

PLANNING COMMITTEE: 18th July 2017
SUPPLEMENTARY INFORMATION

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

Correspondence received is available for inspection.

All Items

HDC has published its latest 5yr housing land supply update for 31st March 2017. The 5yr supply is showing a 4.86yr supply.

Page: 1

16/02081/OUT	Erection of up to 100 dwellings with associated vehicular/pedestrian access, public open space, footpaths, sustainable drainage and other infrastructure (access only to be considered): Land South of London Road, Great Glen
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Great Glen Neighbourhood Plan

The Report of Examination of the Great Glen Neighbourhood Plan (GGNP) was received 12th July. Its summary concludes that, subject to recommended modifications being made, the Plan meets the basic conditions and may proceed to referendum.

Officer comment:

The GGNP is an important consideration to which at least moderate weight is attached at this stage. The Report of Examination does not change the approval recommendation.

Amongst other things, the Report states:

4.5 Policy GG2: Housing Provision

This policy is not accurate, in that it is asserting a position that does not in fact exist. As has been pointed out in the Reg16 submissions, the housing requirement for Harborough DC is still under consideration in the emerging Local Plan. The LPA does not currently have a 5 year housing land supply so that its housing policies in any case are out of date. It is not possible in these circumstances to state that Great Glen has exceeded its housing requirement, and in any case a neighbourhood plan cannot set a maximum limit on new housing. The policy is contrary to the NPPF (para 47) as it does not promote the sustainable provision of housing, and it is therefore contrary to the Basic Conditions.

4.32 The policy protecting the ridge and furrow is justified by evidence of local and regional importance therefore, but needs to be framed in more positive language, and offer proportionate protection for features that do not have a recognised national status of protection. I recommend therefore that the wording is made more positive and the qualifying clause “wherever possible” is added to the policy. This will ensure that the policy complies with the NPPF requirement that neighbourhood plans are positive the NPPF hierarchy of protection for historic and environmental assets is maintained.

Modification 12: Policy GG14 is recommended to be reworded as follows in order that it complies with the basic conditions:

“Development proposals should seek to preserve that adversely affect or damage the identified areas of well-preserved ridge and furrow earthworks identified as surviving ridge and furrow (see in figure 6 below and Appendix 11 wherever possible. will be resisted.”

See paragraphs 6.57 to 6.85 of the Planning Officer report to Committee with regard to heritage / ridge and furrow assessment.

Public Representations

Two further objections have been received from 9 Cricks Retreat. They do not raise any issues which have not already been addressed in the main committee report.

Neil O’Brien MP (13 July)

“As you know, Great Glen Parish Council and residents group have appealed to the Secretary of State to call in the recent decision in the case of the Oaks Road development. I have supported their application for a call in.

So we are awaiting the Secretary of State’s decision on this planning application.

Meanwhile, I see that another substantial application for development in Great Glen is due to be discussed by the planning committee on 18 July.

I appreciate the time pressure to take this decision now. But I wondered whether you would consider holding off on putting this second decision to the committee until we have the Secretary of State’s verdict on the first one?

Some in Great Glen may feel that the different possible decisions SoS CLG might take regarding the first application could have a strong bearing on the second one: it might change the balance of considerations: the cumulative impact on the village, traffic flows and so on.

You must do whatever you think right. But in my view, it would be better to ask the committee to decide on this issue at a point where we have certainty on the call-in application.”

Applicant clarification (17 July)

As is known, the carriageway does need to be widened along the south side of London Road which is either highway land or land controlled by the applicant. This is shown on the submitted drawing.

To the east of the access the kerb line of the new carriageway would be roughly where the post and rail fence is located which is more or less at the same level as the road with limited additional works being needed to ground levels. To the west of the access part of the new carriageway would be up-to 1 metre (maximum) to the south of the post and rail fence .

Trees have been identified for removal adjacent proposed junction with London Road based upon the submitted drawing. The loss of these trees have been identified.

The Arboriculturalist did raise concerns about the proposed 2 metre footway to the east of the junction because, with the increased width of the carriageway, it would be sited too close to these trees. This footway is no longer proposed.

No such concerns were raised by the Arboriculturalist to the increase in the width of the carriageway to the west. However, some trees to the west were indicated to be removed because they are dead or dying – good arboricultural reasons to remove not just because of the highway works. This information is contained at Figure 3.1 of the Arboricultural Report which includes both the trees and the access proposals (albeit with the footway). Hopefully this provides the reassurance that the implications for the trees to the west of the junction were assessed alongside the new junction design.

There is ability for a modest change to the angle of the embankment without materially disturbing the area around the trees and under Arboricultural supervision. There would be a new post and rail fence to define the highway boundary not dis-similar to the existing post and rail fence. The Arboriculturalist identified a construction technique for the footway which may be capable of adoption.

You will also be aware that as part of the landscaping proposal it is intended that this boundary be reinforced. As stated in the DAS: 'To the north by London Road, with an appropriate set back to allow for the retention and enhancement of the existing hedgerow and hedgerow trees that adjoin this section of the road in order to maintain its enclosed character'.

LCC Highways clarification email received (17 July) includes:

...

The County Highway Authority reviewed this application and in its formal advice to Harborough District Council dated 9th March 2017 and 23rd May 2017, concluded that the general detail of the access strategy was considered appropriate for the scale of development to enable safe and suitable access to the site. As with any proposed scheme, the ultimate responsibility lies with the applicant's design team and it should be assumed in good faith and on the professional integrity of the designer that any proposal would not be submitted to misinform or deceive...

The ghost right turn lane is only one aspect of the proposed access strategy and I note the applicant's intention to seek to bring about a reduction in approach speeds to the proposed access utilising gateway features which could include speed warning signs, an extension of the 30 mph speed limit beyond the site access and traffic calming. The advised access condition included within the highways response necessitates further investigation and assessment, including a stage 2 road safety audit, of the proposed access and therefore it is

anticipated that it would be subject to further amendment from the submitted drawing number 201 Rev D.

With specific regard to the ghost island right turn I note the applicant has proposed this in support of the pending application and on which the formal highways advice has been provided. As with any application were this found not to be deliverable then the County Highway Authority would take an open minded and pragmatic approach to reviewing any revised access proposal. In providing highway advice to the Local Planning Authority, the County Highway Authority considers each application in relation to the specific nature of the individual application, including the proposal and the circumstances of the local road network. As discussed earlier the nature of London Road and levels of driver perception and expectation for turning movements and residential access must all be taken into account along with the existing and permitted access junction types along London Road when considering the most appropriate access strategy for the above planning application. Only where the residual cumulative impact of development was demonstrably severe would the County Highway Authority advise pursuing a refusal on transport grounds.

Department for Communities and Local Government

The DCLG advised on 11.07.17 that it has received requests for the Secretary of State to exercise his powers of call in for the Bovis Homes application (along with a call in request for planning application 17/00579/OUT: Oaks Road, Great Glen).

The DCLG Senior Planning Casework Manager has stated “I would be looking for reassurance that we would be able to consider the issues raised without any danger of planning permission being granted.”

Officer Comment: If HDC resolve to approve this application, the S106 process would take some time to complete, thereby giving the DGLG adequate time to consider the call in request and issue their decision. If DCLG has not decided by the time any s106 is complete on whether to call in the application or not the Council can, at the very least, provide reasonable notification to DCLG of any intention to issue allowing DCLG to make its final decision if necessary.

17/00257/REM	Erection of 70 dwellings (reserved matters of 15/01975/OUT): Land part OS8797, Uppingham Road, Houghton on the Hill
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- The County Ecologist has confirmed that the revised layout (P03) is acceptable as it gives protection along the NE boundary. The objection has therefore been withdrawn.
- County Forestry Team Leader has no further concerns following the substitution of trees as follows:

The *Malus* has been substituted by *Amelanchier*.

17/00376/OUT	Outline application for residential development of up to 3 dwellings (access to be considered only): Land Rear of 28 Kibworth Road, Fleckney, Leicestershire
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17/00639/FUL	Erection of a dwelling with associated garage/summer house (revised scheme of 16/00786/FUL): Walton Hall, Chapel Lane, Walton
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17/00763/FUL	Erection of a detached workers dwelling (revised scheme of 16/00665/FUL): Keyham Livery, Ingarsby Road, Keyham
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HDC Agricultural advisor:

I note that the Design Statement dated 8th May 2017, refers to a meeting held on 21st June 2017 between Mr. & Mrs. Garner, Paul Cleaver, Janet Buckett and Adrian Eastwood. I therefore, consider the Design Statement has been wrongly dated 8th May 2017.

From the Design Statement it appears that consent was granted in 2016 for a dwelling with an area of 206 square metres over two floors as per the original plan (application number 16/00665/FUL). The as built dwelling has a floor area of 261 square metres over two floors i.e. it is 55 square metres larger than the approved plan.

I commented on the original application in 2016 – my letters dated 7th June and 22nd June 2016. In both letters I concluded that the enterprise was unable to sustain the then proposed build cost of £80,000 – this equates to only £388 per metre squared for the build cost of the original dwelling when building costs were in the region of £1,000 - £1250 per square metre. However, as the original application was clearly approved at the size of 206 square metres the Local Planning Authority obviously considered the enterprise was capable of sustaining the cost of the proposed dwelling of 206 square metres.

No additional financial information has been submitted with the current application, and therefore, my conclusions and advice remain the same as in 2016.

I therefore, ADVISE that the equestrian enterprise is unable to sustain the cost of the proposal and the floor area of the dwelling should be reduced to that approved in 2016 by the Local Planning Authority, as any larger dwelling would not comply with the sustainability element of The Framework or the decision granted in 2016 by the Local Planning Authority.

Officer Notes:

A revised layout plan was submitted prior to the comments received from the LCC Rights of Way Officer. The LCC Rights of Way Officer was reconsulted.

LCC Rights of Way Officer:

I cannot see that the layout has changed significantly, only that the applicant has had their version of the footpath redrawn slightly so the legal line of the footpath still appears to be infringed upon by the hedge. The infringement may be minor on the plan, but I have no way of knowing how this translates to the situation on the ground until Ordnance Survey Mapping and aerial photographs catch up with what is built. However, these continuous rounds of redraws of the plans seem to be achieving diminishing returns.

Therefore I am willing to withdraw my objection but I would draw your particular attention to paragraph 8 below. I would ask your authority to consider applying the following as conditions:-

Conditions

1. The Public Footpath should be provided with a minimum width of 2 metres through the development.
2. Any new trees or shrubs which are proposed to be planted adjacent to a Public Right of Way should be set back by a minimum of 1 metre from the edge of the route and be of

species which do not spread. This will minimise the likelihood of the width of the Right of Way being encroached upon and reduced by overhanging vegetation in the future.

3. The Public Footpath must not be further enclosed in anyway without undertaking discussions with the County Councils Public Rights of Way section within the Safe and Sustainable Travel Team (0116) 305 0001.
4. A signing and waymarking scheme should be formulated by the developer and approved by the Highway Authority in respect of the Rights of Way, prior to the completion of the development.
5. Notes to applicant
6. If the developer requires a Right of Way to be temporarily closed or diverted, for any period of time, to enable construction works to take place, an application should be made to roadclosures@leics.gov.uk at least 8 weeks before the temporary closure / diversion is required. The developer will be expected to provide a safe and convenient alternative route while the existing Public Rights of Way are temporarily closed.
7. The Public Footpath must not be re-routed, encroached upon or obstructed in anyway without proper authorisation. To do so may constitute an offence under the Highways Act 1980.
8. If the development proceeds or has proceeded and it later turns out that the footpath has been significantly obstructed (more so than is suggested on the planning application plans) then this development will have been carried out at the applicant's own risk. Neither Planning Permission nor the withdrawal of my objection can be deemed to have given "permission" or agreement in any manner, for or to any obstruction of the footpath. If at a later date the Highway Authority formally requires any obstruction to be removed it reserves its right to exercise its powers to do so.
9. No new gates, stiles, fences or other structures affecting a Right of Way, of either a temporary or permanent nature, should be constructed without the written consent of the Highway Authority having been obtained. Unless a structure has been authorised, it constitutes an unlawful obstruction of a Right of Way and the County Council may be obliged to require its immediate removal.
10. Care should be taken to ensure that pedestrians are not exposed to any elements of danger associated with construction works, and wherever appropriate they should be safeguarded from the site by a secure fence. In view of the close proximity of the proposed development to the Rights of Way, particular attention should be given to ensuring that no materials are stored on the lines of the rights of way and that no Contractors' vehicles are parked either along or across them ensuring that free access can be exercised safely at all times.
11. Any damage caused to the surface of a Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.

I would be grateful if the above comments would be considered by your Planning Committee and also that they be passed to the applicant. If further information is required please contact the Public Rights of Way section within the Safe and Sustainable Travel Team on (0116) 305 0001 or footpaths@leics.gov.uk.

Revised Condition 2:

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

Revised Condition 7:

7) The residential curtilage shall be as shown on plan AL(0)11 828 Rev. B. This shall be retained as such in perpetuity. REASON: It is essential that the Local Planning Authority has the opportunity to control the curtilage of the development in the interests of preventing encroachment into the open countryside and to accord with Harborough District Core Strategy Policy CS11.

Additional Conditions:

8) The Public Footpath should be provided with a minimum width of 2 metres through the development. Any new trees or shrubs which are proposed to be planted adjacent to a Public Right of Way should be set back by a minimum of 1 metre from the edge of the route and be of species which do not spread. This will minimise the likelihood of the width of the Right of Way being encroached upon and reduced by overhanging vegetation in the future. REASON: To ensure the Public Right of Way is not affected by the development.

9) The Public Footpath must not be further enclosed in anyway without undertaking discussions with the County Councils Public Rights of Way section within the Safe and Sustainable Travel Team (0116) 305 0001. A signing and waymarking scheme must be formulated by the developer and approved by the Highway Authority in respect of the Rights of Way, prior to the completion of the development. REASON: To ensure the Public Right of Way is not affected by the development.

Additional/Revised Notes to Applicant:

3) If the developer requires a Right of Way to be temporarily closed or diverted, for any period of time, to enable construction works to take place, an application should be made to roadclosures@leics.gov.uk at least 8 weeks before the temporary closure / diversion is required. The developer will be expected to provide a safe and convenient alternative route while the existing Public Rights of Way are temporarily closed.

4) The Public Footpath must not be re-routed, encroached upon or obstructed in anyway without proper authorisation. To do so may constitute an offence under the Highways Act 1980.

5) If the development proceeds or has proceeded and it later turns out that the footpath has been significantly obstructed (more so than is suggested on the planning application plans) then this development will have been carried out at the applicant's own risk. Neither Planning Permission nor the withdrawal of my objection can be deemed to have given "permission" or agreement in any manner, for or to any obstruction of the footpath. If at a later date the Highway Authority formally requires any obstruction to be removed it reserves its right to exercise its powers to do so.

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

7) Care should be taken to ensure that pedestrians are not exposed to any elements of danger associated with construction works, and wherever appropriate they should be safeguarded from the site by a secure fence. In view of the close proximity of the proposed

development to the Rights of Way, particular attention should be given to ensuring that no materials are stored on the lines of the rights of way and that no Contractors' vehicles are parked either along or across them ensuring that free access can be exercised safely at all times.

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

17/00782/FUL	Installation of artificial grass football pitch (106m x 70m); erection of ball stop fencing; erection of pitch perimeter barrier; installation of hard standing for pedestrian use; erection of maintenance/sports equipment store; resurfacing of an existing car park; creation of additional car parking area: Harborough Town Football Club, Northampton Road, Market Harborough
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17/00800/FUL	Erection of a dwelling; demolition of existing garage (revised scheme of 17/00014/FUL): Trevean, Mill Hill Road, Arnesby
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Planning Committee Speakers List – 18th July 2017

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

Application no.	Parish	Speaker	Type
16/02081/OUT	Great Glen	Michael Burton	O
		Alison Shakespeare	O
		Kevin Feltham	O
		David Mitchell	O
		Dr Henri Winand	O
		Jackie Clowes	O
		Philip Greasley	O
		Stephan Reiff-Marganiec	O
		Bill Glasper	PC
		David Barnes	AG
		Cllr Hallam	WM
17/00257/REM	Hungarton	Ian Hill	S
		Ian Pickering	A
17/00376/OUT	Fleckney	Mr C Deacon	O
		Liam Halloran	S
17/00639/FUL	Kimcote and Walton	Lee Staniforth	AG
17/00763/FUL	Keyham	Jane Cleaver	S
		James Garner	A
17/00782/FUL	Market Harborough		
17/00800/FUL	Arnesby	Stephen Dubbins	O
		Paul Williams	O
		Rachael Sawyer	O
		Simon Matthews	O

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