 282 dwellings over the three parcels. Table 1 below illustrate the differences between the original approval and the proposed in terms of numbers of dwellings and numbers of affordable units.

Table 1

Parcel	Total No. of Dwellings (Original Approval)	Proposed	No. of Affordable Dwellings (Original Approval)	Proposed
3	82	76	37	37
4	114	71	25	16
5	86	44	26	13

Policy

National

National Planning Policy Framework (NPPF)

Regional Spatial Strategy for the East Midlands (RSS8):

Policy 3: Sustainability Criteria

Policy 4: Promoting Better Design

Core Strategy, adopted November 2011

The Core Strategy policies of relevance are:

Policy CS1: Spatial Strategy

Policy CS2: Delivering New Housing

Policy CS3: Delivering Housing Choice & Affordability

Policy CS5: Providing Sustainable Transport

Policy CS11: Promoting Design & Built Heritage

Policy CS12: Delivering Development & Supporting Infrastructure

Policy CS17: Countryside, Rural Centres and Rural Villages

Harborough District Local Plan (retained policies):

Policy KB/1: Land of Wistow Road and Warwick Road

Supplementary Planning Guidance Notes:

Note 1: Design Principles

Note 2: Residential Development

Consultations

Environment Agency

The Environment Agency has no objection to the proposal

Leicestershire Highways:

Please apply previously recommended highway conditions and notes to applicant.

Leicestershire County Council Ecology:

The previous ecological report submitted for the outline application (fpcr, February 2004) indicated that there was some potential evidence of badgers using the hedgerow between the railway and the development site. Additionally, the report indicates that the pond on site has some potential to support great crested newts. We would therefore recommend that the protected species surveys of the current application site are updated. The applicants must be aware that should the development disturb protected species, they may be breaking the law.

We are also disappointed to see that the proposed site layout provides dwellings with private gardens backing onto natural existing features, such as the railway line and hedgerows. The

incorporation of these features within or adjacent to private dwellings means that they will inevitably be lost or damaged, due to different management. We would recommend that consideration is given to the design of the development to allow these hedgerows to be managed as one feature.

Officer Comment:

The applicant has asked FPCR to undertake an updated protected species survey. . As regards the vegetation and inclusion in curtilage, the applicant would seek to exclude any hedgerows from individual curtilages.

Harborough District Council Housing Enabling Manager

The applicant consulted and been advised by with the District Council’s Housing Enabling Manager over the details of the affordable housing contribution prior to the submission of the planning application.

Site yield for Parcels 3, 4,5 = 154 units

Affordable provision = 29 applying our 1 for 2 approach related to bungalow provision

Number Bedrooms	Of	Number of Dwelling Type		
		Houses	Coach House	Bungalow
1	3		1	
2	6		1	2
3	10			
4	4			
5	2			
Total	25		2	2

At this stage DWH are not proposing to set out which should be for Social Rent/ Affordable Rent or shared Ownership since this is ultimately reached when an RSL is involved in consultation with HDC

Representation:

One letter of comment received from 100 Dairy Way regarding boundary treatment.

Officer Comment

The applicant has amended the ‘Boundary Treatment Plan’ and added the knee rail fence to the boundary line adjacent to plot 135 (No.100) which matches the existing position on site.

Other Information:

H

istory:

04/00319/OUT – Outline application for residential development (13.65 ha) and associated infrastructure with reserved matters submitted for 170 dwellings on 5.52ha of the site - APPEAL ALLOWED

04/00932/OUT - Outline application for residential development and associated infrastructure (all matters except means of access reserved for subsequent approval) - APPEAL ALLOWED

06/01209/REM – Residential development of 660 dwellings and associated

infrastructure (reserved matters application of 04/00319/OUT)

Reason for Committee Decision

This application is reported to Committee because it relates to 10 or more units as required under the adopted scheme of delegation.

Housing Land Supply

As of 31st March 2012, the Council's 5 year land supply was 4.6 years, a shortfall of 133 dwellings.

Planning Considerations

Principle of Development

The principle of residential development on the site is clearly established by the appeal decision granting outline consent and the subsequent detailed reserved matters scheme. The issues for consideration thus relate to the changes which have taken place in terms of layout and design and whether as a result this has affected highway and amenity matters.

Layout/Design

Remainder of Parcel 3

The affordable housing element of Parcel 3 is as per the previous approval and is not subject to change under this application, hence why it is not within the red line. The road layout and areas of public Open Space are also as per the previous approval. The number of open market dwellings has been reduced by six. The overall layout is very similar to previously approved.

Parcel 4

The overall layout, including the location of the affordable housing is very similar to that previously approved. The road layout and areas of public Open Space are also as per the previous approval.

Parcel 5

Like the previous two parcels the overall layout is very similar to that previously approved. The notable difference is the location and type of affordable housing proposed. For example apartments have been replaced with 2 bedroom bungalows and houses.

The changes proposed to the three land Parcels are a result of changes to market demand. This has resulted in a development which has moved away from predominately 3 and 2.5 storey to a 2 storey development. Reducing the overall number of dwellings for the site and reducing the original 3 storey elements of the approved scheme with 2 and 2.5 storey accommodation will result in a more sympathetic development appropriate to its rural context. The reduction still maintains the current required percentage of affordable housing across the site as well as the overall density requirements for the site as a whole.

The proposed design of the dwellings are in keeping with those already built and currently under construction in Parcels 1 & 2.

The proposed materials are as follows:

Facing Bricks

- Ibstock Arden Olde Farmhouse
- Ibstock New Cavendish Stock
- Ibstock Welbeck Village Blend
- Ibstock Welbeck Red Mixture
- Full Wet Dash Render Colour White

Roof Tiles

- Forticrete Gemini Slate Grey
- Forticrete Gemini Autumn
- Marley Duo Edgemere Smooth Grey
- Marley Duo Edgemere Old English Dark Red

These materials are similar to those permitted for Parcels 1 and 2 and as such are considered acceptable.

Boundary treatment will be a mixture of 1.8m high screen walls and fences and 1.2m high post and rail fence and 0.9m high 4 bar metal railings. These treatments are also similar to those permitted for Parcels 1 and 2 and as such are also considered acceptable.

Some of the proposed house types will include chimneys which is appropriate given the development is adjacent to an existing settlement where chimneys feature strongly.

Existing Residential Amenity:

Due to the location of the Parcels; design of the dwellings and existing boundary treatment; it is not envisaged that existing residents will be adversely affected by the proposals.

Highways and Parking Considerations:

The Highways Officer has raised no objections to the application subject to the imposition of conditions.

S106 Legal Agreement

As the proposal will result in a reduction in the number of dwellings; a deed of variation has been submitted to the Council. The main change to the original S106 Agreement will be the education contribution.

Conclusion:

The proposal represents an appropriate form of development that does not significantly differ from the anticipated form and character of development established by the existing approval. It complies with Development Plan policy and would serve to bring forward a variety of dwellings, serving to meet the identified housing shortage in the District and is therefore recommended for approval.

Conditions/Reasons:

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

S2330/100/04 - Location Plan

S2330/100/10 - Planning Layout

S2330/100/11 - Chimney Disposition Plan

S2330/100/12 - Material Schedule Plan

S2330/100/13 Rev A - Boundary Treatment Plan

S2330/100/14 - Surface Treatment Plan

SD600/02 - 1800mm High Screen Wall Detail

SD600/12 - 1200mm Post and Rail Fence

SD600/13 - 1800mm Close Boarded Fence Details
SD/600/14 - 1800mm Hit and Miss Fence Details
SD/600/21 - 900mm Bar Railing Detail
SD/600/31 - 1800MM Personnel Gate Detail

House Type Drawing No.s:

N104.01,02,03,04
N106.01,02,03,04
N106.01,02,03,04
SH29.01,02,03,04
SH41.01,02,03,04
SH51.01,02,03,04
P206.01,02,03,04
P206.BI.01,02,03,04
P230.05,06,07,08
P232/P233.01,02,03,04
T307.01,02,03,04
P130/R330.01,02,03,04
P331.R.01,02,03,04
P341.01,02,03,04
P341.05,06,07,08
P341.09,10,11,12
P383.01,02,03,04
P383.05,06,07,08
H404.01,02,03,04
H421.01,02,03,04
H431.01,02,03,04
H433.01,02,03,04
H451.01,02,03,04
H455.01,02,03,04
H469.01,02,03,04
H485.01,02,03,04
H497.01,02,03,04
H500.01,02,03,04
H533.01,02,03,04
H536.01,02,03,04

E01, E06, E27, E50 - Garage Drawings

REASON: For the avoidance of doubt.

3. The development hereby permitted shall be constructed entirely of the materials as detailed in plan S2330/100/12. 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.
4. No development shall commence on site until details of the existing and proposed ground levels and finished floor levels 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 and shall be retained as such in perpetuity. REASON: To ensure a satisfactory form of development which is compatible with the character of the surrounding locality and to accord with Harborough District Core Strategy Policy CS11.
5. The gradient(s) of the private access drive(s) shall not exceed 1:12.

6. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users and to accord with Leicestershire County Council 6Cs Design Guide.
7. The garage(s)/carport, once provided, shall thereafter permanently remain available for car parking. REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to accord with Harborough District Core Strategy Policy CS11
8. For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway
9. For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the construction
10. 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 and to accord with Harborough District Core Strategy Policy CS11
11. Any garage doors shall be set back from the Highway boundary a minimum distance of 5.5 metres for sliding or roller/shutter doors, 6.1 metres for up-and-over doors or 6.5 metres for doors opening outwards and thereafter shall be so maintained. REASON: To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway and to accord with Harborough District Core Strategy Policy CS11
12. Construction work in connection with the development hereby approved shall only take place between the hours of 8am to 6pm Monday to Friday and at no time on Saturday, Sunday, Bank or Public Holidays unless the Local Planning Authority in consultation with Kibworth Parish Councils' have given prior approval in writing any variation.
13. No development shall commence on site until a scheme of soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
 - (a) indications of all existing trees and hedgerows on the land;
 - (b) details of any trees and hedgerows to be retained, together with measures for their protection in the course of development;
 - (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - (d) programme of implementationThereafter 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

14. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years from the date of first occupation of the development , die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and to accord with Harborough District Core Strategy Policy CS11
 15. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of the same size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority. REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity accord with Harborough District Core Strategy Policy CS11
 16. The existing hedgerow(s) on site shall be retained and in no way disturbed. REASON: To ensure that the existing hedgerow(s) on the site can be retained, to enhance the development and to safeguard the appearance of the area and to accord with Harborough District Core Strategy Policy CS11
-