



Planning

To: All Members of the Planning Committee on Monday, 29 November 2021
Date of meeting: Tuesday, 07 December 2021
Time: 18:30
Venue: The Council Chamber
The Symington Building, Adam and Eve Street, LE16 7AG

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The meeting will be open to the public, however only a limited number of public seats will be available on application.

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democratic.services@harborough.gov.uk after 12 noon on:
Friday 3rd December 2021.

Agenda

- 1 Introductions**
- 2 Apologies for Absence and Notification of Substitutes.**
- 3 Declarations of Members' Interests**
- 4 Minutes**
To approve as a true record the Minutes of the previous Meeting.

Minutes of the Planning Committee 12.10.21

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- 5 Referral up to Council by the Planning Committee.**
To consider any referrals under Part 3 Section B1.4 of the Council's Constitution.
 - 6 To answer Written Questions or Receive Petitions Submitted by the Public**
 - 7 To Consider Applications for Development Permission**
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- 9 EXEMPT - Lutterworth East s106 update report**
 - Information relating to the financial or business affairs of any particular person (including the authority holding that information);
 - 10 Any Urgent Business**
To be decided by the Chairman.

NORMAN PROUDFOOT
CHIEF EXECUTIVE AND HEAD OF PAID SERVICE
HARBOROUGH DISTRICT COUNCIL

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Circulate to: Janette Ackerley - Member, Amanda Burrell - Member, Barry Champion - Chair, Barry Frenchman - Member, Simon Galton - Member, Peter James - Member, Bill Liquorish - Member, Sindy Modha - Vice-Chair, Amanda Nunn - Member

HARBOROUGH DISTRICT COUNCIL
MINUTES OF THE MEETING OF THE PLANNING COMMITTEE

Held at the Council Chamber
The Symington Building, Adam & Eve Street,
Market Harborough, LE16 7AG
on Tuesday 12th October 2021
commencing at 6.30pm.

Present:

Councillors: Mrs Ackerley, Burrell, Champion (Chairman), Frenchman, Galton, James, Liquorish, Nunn and Whelband.

Officers: D. Atkinson, A. Eastwood, J. Felton (remote), S. Green, N. Kwasa, and N. Parry.

Apologies:

Councillor Modha

1. INTRODUCTIONS

The Chairman welcomed everyone to the meeting, introduced the officers present and highlighted the procedures for the smooth running of the meeting.

2. APOLOGIES FOR ABSENCE AND NOTIFICATIONS OF SUBSTITUTIONS

Apologies were received from Councillor Modha who was substituted by Councillor Whelband.

3. DECLARATIONS OF MEMBERS' INTERESTS

There were none.

4. MINUTES

RESOLVED that the minutes of the Planning Committee meeting held on 7th September 2021 be approved and signed by the Chairman as a true record.

5. REFERRALS UP TO COUNCIL BY THE PLANNING COMMITTEE

There were none.

6. QUESTIONS AND PETITIONS SUBMITTED BY THE PUBLIC

There were none.

7. APPLICATIONS FOR DETERMINATION

The Chairman noted that the following application has been WITHDRAWN and would not be considered at the meeting;

21/01063/FUL - Archway House, Harborough Road, Lubenham

- i. The Development Planning Manager introduced the report in respect of application 20/01470/FUL, Land north of, Ashley Road, Medbourne - *Erection of 6 dwellings with associated access, car parking and landscaping (revised scheme of 20/00614/FUL)*. He referred Members to the information published in the supplementary report. The Committee then had the opportunity to question the Officers and it was AGREED that Condition 13 would be amended to include the following;

g) any additional landscaping required in connection with the off-site footpath extension along the highway frontage.

Following the discussion, it was;

RESOLVED that Planning Permission is to Approved subject to conditions, including the amended condition as noted above.

- ii. The Area Planning Officer introduced the report in respect of application 21/01222/REM, Land off Arnesby Road, Fleckney - *Erection of 150 dwellings and associated works (Reserved Matters of 18/00579/OUT, including details of appearance, landscaping, layout and scale)*. She referred Members to the information published in the supplementary report.

Representations were heard in objection to the application from Wendy Whiting (on behalf of Kim Fox) and in support of the application from the Agent, Richard Henderson. Members had the opportunity to question the speakers and Officers. Following the discussion, it was;

RESOLVED that Planning Permission is APPROVED subject to the suggested conditions outlined in Section 8 of the report and the signing of a Deed of Variation.

Following the item, Councillor Frenchman asked the Chairman if officers from the Leicestershire County Council Highways Team could attend a meeting to explain to Members their methodology when undertaking highways assessments, and how they monitor the effectiveness of the advice they have given once implemented. Officers confirmed that the LCC Highways Team are giving a training session which is open to all Members on 18th November 2021 and that this will be a two-way session

in which Members will hear from the Highways Officers and will also have the opportunity to ask challenging questions.

- iii. The Development Planning Manager introduced the report in respect of application 21/01344/FUL, 6 Old Holt Road Medbourne - *Demolition of conservatory and rebuilding to form sunroom, raising roof to side of property to enable staircase for access to convert roof space to include dormer to the rear elevation and two rooflights to the front elevation (revised scheme of 21/00933/FUL)*. A representation was heard in support of the application from the Agent, Martyn Jones. Members had the opportunity to question the speaker and Officers. Following the discussion, it was;

RESOLVED that Planning Permission is APPROVED contrary to Officer Recommendations, with conditions to secure matching materials, conservation rooflights and car parking, for the following reason:

That the proposal has no detrimental impact on neighbouring amenity taking account of the existing structure and history of planning approval.

8. URGENT MATTERS

There were no urgent matters to consider.

The meeting finished at 19:35

PLANNING COMMITTEE

7th December 2021

APPLICATIONS FOR DETERMINATION

Index of Applications for Determination

Meeting of the Planning Committee, 7th December 2021

Application Ref	Parish / Ward	Applicant	Page Number
21/01871/REM	Lutterworth / Lutterworth West	GLP	9
21/01613/FUL	Market Harborough / Market Harborough Logan	Mrs J Vaughan	35
20/02044/FUL	Husbands Bosworth / Bosworth	FJ Garner and Sons	55
21/01094/FUL	East Langton / Kibworths	Mr J S Minhas	78
21/01286/FUL & 21/01287/LBC	Medbourne / Nevill	The Nevill Arms (Medbourne) Ltd	114
21/01320/OUT	Broughton Astley / Broughton Astley South and Leire	J Bailey	136
21/01493/FUL	Kibworth Beauchamp / Kibworths	Manor Oak Homes	158
21/01485/FUL	Medbourne / Nevill	Michael Rickman	206
21/01488/FUL	Market Harborough / Market Harborough Little Bowden	Harborough District Council	220
21/01066/FUL & 21/01067/LBC	Market Harborough / Market Harborough Great Bowden and Arden	Harborough District Council	228
21/01538/FUL	Market Harborough / Market Harborough Logan	Clive Mason (on behalf of HDC)	243
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Planning Committee Report

Applicants: GLP

Application Ref: 21/01871/REM

Location: Land Adj Glebe Farm, Coventry Road, Lutterworth

Proposal: Application for approval of appearance, landscape, layout and scale in respect of the western part of Zone A/B at Magna Park South, Lutterworth (ref. 15/00865/OUT) for one building, internal roads, footways/cycleway, maintenance strips, foul and surface water drainage, landscaping, associated utilities and land profiling

Application Validated: 22nd October 2021

Site Visit Dates: 28th October 2021

Target Date: 21st January 2022

Recommendation

Planning Permission is **APPROVED**, for the reasons set out in the report and subject to the recommended conditions set out in **Section 8** of this report.

1. Site & Surroundings

- 1.1 The overall Site (hereafter referred to as the 'Site') comprises an area of land which extends in its entirety to 88.67 hectares (ha) and is within the administrative area of Lutterworth (see **Figure 1 and 2**). The part of the site to which the current REM application relates extends to 7.1Ha, split over two parts either side of the built out Plot D (see **Figure 3**).

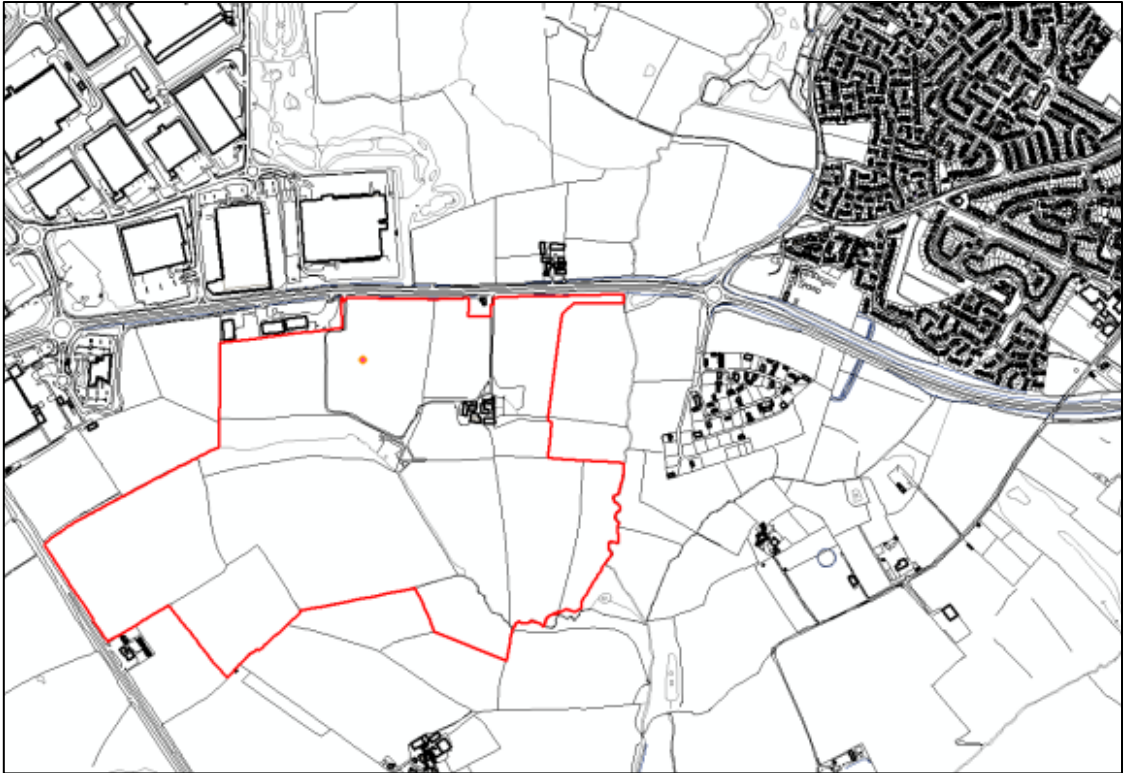


Figure 1: Overall Site Location Plan



Figure 2: Aerial Photo of overall site

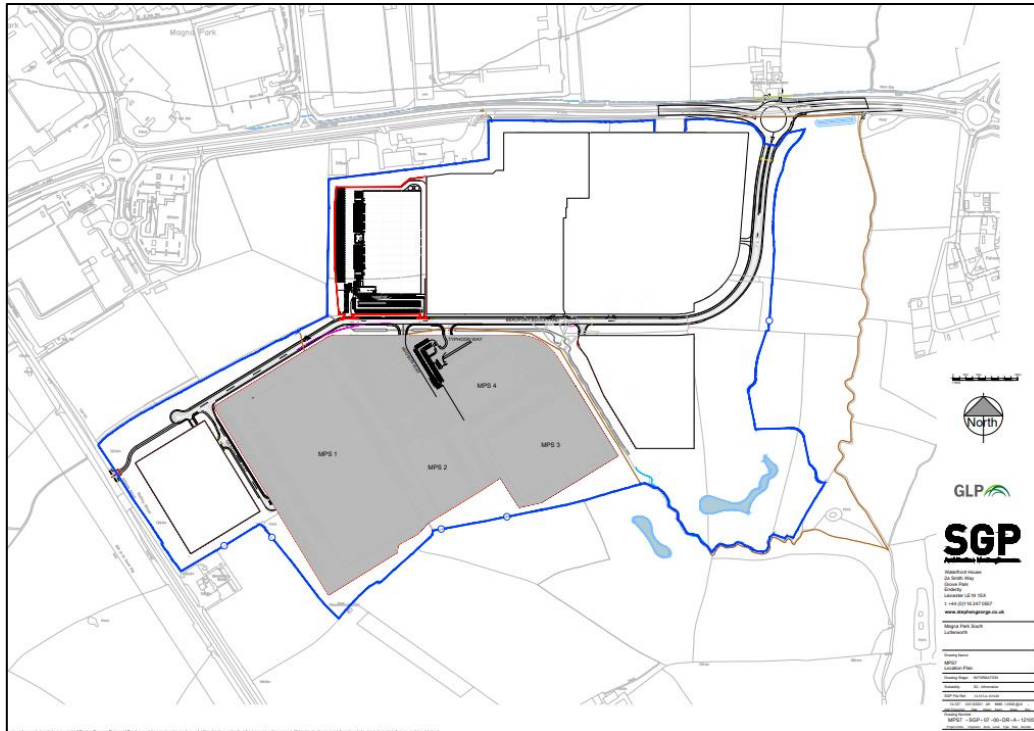


Figure 3: Application site plan

- 1.2 The existing Magna Park complex is a 202 hectare (500 acre) warehousing and logistic centre (distribution centre) located near Lutterworth, Leicestershire, England and was constructed on the site of a former airfield (RAF Bitteswell). It is considered to be a pioneer of large distribution centres in the UK. It is located in an area of land bounded by the M1, M6 and M69 motorways; known as the 'Golden Triangle' for its logistically favourable location. The proposed application site for Magna Park South (previously known as Symmetry Park) lies immediately south of Magna Park and would be well related to this well established location. Since the grant of the Outline consent in 2018, the site has been purchased by Gazeley's, the operator of the existing Magna Park, and Gazeley's have subsequently commenced development on site, with Plot D already having been developed with 4 buildings which have all been occupied.
- 1.3 The Magna Park South site is located adjacent to the existing Magna Park development, to the south of the A4303 and east of the A5. The A4303 provides links to the M1 junction 20 and the A5 provides linkages northbound to the M69 junction 1 and southbound (via the A426) to junction 1 of the M6.
- 1.4 The application site generally slopes from north to south, towards a stream running through the centre of the site, continuing to slope down to the north eastern boundary of the site. Ground levels vary between approximately +128m and +107m AOD. Various streams and watercourses are located around the site, formed from the existing watercourse that flows through the site. It must be noted that, since the approval of 21/00443/REM, work relating to the ground modelling of the site has already commenced, and as such, the topography and field enclosures of the site are now different to how they were when the OUT application was considered, and will continue to change as work progresses.
- 1.5 The applicants have previously set out that Magna Park South will be similarly landscaped to the existing Magna Park and seen against this established 'landscape feature' of logistics development. Views into the site were assessed within the Landscape and Visual Impact Assessment report that was submitted in support of the

Outline application. The applicants have indicated that the layout will retain, where possible, existing perimeter planting which will be enhanced with new belts of planting within the development in a bid to minimise the impact of the development on the wider landscape.

- 1.6 The site was previously used for arable farming and contained a farm complex, the demolition of which was granted as part of the Outline approval. Development of the site (with regards the strategic site infrastructure approved under 18/02148/REM) commenced in November 2018. The site is bounded to the north by the A4303 Coventry Road, to the west by fields and a consented lorry park and the A5, with further farmland to the south and east. Immediately to the north of the site along the southern side of the A4303 there are a number of small industrial units. Immediately to the south west of the site, on the eastern side of the A5 is Liberties Hotel.

2. Site History

- 2.1 The site has Outline Planning Permission for the erection of up to 278,709sqm of Storage, Distribution buildings (B8) with ancillary B1(a) offices, creation of access onto A4303 and emergency services only access onto A5, formation of a Lorry Park, creation of SuDS facilities and other associated infrastructure and the demolition of Glebe Farmhouse (Means of access only to be considered) which was approved 05/07/18 following the completion of the S106 agreement.
- 2.2 In 2018, Reserved Matters approval was sought for primary infrastructure, including estate road and associated landscaping, drainage and utilities and open space in relation to the Outline scheme. This was approved in April 2019. In 2019, following the grant of outline consent, the site was purchased by GLP. This will ensure that the management of all strategic distribution facilities facilitated by Policy BE2(2) and (3) will be under single ownership which should ensure that a strategic approach to the development of the sites should be achieved. Furthermore, as previously set out above, Reserved Matters approval (19/01273/REM) has been granted (in December 2019) for four buildings on Plot D (these have now all been completed and occupied), and a further two buildings on Plots C & E.

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal seeks reserved matters approval for the scale, layout appearance and landscape for the erection of 1 unit and the laying out of parking areas, service yards, and other infrastructure.
- 3.2 The Parameters Plan which was approved as part of the Outline consent (see **Figure 4**) sets out the maximum development parameters in terms of use, floor area, height and maximum floor plate and finished floor levels. This established a framework within which a range of reserved matters options can be accommodated. In terms of the current application, the pertinent Parameters are set out in detail below:
- ZONE A/B
 - Number of Units: 1 to 5 units
 - Proposed Unit Floor Level: Highest FFL <122.00m
 - Proposed Unit height: 18m to ridge
 - Maximum Floorspace: 120,709sqm GEA
 - Proposed Unit Dimensions: Ranging from 70 to 195m long and 190 to 620m wide

- 3.3 The submitted details with regards these parameters are set out at **Figures 5 & 6** and in more detail below:
- PLOT A (MPS7)
 - Number of Units: 1
 - Proposed Floor Area: 24,706sqm
 - Proposed Unit height: 18m to ridge.
 - Proposed Unit Floor Level: 120.950m AOD.
 - Proposed Unit dimensions: 112.5m wide and 200.2m long

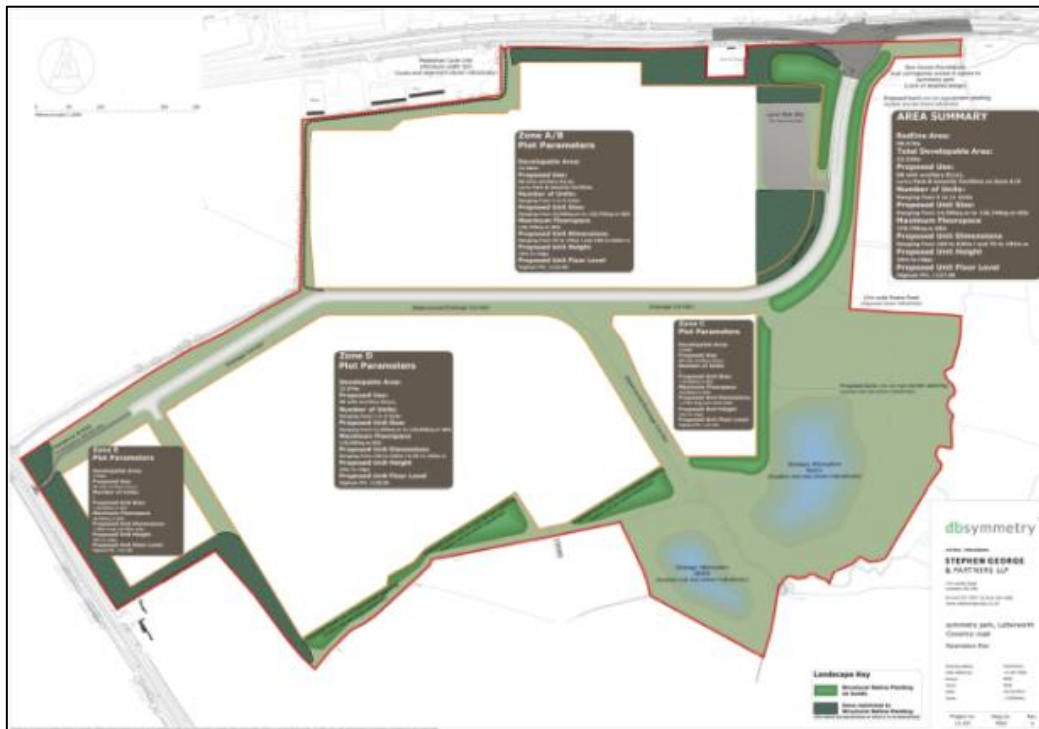


Figure 4: Approved Parameters Plan

- 3.4 The logistics units will include elements of cladding panels on the external elevations as well as built up profiled cladding systems laid both horizontally and vertically. This will provide variety to the elevation by producing a change in texture. To reduce the impact of the warehouse building upon the surrounding environment, a selection of recessive and neutral blue to white colours is proposed. The colours recede to white at the higher levels. This mirrors the buildings recently completed on the adjacent Plot D (see **Figure 7**).
- 3.5 The controlled use of stronger colours in feature bands, flashings, fascias and glazing at lower levels offers contrast and relief. Vertically laid composite cladding in a darker blue is proposed to create a further element of contrast at ground floor level. At low level, dock doors add interest and definition to the ground level loading and servicing area. The roofs will be a colour coated profiled steel. A light colour will be used to reduce the effect of the mass of the building.
- 3.6 The landscaping for the site has been designed with the intention of sensitively integrating areas of ecological value through use of appropriate planting and sensitive design and layout of formal and informal areas of open space in addition to required infrastructure. The key design principle incorporated in the landscape design includes the provision of habitat buffers and bunds of appropriate widths along the full lengths of the boundary of the site.

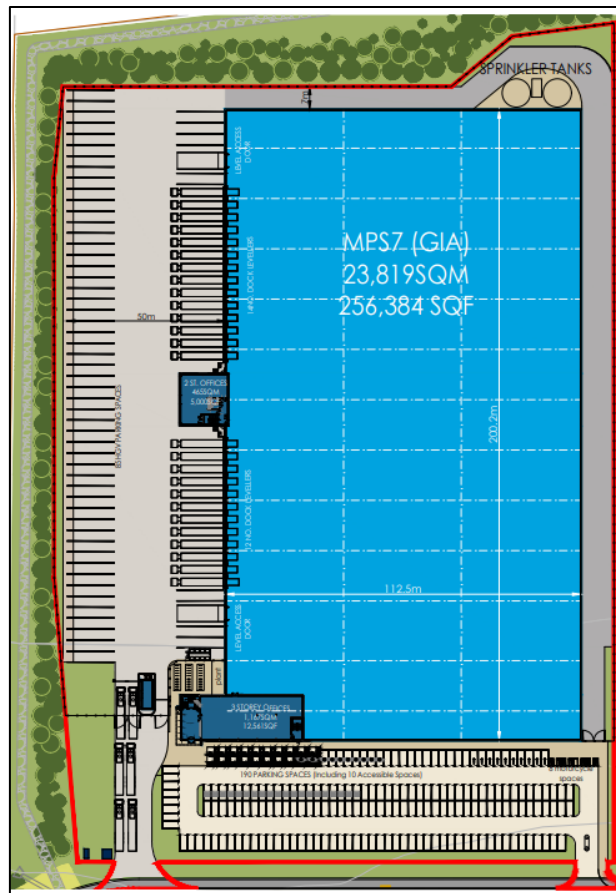


Figure 5: Plot A (MPS7) proposed layout

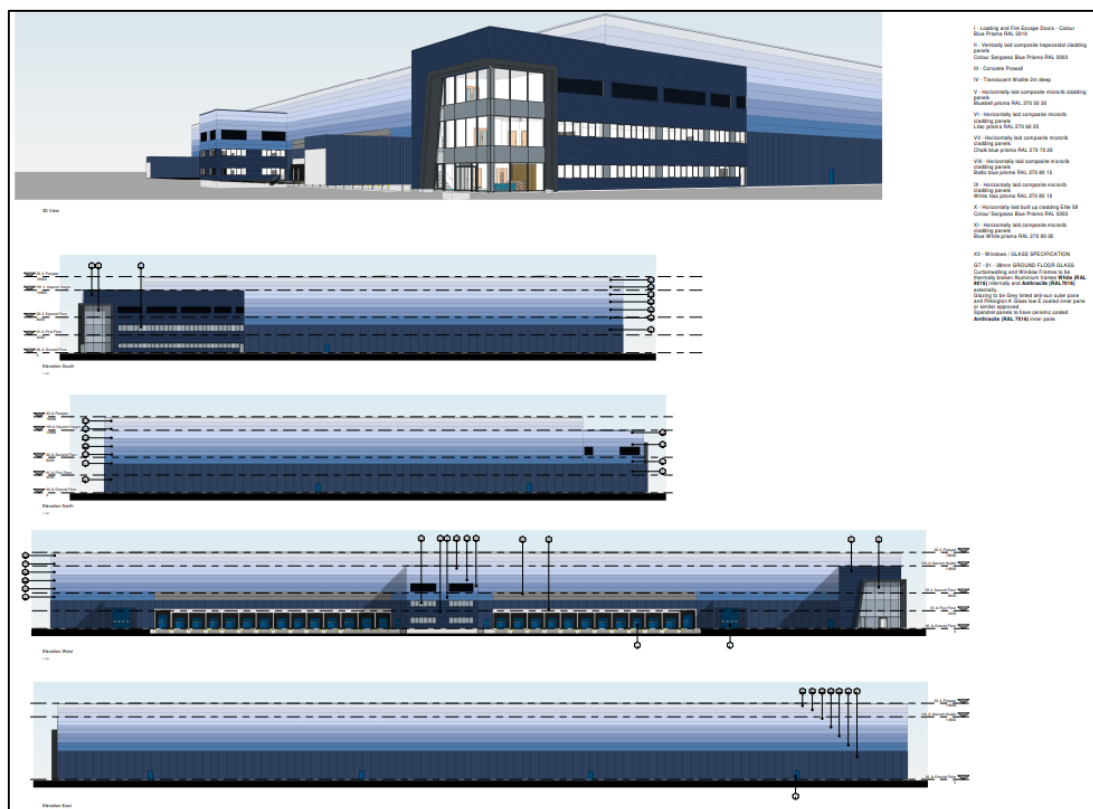


Figure 6: Plot A (MPS7) proposed elevations



Figure 7: Recently constructed Movianto building on MPL South

- 3.7 The overall layout accommodates a range of unit sizes, integrated into what will become an extensively landscaped setting. The proposed building is orientated to present the short gable end to the south (see **Figure 8**). The proposals provide a unit of approximately 24,700sqm GEA B8 (storage and distribution) floorspace including ancillary office space, servicing, parking and landscaping. The maximum ridge height of the building is 18 metres above the proposed maximum finished floor levels. This enables the accommodation of modern racking systems, product handling equipment and high level sprinklers.



Figure 8: Contextual Illustrative Masterplan

- 3.8 Access to and egress from the development plot is via the new estate road which was approved as part of 18/02148/REM. The applicants have aimed to provide inclusive access throughout the site with paths leading pedestrians from the car parks to the main office entrance. A link to the cycle lanes will be provided to cycle shelters located

near to the office main entrance. As far as possible, pedestrian and cycle routes are segregated from routes used by motorised vehicles.

- 3.9 Car parking access roads will be surfaced with block paving with parking bays surfaced in a flexible bituminous material. These measures have been proposed in an attempt to avoid large unsightly areas of "black-top" and also help to control surface water run-off rates. It is not proposed to surface parking bays with any material that may be adversely affected by spills from standing vehicles.
- 3.10 Pedestrian links through car park areas are proposed to be picked out in a contrasting material with rumble strips being introduced at transition points. The applicants have aimed to enhance visual cohesion not only by the careful integration of the building and planting but also by use of a furniture palette that provides a consistency throughout the site.
- 3.11 The proposed lighting equipment complies with current standards and to the greatest extent possible, the luminaries and their settings are optically set to direct light only to where it is required and to minimise obtrusive effects and if necessary, additional shielding will be considered.
- 3.12 Security/boundary fencing is incorporated into the soft landscape boundary treatment and is set back from the public side of the landscaping belt. To ensure site security around the yard area, a 2.4m high paladin security fence will be provided. Additionally, security/demise fencing will be provided around the car park area.

b) Documents submitted in October 2021

i) Plans

- 3.13 Plans have been submitted showing the approved details of the Outline consent, extent of the site, the layout of the plot, the appearance and design of the building, the proposed levels across the site, the proposed drainage layout for the plot, the proposed landscaping plans for the plot, details of the lighting, vehicle tracking and tree protection. There is also an illustrative plan of how the development could appear in the context of the details for which consent is sought.

ii. Supporting Statements

- *EIA Compliance Statement*
- 3.14 This statement has been produced by Framptons to support the second Reserved Matters application for the site. The document demonstrates that the application is compliant with the parameters assessed within the Environment Statement which was produced in support of the outline planning application for development ref. 15/00865/OUT.
- *Landscape Management Plan*
- 3.15 This document has been prepared by Grant Associates in support of planning application for part of Plot A/B Magna Park Lutterworth South. The purpose of the document is to set out the scope and requirements for the landscape management regimes within the boundaries of Plot A.

4. Consultations and Representations

- 4.1 Firstly, a summary of the technical consultees responses received is set out below. Where appropriate the responses will be discussed in more detail within the main body of the report. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

1. National Bodies

4.1.1 *Historic England (12/11/21)*

On the basis of the information available to date, we do not wish to offer any comments.

4.1.2 *Natural England (15/11/21)*

Natural England has no comments to make on this application.

2. Regional / Local Bodies

4.2.1 *Leicestershire Bridleway Association (04/11/21)*

Thank you for advising me about this but I do not think we want to comment

3. Leicestershire County Council

4.3.1 *Leicestershire County Council Highways (10/11/21)*

The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report.

4.3.2 The main vehicular access to the site is from a new roundabout on the A4303. The site access arrangements were approved as part of the 2015 Outline application and the Section 278 application has received technical approval from the LHA. The new roundabout was built in summer 2021. As part of this reserved matters application, vehicular access to MPS7 - Plot A is via two separate locations on to the primary internal road. One vehicular access is for HGVs and the other will be for cars/LGVs and motorcycles. The proposed site accesses are close to other vehicular accesses for MPS2, MPS3 and MPS4 for Plot D but the internal development road will remain private so there is no impact on the public highway. There do not appear to be any specific drawings submitted for the site accesses however the LHA would advise the applicant to design them in accordance with the Leicestershire Highway Design Guide (LHDG), unless there are any site specific requirements for an end user.

4.3.3 The LHA would expect the applicant to provide levels of parking in accordance with Tables DG11 - DG13 of the LHDG. The LHA has reviewed the amount of parking shown for MPS7 - Plot A on the site plan and has summarised the level of parking being provided in the Table below:

Location	Car Parking	Accessible Parking	HGV parking	Motorcycle parking	Cycle parking
MPS7 - Plot A	180	10	85	8	60

4.3.4 The proposed level of HGV parking for 85 HGVs is significantly above the maximum that should be provided against the standards in LHDG (60 HGVs). Nevertheless the LHA is content that the applicant has provided HGV parking based on the end user requirements. The applicant also intends to provide 20 car sharing spaces as part of the internal layout of the site, which will help the applicant with their travel plan targets. Overall the level of car parking and cycle parking is generally consistent with the maximum guidelines contained in the LHDG. The LHA believes that if there is any overspill of car or HGV parking it will take place on the private access road and will not affect the public highway.

4.3.5 *Leicestershire County Council Planning Archaeologist (17/11/21)*

Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 194-195).

4.3.6 Leicestershire County Council Lead Local Flood Authority (11/11/21)

Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the application documents as submitted are sufficient for the LLFA to support the approval of the reserved matters.

4.3.7 Leicestershire County Council Waste & Minerals Authority (12/11/21)

The application site falls within a Mineral Consultation Area (MCA) for sand and gravel. However, upon review of the proposal it is noted that this a Reserved Matters Application and the principle of development and its parameters were established through application Ref. 15/00865/OUT. Thus, a Minerals Report is not required to be submitted. It should also be noted that there are no concerns from a waste safeguarding perspective either.

4. Harborborough District Council

4.4.1 Environmental Health (18/11/21)

This department has no comment regarding land contamination and the above

5. Parish and Town Councils

4.5.1 Lutterworth Town Council (15/11/21)

Whilst Lutterworth Town Council does not object to the planning application there has been recent issues with foul and surface water flooding the Lutterworth Allotments which are situated on Coventry Road and are owned by the Town Council. We are concerned that investigative work should be undertaken to make sure additional foul and surface water is not being directed through the allotment site which would add to the current issues of flooding

4.5.2 Willey Parish Council (08/11/21)

No comment / objection

6. Other Local Authorities

4.5.1 Warwickshire County Council (Highways) (17/11/21)

On review of the information submitted in support of the planning application, it is noted that there is no direct connection to Warwickshires' highway network. As the principle of the proposed development was previously agreed in support of the outline application, Warwickshire County Council have no further comment to make in respect of the aforementioned planning application.

4.5.2 Oadby and Wigston Borough Council (02/11/21)

Oadby and Wigston Council has no comments to make on the discharge of these conditions relating to the internal layout, maintenance strips, profiling or drainage matters.

4.5.3 North Northamptonshire Council (01/11/21)

No Comment

4.5.4 Rugby Borough Council (08/11/21)

The Local Authority has no objections to the proposal.

b) Local Community

- 1. Objections
- 4.2 17 letters were distributed to properties adjacent to the application site, and site notices were erected in the vicinity of the site. No letters of objection or support have been received.

5. Planning Policy Considerations

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

a) Development Plan

- *Harborough District Local Plan (Adopted April 2019)*
- 5.2 Relevant policies to this application are: SS1, GD8, BE2, CC1 and CC4. Many of these are detailed in the policy section at the start of the agenda, those that aren't are set out below.
- 5.3 Policy BE2 is the most relevant policy within the Local Plan. Policy BE2 states:
 1. Magna Park and adjoining committed or allocated sites, as identified on the Policies Map, are safeguarded for strategic storage and distribution (Class B8). Proposals for redevelopment at the existing, committed or allocated sites will be permitted where:
 - a. each unit has at least 9,000 sq.m. gross floorspace; and
 - b. any new building or the change of use of an existing building(s) is for Class B8 and ancillary use only; or
 - c. the proposal for any non-strategic storage and distribution use is small-scale, proportionate in scale to the strategic storage and distribution use and ancillary to the use of individual plots or beneficial to the functioning of the area as a strategic storage and distribution park.
 2. Additional development of up to 700,000 sq.m. for non rail-served strategic storage and distribution (Class B8) use will be provided in the District. Additional development should form an extension of, or be on a site adjoining, Magna Park in the following locations:
 - a. 380,000 sq.m already committed on two sites, as shown on the Policies Map; and
 - b. 320,000 sq.m on land North and West of Magna Park, in accordance with Policy BE2.3 below.
 3. Land to the North and West of Magna Park, as identified on the Policies Map, is allocated for 320,000 sq.m of strategic storage and distribution (Class B8) floorspace. This development will be guided by a master plan and form an extension to Magna Park that enhances the high quality commercial environment as far as possible. The development will mitigate adverse impacts and deliver net environmental, social and economic gains where possible. Proposals that comply with other relevant policies and meet the following will be permitted:
 - a. each unit has at least 9,000 sq.m gross floorspace;
 - b. proposals for any non-strategic storage and distribution use are small-scale, proportionate in scale to the strategic storage and distribution use and ancillary to the use of individual plots or beneficial to the functioning of the site as a strategic storage and distribution park;
 - c. heritage assets and their settings are protected and where possible enhanced, including Bittesby Deserted Mediaeval Village (DMV) which is a Scheduled Monument and non-designated heritage assets including Bittesby House which forms part of the setting of the DMV. Any planning application will be informed by a heritage impact assessment, which forms the basis for approaches to design, scale and layout of

development. Green space, such as a community park, is to be provided to protect the setting of the DMV;

d. the layout and design is informed by a landscape visual impact assessment to minimise the impact on the character of the immediate and wider landscape;

e. impacts on the highway are mitigated through:

- i. junction improvements to the Whittle Roundabout (A4303/A426);
- ii. junction improvements to the Gibbet Hill Roundabout (A426/A5);
- iii. an extension to the dual carriageway of the A5;
- iv. improvements to public transport services, including serving the development at shift changeover times of 6am, 2pm and 10pm;
- v. provision of a Travel Plan, to incorporate measures and targets for reducing single car occupancy use;
- vi. provision of HGV parking facilities, including overnight lorry parking facilities; and
- vii. footpath and cycle provision, linking the development with the existing Magna Park, and the wider footpath and cycle network.

f. impacts on Lutterworth Air Quality Monitoring Area are minimised and an HGV routing agreement (to include a monitoring and enforcement scheme) is to be submitted to and approved by the Local Planning Authority;

g. impacts of construction on air quality through dust and other emissions are mitigated and a dust management plan is to be submitted to and approved by the Local Planning Authority;

h. impacts on nature conservation are mitigated and a Biodiversity Management Plan (specifying the mitigation requirements) is to be submitted to and approved by the Local Planning Authority;

i. impacts of construction and operation on noise and vibration are mitigated and a Construction Environmental Management Plan is to be submitted to and approved by the Local Planning Authority;

j. impacts on hydrology and flood risk, during both the construction and operational phases, are mitigated in accordance with Policies CC3 and CC4 and to the satisfaction of the Environment Agency and the Lead Local Flood Authority;

k. impacts of construction and future operation on sources of contamination are mitigated and a Risk Based Land Contamination Assessment is to be submitted to and approved by the Local Planning Authority;

l. Provision of a suitable lighting scheme to minimise light pollution from the development;

m. employment opportunities for local residents are increased, including training and apprenticeships, and opportunities for local businesses are improved through a Construction Job and Business Employment Strategy, to be submitted to and approved by the Local Planning Authority; and

n. the development, including 24 hour operations, does not have an unacceptable impact on the immediate and wider surrounding area.

5.4 Policy CC1 states that:

1. Major development will be permitted where it demonstrates:
 - a. how carbon emissions would be minimised through passive design measures;

- b. the extent to which it meets relevant best practice accreditation schemes to promote the improvement in environmental and energy efficiency performance;
- c. how the development would provide and utilise renewable energy technology;
- d. whether the building(s) would require cooling, and if so how this would be delivered without increasing carbon emissions;
- e. how existing buildings to be retained as part of the development are to be made more energy efficient;
- f. how demolition of existing buildings is justified in terms of optimisation of resources in comparison to their retention and re-use; and
- g. how carbon emissions during construction will be minimised.

5.5 Policy CC4 states that

1. All major development must incorporate sustainable drainage systems (SuDS).
2. Prior to the commencement of development, the responsibilities for management and maintenance in perpetuity of the SuDS must be agreed.
3. The design and layout of the SuDS, taking account of the hydrology of the site, will:
 - a. manage surface water close to its source and on the surface where reasonably practicable to do so;
 - b. use water as a resource, re-using it where practicable, and ensuring that any run-off does not negatively impact on the water quality of a nearby water body;
 - c. use features that enhance the site design and make an active contribution to making places for people;
 - d. incorporate surface water management features as multi-functional greenspace wherever possible;
 - e. provide for the re-naturalisation of modified water courses where practical;
 - f. be located away from land affected by contamination that may pose an additional risk to groundwater or other waterbodies;
 - g. demonstrate that the peak rate of run-off over the lifetime of the development, allowing for climate change, is no greater for the developed site than it was for the undeveloped site and reduced wherever possible; and
 - h. ensure that flooding would not occur to property in and adjacent to the development, in the event of an occurrence of a 1 in 100 year rainfall event (including an allowance for climate change) or in the event of local drainage system failure.

b) Material Planning Considerations

- *The National Planning Policy Framework ('The Framework') 2019*

5.6 Paragraphs 7, 8, 10, 11, 38, 55, 82, 170 and 175 are particularly relevant.

c) Other Relevant Information

5.7 This application is to be determined by Planning Committee because of the size and nature of the proposed development.

6. Officer Assessment

a) Principle of Development

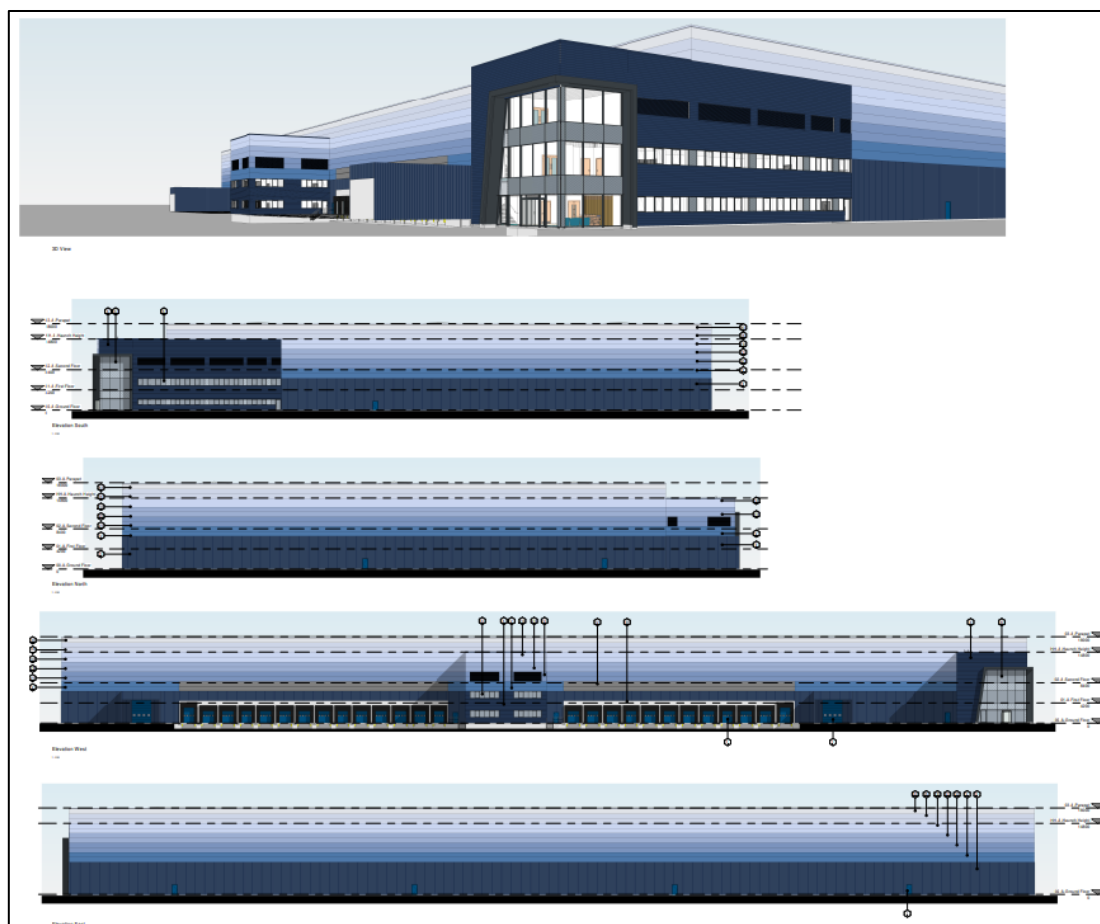


Figure 10: Plot A (MPS7) proposed elevations

- 6.1.3 The scale of the building is below the maximum parameters set out in the outline planning application. The proposals provide one unit 24,700sqm GEA B8 (storage and distribution) floorspace including ancillary office space, servicing, parking and landscaping. Crucially, the proposed building does not exceed the approved parameters. The maximum ridge heights of the building is 18 metres above the proposed maximum finished floor levels (see **Figure 10**).
- 6.1.4 The offices are located on the gable ends facing the estate road. This will create a sense of activity along the estate road, create a strong frontage and will help to break down the scale of the warehouse behind to limit the visual impact. The height of this element, positioned where possible on the main access, helps to break up the mass of the building when viewed upon arrival (see **Figure 10**).
- 6.1.5 As set out above, the Reserved Matters proposals are broadly in accordance with the Parameters approved at Outline stage. As such, it is considered that the proposed scale will not result in a development which results in any greater impact than that which was considered at Outline stage. It is therefore considered that the Reserved Matters detail of proposed scale for Plot A/B is considered to be acceptable.

2. Proposed Layout (including access and parking)

- 6.2.1 The detail before the Council for consideration at the moment is the layout, scale, appearance and landscaping of one building forming part of Plot A/B of the wider development (as per the approved Outline parameters).



Figure 11: Indicative Layout B from Design and Access Statement

- 6.2.2 The proposed development will be accessed off the A4303 Coventry Road via a new roundabout, which will then provide access to the new road network within the development. Consent for this access was granted at Outline stage. The internal estate road and points of access into the individual parcels have all been previously approved as part of 18/02148/REM. The applicants have confirmed that it is not intended that the Estate Road be adopted, rather it would remain in the control and management of the site operators. This is the same situation as the existing Magna Park where the estate roads are managed by the Magna Park Management Company.
- 6.2.3 Within the Design and Access Statement submitted in support of the Outline application, the applicants set how development could appear on the site using the ranges within the parameters as set out in the parameters plan. The second option of these is indicated at **Figure 11**. **Figure 12** indicates how the proposed on plot landscaping provision will help to - once embedded and matured - assimilate the development into the surrounding landscape. These plans also indicate the proposed buildings, car parking and yard areas for which Reserved Matters approval is currently sought. As can be seen by comparing these plans, the layout of Plot A (MPS7) accords with the indicative layout seen as part of the Outline application so far as submitted.
- 6.2.4 The car parking and service yards for the building is located to the west and south, away from the sensitive boundary to the north. The proposal locates offices on the southern end elevation of the warehouse. This forms a focal point for views from the estate road, provides natural surveillance into the car park and also provides a visual connection from the offices across the yard area. The office element protrudes beyond the main extent of the building providing a screening element for the service yard in views from the Spine Road.



Figure 12: Proposed Layout

- 6.2.5 Cycle storage areas are located in close proximity to the office accommodation entrances to encourage use as well as enhance security. Shower/changing facilities are provided to encourage non-car travel. Car park areas are screened through the use of fencing and planting. Soft landscaping is integrated into the car parking areas to enhance the visual appearance as well as blend the site into its context. Pedestrian linkages are designed and specified to create 'pedestrian friendly' areas through car parks.
- 6.2.6 The provision of disabled parking bays are positioned in close proximity to the office entrances. Following discussions with the Highways Authority, the level and design of the car parking provision has been agreed to be acceptable.
- 6.2.7 The service yard has been generally set out with a minimum 50m depth to accommodate the full turning circle of an HGV, HGV parking is located along the building elevation and also HGV parking along the outside edge of the service yard. They are laid out so that drivers can employ the right hand down manoeuvre when reversing into docks, as British registered right hand drive vehicles are much easier to park using this high level of visibility from the lorry cab. Public access should be actively discouraged from service yard areas, with access limited to trained competent members of staff only. **Figure 13** shows the detailed layout of the plot. As can be seen at **Figures 13**, the office elements of the proposals protrudes from the warehouse. This protrusion of the office section provides an element of screening of the service yard in views from the spine road.
- 6.2.8 The overall quantum and distribution of land uses, including open space and key access arrangements are set by these documents and controlled by outline condition. Importantly the Environmental Impact Assessment submitted with the outline planning application and its addendums tested the impact of development based on these

parameters. A summary of the proposed building against the parameters agreed in the outline planning permission is set out in **Figure 14**.

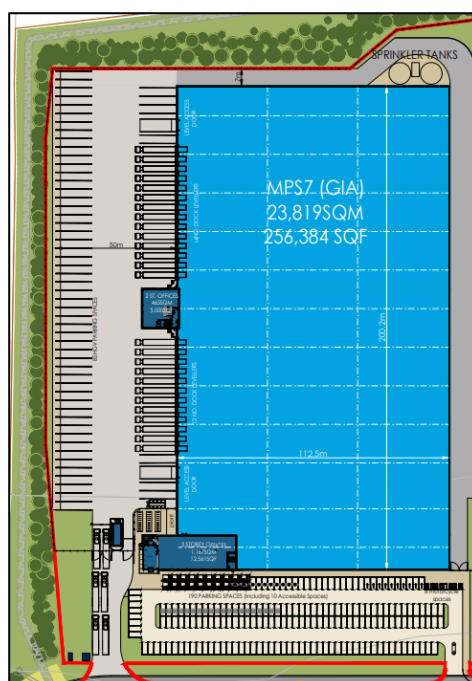


Figure 13: Plot A/B (MPS7) proposed layout

6.2.9 The proposed development description is principally the same in terms of land use, the proposed layout parameters, access and general layout as that which was detailed and assessed within the existing Environmental Statement submitted in support of the outline planning application, and therefore it is considered to be an acceptable form of development

	Parameters Plan Zone A/B	Building MPS7
Developable area	23.36 ha (total)	4.42 ha
Proposed use	B8 with ancillary B1(a)	✓
Number of units	Ranging from 1 – 5	1
Proposed unit size	Ranging from 15,000 sqm to 120,709 sqm GEA	24,706 sqm GEA
Maximum floorspace	120,709 sqm GEA	24,706 sqm GEA
Proposed unit dimensions	Ranging from 70 to 195m wide and 190 to 620m long	200.2m long x 112.5m wide
Proposed unit height	18m to ridge	18m to ridge
Proposed unit floor level	Highest FFL <122.000	120.950

Figure 14: Summary table of the proposals against the approved parameters

6.2.10 As set out above, the Reserved Matters proposals are broadly in accordance with the Parameters approved at Outline stage. As such, it is considered that the proposed layout should not result in a development which results in any greater impact than was

considered at Outline stage. It is therefore considered that the Reserved Matters detail of proposed layout for Plot A/B is considered to be acceptable.

3. Proposed “on plot” Landscaping

- 6.3.1 The detail before the Council for consideration at the moment is the layout, scale, appearance and landscaping of one building forming part of Plot A/B of the wider development (as per the approved Outline parameters).
- 6.3.2 Whilst the current submissions do not relate to the whole site, they do constitute what is considered to be the “on plot” landscaping for the building for which consent is currently sought. In essence, the current details relate to the landscaping of the areas which are inside of the individual development parcel (see **Figure 15**). This excludes the landscaping to the perimeter of the site. The strategic landscaping for the site as a whole has previously been considered and approved under 18/02148/REM.
- 6.3.3 The approved Parameters Plan shows 'structural native planting on bunds' and clarifies the 'zone restricted for structural native planting' around the site boundary. The native planting proposed in this Reserved Matters application comprises a mixture of fast growing species, such as birch, to provide initial height and slower growing species, such as oak, to provide filtering and screening over the longer term. With regards to mitigating landscape impact, in accordance with the Parameters Plan, the landscaping treatment of for the proposed edge of the development of Plot A/B has been designed to mitigate the impact on the most sensitive receptors (which are the eastern edge (toward Lutterworth) and the southern edge (toward Cotesbach)).

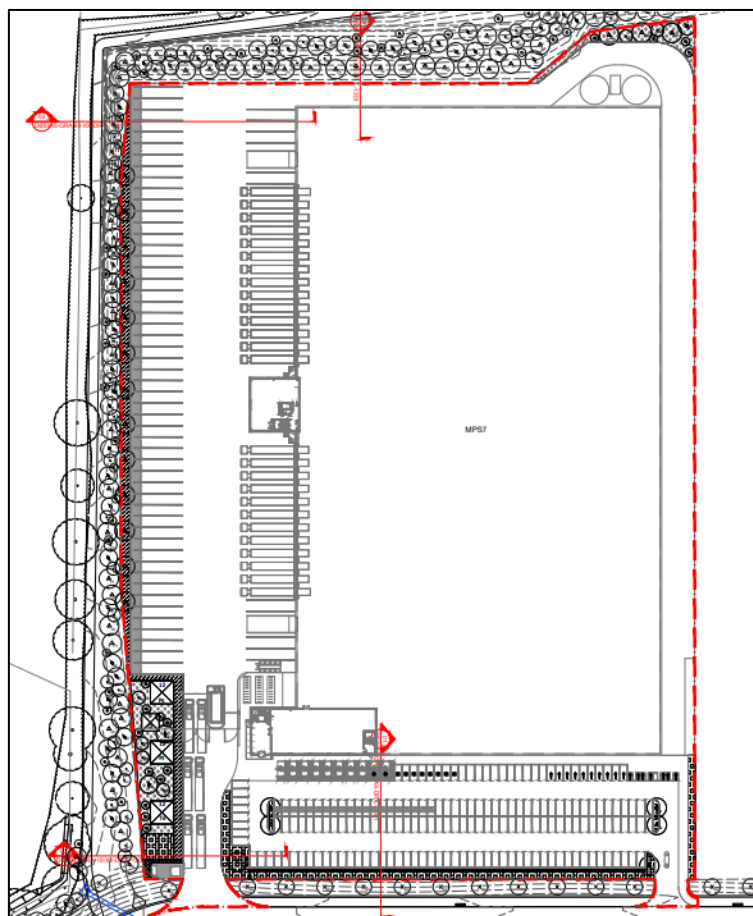


Figure 15: Proposed landscaping for Plot A (MPS7)



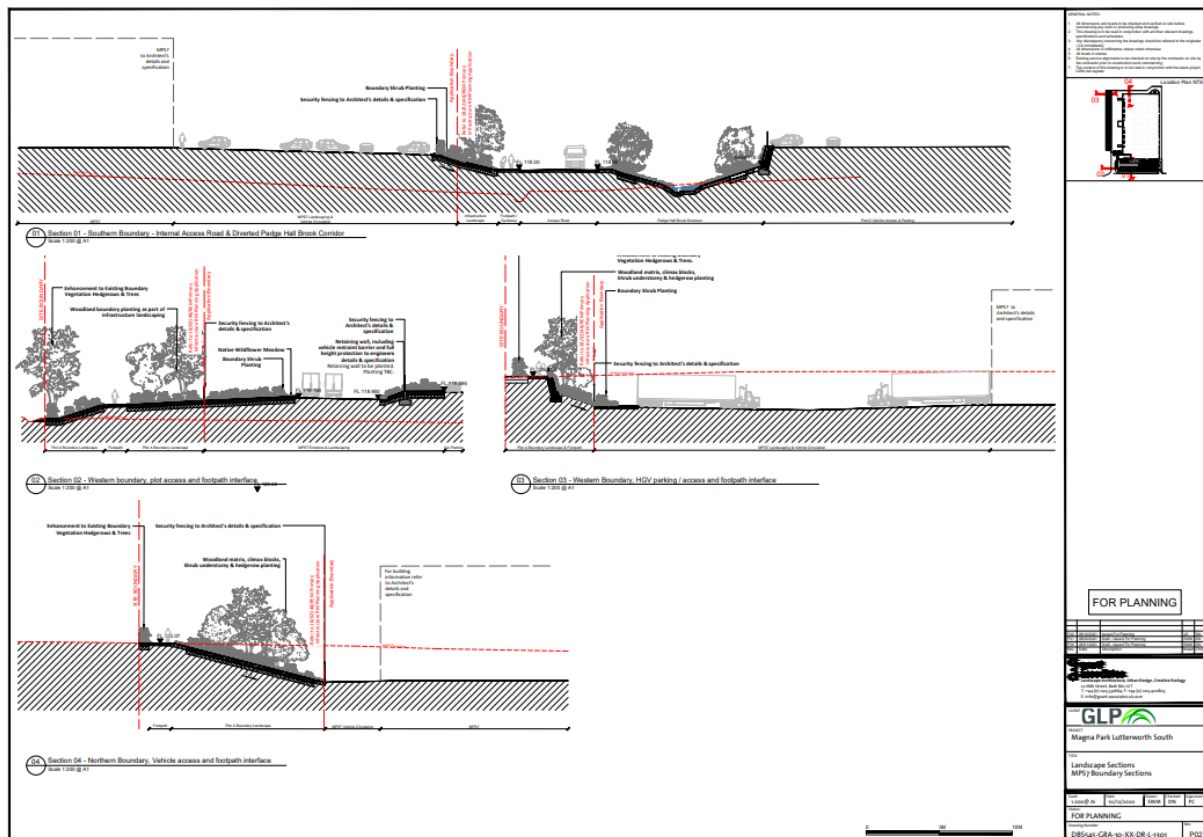
Figure 16: Proposed landscaping for Plot A (MPS7) in context of overall site

- 6.3.4 Landscaping is also proposed throughout the parking areas with proposed trees in the car parking area and a perimeter belts of landscaping around the plot, this creates primary habitat connectors through the overall site (see **Figure 15**). The detailed ecology, landscaping and open space proposals ensures that the long-term impacts of the proposals are sufficiently mitigated.
- 6.3.5 The Applicants vision for MPL South as a whole is to create an exemplar and truly green logistics park (see **Figure 16**), a carefully integrated and enduring place; with spaces for wildlife, people and innovative business. A space that is connected to the wider countryside and natural habitats. The MPL South masterplan is perceived as an evolution of Magna Park; a model which was seen by TLP as being an existing high quality landscape which must be continued.
- 6.3.6 Magna Park presently combines the working needs of development parcels and its infrastructure with large areas of greenery, water bodies, and meadow to create an environment that visually integrates the buildings whilst making habitat connections through the site. The applicants wish to develop this concept in line with the latest best practise to create a new exemplar for a sustainable logistics centred development that combines the best approach to place-making.
- 6.3.7 The following strategic landscape management objectives have been developed for the site as a whole:
- Existing Vegetation & Features Retained
 - To retain existing vegetation where possible and to protect and reinforce as strong landscape features.
 - To maintain the health and ecological value of existing hedgerows and tree groups for their contribution to the wooded character of the site and visual screening towards the development. This will include compensation for the potential loss of existing hedgerows and trees.
 - To support existing landscape features by introducing species specific new planting to enhance where appropriate
 - New Woodland Edge Planting

- To create and maintain woodland edges and belts containing canopy species which will provide landscape structure to the proposed development, be visible from the wider landscape environs and provide a filtering of views towards the development.
- To promote ecological value and biological diversity
- To promote seasonal interest and age diversity
- New Structure Planting
 - To create and maintain a native mixed species/age woodland edge which will provide a landscape structure for the proposals, mitigate for vegetation removal and provide an ecological resource.
 - These woodland areas will be managed to produce a diverse landscape buffer along the boundaries of the site that will contribute to the landscape character of the area.
- Wetland/Grassland/Meadow
 - To create and maintain meadows, on the edge of and between wooded areas, promoting natural colonization of wildflower species where applicable, with the growth of invasive species controlled. To create and maintain attenuation ponds both as permanent water bodies and ephemeral ponds / wetland areas promoting natural colonization of submerged, emergent and marginal zones where applicable, with the growth of invasive species controlled. To maintain safe access points for maintenance where appropriate and free from litter.
- Estate Road Planting
 - To contribute towards the establishment a welcoming gateway character from the new roundabout access and estate road as defined in the masterplan.
 - To promote healthy tree growth and establish mature tree coverage along the estate road with particular care for the avenue trees, to ensure balanced crowns are maintained along the row.
 - To establish healthy shrub planting areas with sustained year round interest which reinforce the varied character areas across the site.
 - To promote drought tolerant, robust and attractive planting, including grass and meadow verges

6.3.8 The proposed planting is a mixture of native woodland and understory shrub planting. Existing hedgerows are reinforced with additional native bare root planting. Areas of wildflower grass allow maintenance access to the sites security fencing. **Figure 17** provides cross sections through the site boundaries providing an indication of the screening and changes in levels that should be provided by the scheme.

6.3.9 As set out above, the Reserved Matters proposals are broadly in accordance with the Parameters approved at Outline stage. As such, it is considered that the proposed landscaping should not result in a development which results in any greater impact than was considered at Outline stage. It is therefore considered that the Reserved Matters detail of proposed landscaping of Plot A/B (MPS7) is considered to be acceptable.



4. Proposed appearance (including design, lighting and visual impact)

- 6.4.1 The detail before the Council for consideration at the moment is the layout, scale, appearance and landscaping of a building forming part of Plot A/B of the wider development (as per the approved Outline parameters).
- 6.4.2 The proposed finished floor level is AOD 120.95m with a resultant maximum parapet height of AOD 138.95 for MPS7. These levels have been approved as part of 18/02148/REM and are no higher than those stipulated in the approved Parameters plan. The height of the building is set out as 18m. Again this complies with the approved parameters plan.
- 6.4.3 The building will be built of a steel portal frame construction clad in a combination of steel composite and built-up cladding panels, which are made of recyclable materials and are themselves recyclable. The cladding is graded in blue colours which respond to the position of the building in its context, with darker colours at lower levels and increasingly lighter to reduce visibility against the sky line (see **Figure 18**). The office elements of the building is entirely clad in dark blue which gives a contrast to the rest of the building. As part of the consideration of similar details in relation to Plot D (see **Figure 19**), Officers initially held concerns that this approach would draw too much attention to the height of the building, undoing the work achieved by the graduation of the colours on the main building, however, when the elevations are assessed in the context of the layout plan, it is apparent that these elements of the building are all on elevations which face into the development rather than out to the countryside, and as such, it is therefore considered that such an approach would be acceptable in these circumstances.

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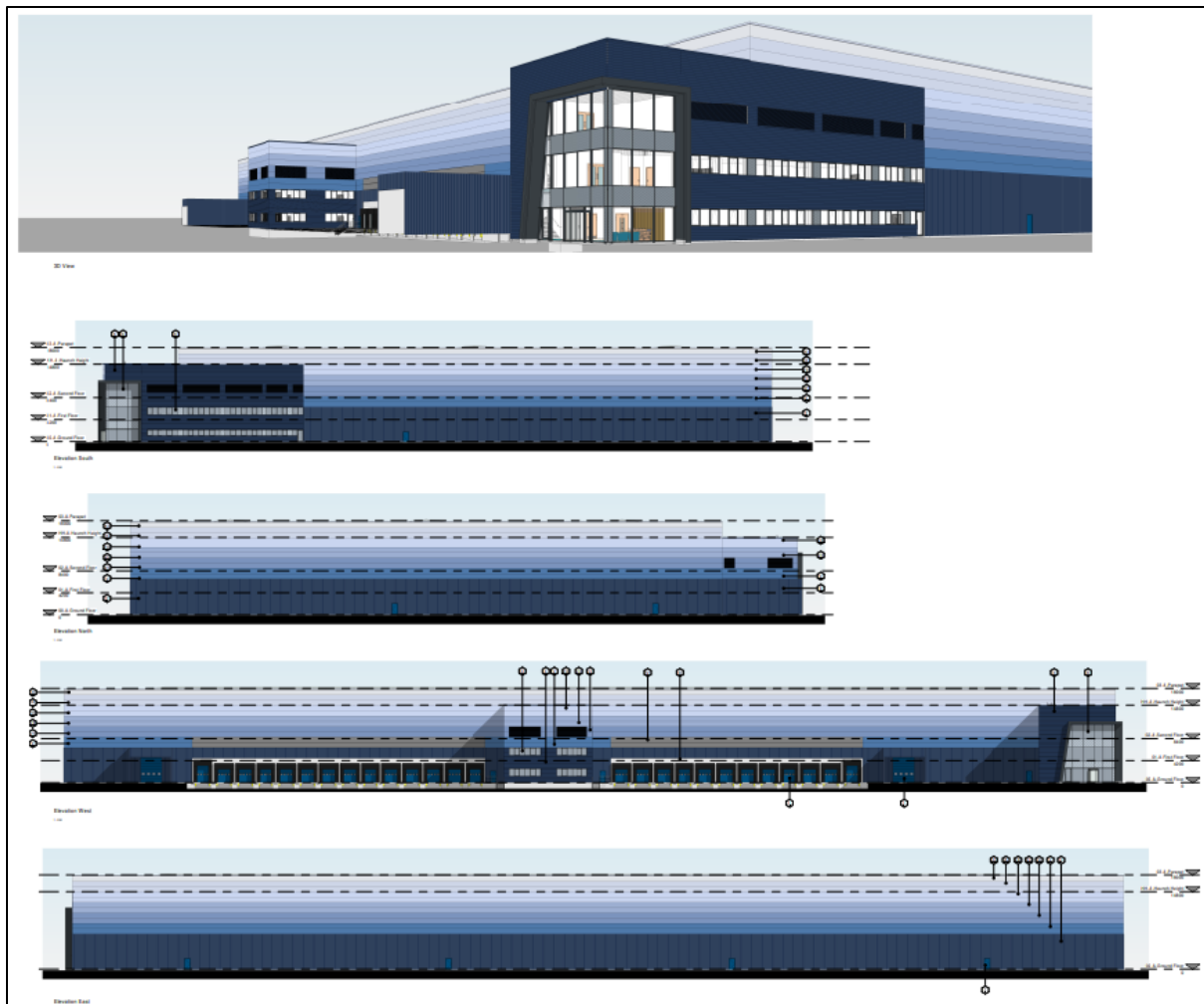


Figure 18: Plot A (MPS7) proposed elevations

- 6.4.4 The construction method offers south facing roof slopes, which have the potential to accommodate PV installation to all these south-facing areas and concealed behind the parapets. In coordination with the PVs, roof lights are also provided to optimize daylight and minimize the need for artificial lighting within the warehouses.
- 6.4.5 The proposed external lighting equipment complies with current standards and to the greatest extent possible, the applicants have designed the scheme so as to ensure that the luminaries and their settings are optically set to direct light only to where it is required and to minimise obtrusive effects and if necessary.



Figure 19: Recently constructed building on Plot D of MPL South

- 6.4.6 The applicants have chosen the lighting fittings from a range offering an appropriate degree of design consistency and quality. The car parks and principal pedestrian areas are lit to ensure the safety and convenience of users. Service yard lighting is designed so as to minimise light pollution (see **Figures 20 and 21**). Furthermore there will also be building mounted units providing lighting to both areas. (see **Figures 20 and 22**)



Figure 20: Proposed Light units

- 6.4.7 The use of appropriate building design strikes a balance between expressions of individual identity whilst providing an overall harmonious built form. Detailing and material selection has been carefully co-ordinated to provide an attractive cohesive park, thus realising a contemporary and innovative architectural solution. The layout and treatment of building elevations has been used to break down the scale of the building. The use of colour is used to break down the overall mass of the building.
- 6.4.8 It is considered that the design of the proposal is acceptable in its context and that it sits well as an extension to Magna Park, and that, in terms of warehouse development, the design of the proposal is of high quality. It is therefore considered that the proposal accords with Policy BE2 of the Harborough District Local Plan. The acknowledged quality of the design of the building weighs in favour of the proposal and must be assessed against the harm of the development in the overall planning balance.



Figure 21: Representative Juno Installation



Figure 22: Representative Realta installation

- 6.4.9 As set out above, the Reserved Matters proposals are broadly in accordance with the submissions considered at Outline stage. As such, it is considered that the proposed landscaping should not result in a development which results in any greater impact than was considered at Outline stage. It is therefore considered that the Reserved Matters detail of the appearance of Plot A/B (MPS7) is considered to be acceptable.

7. Conclusion – The Planning Balance

- 7.1 It is acknowledged that the proposed development has previously caused considerable concern within the local community, and this is evidenced by the content of the objections which have been previously received. Notwithstanding this, it is considered that the regional and national benefits of the scheme significantly outweigh the conflict with the development plan and the other limited harms which would result from the proposal. As such Members are asked to endorse the Officer recommendation that Reserved Matters approval should be granted subject to conditions as set out in **Section 8** of the report.

- 7.2 In reaching this recommendation, Officers has taken into account the ES which was submitted in support of the outline consent under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations, the two further statements submitted under Regulation 22(1) and the further clarification and errata statements. Officers consider that the ES and the further information provided complies with the above regulations and that sufficient information has been provided to assess the environmental impact of the proposals.

8. Suggested Planning Conditions

- 8.1 If Members are minded to approve the application, Officers recommend that the following conditions are attached to any approval. The conditions have taken into account the advice contained with Annex A of the former Circular 11/95 and the PPG. Members are reminded that the conditions imposed on the Outline consent are still applicable and do not need to be replicated as part of this consent.

1 Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved drawings:

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 scheme takes the form agreed by the authority and thus results in a satisfactory form of development and for the avoidance of doubt.

2 Parking and Turning facilities

The development hereby permitted shall not be occupied until such time as off street car and HGV parking provision (with turning facilities) has been provided, hard surfaced (and demarcated) in accordance with drawing number MPS-SGP-07-ZZ-DR-A-121027, 'Site Plan MPS7', Revision D. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and to ensure compliance with Policies BE2 and GD8 of the Harborough District Local Plan and the National Planning Policy Framework (2021).

3 Cycle Storage facilities

The development hereby permitted shall not be occupied until such time as the secure and under cover cycle parking has been provided in accordance with drawing number: MPS-SGP-07-ZZ-DR-A-121027, 'Site Plan MPS7', Revision D. Thereafter the cycle parking shall be maintained and kept available for use.

REASON: To promote travel by sustainable modes and to ensure compliance with Policies BE2 and GD8 of the Harborough District Local Plan and the National Planning Policy Framework (2021).

4 Motorcycle storage facilities

The development hereby permitted shall not be occupied until such time as secure powered two wheeler (motorcycle, scooter) parking has been provided in accordance with drawing number: MPS-SGP-07-ZZ-DR-A-121027, 'Site Plan MPS7', Revision D. Thereafter the secure powered two wheeler parking shall be maintained and kept available for use.

REASON: To promote travel choice and to ensure compliance with Policies BE2 and GD8 of the Harborough District Local Plan and the National Planning Policy Framework (2021).

Suggested Informative Notes

1 Conditions and Legal Agreement

The applicants are reminded that the conditions and S106 obligations relating to 15/00865/OUT are still relevant and fall to be complied with as the development proceeds.

Committee Report

Applicant: Mrs J Vaughan

Application Ref: 21/01613/FUL

Location: 1 Angel Court, High Street, Market Harborough

Proposal: Change of use of Existing Fitness Centre to Dance and Performing Arts School

Application Validated: 16/09/21

Target Date: 11/11/21 Extension of Time agreed

Consultation Expiry Date: 10/11/21

Site Visit Dates: Wednesday 22/09/21 15.50 to approx. 16.30 prearranged and with agent
Friday 15/10/21 09.45 walk through Dairy Yard
Thursday 04/11/21 19.30 to 20.30
Saturday 06/11/21 09.00 to 9.40am
Wednesday 10/11/21 18.50 to 20.50
Saturday 20/11/21 10.15 walk past

Reason for Committee decision: Called in by Councillors Johnson and Fosker

Recommendation

It is recommended that the application is **REFUSED** for the following reason:

1. The use generates a level of activity and noise that results in the use not integrating well with existing businesses and having an adverse impact on the amenity and living conditions of residents in nearby residential properties. The proposal is therefore contrary to Policy GD8 of the Harborough Local Plan and paragraphs 119, 130, 185 and 187 of the National Planning Policy Framework.

1. Site & Surroundings

- 1.1 The application site is located in Dairy Yard, which is immediately to the west of the shops and businesses facing the High Street within Market Harborough town centre. It is accessed through a passageway from the High Street and from the Angel Street public car park. There are signs saying Dairy Yard is private, though it has been observed to be used as a thoroughfare for pedestrians to and from the town centre.
- 1.2 The site is just within the Primary Shopping Area of Market Harborough and is within the Local/Town Centre. It is also within the Conservation Area and in very close proximity to a lot of Listed Buildings.
- 1.3 The building is two-storey and internally contains a studio at ground floor and one at first floor. The entrance faces west. The building has been used by The Core Dance Company since 12th March 2021 (according to business rate records). Previous to that it was used by an events company until 29th January 2021 and Curves fitness centre operated from the premises until 24th December 2018 after gaining planning consent in August 2005.



Figure 1: Site Location (the yellow indicates the Listed Buildings and the green cross hatch indicates the Conservation Area)



Figure 2: Aerial photograph (2018)

2. Site History

- 2.1 05/00939/FUL Change of use to a ladies only fitness centre – Permitted
05/01320/ADV Erection of illuminated sign to the front – Refused

21/01100/VAC Change of use to a ladies only fitness centre (Variation/Removal of Conditions 1 Hours of Use and 3 Use as a Fitness Centre only of 05/00939/FUL (Retrospective)) – Withdrawn as incorrect type of application as the uses are not the same

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal is for the change of use from a fitness centre to a dance and performing arts school.
- 3.2 The submitted floor plans show a studio at ground floor and a studio at first floor. No external alterations to the building are included in this application.
- 3.3 The application is retrospective as the use commenced on 12th April 2021.
- 3.4 A Variation of Condition application was submitted on 14th June 2021 to apply for longer hours than previously approved (05/00939/FUL) and to allow for more than just a fitness centre use but remaining within the [old] use class D2.
- 3.5 The agent was advised that a full planning application was required as a dance school was not within the same use class as a fitness centre. The application was withdrawn on the 28th June 2021. The agent was advised to resubmit a full application and to include a Noise Impact Assessment and Supporting Statement. This full planning application was submitted on 6th September 2021, initially made invalid due to lack of a fee and floorplans, and then validated on 16th September 2021. A Noise Impact Assessment was submitted on 26th October 2021 and updated version 1st November 2021.
- 3.6 The hours that were granted consent for the fitness centre in 2005 were,
- 09.00 – 19.30 Monday to Friday
 - 09.00 – 13.00 Saturdays
 - No time on Sundays.
- The hours applied for as part of this application are,
- 09.00 – 20.30 Monday to Friday
 - 09.00 – 16.00 Saturdays
 - 09.00 – 12.00 Sundays and Bank Holidays.
- On Wednesday evenings there is currently a class that finishes at 21.15.

b) Documents submitted

i. Plans

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

Site Layout 3120/1
Existing & Proposed Layout 3120/2

ii. Supporting Information

- 3.8 The application has the following supporting information which was submitted during the course of the application:

c) Pre-application Engagement

- 3.9 No pre-application advice was sought or given but advice was given as part of 21/01100/VAC as to what application type was required and how it should be accompanied by a Noise Impact Assessment and Supporting Statement.

d) Other Relevant Information

- 3.10 The application has been called-in to Planning Committee as it has been called in by Councillor's Johnson and Fosker due to the level of interest on both sides, for and against the application, and so the decision can be made openly and fairly with the opportunity to speak afforded to those interested.

4. Consultations and Representations

- 4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 17th September 2021. Environmental Health were re-consulted on 27th October 2021 after a Noise Impact Assessment was received. A site notice was put up on 17th September 2021 and a press notice placed in the Harborough Mail on 30th September 2021.
- 4.2 The last consultation expired 10th November 2021.
- 4.3 A summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning.

a) Statutory & Non-Statutory Consultees

Market Harborough Civic Society

- 4.4 No comments received.

HDC Environmental Health

- 4.5 We have been investigating complaints of noise from the company known as The Core Dance Company since May 2021; namely noise from amplified music and voice from dance instructors, and noise from visitors to the premises gathering outside on Angel Court. Angel Court is private land but has a well-used public walkway through it, though this is not a designated public right of way.

An initial investigation into the complaints was undertaken and noise monitoring confirmed that noise levels from amplified music and visitors gathering externally was a nuisance and as a result, a Community Protection Warning (CPW) letter was served on the company. The CPW asked that nuisance from amplified music does not cause nuisance and that particular attention should be given to controlling the volume and low frequency content of the music (bass). It also stipulated that measures be implemented to manage and control the conduct and behaviour of all persons attending the premises, so that they do not cause a nuisance and/or anti-social behaviour.

Following the service of the CPW we conducted a site meeting with the company and measured noise levels both internally and externally. From this meeting we concluded that internal noise levels were subjectively very loud (around 80dB internally) and 55dB externally in the courtyard, but that with windows closed, the noise reduced to around

46dB. Although we concluded that closing windows alone resulted in a reduction in music noise of 9.3dB, we advised that the reduction required was more likely to be 12.5dB, and that this could be achieved by keeping windows closed and reducing the music level marginally.

The company then agreed to keep windows closed and provided alternative ventilation through mechanical means. Noise levels improved considerably as a result of this action, however, we continued to receive complaints.

Further noise monitoring was undertaken and whilst we concluded that there was an overall improvement in noise from amplified music and voice from dance instructors, there was considerable variation and there were recordings undertaken where both song lyrics and voice from dance instructors were both clearly audible inside the complainant's property.

Due to this variability and the nuisance it caused, on 21 October 2021 we served a Community Protection Notice (CPN) under the Anti-social Behaviour, Crime and Policing Act 2014. This followed on from the CPW and required noise nuisance from both music and visitors to be appropriately managed so as not to cause nuisance. On 11 November 2021, this notice was appealed. We have not yet received clarification from the court, but once confirmed, the notice will in part be suspended (the part that relates to the control of noise from visitors), the part relating to the control of music noise will remain in force.

Whilst the investigation of noise nuisance and planning law are distinct, they are related in that measures that we recommended under the CPN to control noise nuisance were also recommended in the acoustic assessment undertaken by the applicant and submitted in support of the planning application; notably an upgrade of the insulation to the building and the use of noise limiters to control noise levels at source.

The report is clear in what it recommends however there is some question as to why they have set internal noise limits to give 'headroom' higher than the actual noise levels that they monitored within the premises. The noise limits also rely on the building being upgraded (installation of double glazing) and as this work has not yet been undertaken, we can only predict what noise level is acceptable for planning purposes. Verification checks cannot be undertaken until the work is completed.

Therefore, whilst it is possible that the implementation of the recommendations of the acoustic report will suitably control music noise levels, there are shortcomings in that the suitability of resultant noise levels cannot be judged until the windows have been upgraded. The report does not delve into the control of noise from visitors in the courtyard which is still an ongoing matter under the CPN.

Due to ongoing complaints and the uncertainty of the effectiveness of recommended measures to control noise emissions, I am currently unable to support the approval of planning permission at this time.

HDC Contaminated Land and Air Quality Officer

4.6 No comments regarding land contamination.

Ward Councillor – Councillor Fosker

4.7 • It must be considered that some of the concerns around this development have been exacerbated by COVID protocols, particularly the noise being elevated by windows being open, and parents having to wait outside. Things have also been antagonised by the fact that trading was commenced without proper planning consent, whether due to

the receipt of bad advice or otherwise, this reflects badly on the applicant. That said, the applicant should be commended for improving the management of noise (closing the windows) and managing the crowds (sending out regular communications to stress the importance of this).

- The number of supportive comments demonstrates that the applicant's business is clearly popular, thus can be expected to be busy throughout the year, during any hours for which they are open. As such, they risk being victims of their own success, with regards noise levels and disturbance due purely to the number of attendees, arriving and departing.
- Fundamentally, we must consider whether this is the right location for a dance studio, with its current existence there being irrelevant to the planning judgement, other than to provide evidence of the conflicts and concerns that its presence may give rise to.
- The amenity of the existing residents must be considered; especially as this is not just a case of temporary disturbance during construction, but permanent alteration of noise levels and pedestrian foot traffic in the area. As a number of the objecting comments make clear, the changes are already disturbing existing communities in the area, especially the meditation group, who are now struggling to find peace. Residential neighbours also find that the noise is still a nuisance, even with the windows closed and improved ways of operating that the studio have implemented. It is reported that repetitive bass notes still find a way to permeate the adjacent buildings; I'm sure we can all empathise with how annoying that can be.
- The passage adjacent to the site is open to and used by vehicular traffic. Crowds of parents and children arriving at and departing either side of class times, due to the lack of segregated pedestrian and vehicle surfaces, will necessarily make navigation of the passage difficult and risks giving rise to conflicts over right of way, as well as risk of more serious incidents.
- The conditions laid out and enforced for the prior use as a fitness centre, should be considered, and expected still to be relevant. From '05/00939/FUL | Change of use to a ladies only fitness centre | 1 Angel Court High Street Market Harborough Leicestershire LE16 7NL', the hours were limited to 0900-1930 on weekdays, 0900-1300 Saturdays and no time on Sundays. This was to ensure that the use "does not become a source of annoyance to the nearby residents and to ensure compliance with policy IN/1 of the Harborough District Local Plan". The dance studio has already been operating outside of those previously stipulated hours, and consequentially, has already become an annoyance to nearby residents, as well as other users of facilities in the courtyard. Indeed their own website (at the time of writing) currently advertises classes running past 2100hrs on a weeknight, and past 1300hrs on a weekend, as well as private hire available on Sundays, contrary to the hours submitted with this application.
- The conversion from a fitness to a dance studio may seem small, but is an incremental erosion of the neighbouring community's amenity, and thus must be taken seriously.
- In its current form, due to the reports of negative impact on quality of life for the neighbouring communities, and inability to continue functioning in the established meditation facility, I do not believe this planning application should be granted. I would ask that further conditions and technical countermeasures be considered, eg. limiting the hours of use to match those of the prior permission, improved glazing and other sound-proofing measures to limit noise pollution, provision of a waiting area within the envelope of the building in order to reduce the risk of crowds accumulating outside the premises.
- Further, if the application were granted, I would like to see some sort of management plan going forwards, to ensure noise levels did not creep back up, and/or crowd management did not become a problem again.

Ward Councillor – Councillor Johnson

- 4.8 This application has been contentious for a variety of reasons. There are, in my opinion, two important areas for concern, which I would ask the Committee to focus upon.

1. NOISE CONCERNS

For those living and working close by and for the applicant, it has obviously been an extremely trying time. Noise levels have been a constant issue – not only for occupants of flats and houses nearby but also for nearby businesses (particularly the meditation centre directly opposite). The very fact that the applicant has put in so much effort into trying to control noise levels in such a confined area reflects not only the absence of planning permission but the fact that they are keen to remain in this situation. Their business appears to be thriving and cherished by those who use its services, but its continuation in this area quite obviously hinges on the results of the assessment of noise output. The Council has asked the applicant to provide an acoustician's independent report on noise. This is vital evidence – and in my mind is the most important consideration. It is to be hoped that an appropriate report has been provided for assessment. Together with the Council's own noise assessments and tapes provided to residents this evidence should provide for a proper assessment of the business's viability in this Court.

If this business were allowed to operate, it is vital that strict conditions around hours of use are put in place. Today's Angel Court (as opposed to its layout in the medieval period), now has buildings (residential and commercial properties) crowded tightly around the applicant's business. As my fellow Ward Councillor remarks, the conditions for a 'Ladies Only Fitness Centre' application were limited to 0900-1930 on weekdays, 0900-1300 on Saturdays, with no opening on Sundays, ensuring that the use 'does not become a source of annoyance to nearby residents and to ensure compliance with policy IN/1 of Harborough District Plan.

2. SAFETY CONCERNS

The applicant's business is within Market Harborough's Conservation Area. Angel Court, leading off the High Street, is likely to have contained one house in medieval times - now defined as 'the oldest house in the town', situated on a long and narrow plot of land. Over years this Court has developed into flats at the back of High Street properties, a barn has become a business, the house's orchard a car park. From the High Street there is a narrow archway leading directly into Angel Court. Parents and lively children gather in large groups before and after classes in this area which is also accessible to vehicles. There is very little room here for manoeuvre here in an area of poor lighting and safety concerns should be addressed to ensure safe passage for all. As a District Councillor with a town ward and Planning Committee experience over several years I can't help wondering if this obviously growing and popular business might have been better situated in an area away from traffic and residential properties. There are around 14 similar thriving similar businesses in Market Harborough, all nowhere near as close to other properties (residential/business) as this one.

b) Local Community

- 4.9 23 letters of objection received from 20 households, expressing the following concerns:
- Object to increase in hours to 20.30.
 - Unable to open windows due to loud music.
 - Music heard within neighbouring properties.
 - Crowds of parents and children in Dairy Yard.
 - Crowds are noisy and disrespectful.
 - Noise impact on residential uses and businesses.
 - Dairy Yard is not public land.
 - Opened without planning permission.
 - Bass sound and instructor's voices heard within residential properties.
 - Even if sound proofing carried out the problem of crowds cannot be resolved.

- Concerned about request to open seven days a week. Currently Sunday is only quiet day.
- Health badly affected since this business opened due to impact on amenity.
- Music has been so loud that television cannot be heard.
- Shouldn't be located in a residential area.
- When concerns about noise and crowds were raised when the business first opened very little was done to address concerns.
- When the use was a ladies only gym there was no disturbance from music and crowds did not gather.
- Don't blame parents and children for congregating and chatting but it is the wrong location for a dance studio.
- Creates anxiety when leaving house and having to ask people to move.
- Concerned that increasing hours and opening every day will make all of the existing impacts worse.
- Lots of letters of support but from people who attend the classes, not those who are affected by the business.
- When walking past the building cannot believe the volume of music outside building.
- Concerned about children being subjected to such excessive noise levels.
- A dance studio should not be located next to homes, offices and a meditation centre.
- Conservation Area where people are living, working and undertaking mindfulness practices.
- There are other empty premises away from homes, offices and not in a Conservation Area.
- Opened without planning permission when applications for loud, busy dance studios in residential areas are not granted as not appropriate next to peoples' homes.
- Should've ensured consents were in place before opening and residents and businesses should not be punished for this.
- The dance studio will be able to relocate if the application is refused so those who attend will still benefit from it.
- Pass through Dairy Yard on a daily basis and appalled by loud crowds and loud music. Can understand concerns.

Comments from Meditation centre owner and attendees

- Education and meditation centre since 2016. The building is used for meditation, educational training in listening and communication skills and health care. Premises bought and specially converted for these purposes.
- Object to the noise not the activity. Like at theatres and recording studios noise should be prevented.
- No longer able to hire out premises for meditation, educational training and health-care (psychotherapy) as no control over noise levels or knowledge when they will be generated. Private meetings with clients have been disrupted.
- Provide training in listening and communication internationally bringing in our students who as professional doctors and psychologists as customers to the hotels and restaurants of Market Harborough. Provide the only non-religious meditation class based in Market Harborough.
- Enquiries for using this building by the University of the Third Age as we seek to offer this space also as a community facility and support quiet activity, contemplation and adult education in Harborough. We cannot do this if the sound disturbances continue as they are doing. Existing planning regulations being ignored and so no guarantee a quiet space can be offered.

- Dance company already operating outside of approved hours, how can we be sure this won't continue.
- Attend meditation group at 2 Dairy Yard. Noise inside and outside of building generated by this use is to the detriment to the operation of this group.
- Extension of hours in evening and on a Saturday coincide with hours of meditation group and give less time for guaranteed quiet.
- Would like existing approved hours of 09.00 – 19.30 Monday to Friday and 09.00 – 13.00 Saturdays to be kept.
- Courtyard now gathering space for students as no inside reception. It is private land. Own land in front of meditation centre and this is regularly used as a gathering space so not available to the meditation centre.
- Peace and quiet required will be seriously impaired.
- The meditation centre helps to maintain mental health and wellbeing and provides a haven of peace, tranquillity, and friendship.
- Perhaps the dance centre could finish at 7pm and only open in the morning at weekends to give both businesses a fair usage of the times during the day.
- To allow longer hours to include evenings, weekends and Bank Holidays should not be allowed as it will destroy the benefits of many people in the wider community who have come to rely on the Meditation Centre and the services it provides. This is, of course, quite apart from the distress that is being inflicted upon the residents and other businesses of Dairy Yard.
- The meditation centre is a valuable asset to the town. Classes are currently oversubscribed. Only such facility in the area.
- Used the ladies fitness centre and it was quiet without heavy music. Rarely did lots of people arrive at once and they went straight in.
- At the dance studio instructors have to be loud enough to be heard and often music played over and over whilst a routine is learnt.
- It would be a shame to lose a business that was purpose built in this location.
- A decision to allow the changes to go ahead would therefore favour one group of 'space users' - dancers - over another when, in fact, both activities can be pursued harmoniously, side by side, with due care and consideration, just as they were when the Core space was a gym under previous, more considerate ownership. Basically, one activity centre would have to close down because this one has opened and been supported.
- The additional noise in the courtyard from the dance school is having a significant effect on the atmosphere of the Meditation Centre. Agree that dance classes for people of all ages are a good thing and it would be wonderful to see this business thrive in a different location where it does not cause compromise an already established and valuable centre and also to others who live and work in the courtyard.
- The centre itself is not a profit-making enterprise but serves the people of Market Harborough and villages by making instruction in meditation available at cost. I consider this to be a prime example of community spirit.
- The proposed dance school and its long operating hours threaten the viability of the Meditation Centre. Meditation is a quiet activity, mostly carried out in silence. It is incompatible with a noisy environment, whereas dance tuition is naturally noisy. At St John's Ambulance Station in Abbey Street which is the venue for some dance classes, and the dedicated dance school in St Mary's Road the music and the instructions by the dance teachers can be heard clearly. Both places teem with children, parents and cars with running engines at the start and end of sessions. Such levels of noise and disturbance would make meditation impossible and Market Harborough would in all likelihood lose the meditation centre.

- The hours should be reduced and it should be soundproofed. An indoors reception area should be created to reduce congregation outside.
- Dairy Yard is in a Conservation area. Sections 72 and 73 of the Planning (Listed Conservation Areas) Act 1990 require HDC to "pay special attention to the desirability of preserving or enhancing the character of the Conservation Area" when considering any planning application relevant to the area. Noise and crowds impact on the "character" of the Conservation Area.
- Concerned about safeguarding as children congregate near the busy High Street and a well-used car park.
- Suggested conditions such as sound proofing, windows remaining closed regardless of Covid restrictions, limit on number of people and safeguarding.

4.10 50 letters of support received from 43 households, expressing the following points:

- Much loved business.
- Those who attend the classes regard them very highly.
- Nearby businesses benefit.
- Great location and easy to access.
- Diverse classes for all ages.
- Visits cafes and shops afterwards so benefit for town.
- Add to community and kids' wellbeing.
- Support the extending of hours so more children benefit.
- Can walk to the classes due to the location.
- Not supporting youngsters in the town will result in rising levels of crime and anti-social behaviour.
- Close to car park so easy to drop children off.
- Support local.
- Lovely studio.
- Professional and inspirational business.
- Business has been running for a number of years using village halls and school halls. Fantastic boost to town that it survived pandemic and secured premises in this empty space.
- Works with events such as the Christmas Fayre.
- Wonderful to see a business thriving and succeeding.
- No one wants to see empty premises.
- Adds to the High Street.
- Children put first.
- NIMBY's objecting but noise in a town is inevitable and drop off/pick up is transient.
- Friendships made.
- Innovative local businesses should be applauded not vindicated.
- Local businesses crucial to make a town unique.
- Classes are affordable.
- In a commercial area and have witnessed how courteous the staff are of other surrounding businesses/neighbours.
- During classes the music is played at a sensible level so you can have conversation with others during the class.
- The instructors do not shout or use microphones.
- Instructed to arrive and leave premises in a courteous manner and everyone follows these instructions.
- Due to social distancing we were asked to wait outside for class start times. No more than 10 people and people waited quietly and patiently. Sure that once the pandemic concerns have subsided people won't have to wait outside.

- The music and noise is not appalling and would not affect children's hearing. Comments are exaggerated.
- Run a musical theatre group in Leicester and seen the benefits to young people.
- Safe access with the entrance being off the road.
- Noise must be generated by Travelodge hotel, children's nursery next door, passing weekend drinkers and people using the cut through.
- Windows were open due to Covid but now closed with air conditioning and noise is reduced.
- Constant hum of noise from High Street.
- Understand the building has consent for a fitness centre and the dance and fitness centre appeared to fit into this. Then learnt it was a different use so a revised application has been made.
- A commercial area rather than residential.
- People wait quietly and respectfully.
- Choosing to live and work in a commercial area of a town centre and complain about noise is like moving to the countryside and complaining about the cockerel.
- Complainants should be mindful of what the premises could become if vacated by this considerate business owner.
- Change of use in keeping with its current use class.
- Located within the town centre and primary shopping area and surrounded by a variety of mixed-use developments including restaurants and bars.
- A town centre should be busy and vibrant.
- When collect daughter at 9.15pm the only noise is from people in the car park who have nothing to do with the dance school.
- People come to the town centre for this business and then use the town centre and car park.
- Owner of nearby café. Have seen more footfall to the top end of town to the benefit of local businesses. Have witnessed drop off/pick up and seems to be smooth. Noise levels are low and noise cannot be heard at the café premises behind the meditation centre. Questions what use would be suitable as office-based businesses are working from home.
- The opening times of after school and Saturdays suit the users.

5. Planning Policy Considerations

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

a) Development Plan

- *Harborough Local Plan*

5.2 The following policies of the adopted Local Plan are considered most relevant in consideration of the application:

- GD8 – Good design in development
- RT2 – Town and local centres

b) Material Planning Considerations

5.3 The following are considered material planning considerations:

- *National Planning Policy Framework (NPPF)*

6. Assessment

a) Principle of Development

- 6.1 The application site is within the primary shopping area and town centre of Market Harborough. The edge of the primary shopping area runs along the edge of the building and includes the meditation centre at 2 Dairy Yard. The businesses and residential property to the west are outside of the primary shopping area.
- 6.2 Due to its location Policy RT2 Town and local centres of the Harborough Local Plan is relevant. This policy states that within the town centre of Market Harborough development proposals for main town centre uses and residential uses will be permitted providing their scale and design reflects the role, function, distinctive qualities and historic/architectural heritage of the town centre. Development that would harm the vitality and viability of the town centre will not be permitted. Market Harborough's primary shopping area will be the focus for retail uses. Development which helps maintain the existing retail function of the area, and does not lead to a concentration of non-retail uses which would undermine the vitality and viability of the area's primarily retail role, will be permitted.
- 6.3 A dance and performing arts school is not classed as a main town centre use. The use of the proposal is considered to be sui generis. Dance and performing arts schools aren't specifically referenced as being within a particular use class and therefore should be considered to be sui generis. The timetable, as well as referring to dance classes of different types, also includes a couple of fitness classes, which wouldn't fall within class F1a (educational) like a ballet school would and the regulations say that where there are two use classes then the use should be classed as sui generis.
- 6.4 The supporting text to RT2 in paragraph 7.3.2 states that the way in which town centres are used is continually evolving and the NPPF emphasises that local plans should plan positively for the growth, management and adaptation of town centres to support the role they play at the heart of local communities. Paragraph 7.3.3 states that the NPPF emphasises that local plan policies should allow for growth and diversification in response to rapid changes in the retail and leisure industries, promote a suitable mix of uses (including housing) and promote the individuality and distinctive characters of town centres.
- 6.5 Paragraph 7.3.6 states that in Market Harborough there is a town centre boundary and a primary shopping area. The policy approach aims to guide most retail development to the primary shopping area, in order to support the existing retail function of the area, maintain the vitality and viability of the centre as a whole, keep its shopping offer within easy walking distance and avoid it being diluted by too many non-retail uses. It also ensures that other main town centre uses, such as leisure, hotels and offices, and secondary shopping take place within the wider town centre boundary where a greater variety of uses co-exist, or as a last resort in an edge of centre location.
- 6.6 Taking this guidance literally, as the site is within the primary shopping area, it should be a retail use. However, it is right on the edge of the primary shopping area and the building does not really lend itself obviously to be a retail unit. It has previously had consent for a fitness centre and is sited with other non-retail uses. Therefore, considering that the NPPF allows for growth and diversification in response to rapid changes in the retail and leisure uses it is considered that a non-retail use is acceptable in this location. Comments of support also state how users of the facility

and parents dropping off children use the nearby town centre businesses. This helps to preserve the vitality and viability of the town centre.

- 6.7 Section 7 of the NPPF is with regards to ensuring the vitality of town centres. Paragraph 86 mentions the role that town centres play at the heart of local communities and there should be a positive approach to their growth, management and adaptation. This states that town centres should be allowed to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allow a suitable mix of uses (including housing) and reflect their distinctive characters. It also states that residential development often plays an important role in ensuring the vitality of centres so it is not true to say that only the proposed dance and performing school would add to the town's vitality.
- 6.8 Overall it is considered that a sui generis use of this type would be acceptable in this location. It is not a main town centre use but both the supporting text of the Local Plan and the NPPF support taking a positive approach to town centre adaptation and evolution. It is not considered that it would remove a retail use from the town as it is not in a prime retail location, being right on the edge of the primary shopping area, already has consent to be a fitness centre and its design does not lend itself obviously to be a retail unit. The proposed use is therefore considered to accord with Policy RT2 of the Harborough Local Plan and paragraph 86 of the NPPF.

b) Technical Considerations

1. Design

- 6.9 No operational development has been applied for. The external appearance of the building is remaining unchanged albeit for the unilluminated Core Dance Co signage that replaced the previous signage and is already in place. The criteria of Policy GD8 of the Local Plan does therefore not need to be assessed with regards to design. .

2. Amenity

- 6.10 Policy GD8 of the Harborough Local Plan states that the impact on the amenity of existing and future residents must be minimised by not generating a level of activity or noise which cannot be mitigated to an appropriate standard and so would have an adverse impact on amenity and living conditions.
- 6.11 Paragraph 119 of the NPPF states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 6.12 Paragraph 130 f) supports creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.13 Paragraph 185 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 6.14 Paragraph 187 says that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as

places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

- 6.15 Paragraph 188 states that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.
- 6.16 The use has been operating since April 2021. Initially planning permission was not sought as it was believed that the use was the same as previously but notwithstanding that the use has been operating longer hours than those approved for the existing consent for a fitness centre. The main impact of this change in hours being the use being operational for an hour later than the previous consent and one evening being one hour 45 minutes later than the existing consent and 45 minutes later than the hours being applied for as part of this application.
- 6.17 The use quickly generated complaints as when it first opened the windows had to be open due to Covid regulations and with the loud music and instructors voices being heard through these open windows disturbance to residential and business amenity occurred. People also congregated in the courtyard prior to and after classes which also caused disturbance.
- 6.18 A variation of condition application was submitted to apply for longer hours and an alternative [old] D2 use from the fitness centre. This was withdrawn as a dance school is not within the same use class as a fitness centre. This full application was subsequently submitted for a dance and performing arts school.
- 6.19 The windows are now kept closed as air conditioning units were installed that enabled this being possible.
- 6.20 The building is sited within a courtyard along with offices, a hairdressers, a meditation centre and residential properties (above the shops on the High Street and at Bennets Place). Notwithstanding the noise from the traffic on the High Street, which is generally pretty constant even in the evening, and the noise of people parking in Angel Street car park and using the route as a through route into and from town, the area is reasonably quiet. However, a lot of complaints have been received from nearby residential properties and businesses about the impact on amenity that the noise of music, instructors and crowds is causing.
- 6.21 Complaints have been made to and investigated by Environmental Health and a Community Protection Warning (CPW) letter was served on the company. This asked that nuisance from amplified music does not cause nuisance and that particular attention should be given to controlling the volume and low frequency content of the music (bass). It also stipulated that measures be implemented to manage and control the conduct and behaviour of all persons attending the premises, so that they do not cause a nuisance and/or anti-social behaviour.
- 6.22 Following this warning Environmental Health had a meeting on site with the applicant and measured noise levels both internally and externally. From this meeting it was concluded that internal noise levels were subjectively very loud (around 80dB internally) and 55dB externally in the courtyard, but that with windows closed, the

noise reduced to around 46dB. Although closing windows alone resulted in a reduction in music noise of 9.3dB, the applicant was advised that the reduction required was more likely to be 12.5dB, and that this could be achieved by keeping windows closed and reducing the music level marginally.

- 6.23 Windows remained closed after this time but complaints have still been received and a significant amount of representations received as part of this application cite noise disturbance (after the windows have remained closed). Further monitoring by Environmental Health has found that things have improved but that there was variation in the levels of noise, for example some evenings both song lyrics and voices from instructors were audible inside the complainant's property.
- 6.24 A Community Protection Notice (CPN) under the Anti-Social Behaviour, Crime and Policing Act 2014 has therefore been served. This is currently being appealed.
- 6.25 Site visits by the Planning Officer have found levels of disturbance. An initial visit with the agent included going into the studios and the music volume was found to be uncomfortably loud and this could've been reduced and still maintained an atmosphere for the students. Other visits have been unaccompanied to the courtyard and Angel Street car park. The Planning Officer has heard music word for word, especially on a Wednesday evening, and the instructions from the instructors. This has been heard when standing outside of the building at the entrance to the meditation centre.
- 6.26 Mitigation measures have been suggested such as noise limiters on the amplification equipment and replacing the windows with double glazed windows. However, as this work has not been undertaken it is unknown what impact it would have. The Noise Impact Assessment has suggested that the music levels could be increased with these measures in place. As it is considered that the objective should be to remove hearing the music, bass and instructors outside of the building then suggesting increasing the existing loud music generates concern and doubt when assessing this application and trying to ensure that the proposed use does not have a harmful impact on amenity.
- 6.27 As well as noise from the music and instructors, concern has also been raised from the disturbance caused by people waiting outside of the building before and after classes. The Planning Officer found that at times this was quiet, at times there was a large crowd, at times children were noisy, at times people were noisy, but that this activity generally didn't last longer than ten minutes. However, complaints have been made of this detrimental effect of this activity and in contrast, in support, people attending the classes have written saying that the people waiting are quiet and respectful. It is understood, and appreciated, that the applicant has asked parents to be mindful of the nearby residential and business uses. But monitoring has also found that the impact of the crowds do have a harmful impact. This will also vary as more parents will be present and congregating when the classes are for young children, than when the timetable is for classes for older teenagers or adults who would make their own way home.
- 6.28 Policy GD8 of the Local Plan states that the impact on the amenity of existing and future residents must be minimised by not generating a level of activity or noise which cannot be mitigated to an appropriate standard and so would have an adverse impact on amenity and living conditions. At present even with the mitigation in place of the windows being closed it is considered that there is an adverse impact on the amenity and living conditions of neighbouring properties. Action has had to be taken by Environmental Health due to this and this, it is considered, shows the severity of the

impact. The activity generated by the people waiting in the yard is also causing a harm to amenity. This is less easy to mitigate and therefore causes concern about this use if it were to continue.

- 6.29 Planning conditions could be used to condition that double glazing is installed, noise limiters added, methods of crowd control formulated. However, it is not considered that these conditions pass the six tests of when planning conditions can be used. This even applies if the applicant has suggested the condition. Financial burdens on an applicant fails the test of reasonableness and conditions relating to land not in the control of the applicant can fail the tests of reasonableness and enforceability. It is also considered not reasonable to condition that the applicant installs double glazed windows when it is not guaranteed that this will resolve the issues.
- 6.30 The NPPF states that development must safeguard and improve environments, ensure safe and healthy living conditions, ensure that development is appropriate for its location by taking into account the impact of pollution (such as noise) on health and living conditions and avoid noise giving rise to significant adverse impacts on health and quality of life. It is considered that the use is currently having a negative impact on health, quality of life and living conditions and that therefore the development is not appropriate for its location. Though there are still mitigation proposals that could be put in place, such as noise limiters and double glazed windows, the outcome of these are unknown and these measures do not address the harm caused by activity in the yard. The music levels have not been reduced, which could have been the first thing actioned to address concerns raised, and this causes concern going forward on relying on these mitigation measures being implemented.
- 6.31 The NPPF also states that it should be ensured that new development integrates effectively with existing businesses and community facilities. Opposite the building is the existing meditation centre that has been present since 2016. This business is being impacted on by the new use due to the noise levels and activity. Though arguments have been made for the positive aspects of the dance and performing arts school on the wellbeing of the participants, concerns have been raised by the owner and participants of the meditation centre with regards to the negative impact the new use is having on them.
- 6.32 Though it is important to support new businesses it is also important to support existing businesses. Both uses benefit the community and both uses deserve our consideration.
- 6.33 Due to the negative impact on the existing meditation centre, its ability to organise classes and educational uses, and its impact on the participants of the classes it is not considered that these two uses are compatible. The NPPF states that new development needs to integrate effectively with existing uses and this is not the case and therefore it is considered that this is not the right location for this dance and performing arts school.
- 6.34 The impact on both residential amenity of nearby properties and this existing business use is exacerbated by the use of the dance studios being until late four evenings a week. The evenings currently range from the classes finishing at 7.45pm to 9.15pm Monday to Thursday but consent is being sought for until 8.30pm five days a week. In addition to this on Saturday's, classes currently run until 2pm and consent is being sought until 4pm and on Sunday there are no classes at present and the applicant is applying for 9am – 12pm (including Bank Holidays). If the company expands in such a way (and it appears that this could be likely due to its success and popularity) the impact on neighbouring residential properties and businesses would increase.

- 6.35 Paragraph 188 of the NPPF states that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. This paragraph appears to conflict with the previous paragraphs of 185 and 187 that state that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and to avoid noise giving rise to significant adverse impacts on health and the quality of life and that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities.
- 6.36 It is appreciated that there are measures in place through Environmental Health legislation to monitor and prevent against noise pollution. However, four other paragraphs (detailed above) stress the need that planning decisions need to ensure that living conditions and amenity are not harmed and that developments integrate well and are appropriately located so as to not cause an impact on amenity. It is considered that this use does impact on the amenity of residents and businesses and though there may be solutions to address the noise from music and instructors they have not been implemented, the outcome of these measures if implemented is unknown, the use has been harming amenity for eight months, the use of conditions to make a use acceptable should not be relied on, and activity from crowds is difficult to mitigate and enforce.
- 6.37 Therefore for the reasons detailed in this section it is considered that the use has a harmful impact on residential amenity to the detriment of living conditions, has a harmful impact on existing uses and is therefore not suitably located and contrary to Policy GD8 of the Harborough Local Plan and paragraphs 119, 130, 185 and 187 of the National Planning Policy Framework.

3. Heritage

- 6.38 The application site is in the Conservation Area and in close proximity to Listed Buildings. Concerns have been made in representations received about the impact of the use on the Conservation Area. However, it is considered that an impact of a use on amenity and character of a Conservation Area would be more of a concern and more harmful if the area was quiet and known for its tranquillity. In this instance the area is an edge of town centre location close to a main road. Though the noise and activity is deemed to be unacceptable from a living conditions and amenity point of view (detailed above) it is not considered to harm the ambiance of the Conservation Area due to its existing character and therefore will not have a harmful impact.

4. Highways

- 6.39 In the NPPF and Local Plan there is an overarching aim of achieving sustainable development. This site is considered to be a sustainable location. It is within an existing town centre, reuses an existing building and is accessible by foot, bike and bus passengers. Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Policy GD8 of the Local Plan states that there should be safe, efficient and convenient movement for all highway users. The site is well located for transport networks, pedestrians and cyclists. It is therefore considered that the proposal achieves the aims of being a sustainable form of development in a well-accessible location. Concerns have been raised about pedestrians preventing car movements and waiting on private land. However, though this frustration is appreciated this is a civil matter and not covered by planning legislation.

5. Fall-back position

- 6.40 The property got consent for the change of use to a ladies only fitness centre in 2005 (05/0939/FUL). The consent included the following planning conditions,

Conditions

1. The use hereby permitted shall operate only within the hours specified on the application form: 9.00am to 7.30pm Mondays to Fridays, 9.00am to 1.00pm Saturdays, and at no time on Sundays.
2. The windows on the east elevation shall remain closed at all times when the use is in operation.
3. The premises shall be used as a fitness centre and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987)

The reason for all three of these conditions was 'to ensure that as far as possible the proposed use does not become a source of annoyance to the nearby residents and to ensure compliance with Policy IN/1 of the Harborough District Local Plan.

- 6.41 This use operated until December 2018. Due to this extant permission a fitness centre could open at the premises utilising the approved hours.
- 6.42 This fall-back position is a material consideration. A fitness centre could operate from 09.30 to 19.30 five days a week and on Saturday mornings and music could be played as part of this. However, it can not be presumed that a fitness centre would generate loud music and activity outside of the premises. It is a possibility, but it is not guaranteed. The previous fitness centre did not. It is unknown whether a fitness centre would have the same impact on amenity as the current business. It is unreasonable on the existing residential properties and existing business uses to allow this use that has caused a proven harm to amenity based on the chance that another fitness centre could cause harm but is not definite that it will. The fall-back position has been considered but it does not carry enough weight to allow this business to continue that is causing harm and is incompatible with its surroundings.

6. Health

- 6.43 Section 8 of the NPPF is with regards to promoting healthy and safe communities. Paragraph 92 states that decisions should enable and support healthy lifestyles.
- 6.44 Many of the representations of support have cited the physical and mental health benefits of the dance and performing arts school and this is not disputed. Physical exercise is a well known contributor to a healthy lifestyle. However, the impact on those attending the existing meditation centre and on those in nearby residential properties also needs to be considered with regards to the impact on their health. Representations have been made about the negative impact those people are experiencing on their wellbeing.
- 6.45 Though the benefit of the dance and performing arts school on the wellbeing of the participants is appreciated and valued this does not hold enough weight to outweigh the negative impact it is having on the existing residents and business uses participants wellbeing.

7. Options

- 6.46 The potential to grant a temporary consent for a year has been mooted and considered. This would potentially enable the applicant to install measures such as double glazed windows and noise limiters. However, as discussed earlier in this report it is not considered reasonable to condition that measures to upgrade the building have to be carried out. There are also conditions that could be used to restrict the use to the hours applied for and to not allow the use on Sundays, to give residents and businesses some respite, but at the current time the applicant is operating outside of both the previously approved hours and the hours applied for.
- 6.47 Since opening in April 2021 the level of noise and disturbance has reduced but there is still enough of an impact on residential amenity to warrant serving a CPN. Music has not been turned down and instructors' voices can still be clearly heard. Allowing this proposal for a year could result in an intensification of the use and impact on amenity as the premises could be used for later than they currently are three evenings a week (based on the existing timetable).
- 6.48 Due to the fact that the use has been operational for 8 months and in that time more measures could have been taken to reduce noise levels, which hasn't occurred, it is not considered justified to allow the use for another year and this would not be fair on the existing residential properties and business uses that have been impacted on by the use thus far.

7. The Planning Balance / Conclusion

- 7.1 The application is to be assessed against the policies of the development plan together with all material considerations. The above assessment concludes that the proposal fails Policies G8 of the Harborough Local Plan and paragraphs 119, 130, 185 and 187 of the National Planning Policy Framework and that there are no material considerations which outweigh the policies of the development plan.
- 7.2 The NPPF supports sustainable development, recognising three strands to this, economic, social and environmental.
- 7.3 The proposal will create economic benefits for the applicant and creates employment and for the town centre, as users and parents visit town centre businesses. It also reuses an existing building. This benefit of employment to those at the dance company and to those businesses in the town centre should be afforded some positive weight.
- 7.4 Social benefits include the health and well-being benefits for the users. However, the use impacts on the health and well-being of existing residential properties and businesses such as the meditation centre (which itself if undisturbed offers health and well-being benefits to its users) and therefore the social benefits of the proposed use are given limited positive weight due to the negative impact on others.
- 7.5 The proposal's environmental benefits are that an existing building is being used and that it is in a sustainable location. These benefits are afforded some positive weight.
- 7.6 Given the failure to comply with all the policies of the development plan, and that all three strands of sustainability are not met as discussed above, officers consider that the proposal is not a suitable development in this location and should be refused for the reasons recommended at the top of this report.

Committee Report

Applicant: FJ Garner and Sons

Application Ref: 20/02044/FUL

Location: Agricultural Barns at Sibbertoft Road, Husbands Bosworth

Proposal: Change of use of agricultural land for the siting of 25 camping / touring pitches

Application Validated: 08/01/21

Target Date: 09/04/21 (extension of time agreed)

Consultation Expiry Date: 29/06/2021, last consultation response received 18th November 2021

Site Visit Dates: 22/01-2021, 27/01-2021, 11/10-2021 and 04/11-2021

Reason for Committee decision: Call in by Development Manager Adrian Eastwood for reasons of transparency because a High Court judgement relates to part of the site.

Recommendation

It is recommended that the application is **REFUSED** for the following reasons:

1. The proposal does not have a safe and suitable vehicular access and, if permitted, could result in severe harm to highway safety and the safety of users of the development. The proposal thus fails to meet Harborough District Local Plan policies GD8, RT4 and IN2, policy T3 of the Husbands Bosworth Neighbourhood Plan and paragraph 85 of the NPPF. There are no material considerations which outweigh the policies of the development plan and in accordance with paragraph 111 of the NPPF it must be refused.
2. The site is not considered to be well-connected to other leisure destinations and amenities, particularly by public transport, walking and cycling, and will result in an increased number of vehicle movements in private cars. Whilst it is recognised that the proposal is for farm diversification and thus its remote location is acceptable as an exception, the proposal does not exploit any opportunity to make its location more sustainable or to increase its environmental sustainability credentials, thus failing paragraph 85 of the NPPF.

1. Site & Surroundings

- 1.4 The application site is located to north side of Sibbertoft Road, south of the village of Husbands Bosworth. The site has a rough L shape, being land around the perimeters of three sides of a square-shaped field together with a long access track. The site narrows towards the south approaching its access onto Sibbertoft Road. The site (not including the access track) has an approximate area of 3.2ha and is approximately 460m wide at its widest point. It is generally level, although land levels drop beyond

the site's northern boundary, and rise across the rest of the field to the immediate south. The site was used for bomb storage during its previous use as a wartime airfield, and there is evidence of this previous use (concrete tracks, small brick-bound bunds etc) on the site.

- 1.5 Except for the access track, the site is bounded to its northern, eastern and western extents by mature hedgerow and post and rail fencing, with the southern boundary open to the agricultural field. Carfield Spinney with its mature trees touches part of the site's northern boundary. Public Right of Way A2 leads from the site's northern boundary up to Husbands Bosworth. The legal route of this footpath crosses the site, leading eastwards towards the county boundary with Northamptonshire. A Permissive Path crosses the western part of the site, before continuing westwards through/around the Gliding Centre to join the Sibbertoft Road.
- 1.6 To the west and south of the site is a gliding club with associated caravans, storage buildings, club house and runway; to the east are agricultural fields with some leisure uses (camping, hovercraft) beyond into Northamptonshire; to the north are agricultural fields. The nearest nationally protected heritage assets are a Scheduled Ancient Monument (causewayed enclosure) 984m to the southwest, the Scheduled Deserted medieval Village of Sulby with its Abbey and fishponds to the south; and Listed buildings within Sibbertoft, approximately 2km to the east.

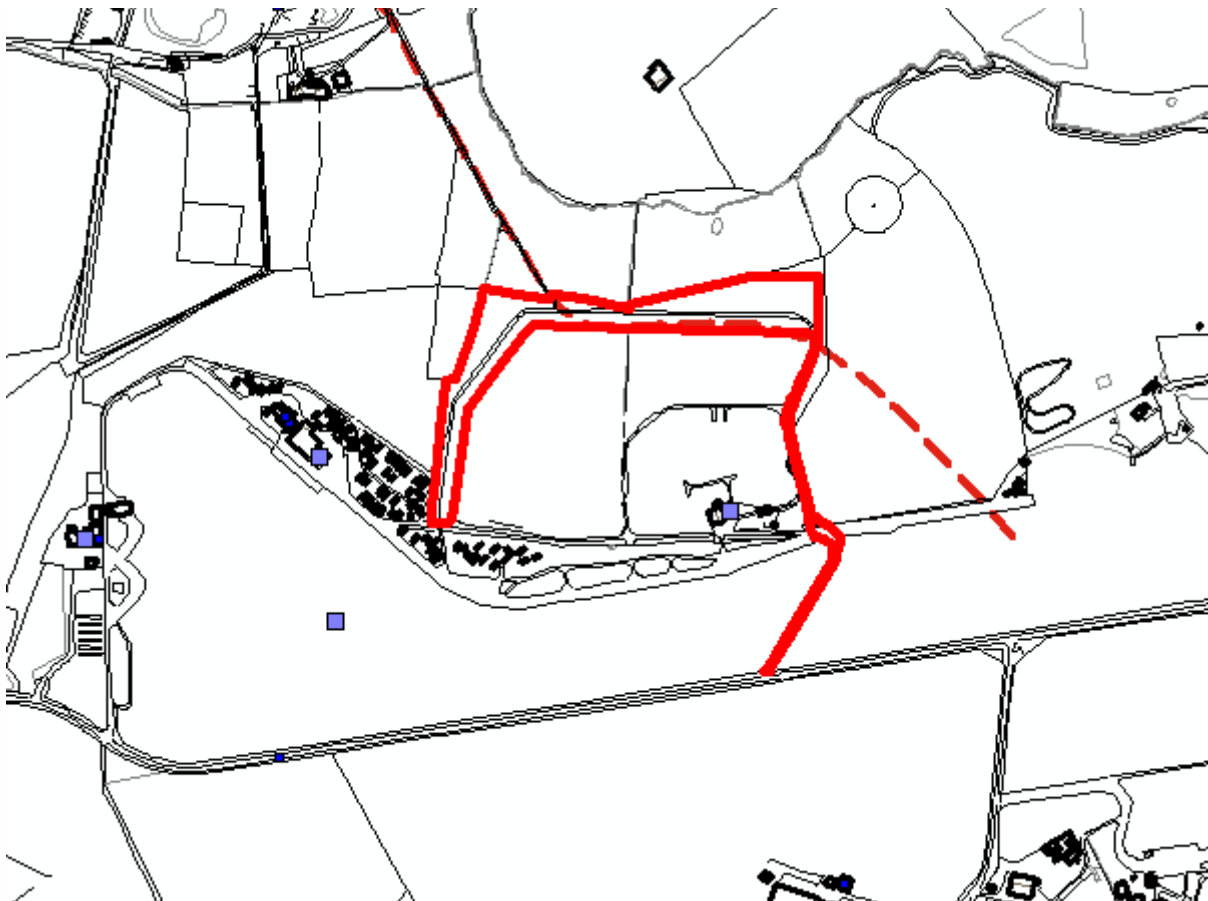


Figure 1: Site Location (Right of Way indicated by a hatched red line)



Figure 2: Aerial photograph (2018)

2. Site History

- 2.1 There is no planning history on the application site; however the following applications relate to sites to the immediate south of the application site (the rest of the field), within the same ownership and using the same access. These are considered relevant background to the consideration of this application.

78/01422/3P – Temporary caravan site for overflow from Coventry Gliding Club - refused

94/00719/3F – Erection of portal framed livestock building - approved

02/00926/FUL – Change of use from barn to residential accommodation – refused:

“The development, if permitted, would result in the creation of residential accommodation in a location where the use of the surrounding land as a gliding club would be incompatible with the proposed residential use and, as such, would be detrimental to the amenities of any future occupants of the property in respect of noise and disturbance, contrary to advice contained with PPG 24 “Planning and Noise”. ”

02/01399/FUL – Conversion of existing barns to joinery workshop – refused:

“The proposed development would intensify the use of the access to the site and increase its usage by persons unfamiliar with the safety risks present. It is considered that such changes to its use would increase the likelihood of accidents to the detriment of public safety.” and

“The noise impact assessment fails to take into account fully the “worst case scenario” which could occur at the Gliding Club and therefore provides insufficient evidence on which the impact of the existing airfield use upon the potential occupants of the proposed barn conversion can be assessed.”

18/02195/PDN – Prior Approval for a proposed change of use of an agricultural building to a dwellinghouse (C3) and for associated operational development (Class Q (a) and (b)) – approved however decision quashed at the High Court
21/01708/FUL – Erection of replacement agricultural building – pending consideration

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal is for the change of use of the land to camping/caravanning, to accommodate 25 pitches. No operational development has been applied for.
- 3.2 The information submitted with the application sets out how the new use would operate:
- 1m high fencing to the southern perimeter of the site, separating it from the remaining agricultural field and including locked gates;
 - Each pitch approximately 40m apart;
 - Guests to be provided with a code to the locked gates at the time of booking, they then arrive, let themselves in and pitch their tent/caravan where they choose within the site, being advised to be at least 40m distant from other visitors;
 - No staff to be employed, the site will be managed by the applicant;
 - Septic tank for foul sewage, to be installed in the northwest of the site;
 - 'back-to-basics' camping/caravanning
 - A small skip or refuse bins provided on site for the users, to be emptied and managed by the applicant
- 3.3 Subject to Planning permission being granted, if buildings or operational development were required at a later date, then these would be subject to separate Planning applications.

b) Documents submitted

i. Plans

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

Location plan (KA38269 – 001 rev A)
Existing site plan (KA38269 – 002 rev A)
Proposed site plan (KA38269 – 003 rev B)
Site access vehicle tracking (26362_08_020_01)

ii. Supporting Information

- 3.5 The application has the following supporting information:

Planning Statement (Berrys, undated)
Preliminary Ecological Appraisal (Philip Irving, April 2021)
Transport Technical Note (M-E-C ref 26362-08-TN-01, April 2021)
Response to representation letter (10th June 2021)
Letter from Thrings Solicitors ref ktk/G4886-1, 11th June 2021)

c) Pre-application Engagement

3.6 No pre-application advice was sought or given.

d) Other Relevant Information

3.7 The application has been called-in to Planning Committee at the discretion of the Development Manager for reasons of transparency because of the planning history of the wider site, including a High Court judgement.

3.8 A Screening Opinion was issued under the Environmental Impact Assessment (EIA) Regulations 2017, stating that the proposal was not EIA development and that a full Environmental Statement was not required.

3.9 After the case officer had informed the applicant's agent of the likely recommendation, the applicant's solicitor submitted a two page letter relating to the right of way enjoyed by the applicant. This can be found in full at Appendix A, and is summarised as follows:

- Client has a right of way "*with or without vehicles of all descriptions and for all purposes for the benefit of the property hereby conveyed over and along the old runway between the points marked A and B on the plan hereto annexed...*"
- The land at the time of the sale was agricultural land
- The Gliding Club have subsequently altered their practices, extending their runway and using mechanical winches
- The applicant's right of way restricts the Gliding Club activities, not the other way around
- The applicant, and his invitees, have a right to bring caravans (amongst other things) across the land. "If that conflicts with the Gliding Club's use of the land, because the two uses together create an unacceptable danger, then it is the Gliding Club who must alter their use not our client"
- "If our client's planning application is rejected on the basis that the access route is unsuitable because of the Gliding Club's operations, then he will inevitably feel a very valid sense of injustice and may be forced to take court action to protect his rights"

4. Consultations and Representations

4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 19th and 25th January 2021 and included three site notices put up on 22nd January 2021. Additional consultation was carried out at the request of the case officer with the Environment Agency and Sport England 2nd February 2021.

4.2 Reconsultation on the further information submitted was undertaken with County Highways, Leicestershire and Rutland Bridleway Association, County Ecology and the British Horse Society. Further consultation was carried out with Highways. The last consultation expired 18th November 2021.

4.3 A summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning.

a) Statutory & Non-Statutory Consultees

Husbands Bosworth Parish Council

- 4.4 Significant concerns regarding vehicles crossing the active runway of the site. Local bus service inadequate for servicing many of the tourist attractions mentioned and thus there would be significant vehicular movements crossing the runway each day. Potentially, will result in the loss of a popular and well-used footpath between the Glider club and Husbands Bosworth village. No information in the submission regarding how rubbish and human waste will be disposed of.

Daventry District Council

- 4.5 No comments received

Sibbertoft Parish Council

- 4.6 No comments received

National Air Traffic Safeguarding (NATS)

- 4.7 No safeguarding objection. Response “does not provide the position of any other party, whether they be an airport, airspace user or otherwise

HDC Environmental Health

- 4.8 Due to the former use of the site as MOD land, contaminated land surveys (including Unexploded Ordnance surveys) are required prior to the commencement of development (pre-commencement conditions recommended)

Natural England

- 4.9 No comments to make.

Environment Agency

- 4.10 “No formal comments to make as there are no constraints associated with the site which fall within our remit”. *Officers drew the EA’s response to the Ground Water Source Protection Zone within the site and that the LPA is required to consult the EA because of this (policy IN4 of the Local Plan). Further response received:*
- 4.11 “The Source Protection Zone 3 which lies over the site is out of date. Updates to SPZs are made relatively regularly, however this removal has not yet been processed. There is no licensed groundwater abstraction to protect in this location and the SPZ will be removed in due course, but it can be discounted from consideration for this application. With regards to the proposed foul drainage to a septic tank, there is no information as to whether this is proposed to discharge to ground or surface water. Septic tank discharges to surface waters are not compliant with Environmental Permitting Regulations. A drainage field designed and built in line with BS 6297:2007 A1:2008 will be required. If the discharge cannot comply with General Binding Rules (<https://www.gov.uk/permits-you-need-for-septic-tanks/general-binding-rules>), a permit will be required.”

East Midlands Air Support Unit (Police helicopter based in Sulby to the south of the site)

- 4.12 No comments received

Civil Aviation Authority (CAA)

- 4.13 No comments received

LCC Highways

- 4.14 Further information required relating to access width, to demonstrate that two 4x4 vehicles each towing a caravan can pass each other on the access track.
- 4.15 *Upon receipt of further information state:* "Drawing no. 26362_0/_020_01 demonstrates the access is sufficient for two-way turning movements for a 4x4 + caravan. Notwithstanding this, as previously advised the applicant should provide details on how arrivals/departures would operate, given they could result in conflict along the 500m access track. Alternatively the applicant may consider providing a passing bay along the access track."
- 4.16 *Upon receipt of further information (Transport Note):* Visibility splays acceptable, access width acceptable, no record of personal injury collisions within 5km of the access point each way. Recommend refusal on grounds of severe residual cumulative impact on highway safety, as vehicles would have to cross an active runway and the proposal could lead to waiting in the public highway.
- 4.17 *Following officer measurement on site of the access track, final comments state (inter alia):*
- "The Local Highway Authority advice is that the residual cumulative impacts of the development are severe in accordance with the National Planning Policy Framework (2019) and the Local Planning Authority is advised to consider refusal on transport/highway grounds for the reasons outlined in this report"
- 4.18 "The LHA have conducted a site visit and determined that the access measures 4m in width at a point 10m back from the highway boundary and continues to remain 4m in width, within the site. Therefore, the geometry detailed on drawing No. 26362_08_020_01 is inaccurate, and the LHA consider that the access is not suitable to allow two 4x4 vehicles each towing a caravan to pass and stand clear of the highway."
- 4.19 "The proposals for a change of use of agricultural land to the siting of 25 camping/touring pitches will inevitably introduce an additional trip profile to the site that would utilise a substandard access in width, and a track which intersects with an active runway. No evidence has been submitted, which provides a rationale for how vehicles and aircraft would interact, or which demonstrates vehicles can safely utilise the access track and cross an active runway. In the absence of any evidence or appropriate mitigation measures the development proposals could result in collisions along the access track between light aircraft and vehicles, in close proximity to the highway. Additionally, it could lead to vehicles waiting within the highway for light aircraft to complete their landing approach before proceeding to turn into the access, which is an additional source of danger to road users as it could lead to rear end shunt type accidents on a high speed road. In light of the above the LHA do not consider the development proposals are in the interests of highway safety, and in the absence of a safe and suitable access, contrary to paragraph 1110 of the National Planning Policy Framework. Therefore, the LHA advise refusal of this planning application"
- Hovercraft Centre** (neighbouring business)
- 4.20 No comments received
- Northamptonshire County Highways**
- 4.20 The Local Highway Authority does not have any observations.

Sport England

- 4.21 Object. "Concerned that the approval of the proposal would result in both an increased safety risk by people using the access track who are unfamiliar with the operation of the airfield and secondly put at risk the existing, continuation, facility development and future use of the airfield as a gliding site of national importance for the reasons stated above and therefore raises an objection to the proposal"

Leicestershire and Rutland Bridleways Association

- 4.22 No objection in principle, bridleway A2 would need diversion. Suggests various options/routes for the diversion.

British Horse Society

- 4.23 Comments as Leicestershire and Rutland Bridleways Association

LCC Senior Access Development Officer (Rights of Way)

- 4.24 "...The legal line of Public Bridleway A2 will be obstructed by the development and there is no further consideration by the applicant to divert the bridleway. The applicant is therefore advised to either revise the layout to ensure that the Public Bridleway will no longer be obstructed, or propose a suitable diversion of Public Bridleway A2 thus avoiding the proposed development. "

LCC Archaeology

- 4.25 No objection, stating "The application area lies within Husbands Bosworth Airfield which opened in 1943 and was used for bomber training duties and by a troop carrier group. The application itself provides little to no harm to the airfield, however the creation of a septic tank could disturb archaeological remains related to the airfield.." Buried archaeological evidence could also be present from the earliest to more recent times. Recommend professional archaeological attendance for inspection and recording during ground works for the proposed development, to be controlled by pre-commencement condition.

LCC Ecology

- 4.26 Ecology survey required, holding objection pending submission of a survey. *Upon receipt of survey state:*
- 4.27 The ecology survey is satisfactory and no further surveys are required. Recommendations of the survey should be followed and made a condition of any planning permission granted.

The Gliding Centre

- 4.28 No comments received

b) Local Community

- 4.29 7 letters of objection received from 3 households, expressing the following concerns:
- Application does not reference High Court judgement
 - Unsafe access, crossing runway, also vehicle insurance does not cover being on a runway
 - Will compromise members of the Gliding Club's amenity and safety
 - Loss of public footpath
 - How will sewage/waste be disposed of?
 - Chemical toilets cannot be emptied into a septic tank
 - No water supply

- No limits regarding length of stay and poor supervision can mean permanent occupation

5. Planning Policy Considerations

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

a) Development Plan

- *Harborough Local Plan*

5.2 The following policies of the adopted Local Plan are considered most relevant in consideration of the application:

- GD2 – Settlement development
- GD5 – Landscape Character
- GD8 – Good design in development
- GD9 – Minerals Safeguarding
- RT4 – Tourism and Leisure
- HC1 – Built Heritage
- GI5 – Biodiversity and Geodiversity
- CC1 – Mitigating Climate Change
- CC3 – Managing Flood Risk
- CC4 – Sustainable Drainage
- IN2 – Sustainable Transport

- *Husbands Bosworth Neighbourhood Plan ('HBNP')*

5.3 The following policies of the Neighbourhood Plan (adopted May 2021) are considered most relevant to the consideration of the application:

- ENV2 – Protection of sites of environmental significance
- ENV5 – Biodiversity, woodland, hedges and habitat connectivity
- ENV6 – Protection of important views
- EC2 – Support for new employment opportunities
- T3 – Traffic management

b) Material Planning Considerations

5.4 The following are considered material planning considerations:

- *National Planning Policy Framework*
- *National Planning Practice Guidance*
- *Leicestershire County Council Highway Design Guide*
- *High Court Judgement Coventry Gliding Club and Harborough District Council and R & P Garner and Sons* (ref [2019] EWHC 3059 (Admin) Case No: CO/1727/2019, relating to the access track and its proposed use for residential traffic (in connection with a proposed barn conversion near to the site), hereafter 'the High Court judgement')

- *The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990*
- *Climate Change Act 2008*
- *Harborough District Council Climate Local Action Plan 2015*
- *HDC Declaration of Climate Emergency (June 2019)*

6. Assessment

a) Principle of Development

- 6.1 The Local Plan seeks to support and promote sustainable development throughout the District. The primary means to achieve this is through policy SS1, the Spatial Strategy, setting out the most sustainable locations for development, down to the least sustainable. By directing development towards the most sustainable locations, the Plan seeks to reduce reliance on the private motorvehicle and to support local communities and settlements. The application site is in the open countryside, at the end of the hierarchy, where SS1 says development shall be 'strictly controlled'. GD3 (development in the countryside) however recognises the importance of tourism to the District, supporting proposals for: "tourist accommodation, if it is of a scale that is proportionate to the identified tourism need and subject to policies RT2 and RT4." (GD3.1.a.iii)
- 6.2 The proposal is for the change of use of land to a camping/caravanning use, for tourist accommodation. Policy RT4 of the Local Plan is most relevant. This policy supports the development of tourism and leisure attractions "that are well connected to other leisure destinations and amenities, particularly by public transport, walking and cycling" (RT4.1 b). The policy also allows for new tourist accommodation in accordance with the settlement hierarchy. Tourism development outside of sustainable settlements is permitted under certain criteria:
- "a. an initiative requires a countryside location or setting or it is directly related to a specific tourist destination and, where possible, it re-uses previously developed land and existing buildings; or
- b. it involves the diversification of agricultural uses or otherwise benefits rural businesses and communities; and
- c. its scale and appearance respects the character of the countryside, the local landscape and the surrounding environment; and
- d. it does not adversely affect the local transport infrastructure" (RT4.2)
- 6.3 The camping use proposed requires a countryside location, and the camping/caravanning use is appropriate in the countryside. No previously-developed land will be used however and the proposal is not directly related to a specific tourist destination. The applicant is a local farmer and the proposal will diversify his existing agricultural use. Matters of visual impact and transport infrastructure are addressed below.
- 6.4 The site is connected by a bridleway/footpath leading northwards to the village of Husbands Bosworth, a designated Rural Centre, with a food convenience store, GP surgery, post office, takeaway and pub. Its bus service is 2-hourly Mondays –

Saturdays. The bridleway is about a mile long and, particularly where it crosses quarry land, is frequently very muddy. It is unlit. No bus service runs along Sibbertoft Road. There is a permissive path which links the bridleway to the Sibbertoft Road via the Gliding Club land to the west of the site. Sibbertoft Road has no pavement, is unlit and is subject to the national vehicle speed limit.

- 6.5 In the opinion of officers, users of the campsite would seem more likely to drive to Husbands Bosworth village and to other leisure destinations, given the lack of bus service past the site and the lack of attractive, easily-accessible routes to local shops and services. Nonetheless, the presence of the bridleway connection does provide some transport choice and paragraph 85 of the NPPF recognises that proposals to serve local businesses (and officers consider this includes farm diversification) may have to be in areas that are not well-served by public transport or within existing settlements. In these instances however, proposals are expected to be sensitive to their surroundings, “exploit” opportunities to increase the environmental sustainability of the site, and not have an unacceptable impact on local roads. These matters are further addressed below.
- *Husbands Bosworth Neighbourhood Plan policies*
- 6.6 The site falls outside of the Settlement Boundary of the Neighbourhood Plan. The HBNP makes clear that, in this case, National and Local Plan policies apply. Policy EC2 of the Neighbourhood Plan “Support for new employment opportunities” allows for “smallscale leisure or tourism activities” outside of the Settlement Boundary, and the proposal finds support in principle from this. It should be noted that Policy EC4 “Farm diversification” does not apply, as this relates solely to “the conversion of existing agricultural and commercial buildings” – not the development proposed with this application.
- 6.7 In the opinion of officers, the proposal finds support from Local Plan policy RT4 2 b) and the Husbands Bosworth Neighbourhood Plan policy EC2. However, this is subject to a number of criteria being met, and Members’ attention is drawn to the remote location of the site which is not considered to be well-connected to other leisure destinations and amenities, particularly by public transport, walking and cycling.

b) Technical Considerations

- 1. Design, Layout and Landscaping
- 6.8 No operational development has been applied for. The supporting documents state that fencing will be erected and a septic tank installed. Were the proposals otherwise acceptable, officers consider that a condition controlling the design of any fence would be necessary, to avoid any harmful expanses of urban/suburban-style fencing in this rural location. Subject to condition, officers judge that the design would accord with GD8 in this regard.
- 2. Impact upon the character and appearance of the area and the countryside
- 6.9 Due to land levels, the area of the site where caravans and tents will be pitched will not be visible from the public highway to the south. However, it will be visible from Public Rights of Way, including from a distance to the north. The character of the site will change when tents and caravans are pitched. This change will be largely temporary as no buildings are proposed, and subject to a condition relating to fencing, not harmful for this reason. Views from the northern end of the Right of Way (where it joins Butt Lane in Husbands Bosworth) are protected in the HBNP by policy ENV6, however the

pitches will be at such a distance from this viewpoint they are unlikely to be visible or have a harmful impact in the landscape. Further south along the right of way on the approach to the site, views are restricted by topography. Perimeter planting could be included to further lessen the impact of the development.



Figure 3: protected views from the northern end of the Right of Way towards the site

- 6.10 Views within the site from the Right of Way and Permissive path will be changed when tents and caravans are pitched, and officers consider the proposal will represent a significant impact on the users of these bridleways. However, this impact will only occur when tents and caravans are pitched and the character of the site is already different to that of the bridleway to the north: it is former MOD land and static caravans from the Gliding Club are visible next to it and from these routes. In this context, officers judge that the visual impact is acceptable.





Figure 4: the site – looking south from gateway with footpath



Figure 5: the site – looking east from gateway with footpath

3. Heritage

- 6.11 Under the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act'), a Local Planning Authority must have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building/asset, as opposed to keeping it utterly unchanged.
- 6.12 The NPPF and policy HC1 of the Local Plan require great weight to be given to a heritage asset's conservation. If 'less than substantial' harm to the asset or its setting is identified, then the decision-maker is to weigh up the public benefits of the proposal

against this harm. Assets which do not currently have any statutory protection can be considered 'non-designated heritage assets' and these too are protected under the policies.

- 6.13 Designated Heritage Assets on or close to this site are two Scheduled Monuments: the prehistoric causewayed enclosure near Wheler Lodge Farm, 984m to the southwest, and the Old Sulby Medieval settlement at Sulby, outside the County boundary and over 1km to the south. There are also Listed Buildings within the two nearest settlements of Husbands Bosworth and Sibbertoft, both over 2km from the site. Due to the distance of the proposal from these designated assets, and the intervening topography and structures/buildings, the proposal is considered to satisfactorily safeguard their setting.
- 6.14 Non-designated heritage assets would be any below-ground archaeology and the former RAF airfield of which the site is a small part. Noting that the wider former airfield has already been developed by the Gliding Club and other uses, that no buildings are proposed with tents and caravans temporary/moveable structures, and that County Archaeology has no objection, officers consider that the proposal will not cause harm to these heritage assets. Were the proposal otherwise acceptable officers would be unlikely to recommend the suggested archaeological work condition as it would only be a small area of land to be excavated for the septic tank. A condition would thus seem to be unreasonable.
- 6.15 HBNP designates the wider airfield site as of Historical Environmental Significance, and policy ENV2 of the HBNP states that "Development proposals affecting these sites should demonstrate that the need for, and the benefits of, the development in that location outweighs the impact on the site and the identified features". An Appendix to the HBNP shows that the site scores highly for its boundaries, beauty, special interest and accessibility.
- 6.16 The application includes no detailed justification for the proposal which would address this policy, although it is noted that the policy was only emerging at the time of submission. The new use would enable farm diversification and as no buildings are proposed (with the only permanent above ground structure, the fence, having details to be controlled by condition) officers judge that the overall impact on the site and its features is outweighed by the modest benefit of farm diversification.

4. Highways

○ *Highway impacts*

- 6.17 The proposal will use the existing vehicular access to the south of the site which joins Sibbertoft Road. The applicant has submitted a Transport Technical Note which, with its supporting plans, sets out how the access will function with the new use and assesses the highway impact of the proposal. In summary, the following is proposed:
- Visibility splays of 22.4 x 215m in both directions from the access
 - Access width of 5m
 - Access track width of 4.97m, sufficient to allow two 4x4 vehicles each towing a caravan (of 2.286m wide) to pass
 - Vehicle movements of 46 two-way trips each weekday, 42 two-way trips each day at the weekend
- 6.18 Officers have measured the width of the access on the ground and find that it is 4m wide. This means that two 4x4 vehicles, each towing a caravan, would not be able to

pass on the access track. Passing bays or widening of the access track cannot be provided (for example by planning condition) as land either side of the access track is in third party ownership. The proposal is likely to lead to vehicles waiting on Sibbertoft Road for vehicles on the access track to pass. Although this road has wide grass verges these are mostly uneven and unattractive for vehicles with caravans to use whilst they wait. This highway is subject to the national speed limit, unlit, straight and open. Officers consider that vehicles waiting on the carriageway would cause an additional source of danger to road users as it could lead to rear end shunt type accidents on this high speed road. The application does not propose any methods to mitigate this adverse impact.

- 6.19 The access track crosses the runway of the Gliding Centre. To the best of officer knowledge, the runway does not have any restrictions on its use, and gliders and tug planes take off frequently, and are mostly at low level and high speeds when crossing the access track. The site is used weekdays and weekends, including some evenings. The Gliding Centre is a nationally-important centre for the sport of gliding, as evidenced in the Sport England representation.
- 6.20 Traffic accessing the proposed development will have to cross this active runway. No information or details of how this will occur in practice has been given within the application submission. It would appear that vehicles entering or exiting the site will simply have to wait until, by visual and audial evidence, there are no aircraft using the runway.
- 6.21 Firstly, this will mean that vehicles will have to wait on Sibbertoft Road until the access track is clear of vehicles including aircraft which officers consider is unacceptable for the reasons outlined in paragraph 6.18 above.
- 6.22 Secondly, relying on users of the site to cross the runway themselves is considered highly unsatisfactory and unsafe. Once a glider plane is committed to its landing it cannot swerve or abort landing safely, and planes are often crossing the access track at 60mph at low level. Asking users of the camping/caravanning site (who are unlikely to be familiar with gliding or aircraft operations) to take this risk is, in the opinion of officers, unacceptable. Officers do not consider that details of how the users of the site would safely cross the runway should be left to planning condition. A safe means of access is an integral part of whether the proposal is acceptable or not and the risk to life is considered high.
- 6.23 GD8 and IN2 of the Local Plan, and policy T3 of the HBNP require a safe and suitable access to a site. In the opinion of officers, the proposal does not provide this. RT4 and paragraph 85 of the NPPF require tourism proposals, including those in rural/remote locations such as this, to not have an unacceptable impact on roads and local transport infrastructure and officers consider that the proposal has not demonstrated this. In paragraph 111, the NPPF makes clear that development proposals which cause severe harm to highway safety should be refused if they cause an unacceptable impact on highway safety.
 - *Right of Way impacts*
- 6.24 The Public Right of Way which crosses the site is a 'dead end' (curtailed from meeting the then Sibbertoft Road by the airfield development in the 1940s) and is thus rarely used. Instead, a permissive path runs along the western edge of the site before turning through the Gliding Club land and eventually leading out to the Sibbertoft Road at a point far west of the original Right of Way junction.



Figure 6: 1806 and 1826 maps showing the Right of Way



Figure 7: current OS map showing Right of Way and Permissive path

- 6.25 The proposal does not include any alteration to the right of way to the north of the site, running up to Husbands Bosworth. Consultees have raised concern about the impact of the proposal on the Right of Way within the site. The applicant has stated that the proposal “does not seek to close” the Permissive Path, and that the applicant would strongly support a reinstatement of the Right of Way close to its original route to join up to Sibbertoft Road. The applicant offers to work with various interested parties to achieve this.
- 6.26 The County Rights of Way officer objects to the proposal as the proposal obstructs the Right of Way and there are no plans to divert it. Officers note that due to land in third party ownership, a diversion may not be achievable. No layout plan has been submitted and, were the Right of Way to be clearly marked on the ground, users of the site could have their pitches away from this, so that it was not obstructed. Similar could be put in place for the Permissive Path. Officers consider that there are insufficient grounds to refuse the proposal due to its impact on existing rights of way.
- *Material considerations relating to Highway matters*
- 6.27 The applicant has provided information via his solicitor about his rights along the access track and the access (Appendix A and summarised paragraph 3.9 above).
- 6.28 That the access track crosses the active runway of the Gliding Club is an existing situation. There may be opportunities to change this but these would be a civil matter, not a matter for this application which must be determined on the existing situation. Although the applicant has a very broad right of way along the access track, it is not currently used for up to 46 two-way vehicle movements every day, and the farmer using the access is fully aware of the Gliding Club’s activities, with the two uses co-existing alongside each other for many years. That is a different situation from the proposal. That the Gliding Club may or may not need to change their runway or operational practices as suggested by the applicant is not a material consideration which is considered to outweigh the identified conflict with the development plan.
- 6.29 In paragraph 3.23 of his Planning Statement, the applicant refers to his permitted development rights to use the land for camping/caravanning as a temporary use for 28 days a year. There is no evidence that the applicant intends to use these rights, or that he has used them in the past on the site. It is noted that the High Court judgement also considered a similar fall-back position and the judgement quashed the decision

which would otherwise have allowed vehicular traffic serving just one dwelling to use the access. Officers consider that this is not therefore a realistic fall-back position to which should be attached any weight as a material consideration.

- *Conclusion on Highway matters*

- 6.30 The proposal fails to demonstrate that a safe and suitable access can be provided and thus is contrary to Local Plan policies GD8, RT4 and IN2 of the Harborough Local Plan, policy T3 of the Husbands Bosworth Neighbourhood Plan and paragraph 85 of the NPPF. There are no material considerations which indicate that the policies of the development plan should not prevail.

5. Residential Amenity

- 6.31 No representation has been received from any property adjoining the site, including the Gliding Club. Neighbour representations made are addressed elsewhere in the report. The nearest residential properties to the site are the static caravans of the Gliding Club. Occupation of these is in connection with the activities of the Gliding Club¹ and thus is not permanent, similar to the proposal. However, the users of the site could cause harm to the amenity of these temporary occupiers by noise generated from the site, particularly late at night. These impacts could be satisfactorily controlled by condition (submission of 'site rules' document or similar) if considered necessary. Officers consider that the proposal will not adversely affect any neighbour by loss of light, overbearing impact or loss of privacy.
- 6.32 As seen in the planning history, the Council has refused an application nearby because of noise from the Gliding Club creating an unsatisfactory impact. The tug planes, gliders and winches all generate some noise and although this would be mainly in daytime/flying hours, there are occasional events at the Gliding Club to which members of the public are invited (eg Bonfire Night) which would also cause noise. The submitted information from the applicant expresses his desire to share the "peacefulness and tranquillity" of the site with visitors and the adjacent Gliding Club use would seem to make this unachievable, at least at times.
- 6.33 Policy GD8 of the Local Plan relates to noise, activity etc, however it only requires proposals to not generate an adverse impact, and officers consider that the proposal meets this. Paragraph 187 of the NPPF (within a wider section about noise and pollution) requires that new development should be integrated effectively with existing businesses and community facilities, stating that "*Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.*" Were the proposal otherwise acceptable, this mitigation could be required by condition, and for example, could comprise information to be given to potential users of the site regarding Gliding Club events/competitions etc, so that this could inform their decision whether to visit the site or not. It is also noted that the proposal could benefit the Gliding Club, as visitors/competitors to the Gliding Club could stay overnight in the adjacent camping/caravanning site.
- 6.34 Domestic waste/rubbish from users of the site would be collected in a small skip or refuse bins and emptied/managed by the applicant. Whilst a skip may be unsightly in

¹ Planning permission reference 95/0713/3P, granted 25th July 1995

the countryside, officers consider that the proposal has adequate means of rubbish disposal and details could be controlled by condition.

- 6.35 The proposal is considered to have an acceptable impact on residential amenity and, if it were otherwise acceptable, potential users of the site could be made aware of noise impacts from the Gliding Club.

6. Ecology

- 6.36 Recognising that Harborough District is relatively poor in biodiversity terms, policy GI5 of the Local Plan seeks not only to safeguard and conserve protected species, their habitats and designated sites of biodiversity and geodiversity, but mitigate, relocate or compensate against unavoidable loss or damage to habitats, and to positively enhance biodiversity and geodiversity.
- 6.37 National policy within the NPPF takes a similar approach, and also promotes biodiversity net gain, stating in paragraph 180 (d) that, “opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”
- 6.38 The applicant has submitted an ecology survey which found no evidence of protected species on the site, and poor habitat. The survey identified opportunities for increasing biodiversity and improving habitat and made various recommendations relating to the development of the site. County Ecology withdrew their holding objection following receipt of the survey and do not require any further surveys. If the proposal were otherwise acceptable, conditions could be recommended to ensure the biodiversity improvements were implemented. The proposal would thus accord with GI5.
- 6.39 No assessment of the Agricultural Land Quality of the site, as ‘best and most versatile agricultural land’ has been submitted. Policy GI5.2 b, and NPPF paragraph 170 seek to protect sites of geological value and soils, and recognise the wider benefits of best and most versatile agricultural land, including its economic benefits.
- 6.40 The land is used for grazing and does not appear to have been used for crop production since before it was an airfield. Even if it was found to be the best and most versatile agricultural land, the site only of a small size and is insufficient to trigger consultation with Natural England. For these reasons, officers consider that the change of use of agricultural land to the new proposed use does not justify a refusal on these grounds.

7. Flooding, Drainage and Water

- 6.41 The site is in flood Zone 1, with the land at the lowest probability of flooding. The site slopes away to the north and land drainage is into the River Welland beyond the site’s north boundary, with a source of this River lying approximately 828m to the east of the site. As the site is currently agricultural field, surface water will drain at greenfield rates into this and other local watercourses and ditches. The River Welland is a Main River and, until recently, the site was within a groundwater Source Protection Zone. The EA have stated that this designation has been recently removed, however it is still important that the site is drained adequately and that the watercourse is not polluted by the proposed use.
- 6.42 The application provides scant information about water provision and disposal. A septic tank is proposed for sewage and this is acceptable to the Environment Agency, subject to various permits and legislation. Details need not be controlled by planning

condition. No hard surfacing is proposed so surface water run-off will continue to be at greenfield rates as existing and no additional SuDS are necessary. No details have been provided of an adequate water supply for the development; however as there is a water supply for the Gliding Club this is likely to be achievable for the proposed site.

8. Climate Change

- 6.43 Harborough District has a 6.9 tonne carbon footprint per person, higher than the England, County and Regional per capita amount and primarily due to the rural nature of the District and the dependency on motorised transport. A projection of the District's emissions shows that we will only reach carbon neutrality by 2042. In June 2019 the Council declared a Climate Emergency with the aim that all council functions and decision-making should lead to the Council being carbon neutral by 2030.
- 6.44 Local Plan policy CC1 relates to major development (the site area means this proposal is for major development) requiring proposals to demonstrate passive design, best-practice accreditation, renewable energy technology and minimised carbon emissions during construction (*inter alia*). Both the wording of the policy and the supporting text suggests that it mainly relates to built development rather than any sole change of use. The submission does not address Climate Change or propose any methods to help mitigate its impact.
- 6.45 Whilst operational development is minimal and sustainable drainage will be provided, the site is in a remote location whereby visitors invariably will require a private motorvehicle both to access it and to reach tourist/leisure destinations from it. The proposal is thus highly motor vehicle dependent and scores poorly for locational sustainability. However, this situation is not out of the ordinary for the use and geography of the district and is recognised within paragraph 85 of the NPPF. Whilst the proposal thus fails to demonstrate and mitigate against any effects of climate change, it likewise cannot be shown to have such an adverse impact to warrant a refusal of permission on these grounds.
- 6.46 Paragraph 85 of the NPPF requires that the proposal "exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport)". Although the applicant has expressed a willingness to extend the Right of Way so that it joins the Sibbertoft Road, this is unlikely to be achievable, given probable third-party ownership. No other methods have been proposed which might improve the environmental sustainability of the site and thus comply with this national policy.

7. The Planning Balance / Conclusion

- 7.1 The application is to be assessed against the policies of the development plan together with all material considerations. The above assessment concludes that the proposal fails policies G8 and CC1 of the Local Plan and policy T3 of the Husbands Bosworth Neighbourhood Plan, and that there are no material considerations which mean that the policies of the development plan should not prevail.
- 7.2 The NPPF supports sustainable development, recognising three strands to this, economic, social and environmental.
- 7.3 The proposal will create economic benefits for the applicant (farm diversification) and for the wider area, as it is for tourist accommodation for visitors to the District. There may be some benefits from Business Rates. No employment will be created as the

applicant is to run and manage the use himself. Officers consider that the economic benefits are modest however they should be afforded some positive weight.

- 7.4 Social benefits are also limited. Although the site will provide some health and well-being benefits for the users, these will be short-term and the proposal will not contribute to the long-term social sustainability of any settlement as it is remote from these. Officers consider that social benefits should be given limited positive weight.
- 7.5 The proposal's environmental benefits are less clear. The site has poor locational sustainability, and users will need to rely on the private motorvehicle both to access the site, for key services (including a local convenience store) and to visit tourist/leisure destinations. That there is no harm to the character and appearance of the countryside is considered to be neutral in the planning balance. No measurable ecological enhancements have been proposed. Crucially, the proposal does not provide a safe access and there are significant risks associated with the proposed access.
- 7.6 Given the failure to comply with all the policies of the development plan, and that all three strands of sustainability are not met as discussed above, officers consider that the proposal is not sustainable development and should be refused for the reasons recommended at the top of this report.

Appendix A – letter from applicant's solicitor

THRINGS

SOLICITORS

Harborough District Council
The Symington Building
Adam and Eve Street
Market Harborough
Leicestershire
LE16 7AG

By post

11 June 2021

Application Number: 20/02044/FUL
Our Reference: ktk/G4886-1

Direct Line: 01794 310340
Email: kkaar@thrings.com

Dear Sirs

Planning Application 20/02044/FUL

Our client: Mr Peter Garner

We write on behalf of our client, Mr Garner, who, through his company, F J Garner and Sons, has submitted a planning application to Harborough District Council for the siting of a number of camping/touring pitches. We note that, to date, no formal decision has been made in relation to this application.

By way of context, we have been instructed to advise our client on his legal position concerning a right of way over the proposed route for access to and egress from the proposed location for the camping/touring pitches. Any dispute over the scope of that easement is of course strictly a private law matter between our client and the servient land owners, the neighbouring Coventry Gliding Club. We have been asked by our client to set out to you the nature of his right of way to clarify any confusion around it.

Legal position

Our client owns the land which made up Lot 5 of a sale by the Ministry of Air of land forming what was Husbands Bosworth airfield. The primary means of access is through a right of way over what was previously known as Lot 4. The right of way crosses a grass field which is used as a runway by the Gliding Club, who bought Lot 4.

The right was created by the original conveyance deed, which is described as *"a right of way with or without vehicles of all descriptions and for all purposes for the benefit of the property hereby conveyed over and along the old runway between the points marked A and B on the plan hereto annexed and thereon hatched brown"*. A copy of this plan is enclosed with this letter. From our experience in these matters, it would be scarcely possible to draft a right of way in more broad terms. Consequently, our client has a right to use the route in accordance with the wide scope intended in the deed.

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It is worth noting that the current airfield was not used as a runway when the land was owned by the Ministry for Air. The "old runway" referred to in the deed is now gone, but for the part which forms our client's access and which runs at an angle across what is now the airfield. Between the end of WWII and 1962, when the land was sold, the current airfield was in agricultural use. It was not, and could not have been, envisaged by our client's predecessors when they bought their land that the land they had to cross would be subsequently be used as an airfield.

The difficulty our client has in crossing the land has become worse as the Gliding Club have increased their use of a mechanical winch used to launch gliders and extended the airstrip meaning the access route now cuts through the centre of it.

We have advised our client that all of this likely constitutes a substantial interference with his use of the right of way. The landing and taking off of aircraft on or near the right of way makes it noticeably less convenient to use. The courts have said that "substantial interference" occurs when the right of way cannot be substantially and practically exercised as conveniently as before.

Although it may seem counter-intuitive, our client's right of way restricts the use the Gliding Club can make of its land. That is what the law says. The Gliding Club land is subject to our client's right of way, not the other way around. This right of way was created by the parties to the deed by which the Gliding Club land was sold by the Ministry for Air.

Compounding the interference in our client's lawful use of his property is the fact that the interference itself is being held out as a valid reason why our client's planning application should be

rejected. Our client, and his invitees, have a right to bring caravans (amongst many other things) across the right of way. If that conflicts with the Gliding Club's use of the land, because the two uses together create unacceptable danger, then it is the Gliding Club who must alter their use, not our client.

Conclusion

If our client's planning application is rejected on the basis that the access route is unsuitable because of the Gliding Club's activities he will inevitably feel a very valid sense of injustice and may be forced to take court action to protect his rights.

Yours faithfully



Thrings LLP

(Case officer note: no enclosures were provided with the letter)

Planning Committee Report

Applicant: Mr J S Minhas

Application Ref: 21/01094/FUL

Location: The Causeway, Church Causeway, Church Langton

Proposal: Erection of 8 dwellings (revised scheme of 20/00838/FUL)

Application Validated: 17.06.2021

Target Date: 12.08.2021 (*Extension of Time Agreed*)

Overall Consultation Expiry: 29.07.2021

Reason for Committee Decision – Cllr King ‘call-in’ (22.07.2021). In summary:

- Having looked at the current ELNP, which is committed to sustainable development that supports people living and working locally, the only policy which I can find that this would breach is ENV6 the area of separation - which in my mind was fatally breached when the decision was made to allow 18/00904/OUT (opposite the site)
- The application site is enclosed and part of the applicants residential curtilage unlike the permitted scheme opposite which is open agricultural fields
- The proposed site is highly sustainable.
- In respect of other ELNP 2018 policies, I can find no other policies why this site shouldn't be permitted for a limited in-fill type of development as put forward by the applicant. Whether the design and layout is suitable are issues that I fully expect can be resolved by further dialogue or conditions with the applicant

RECOMMENDATION: REFUSE

- 1) The application site does not adjoin the existing or committed built up area of the village, the proposal therefore fails Harborough Local Plan policy GD2:2. The site is therefore within the countryside, where Harborough Local Plan policy GD4 applies. The proposal does not meet any of the exceptions listed and therefore also fails to satisfy this policy. The site also fails to satisfy East Langton Neighbourhood Plan Policy H2 (windfall sites) and would if permitted reduce the separation of Church Langton and East Langton contrary to East Langton Neighbourhood Plan policy ENV6.. The proposed development would not therefore constitute sustainable development, contrary to the Development Plan, The Framework and the emerging East Langton Neighbourhood Plan Review.
- 2) The proposed development if approved, by virtue of its siting, scale and design of would harm the rural character of the area and would harm the setting of the adjacent Conservation Area and public right of way. The proposal is therefore contrary to policies, GD2:2; GD4; GD8 and HC1 of the Harborough Local Plan; policies H2, ENV6, DBE1 and DBE3 of the East Langton Neighbourhood Plan, The Framework and the emerging East Langton Neighbourhood Plan Review. The public benefits of the proposal do not outweigh the harm identified.
- 3) The proposed development will not safeguard the residential amenity of future occupiers as a result of direct and perceived overlooking from The Causeway. The

proposal is therefore contrary to policies GD8 of the Harborough Local Plan; and Policy DBE3 of the East Langton Neighbourhood Plan, The Framework and the emerging East Langton Neighbourhood Plan Review.

1. Site & Surroundings

- 1.1 The application site which is of a rectangle shape, extends to 0.63ha and relates to the northern part of The Causeway's paddock. The Causeway is a large detached 2.5 storey dwelling with basement, permitted as a replacement dwelling in 2010 extended in 2013/14. The Causeway is accessed directly of Church Causeway.
- 1.2 The site itself is relatively flat mown grassland and views into the site are limited in some directions due to the existing boundary vegetation, and more open in others. The hedgerow at the eastern boundary supports semi-mature ash (approximately 8 m tall) with a blackthorn and hawthorn hedgerow beneath (approximately 2 m high and 2 m wide). A fence and newly planted hedgerow consisting of hawthorn and leylandii (approximately 2 m high and 1 m wide.) is present along the southern edge of footpath A81. A mature tree line is present along the northern boundary of the Site. It supports semi-mature ash trees which are approximately 5 m tall. The native hedgerow to the western boundary of the field consists of hawthorn, elder dog rose and bramble (approximately 4 m tall and 2 m wide). The southern part of the site.
- 1.3 Footpath A81 connects Church Causeway with The Langton Arms Public House to the west of the site.
- 1.4 The site is not within, but the northern boundary of the site, is adjacent to the Church Langton Conservation Area boundary.

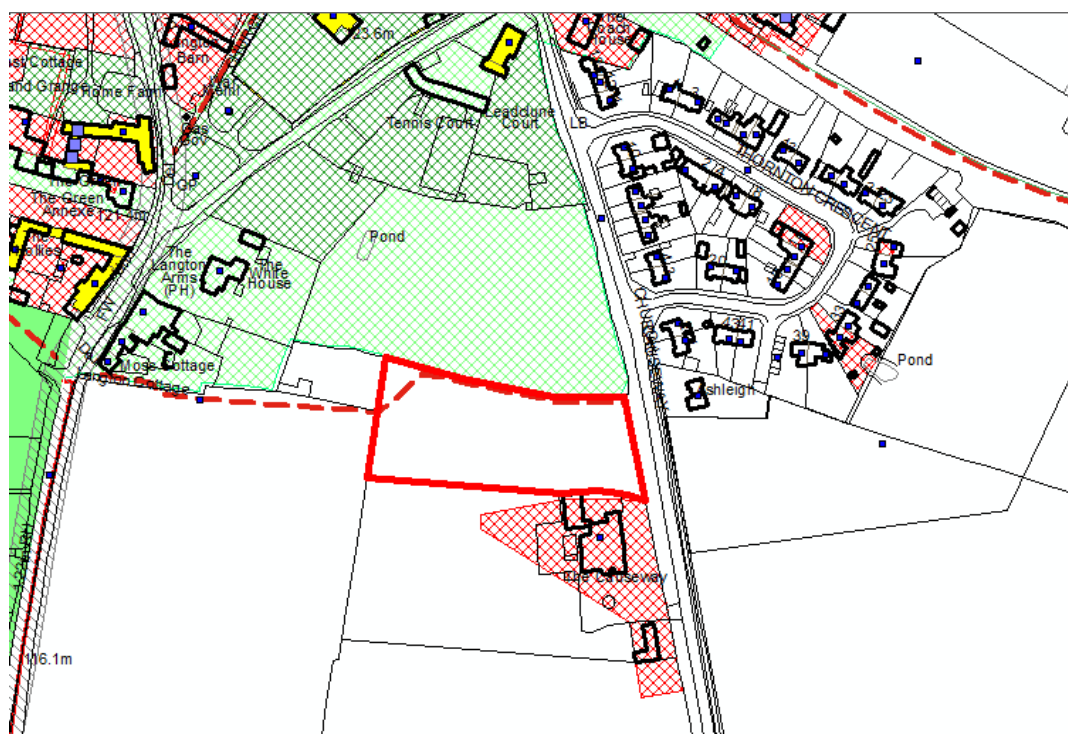


Figure 1: Site Location Plan (UNiform Mapping)

(red line - site boundary; green hashing – conservation area; yellow highlight – listed building; red hashing – permitted development rights removal; red dash – public right of way)



Figure 2: Aerial Photograph

Site Photos:



View of site from Church Causeway, looking north/north-west



Proposed Access Location, adjacent to PROW A81



Rear of site as viewed from PROW A81, looking east



View of site from PROW A81, looking south

2. Site History

2.1 The site has the following planning history

20/00838/FUL – Erection of 9 dwellings (WITHDRAWN)

2.2 Other relevant planning history:

On the opposite side of Church Causeway, planning permission has been granted for 17 dwellings:

18/00904/OUT - Outline application for the erection of 17 dwellings and access, highways, open space and drainage infrastructure (access to be considered) (Approved 23.05.2019)

19/00876/REM - Erection of 17 dwellings (Reserved Matters of 18/00904/OUT including details of appearance, landscaping, layout and scale) (Approved 28.05.2021)



Approved Site Location



Site Layout as originally submitted

3.2 However, the Applicant submitted an amended scheme (15.09.2021) in order to try and address Case Officer and consultee concerns. The amended site layout is illustrated below:



Amendment A - Proposed Site Layout

3.3 This layout was further revised 16/11/2021, again in order to try and address Case Officer and consultee concerns.



Pre-application Concept Masterplan

- 3.7 An application was subsequently submitted in June 2020 for 9 dwellings. The submitted proposed site layout is shown below.



Proposed Site Layout – 20/00838/FUL

- 3.8 This application was later withdrawn (July 2020), in order to address highway and ecology concerns and following concerns raised by the Case Officer – similar to those raised at pre-app.

- 3.9 No post-application (Ref: 20/00838/FUL) discussions took place with the Case Officer prior to the submission of this current application, although the Case Officer was made aware discussions were being held with County Ecology.

4. Consultations and Representations

- 4.1 Consultation with the technical consultees and local community has been carried out on the original application submission and subsequent amendments
- 4.2 Site Notices were placed on 02.07.2021. The Press Notice was published on 08.07.2021 .
- 4.3 A summary of the technical consultee responses which have been received are set out below.

a) Statutory & Non-Statutory Consultees

Historic England

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Leicestershire County Council Highway Authority (LHA)

1st Response

The applicant has submitted a Stage 1 Road Safety Audit (RSA) as previously advised during pre-application correspondence. However, the applicant has failed to submit a Designers Response to the RSA.

Public Footpath A81 runs through the proposed development. It is proposed to re-align the public right of way to the north-west corner of the site with the creation of a pedestrian link from the site to the public right of way running along the northern boundary.

The LHA would not support the re-routing of the footpath as currently illustrated as it goes against both national and local guidance on the treatment of Public Rights of Way through new developments. Paragraph 7 of 'Development and Public Right of Way' guidance notes for developers states

'Narrow enclosed paths are not desirable and if proposed within a planning application will attract objections from the County Council. Such paths are not easily overlooked and can be perceived as a haven for anti-social activities.'

On the submitted Proposed Site Layout, the section of Footpath A81 running north-south looks to be between 2–2.5 meters wide. The applicant would need to submit further information about the construction and surfacing of Footpath A81 through the site. The Footpath should comprise of at least a 4-meter wide corridor, specifically 2-meter wide surface with 1-meter wide verges either side.

2nd Response

The LHA have reviewed Stage 1 Road Safety Audit (RSA) and designers response and are satisfied the identified problems have been sufficiently addressed

The revised proposed site layout drawing no. 04 Rev F has been amended, and the definitive legal line of Public Footpath A81 is no longer enclosed partly within a garden. However given the current alignment differs from the definitive legal line; the applicant is advised when

landscaping the site, the layout should be amended so that it is the Definitive line that passes between any planting rather than the currently available line. A suitably worded condition is suggested.

Leicestershire County Council Ecology

1st Response

As you know we carried out a site visit on the 10th May 2021 as our records show that the development site is within a potential Local Wildlife Site (LWS). After visiting the site we can confirm that, unfortunately, it has lost this species diversity and no longer meets local wildlife criteria.

I believe there is a further ecology survey that was carried out on the site, please can this be uploaded?

In the meantime, I have reviewed the site and landscape plans and note that there has been a green buffer to the northern boundary of the site, which is acceptable. I would also like to see a minimum 5 metre buffer to the western boundary of the site as it mostly borders open countryside. It currently forms garden boundaries and the risk here is that individual home owners will remove or damage hedgerows and install close boarded fencing, this will inevitably undermine a potential wildlife corridor. Also if lighting is proposed on the site, a lighting plan should be submitted.

2nd Response (Amendment A)

A revised Phase 1 Preliminary Ecological Appraisal (Dr. Stefan Bodnar, April 2021) has been carried out. The survey confirms that the site no longer meets Local Wildlife Site Criteria and that no further surveys are required, which I am in agreement with. With regard to Great crested newt (GCN), precautionary measures of working should be followed as specified in section 4.3b of the report. Lighting should be avoided in ecologically sensitive areas, if lighting is required on site it should be provided in line with Guidance Note 8 Bats and artificial lighting (ILP and Bat Conservation Trust). The recommendations in the report should be followed and made a condition of any planning permission granted.

Hedgerows and trees on the site should be retained and it appears from the landscape plan that this is the case. The hedgerow to the west of the site forms a garden boundary; as it meets open countryside a buffer of 5 metres should be provided between the hedgerow and the garden boundary. If retained hedges form the boundaries to gardens and other private land, they will not be managed after development as single units. Piecemeal management by individual landowners is likely to lead to the removal of native species and replacement with x Cupressocyparis 'Leylandii' or other non-native hedging shrub, or close-board fencing. This will impair the hedgerow's value as a linear wildlife corridor and habitat, as well as harming landscape and appearance. Buffer zones of 5-10m, managed as natural or informal open space, are needed to allow proper management of the hedge, through periodic cutting and laying. Occasional vehicle access alongside will be needed to allow maintenance.

As confirmed in the report biodiversity net gain should be achieved on the site. A biodiversity net gain calculation is required to determine whether the development achieves biodiversity net gain, this should be accompanied by a plan that demonstrates how this will be provided.

I have a holding objection to this planning application pending submission of the above.

HDC Environmental Health Officer

Could we please ensure we ask for a full construction method statement for this one including noise/vibration and dust control off site and compliance with the council's

recommended hours of work for construction sites. Noise control – reference should be made to BS5228 and should give details as to whether piling is to take place.

HDC Conservation Officer

1st Response

The application relates to a plot of land adjacent to the Church Langton Conservation Area.

This application is an effective re-submission of the previous application. The layout and some of the house styles have been altered but my concerns are largely the same as with the previous proposal.

The land forms part of a large domestic garden associated with an adjacent house on the fringe of the village and is characterised by mown grass and is partially screened from public highway by hedging.

The plot of land to the north, which is within the conservation area, is also largely screened from public view by high hedging; this land is mentioned in the conservation character statement refers to this land as proving the setting for the Grade II listed Leadclune Court.

A historic right of way, which connects the Melton Road with Church Causeway runs along the site to the north; this right of way formerly ran through the plot but the route was recently re-directed to its current location.

The application site, being located immediately adjacent to the conservation area has an impact on how it is experienced and its wider setting, particularly from the right of way and along Church Causeway.

It is likely that some housing could be accommodated on this site without causing harm, however I have concerns that the proposed density of the development is too high and would sit at odds with the edge of village location. The density, layout and design of the houses has a suburban feel and does not draw on more traditional styles or forms which would normally be found in a village. Features such as hipped roofs and the use of render sit at odds with the main character of the village.

Of particular concern is the infilling of the north west corner, which would inhibit views between the two sections of the right of way. The proximity of the 3 houses on the western boundary in general would reduce the openness of the area and introduce a suburban character at odds with the open character of the pasture to the north.

As such, I consider the present scheme would have a harmful impact on the setting of the adjacent Church Langton Conservation Area from a key public access route.

2nd Response (Amendment B)

I've assessed the revised plans which show a reduction in the number of houses to 8 and the alteration the proposed house types.

While the changes represent an improvement I do not consider they have gone far enough to remove my concerns about harm being caused to the setting of the Church Langton Conservation Area.

HDC Strategic Housing and Enabling Officer

1st Response

On the basis that this proposed 8 dwelling development will exceed 1000Sqm, we will request affordable housing in accordance with our Local Plan requirement. Our 40%

requirement means that this applicant will need to provide 3 affordable homes. Given the site is relatively small we will make a request for 2x2bed houses to be provided for social rent and 1x2 bed house for Shared ownership sale. However we will remain flexible with our tenure proposal should a different tenure mix be requested by a preferred RP Partner prepared to take this scheme, if this application progresses to development.

2nd Response (Amendment A)

As the floorarea exceeds 1,000 sqm, 40% affordable housing would be sought on the development. Based on Applicant's proposal to incorporate a pair of semi-detached (2 bedroom) and a smaller bungalow (2 bedroom) as the affordable housing mix. This would meet our requirement for 3 affordable units

3rd Response (Amendment B)

The application falls below the requirement for seeking affordable housing in terms of the number of proposed units and the Sqm ((as referenced on the plan, it comes to less than 1,000 (959.3m²), excluding the detached garages) The applicant is offering 3 units defined as Plots 1, 2 and 3 (1 x 2 bed bungalow and 2 x 2 bed semi detached) for affordable housing.

We are happy to accept this proposal. However the applicant must contact the Council's Strategic Housing and Enabling Officer at the earliest opportunity so that he is aware of the process for delivering affordable housing and transferring units across to one of Harborough's RP Partners.

From the email received - the applicant is keen to see an affordable element which would support the housing needs of the village that are currently unmet. This appears to infer that a local connection criteria is attached to the affordable units.

Just to note that if there is an existing S106 already in place, than this may need to be amended / varied to include a local connection cascade to allow local applicants first opportunity for these units. If there is no S106 Drafted as yet - this will need to be built in.

East Langton Parish Council

East Langton Parish Council strongly objects to the above planning application as it breaches Policy ENV6: Area of Separation in the Neighbourhood Plan. The Policy states 'Development proposals which would reduce the separation of Church Langton and East Langton and between East Langton and West Langton Parish boundary...will not be supported'. The Plan supports this policy by saying 'The Parish is made up of two villages - Church Langton and East Langton. Each has its own history, identity and character. Consultation shows that maintaining the separation of the two communities is important to ensure that the distinct identity and character of these two villages is maintained.

b) Local Community

- 4.4 At the time of writing the report, the application has generated 5 letters of objection from 4 separate households Whilst regard has been had to the detailed comments in assessing this application, it is impractical to copy these verbatim, they are however available to view in full online against the application particulars
- 4.5 The comments are briefly summarised below
- How many more houses is Church Langton expected to take? The further increase in people and vehicles will put even more strain on infrastructure, school, roads etc destroying the essence of the village further. The village has already taken the biggest burden of any Langton when it comes to building.

- Concerns over moving the footpath
- Removal of perfectly healthy trees and the devastation of a beautiful ridge and furrow meadow which had rare flowers growing in, never to be seen again.
- The design of the houses is unlike any others in the area and reflect a lack of experience building in proximity to a conservation area.
- The size and proximity of the houses are out of proportion to the surrounding area, the houses are too tightly packed onto a small plot.
- The Langtons are a desirable and historic area, attracting visitors from across the county- the council needs to be very aware of the irreversible damage they may cause granting permissions for such a development
- With this comes extra traffic, parking issues, noise, pollution and an overbearing impact from the development which this village does not need or want. The houses are crammed into a small area running adjacent to the footpath, leaving the rest of the field open to future planning applications for further developments

5. Planning Policy Considerations

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 instructs that planning applications must be determined in accordance with the provisions of the Development Plan (DP), unless material considerations indicate otherwise.

a) Development Plan

- 5.2 The DP relevant to this application comprises the Harborough Local Plan (2011-2031), adopted on 30th April 2019 and the East Langton Parish Neighbourhood (adopted June 2018)

- 5.3 The LP policies relevant to this application are as follows:

- Spatial Strategy Policy SS1
- General Development Policies GD1, GD2, GD4 and GD8
- Housing Policies H1 and H5.
- Heritage Policy HC1
- Green Infrastructure Policies, GI1 and GI5
- Managing Flood Risk Policy CC3
- Sustainable Transport IN2
- Policy H1: Housing Provision
- Policy H2: Windfall Sites
- Policy H3: Housing Mix
- Policy H4: Affordable Housing
- Policy E4: Broadband infrastructure
- DBE3: Design
- EN3: Biodiversity
- EV6: Area of Separation

- 5.4 The NP policies relevant to this application are as follows:

- Policy H1: Housing Provision
- Policy S1: Presumption in favour of sustainable development
- Policy H2: Windfall Sites
- Policy H3: Housing Mix
- Policy H4: Affordable Housing
- Policy E4: Broadband infrastructure
- DBE3: Design

- EN3: Biodiversity
- EN3: Trees
- ENV6: Area of Separation
- T1: Traffic Management
- T2: Footpaths, Footways and Bridleways

b) Material Planning Considerations

5.5 The following material considerations are considered relevant to this application:

- The National Planning Policy Framework (The Framework / NPPF)
- National Planning Practice Guidance
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Supplementary Planning Guidance Notes, 1, 2 and 5
- 5 Year Housing Land Supply (5YS) Statement
- Leicestershire Local Transport Plan
- Leicestershire Highways Design Guide (April 2018)
- Circular 11/95 Annex A - Use of Conditions in Planning Permission

a) Principle of Development

6.1 Harborough Local Plan (LP) Policy SS1: 'The Spatial Strategy' seeks to direct development towards the most sustainable locations, identified by the level of 'key services' provided within the village/town and its population. Part 1 e) of SS1, identifies Church Langton (along with East Langton) as a "Selected Rural Village" as a result of it having the presence of at least 2 of the 6 'key services' (food shop, GP surgery, library, post office, primary school and pub). Part 8 of the same Policy advises the spatial strategy is to "meet local needs in Selected Rural Villages, while protecting the character and environment of local areas"

6.2 The housing distribution target for East and Church Langton, as set by the Local Plan, is 30 dwellings, of which 20 have been permitted to date (reference numbers 18/00904/OUT and 19/00953/FUL), leaving a residual of 10 still to be delivered*. The proposal for 8 dwellings will therefore make a meaningful contribution to the village's housing requirements.

*An application has been submitted to the LPA to convert existing buildings at Leadclune Court (21/02033/FUL) to the north of the site to 3 dwellings, which if approved would bring the residual down to 7.

6.3 Church Langton does not have a defined village boundary and does not have any housing allocations, and therefore planning applications are to be determined on the basis of general development polices and topic specific polices within the LP as well as those policies with the East Langton Neighbourhood Plan (NP).

6.4 LP Policy GD2, part 2, is permissive of development in certain circumstances subject to the site "adjoining the existing or committed built up area" of the village. Unlike the site approved on the opposite side of Church Causeway which is located immediately

adjacent to housing on Thornton Crescent, this site is situated away from the central nucleus of the village and does not adjoin the built up area, with paddock land, free from built development to the north, south and west. It would not as the Applicant contends “be a natural extension to the south of the village”

- 6.5 If Members took a different view and did consider the site ‘adjoins the existing or committed built up area of Church Langton’, it is considered the development would “not disproportionately exceed the settlement’s minimum housing requirement” thereby satisfying GD2 (2) part a); it would help meet the local housing need of the village (which is to provide a minimum of 30 dwellings over the plan period) thereby satisfying part b; part c is not relevant to this proposal; its scale would reflect the size of the settlement concerned and the level of service provision within that settlement thereby satisfying part d; however it is not physically and visually connected to or respects the form and character of the existing settlement and landscape and would therefore fail to satisfy part e) as will be explained in more detail within this report. It would partially satisfy part f) by retaining as far as possible existing natural boundaries within and around the site – although as will become clear later within the report, this may not be possible due to Ash die back. Part g is not relevant to this proposal.
- 6.6 As the proposed development is not considered to satisfy LP Policy GD2, it is necessary to assess the proposal under GD4 New housing in the countryside:

GD4 New housing in the countryside

1. Outside Market Harborough, Key Centres, the Principal Urban Area, Rural Centres and Selected Rural Villages, but excluding Green Wedges, new residential development will only be permitted either where it is in accordance with Policy GD2, or where it is for:
 - a. Housing on small sites of no more than 4 dwellings which are within or physically and visually connected to settlements and which meet a local need for housing of a particular type, including small dwellings for the elderly and starter homes, providing this has been evidenced through a rural housing needs survey or a neighbourhood plan;
 - b. Housing to meet the needs of a rural worker, providing that:
 - i. there is an established existing functional need for a full time worker that is directly related to the commercial enterprise or operation concerned;
 - ii. the business has been established for at least three years, has been profitable for at least one of them, is financially sound and has a clear prospect of remaining so;
 - iii. the need cannot be met by any existing residential accommodation at the business or in the locality which is suitable and available to the worker;
 - iv. there are no available dwellings, or buildings that are suitable for conversion to dwellings, that have recently been sold separately from the rural business unit that could address the need;
 - v. the size of the dwelling is commensurate with the financial need and is not unusually large in relation to the functional needs of the unit;
 - vi. its location is suitable to meet the functional need and well-related to any existing farm buildings, dwellings or other buildings linked to the commercial enterprise or operation concerned; and
 - vii. it will be kept available to meet the functional need in perpetuity through being subject to an appropriate occupancy condition;
 - c. the re-use of redundant or disused buildings that results in enhancement to their immediate setting;
 - d. the subdivision of an existing dwelling;
 - e. a design of exceptional quality, in that it is truly outstanding or innovative and would significantly enhance its immediate setting; or
 - f. the rebuilding or replacement of an existing dwelling providing that the resultant dwelling preserves or enhances the character and appearance of the countryside.

6.7 The proposal does not meet any of the above exceptions.

6.8 Now turning to the East Langton Neighbourhood Plan (ELNP). Policy H2 supports small scale development proposals for infill housing subject to a number of criteria, some of which are reflected in LP Policies GD2 and GD4. The development proposal would not satisfy parts a); c); d) i), g) or h).

POLICY H2: WINDFALL SITES – Small scale development proposals for infill housing will be supported where:

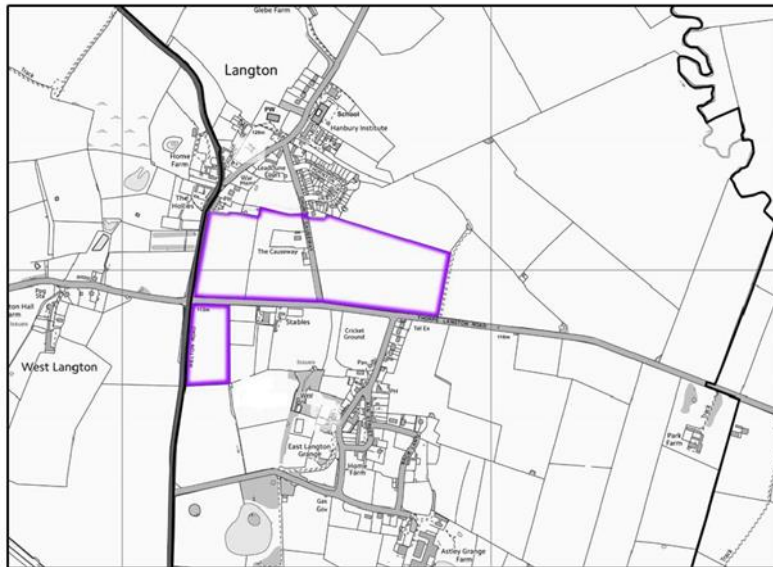
- a) It is within the existing built-up area of the villages of Church Langton and East Langton;
- b) It helps to meet the identified housing requirement for East Langton Parish;
- c) It respects the shape and form of the villages of Church Langton and East Langton in order to maintain its distinctive character and enhance it where possible;
- d) It is of an appropriate scale which reflects the size, character and level of service provision within the Parish;
- e) It retains, where possible, existing important natural boundaries such as trees, hedges and streams;
- f) It provides for a safe vehicular and pedestrian access to the site;
- g) It does not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise;
- h) In East Langton village, due to the historic nature and characteristics of the village, it does not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the occupiers of the dwelling;
- i) It is in accordance with other policies contained in this and other relevant planning documents including those relating to East Langton and Church Langton Conservation Area Character Statements;
- j) Traffic generation and parking impact created does not result in an unacceptable direct or cumulative impact on congestion or road and pedestrian safety; and
- k) Where development would result in the number of completions plus outstanding permissions exceeding the identified target, regard will be given to:
 - i. The degree by which the requirement is exceeded;
 - ii. The likelihood of delivery of the outstanding permissions; and
 - iii. The benefits arising from the development.

6.9 It is acknowledged part a) of this policy is more restrictive than the LP Policy GD2:2 which, as discussed, allows for development adjacent to the built-up area. As the ELNP pre-dates the LP, more weight should be afforded to LP Policy GD2 over the ELNP's housing policies in this respect. However, as advised the proposed development does not satisfy LP Policy GD2.

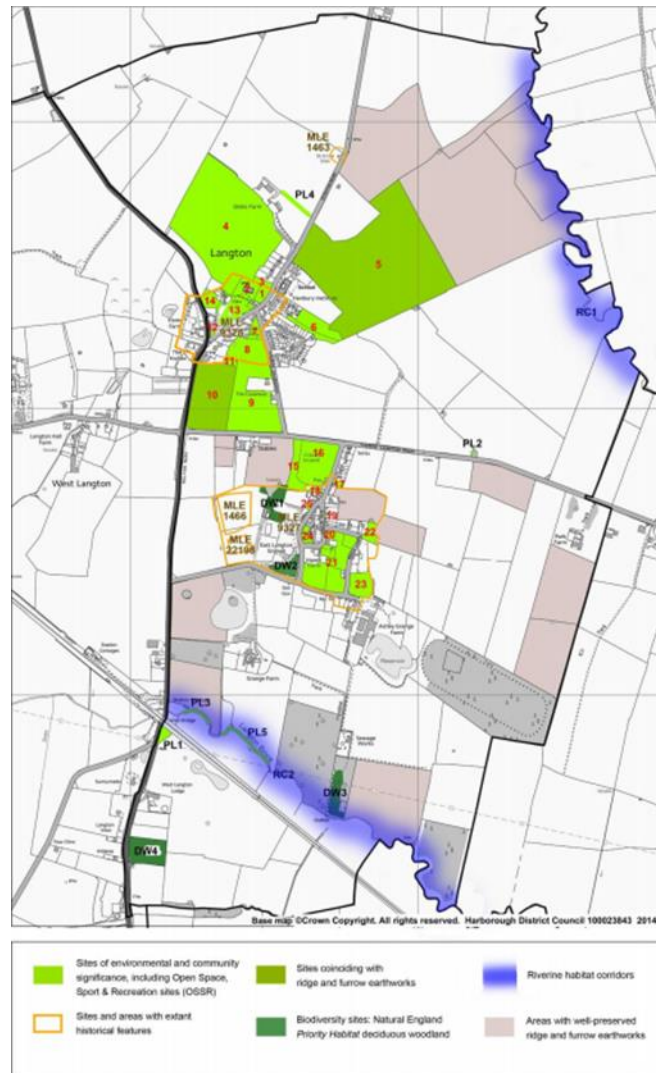
6.10 Policy ENV6: Area of Separation (AoS), states “*development proposals which would reduce the separation of Church Langton and East Langton and between East Langton*

and West Langton Parish boundary as shown on the map (figure 8) and the Environmental Proposals map (fig 9) will not be supported.

6.11 The application site is located on both figure 8 and figure 9 as illustrated below.



Areas of Separation (fig.8 in NP)



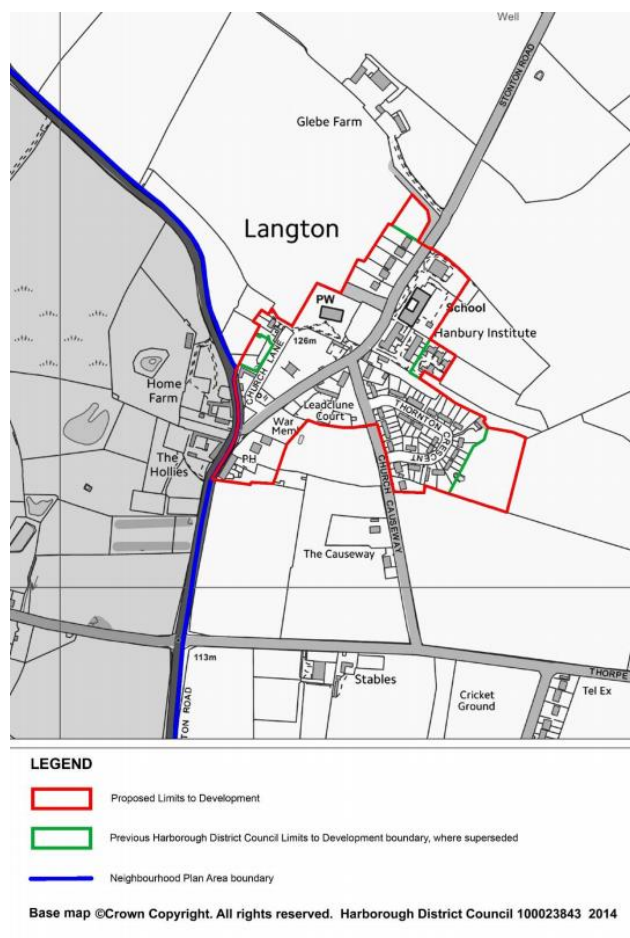
Environmental Proposals Map (figure 9 in NP) (the application site forms part of map ref.9

- 6.12 The Parish Council have objected to the proposal on the basis of ENV 6. The Applicant contends *"In context to the approved 17 units to east of the site, it is noted that that the development creeps closer towards East Langton. This site is set further to the west (away from East Langton), therefore, this proposal would maintain the physical separation between Church Langton and East Langton"*
- 6.13 Whilst it is acknowledged that the site opposite which was granted permission for residential development was partially within the AoS, it was only the internal access road and drainage pond which were within the AoS, with the housing development itself outside of the AoS behind Thornton Crescent (see approved Masterplan below)



Approved Masterplan 18/00904/OUT

- 6.14 Developing the road and drainage pond were considered to have a limited impact on affecting the open character of this land or reducing the separation between Church Langton and East Langton villages. Whereas with this proposal, the entire development is within the AoS and by virtue of the built development being within it, would visually reduce the separation between the respective villages.
- 6.15 Whilst the resistance of all forms of development in a defined area of open countryside would not have sufficient regard for national policy, the maintenance of a distinctive and separate identity of a settlement can be a legitimate objective of land use policy. Policy ENV6 seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community and prevent the coalescence of the two distinctive settlements of Church Langton and East Langton.
- 6.16 The Parish Council is currently reviewing its Neighbourhood Plan (holding the Regulation Review between 29/7/21 and 15/9/21). Relevant to this current application, the Review has introduced the following changes to the 'Made' Neighbourhood Plan
- Policy S1 – The policy on a 'Presumption in favour of sustainable development' has been deleted as it does not represent a planning policy as such.
 - New Policy H1 – site allocations have been made in the Neighbourhood Plan to achieve the minimum housing requirement as set out in the Local Plan, alongside windfall development. The application site has not been put forward as an allocation (my emphasis)
 - Policy H2 - Settlement Boundaries have been introduced for both villages to demarcate where development is in principle to be supported from the countryside, where development will be carefully controlled in line with local and national planning policies (see figure below)



Proposed Settlement Boundary

- Policy H3 Windfall sites – the same as Made NP Policy H2 (except for reference to the settlement boundary rather than ‘the built-up area’).
- Policy H4 Housing mix – the same as Made Policy H3 with the addition of the words ‘4+ bedroom dwellings may be included in the mix of dwellings but will be expected to comprise a minority’ to clarify the policy intent.

6.17 In addition to the above, it should be noted the AoS policy remains unchanged in the Review and the site is also considered to be a site of ‘environmental and community significance’ in the adopted and review NP (**ref site 9**).

Map ref	DESCRIPTION / EVIDENCE	NPPF 2012 Local Green Space (LGS) Criteria (score 0 – 4)									Total score/36
		Access	Proxim.	Bounded	Special	Rec/Edu	Beauty (inc. views)	Tranq.	History	Wildlife etc.	
8	HDC ‘important open land’ (2015) Semi-improved grassland, grazing land. Indistinct earthworks (possible house platforms and cultivation strips). Mature hedgerow with standard trees to E and S; fairly recently-planted (50yrs?) ornamental trees within the field give it a parkland appearance.	0	4	4	3	0	3	2	2	2	20
9	Large paddock surrounding new house. Poor grassland, indistinct ridge and furrow (extends under Enclosure hedge into site 11 to west) and scrub.	0	3	4	2	0	1	1	0	1	12

6.18 The Applicant has submitted a Consultation Response to the Regulation 14 Review requesting the Parish Council to reconsider this site for allocation within the NP given the proposed amended mix and affordable provision proposed. The Applicant also raised concerns in terms of the proposed allocated sites and suggests that the AoS should be revised.

- 6.19 The Parish Council have published their response to the consultation on their website (a copy of which has been sent to the Case Officer). In summary, the response advises that the site was assessed, along with others, and this site was unsuccessful. One of the reasons for this site failing to gain support is its location within the Area of Separation, which is in the Made NP. The policy is not being reviewed in the current NP so the policy will stand. The development opposite does not reduce the area of separation as it relates to access only and not residential development. The Case Officer is awaiting a revised comments from the Parish Council based on amendment B and Members will be updated accordingly on the Supplementary Paper.
- 6.20 It is acknowledged only limited weight can be given to the Review as it will require examination and referendum, but it signals the intent of the Parish to reinstate a settlement boundary in order to direct development over the Plan period and to decide, following a site selection process, suitable sites to meet the residual requirement that are locally acceptable. The two sites put forward by the Parish are free from protective designations such as the AoS. The Review is considered to be a material consideration and it shows a direction of travel for development in East Langton Parish.
- 6.21 In summary, the site fails to satisfy LP policies GD2 and GD4 and NP policies H2 or ENV6. The principle of residential development on this site is not therefore supported.

b) Locational Sustainability

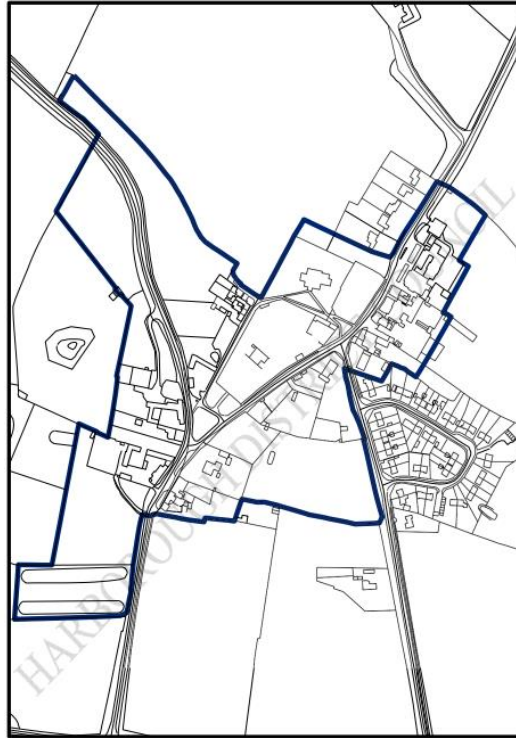
- 6.22 The site is located to the south of the village. Church Langton is close to four other settlements collectively called 'The Langtons' that includes East Langton, West Langton, Tur Langton, and Thorpe Langton. These villages are connected by a local network of highway and public rights of way. Approximately 4km to the west is the larger settlement of Kibworth, and approximately 5km to the south the District's principal settlement Market Harborough.
- 6.23 Opportunities for sustainable travel within the settlement comprise walking and cycling to the local facilities within the village that include the Church Langton Church of England Primary School, Langton Community Hall and Hanbury Kindergarten, St Peter's Church and The Langton Arms public house. There is a footway on the eastern side of Church Causeway that connects with the footway on the southern side of Stonton Road and provides pedestrian connectivity to the services within Church Langton.
- 6.24 The local Public Rights of Way (PRoW) network provides opportunities for pedestrian travel. Public Footpath A81 which runs along the northern boundary of the site, provides an alternative route to access The Langton Arms public house and connects with Footpaths A86/4 and A88/1 which lead to Tur Langton and West Langton respectively.
- 6.25 The local cycle network comprises the National Cycle Network route (NCN) 64 to the east of the settlement that runs between Market Harborough and Lincoln. Bowden Road south of Thorpe Langton is an on road route recommended by Leicestershire County Council providing access to Great Bowden and an alternative cycle route to Market Harborough.
- 6.26 There is a local bus service with the nearest bus stop 250m from the site on Church Causeway. This bus service comprises the No.44 providing a generally hourly service from Church Langton to Foxton via Market Harborough, except for Sundays.

- 6.27 Mindful of the information outlined above, along with best practice advice and guidance regarding acceptable walking & cycling distances, it is considered that the site lies within a satisfactory distance to services within the village. In locational sustainability terms the site would be satisfactorily connected. The location of the site would provide future occupiers with a realistic option to choose walking and cycling as an alternative to private vehicle trips in order to access village facilities, as well as locations farther afield, including those served by bus. The location of the site is judged to accord with local and national locational sustainability principles and weight is attached to this positive material consideration.

c) Design and Impact on the Character of the Area inc Heritage Assets

- 6.28 Recent changes to the Framework (July 2021) requires developments to be 'well designed, beautiful and safe places'. The LPA does not as of yet have a local design guide or code and therefore developments should be consistent with the principles in the National Design Guide and National Model Design Code which provides the baseline standard of quality and practice on design. Policy GD8 of the LP outlines that development should achieve a high standard of design, be inspired by, respect and enhance local character and the context of the site, street scene and local environment. ELNP Policy DBE3 advises, all development should continue to reflect the character and historic context of existing developments within the Parish. However, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from this historic context.
- 6.29 Policy HC1 states that development within or affecting a Conservation Area will be permitted where it preserves or enhances the character or appearance of the Conservation Area, including local design and materials. Policy DBE1 of the ELNP reflects Policy HC1.
- 6.30 ELNP Policy ENV2 identifies the land to the direct North and West of the site as being of local significance for their environmental features (natural and/or historical). They are ecologically important in their own right, their historical features are extant and have visible expression, and they are locally valued
- 6.31 The Church Langton Conservation Area Boundary is illustrated below and the East Langton NP and Conservation Area Statement says (amongst other things)

"The Conservation Area includes: the wedge of paddock land to the south between Church Causeway and Stonton Road which provides a setting for Leadclune Court....;"



Church Langton Conservation Area Boundary

Layout

- 6.32 The amended proposed site layout (as illustrated below) proposes the erection of 8 dwellings, accessed directly off Church Causeway via a new priority junction. The existing vehicular access point which serves The Causeway to the south of the site, will remain unchanged and will continue to service the property. The internal access road will run close to the northern boundary with plots 1 to 6 located to the south and plots 7 and 8 located on the western boundary. Two pedestrian links are proposed to connect the site into the existing public footpath.
- 6.33 The layout put forward is considered to be overly dense and suburban in character, particularly given the land to the north and west is free from any built development and the land to the south occupies a large garden/paddock. Development of this land would affect the setting of the Conservation Area and affect the setting of the public right of way.



Proposed Site Layout (Amendment B)

Housing Mix

6.34 Policy H3 (Housing Mix) of the ELNP says:

“All proposals for new housing will be expected to demonstrate how the proposal will meet the current and future housing needs of the Parish. Applications for small family homes (2 or 3 bedrooms) or accommodation suitable for older people will be particularly supported where in accordance with other policies.”

6.35 The amended scheme has altered the suggested housing mix to provide 2 x 2 bed bungalows, 1 x 3 bed bungalow; 2 x 2 bed semi-detached houses; 2 x 4 bed house and 1x5 bed house. The provision of 3 bungalows within the mix is welcome as is the overall proportion of 2 and 3 bed properties (5 of the 8).

- Plot 1: 2 bed bungalow (House type A)
- Plot 2: 2 bed semi-detached (House type B)
- Plot 3: 2 bed semi-detached (House type B)
- Plot 4: 4 bed house (House type D)
- Plot 5: 3 bed bungalow (House type F)
- Plot 6: 4 bed house (House type D)
- Plot 7: 2 bed bungalow (House type C)
- Plot 8: 5 bed house (House type E)

6.36 Overall the amended mix will meet the requirements of Policy H3.

Affordable Housing

6.37 Local Plan Policy H2 requires 40% affordable housing on housing sites a) of more than 10 dwellings; or b) with a combined gross floorpace of more than 1,000 square metres.

6.38 The development proposes 8 dwellings and a total Gross Internal Floorarea (GIA) of 959.3m². The proposed development is not therefore required to provide affordable housing. However, the Applicant has advised they want to offer Plots 1, 2 and 3 (1 x 2 bed bungalow and 2 x 2 bed semi detached) as 'affordable housing'

6.39 This is a material consideration which weighs in favour of the scheme.

Appearance and Scale

6.40 In terms of heights, the bungalows will have a maximum height of 5.9m, whilst the maximum height for two storey dwellings will be 8.1m. These heights reflect those found elsewhere within the village.

6.41 In terms of external facing materials, it is proposed to use the following:



Proposed External Materials

6.42 Some of the suggested materials do not reflect the traditional village vernacular which consists mostly of slate roofs and white casement windows.

6.43 The design of each type of unit proposed is illustrated below.



FRONT ELEVATION
Scale 1:100

Plot 1: 2 bed bungalow (Type A) (GIA 85.8m²)



FRONT ELEVATION
Scale 1:100

Plot 2 & 3: 2 bed semi detached house (Type B) (85.8m²)



FRONT ELEVATION
Scale 1:100

Plot 4 & 6: 4 bed detached (Type D) (GIA 156.3m²)



Plot 5: 3 bed detached bungalow (Type F) (GIA 113.4m²)



Plot 7: 2 bed detached bungalow (Type C) (GIA 90.0m²)



Plot 8: 5 bed detached (Type E) (GIA 185.9m²)

6.44 Cross-sections have been provided to demonstrate how the units will appear together



Proposed Streetscene

- 6.45 Whilst the site is relatively flat and views into the site are limited in some directions, particularly during the summer months due to the sites boundary vegetation, residential development, which will be significantly taller than the current boundary hedgerows and trees will be visible from the surrounding countryside especially from the PRoW A81 and especially during the winter months. It should also be noted that the Arboricultural Survey suggests much of the existing vegetation may be affected by ash die back, which if confirmed, would significantly open up the visibility into the site further eroding the rural character and setting of the adjacent Conservation Area if the proposed development is permitted. Whilst it is accepted replacement tree planting could be conditioned, it would take a significant amount of time for it to establish. Furthermore, landscaping should not be used to screen otherwise unacceptable development.
- 6.46 Notwithstanding, the development on the opposite side of Church Causeway, this site is not physically or visually connected to the existing settlement due to the open nature of the land between the site and the current built form of the village. The site is considered to be more sensitive than the approved residential scheme opposite, due it being located adjacent to the Conservation Area, not adjoining existing built form and has a public footpath running through it. The development would not preserve or enhance the character or appearance of the Conservation Area. In accordance with HC1 and The Framework, the identified heritage harm must be weighed against the public benefits of the proposal. The main public benefit would be the provision of housing to meet an identified housing need, i.e. Church Langton residual requirement,

however the contribution to this need is considered to be modest given the plan period still has 10 years left and the Council has a healthy 5 year land supply. Therefore there is not an urgent need to meet the residual requirement. Bearing in mind the Frameworks approach that great weight must be given to the asset's preservation, and noting that heritage assets are irreplaceable, the modest public benefits of the proposal are not considered to outweigh the identified harm to the character and appearance of the Conservation Area. The proposal is therefore considered to fail policy HC1 of the LP.

- 6.47 It is considered that due to the siting, density, scale and design of the dwelling houses that the special distinctiveness and rural character of the area will not be preserved or enhanced. Furthermore, the character and appearance of the Conservation Area will not be preserved or enhanced and the public right of way affected. The proposal is therefore considered to be contrary to Policies GD8 and HC1 of the Local Plan and Policy DBE3 of the ELNP.

d) Highway Impact inc. Public Right of Way

- 6.48 Paragraph 108 of The Framework, states that schemes can be supported where they provide safe access for all and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.
- 6.49 LP Policy GD8 states that development will be permitted where it ensures safe access, adequate parking and safe, efficient and convenient movement for highways users. Policy IN2 states that development proposals should have regard to the transport policies of the Local Transport Authority and that developments should provide safe access and parking arrangements and where possible protect or connect to existing pedestrian, cycle and equestrian routes. NP Policy T1 states development proposals will not be supported if the cumulative impact of additional traffic on the local highway network is severe, unless appropriate mitigation measures are undertaken. NP Policy T2 states development proposals that will adversely affect existing footways and footpaths will not be permitted except in special circumstances or where appropriate mitigating measures can be provided.

New Access

- 6.50 Church Causeway is single carriageway road, subject to a 30mph speed limit, changing to a national speed limit (60mph) approximately 15m south of the proposed site access, which runs northwest to southeast and provides connectivity between the villages of Church Langton and East Langton, via Thorpe Langton Road.
- 6.51 Owing to the proposed site access location of 18/00904/OUT, on the opposite side of Church Causeway the site access has been moved to the north of the site, which leaves an approximate junction spacing of 10m between the radii of both accesses; thereby a priority-controlled crossroads arrangement is avoided.
- 6.52 Drawing no. 04 Rev F demonstrates the site access will have a width of 5m, with 6m junction radii and a 2m footway on the south of the proposed access road leading into to the development from the site access. A short 2m section of footway will also be

provided to the north of the proposed site access, providing a crossing point to the east on Church Causeway, however the footway will terminate at the site access. Drawing no. 02291 demonstrates vehicular visibility splays of 2.4m x 43m to the north and 2.4m x 215m to the south, are achievable at the site access.

- 6.53 The internal layout is to remain private and is not being put forward for adoption.
- 6.54 The LHA are satisfied with the Stage 1 Road Safety Audit (RSA) and designers response.

Public Right of Way

- 6.55 The revised proposed site layout drawing no. 04 Rev F has been amended, and the definitive legal line of Public Footpath A81 is no longer enclosed partly within a garden. However, the current alignment differs from the definitive legal line; if the application was to be approved, the LHA have advised a suitably worded condition for the applicant to amend their landscape layout so that it is the Definitive line that passes between any planting rather than the currently available line
- 6.56 The proposal is judged to satisfy local plan policy GD8 and IN2

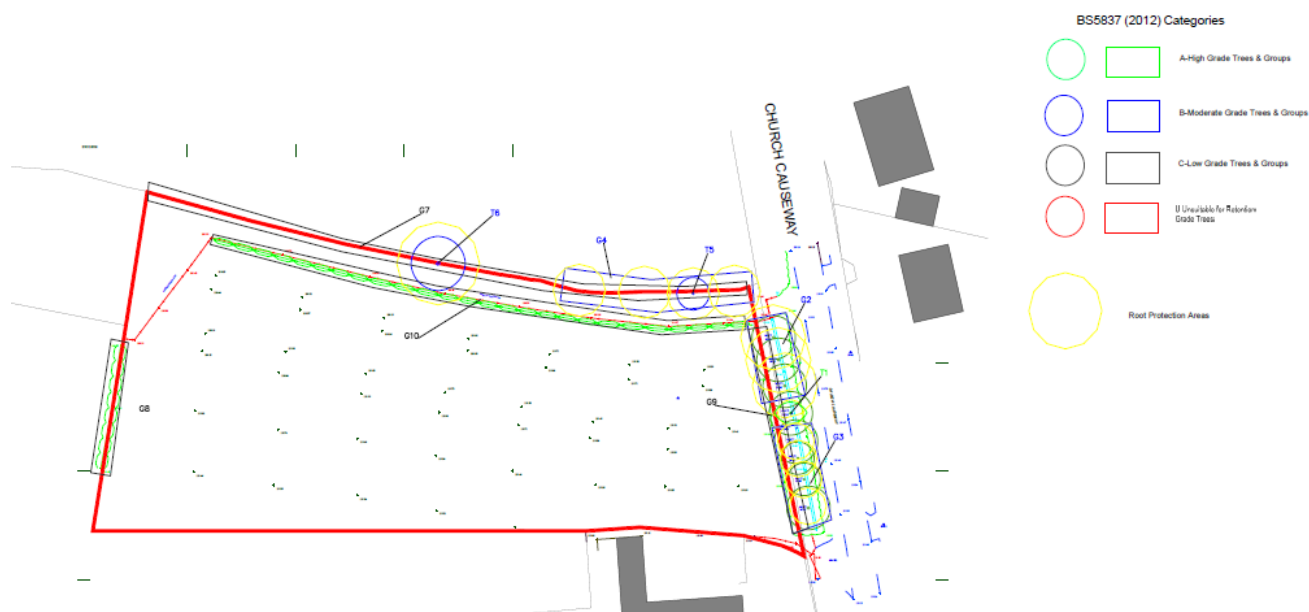
e) Ecological Impact

- 6.57 Recognising that Harborough District is relatively poor in biodiversity terms, policy GI 5 of the Local Plan seeks not only to safeguard and conserve protected species, their habitats and designated sites of biodiversity and geodiversity, but mitigate, relocate or compensate against unavoidable loss or damage to habitats, and to positively enhance biodiversity and geodiversity. Policy ENV3 (biodiversity) of the NP, expects development proposal to protect local habitats and species and for housing developments to contribute towards the improvement of the wildlife corridors, whilst Policy EN3 (trees and hedges) requires development proposals to retain trees and hedges of arboricultural, ecological and amenity value.
- 6.58 The Framework takes a similar approach, and also promotes biodiversity net gain, stating in paragraph 180 (d) that, "development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate." This is further strengthened by the NPPG which provides specific guidance for developers and planners on how to achieve biodiversity net gain ('BNG'), a matrix for calculating this, guidance on conditions/obligations to secure BNG and guidance on achieving wider environmental net gain.
- 6.59 Members should be clear that achieving BNG is, at present, not adopted local or government policy. However, the Environment Bill which has now received Royal Assent, NPPF and NPPG are material considerations and the intentions of GI5 are very clear that development should leave sites in a better condition than when undeveloped.
- 6.60 A Phase 1 Preliminary Ecological Appraisal was carried out at the site to evaluate the habitats, describe any further surveys required and indicate the level of required mitigation/ compensation/ enhancement in relation to the proposed development on the site.

- 6.61 The Appraisal advises that the majority of the site is of 'low ecological value', comprising improved grassland, the boundary native hedgerows and semi-mature trees are of most importance. No further ecological surveys are recommended.
- 6.62 To maintain the suitability of the site for roosting and foraging bats, the Appraisal advises any external lighting provision within the development should be as minimal as possible and should follow the most upto date guidance. Precautionary measures of working with regard to Great Crested Newts are suggested in Section 4.3b of the Appraisal.
- 6.63 The Appraisal suggests that an Ecological Enhancement scheme is drawn up for the site to mitigate, as far as possible, within the site, any loss of biodiversity and for any residual loss, this can be accommodated potentially be improving the management of the remaining area of the field to the south of the development proposal (off-site)
- 6.64 The County Ecologist has reviewed the proposal, including the Appraisal and advised the recommendations of the Appraisal should be followed by way of condition. Further that a minimum 5m buffer should be provided on western boundary as currently it forms garden boundaries which may undermine the hedgerow as a potential wildlife corridor and a biodiversity net gain calculation and plan is required. The Ecologist has placed as holding objection pending submission of this additional information.
- 6.65 The Ecologist has been consulted on the amended plans and additional supporting information (biodiversity net gain calculation) and Members will be updated accordingly via the Supplementary Paper.

a) Arboricultural Impacts

- 6.66 A Tree Survey Impact Assessment & Method Statement was carried out in May 2021. The proposed development will necessitate the removal of the semi-mature ash trees in the group G2 and a section of the unmanaged hedgerow G9 in order to facilitate the accessway. The trees in G2 are semi-mature self-seeded specimens with only a moderate impact on the landscape as an amenity. The Statement advises they may be easily and quickly replaced within and around the development area by mix of field maple, sycamore, Scots pine, oak, sweet chestnut or similar. Additional hedging may be planted at the site to mitigate the loss of part of the hedgerow G9. The remaining trees at the site are not impacted by this proposal including the only identified Category A (High value) Oak tree.
- 6.67 However, it should be noted, the Statement advises that Groups G2, G3 & G4 and the trees T5 and T6 which consist of Ash, may be affected by Chalara ash dieback which is widespread in Leicestershire. Ash dieback causes leaves to die and the crown to dieback. The trees were not in full leaf at the time the survey was carried out and so it was not possible to confirm. If die back is found at the site it will impact greatly on their longevity. This would significantly open up the visibility into the site further eroding the rural character and setting of the Conservation Area if the proposed development is permitted.



6.68 To avoid damage during the construction phase, the Ecological Appraisal and Tree Statement recommends tree and root protection zones.

a) Flooding and Drainage

- 6.69 The application site is located within Flood Zone 1, at low risk from flooding.
- 6.70 As the development is 'minor' (i.e. less than 10 dwellings) and within Flood Zone 1, the LLFA are not consulted on the application.
- 6.71 Surface water and foul drainage details could be controlled by way of condition, if the scheme was otherwise acceptable. Subject to this condition the scheme is considered to accord with CC3 and CC4 of the LP.

b) Residential Amenity

- 6.72 Policy GD8 of the Local Plan states that development should be designed to minimise impact on the amenity of existing and future residents through loss of privacy, overshadowing and overbearing impact. Nor should developments generate a level of activity, noise, vibration, pollution of unpleasant odour emission which cannot be mitigated to an appropriate standard and so would have an adverse impact on amenity and living conditions. Policy DBE3 Neighbourhood Plan states that proposals should minimise the impact on general amenity.
- 6.73 The side elevation of The Causeway contains principal windows at ground and first floor. In addition, at first floor there is a flat roof area with a glass balustrade to the roof's perimeter as it is possible for occupiers of this property to stand and/or sit outside from the first floor doors. The balustrade is approx. 12m from the rear boundary of Plot 1-3. This would result in a loss of privacy to the Plots, particularly the garden area. The Case Officer has considered possible landscaping along this boundary to minimise the impact, but landscaping can not be retained in perpetuity, furthermore, as these plots face south, landscaping which establishes may result in a loss of light/sunlight especially as Plot 1 is a bungalow. As such the Applicant has been asked to consider whether they would accept a condition (if minded to approve)

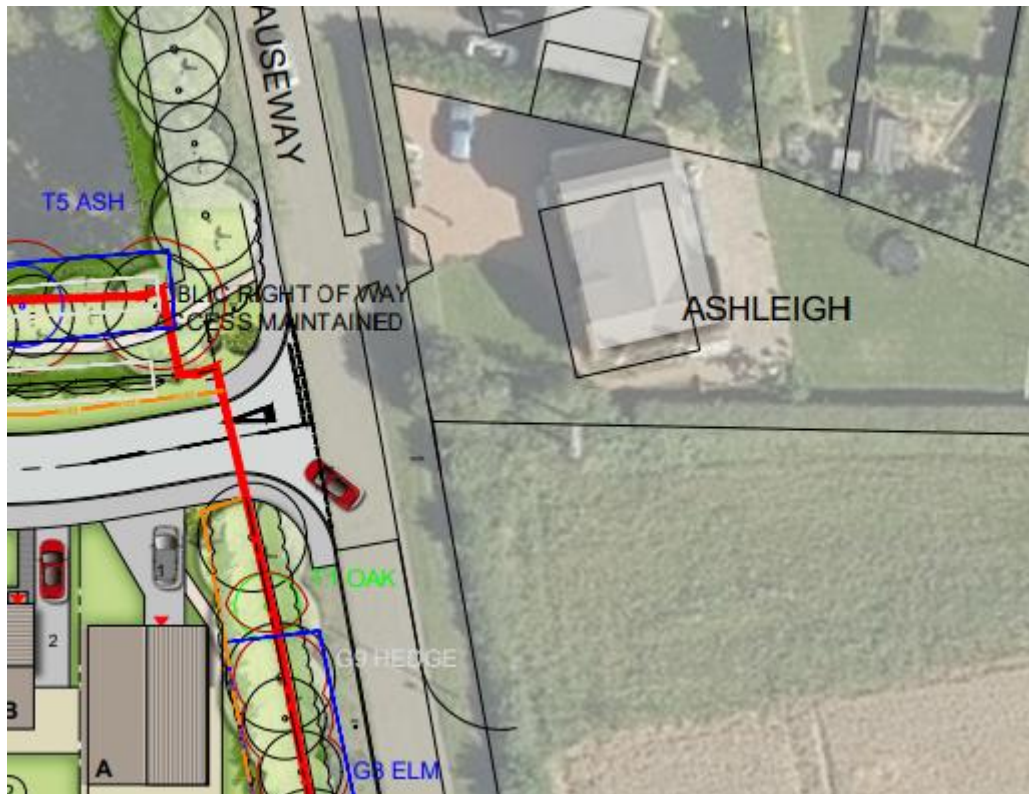
requiring obscure glass in the principal first floor side windows and a higher balustrade to prevent overlooking. The Applicant has not addressed this issue within the recent amendments and as such the Case Officer remains concerned that the proposed development does not safeguard future residential amenity.

- 6.74 There are also three dormer windows in the front elevation and a hayloft door/window in the side elevation of garage, although there is no evidence that the first floor is being used as habitable accommodation with the permitted plans showing it as 'storage' (Ref:13/01169/FUL), there would be nothing preventing this space being used as habitable accommodation in future, which again could create opportunities for direct overlooking to Plots 1 to 3.
- 6.75 Whilst it is accepted that the property and garden to the south of the application site is within the ownership of the Applicant, the LP requires planning decisions to safeguard both existing and future residents.



Extract of Site Layout showing relationship between proposed and existing

- 6.76 The rear elevations of Plots 1 to 6 and the side elevation of Plot 8 face either towards the side elevation of or the rear garden of The Causeway. No details on boundary treatments have been provided, but it is assumed the rear boundaries will consist of 1.8m c/b fencing and/or 1.2m post and rail fencing with hedging (the later being more visually appropriate). Plots 1 will not result in any overlooking/loss of privacy given it is a bungalow. Plots 2-6 are two storey houses and will be m from the boundary with The Causeway. Overlooking will therefore be possible, however, as the overlooking will not be of the private amenity space which is directly behind the property and given that there will be an element of buyer beware if The Causeway was up for sale in the future, this relationship is on balance considered to be acceptable.
- 6.77 Excluding the Applicant's residential property, the nearest neighbouring property to the site is Ashleigh which is located on the opposite side of Church Causeway.



Extract of Site Layout showing relationship between proposal and Ashleigh

- 6.78 Due to the separation distance from the nearest plot to the principal front elevation windows, combined with the frontage boundary vegetation of both the proposed development site and that of Ashleigh, no significant residential amenity harm can be identified as a result of the proposed development .
- 6.79 Residential amenity impacts arising from construction of the proposal could be controlled by a Construction Environmental Management Plan condition, were the development considered acceptable. In addition to planning controls, the Environmental Protection Act provides a variety of safeguards in respect of noise, air and light pollution. Subject to conditions the scheme is considered to accord with the residential amenity part of LP Policy GD8 and ELNP DBE3

7. Conclusion / Planning Balance

- 7.1 The application site does not adjoin the existing or committed built up area of the village, the proposal therefore fails Harborough Local Plan policy GD2:2. The site is therefore within the countryside, where Harborough Local Plan policy GD4 applies. The proposal does not meet any of the exceptions listed and therefore also fails to satisfy this policy. The site also fails to satisfy East Langton Neighbourhood Plan Policy H2 (windfall sites) and would if permitted reduce the separation of Church Langton and East Langton contrary to East Langton Neighbourhood Plan policy ENV6.. The proposed development would not therefore constitute sustainable development, contrary to the the Development Plan, The Framework and the emerging East Langton Neighbourhood Plan Review.
- 7.2 The proposed development if approved, by virtue of its siting, scale and design of would harm the rural character of the area and would harm the setting of the adjacent Conservation Area and public right of way. The proposal is therefore contrary to policies, GD2:2; GD4; GD8 and HC1 of the Harborough Local Plan; policies H2, ENV6, DBE1

and DBE3 of the East Langton Neighbourhood Plan, The Framework and the emerging East Langton Neighbourhood Plan Review. The public benefits of the proposal do not outweigh the harm identified.

- 7.3 The proposed development will not safeguard the residential amenity of future occupiers as a result of direct and perceived overlooking from The Causeway. The proposal is therefore contrary to policies GD8 of the Harborough District Local Plan; and Policy DBE1 of the Made East Langton Neighbourhood Plan, The Framework and the emerging East Langton Neighbourhood Plan Review.
- 7.4 However, if Members reach a different conclusion, it is important to look at the planning balance for all aspects of the proposal.
- 7.5 The proposal will create economic benefits during the construction stage and from the future revenue spend from new residents. This would happen on any new housing development and as such the Case Officer considers that this should be afforded moderate weight.
- 7.6 Social benefits include providing housing to meet the villages residual requirement. The development will also provide a good mix of housing and include 3 affordable units. However, there is no urgent need for this housing either for the village or wider District particularly given the Council's healthy 5 year land supply position and that the residual requirement is to be met over the lifetime of the Plan (i.e. by 2031). Furthermore, the Neighbourhood Plan Review is proposing house allocations to meet this residual requirement. Officers consider the social benefits should be afforded moderate weight.
- 7.7 The proposal's environmental benefits are less clear. Ecological harm can be mitigated and biodiversity net gain achieved through appropriate conditions. However, the siting of the proposal does not satisfy the ELNP or follow the direction of travel within the ELNP Review (Regulation 14). The effectiveness of the Area of Separation between Church and East Langton would be compromised. The proposal would also cause harm to the rural area, heritage harm to the setting of the adjacent Conservation Area and the Public Right of Way by virtue of the developments siting, scale and design.
- 7.8 In conclusion, the benefits of the proposal do not outweigh the harm identified. The proposed development does not comply with the Development Plan and does not represent sustainable development as required by the Framework. The application should be **REFUSED**

Planning Committee Report

Applicant: The Nevill Arms (Medbourne) Ltd

Application Ref: 21/01286/FUL & 21/01287/LBC

Location: The Nevill Arms, 12 Waterfall Way, Medbourne

Proposal: Removal of conservatory and external terraced area, replacement of existing courtyard and north facing windows and internal alterations to the existing cafe area, erection of a rear single storey extension, addition of single storey reception area, works to car parking areas, erection of bin store and reinstatement of existing Public House signage (part retrospective)

Application Validated: 13.07.2021

Target Date: 07.09.2021 (Extension of Time Agreed)

Overall Consultation Expiry Date: 09.11.2021 (Additional Information)

Reason for Committee decision: Call-in by Cllr Rickman on the grounds of highway issues and increased parking requirements for employees, customers to both the café, hotel and pub.

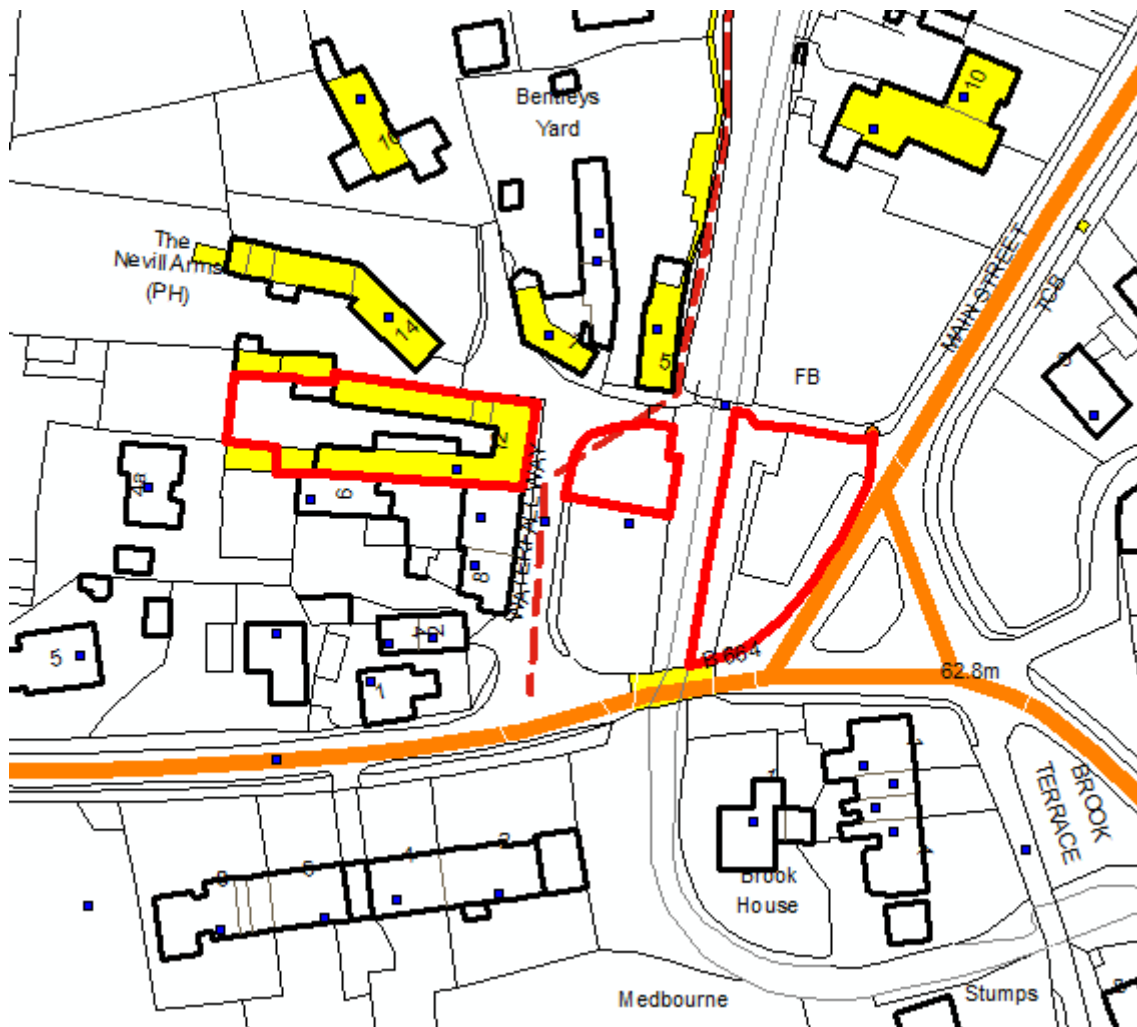
RECOMMENDATION: APPROVE FUL and LBC subject to conditions and obligation relating to a TRO outlined in Appendix A

1. Site and Surroundings

- 1.1 The application site is split up into three parcels of land, The Nevill Arms Public House (a Grade II listed building), a car park and external seating area on the opposite side of the road to Waterfall Way and an additional car park beyond the Medbourne Brook, off Main Street.
- 1.2 The Nevill Arms is a historic public house dating back to 1863, the original building is constructed in ironstone with stone dressings and natural slate roof. The frontage is a Tudor style with its arrangement and style of leaded stone mullion windows and studded oak door. The building has a carriage archway into a rear courtyard as it was formally used as a coaching inn and stable yard. The courtyard is flanked by two wings, both two storey, one being the original building, with ironstone external elevations and brickwork to the internal courtyard façade. The other wing being a subsequent two storey extension in red brick (painted to the courtyard elevations). More recent additions have been the single storey flat roofed extension adjoining the southern wing, in painted brickwork and a modern conservatory to the end of the eastern wing. The courtyard is enclosed to the rear by neighbouring properties and outbuildings in red brickwork and a timber fence at the top of a modern brick and paved terraced area
- 1.3 The Waterfall Way car park provides spaces for 5no. cars, storage of commercial refuse bins in connection with The Nevill Arms on a tarmacked area. In addition, there is an external paved seating area with picnic tables positioned adjacent to the Medbourne Brook. Directly to the south of this area is a residential garden.
- 1.4 The Main Street car park is an informal parking area formed with gravel surfacing, this is separated from Main Street with a grass and planted verge,

with existing large shrubs and trees. A low level wall provides a boundary between the car park and the Medbourne Brook and its grass bank.

- 1.5 All three parcels of land are situated within Medbourne Conservation Area in the heart of village. The two parcels of land either side of Medbourne Brook are also within designated Local Green Space.
- 1.6 The flood data from the Environment Agency (EA) indicates a varied flood risk across the site from Zone 1 to 3 (with areas benefitting from flood defences)



Site Location (redline - site; yellow -listed building; red dash – public right of way, orange – classified road)



The Nevill Arms taken over the Medbourne Brook



View through courtyard looking east



Existing terrace



Existing terrace and conservatory



Existing conservatory and courtyard



Existing conservatory internal view

Photos of existing site

2. Site History

2.1 The site has the following history (all approved)

95/01682/3P & 95/01681/3L - Renovation of existing dwelling (Grade II Listed Building) change of use and extension of existing outbuildings to form residential accommodation in association with adjacent public house

97/00286/3P - Change of use of paddock to amenity area for public house and formation of maze

06/01856/FUL& 6/01858/LBC - Erection of an additional bed and breakfast unit

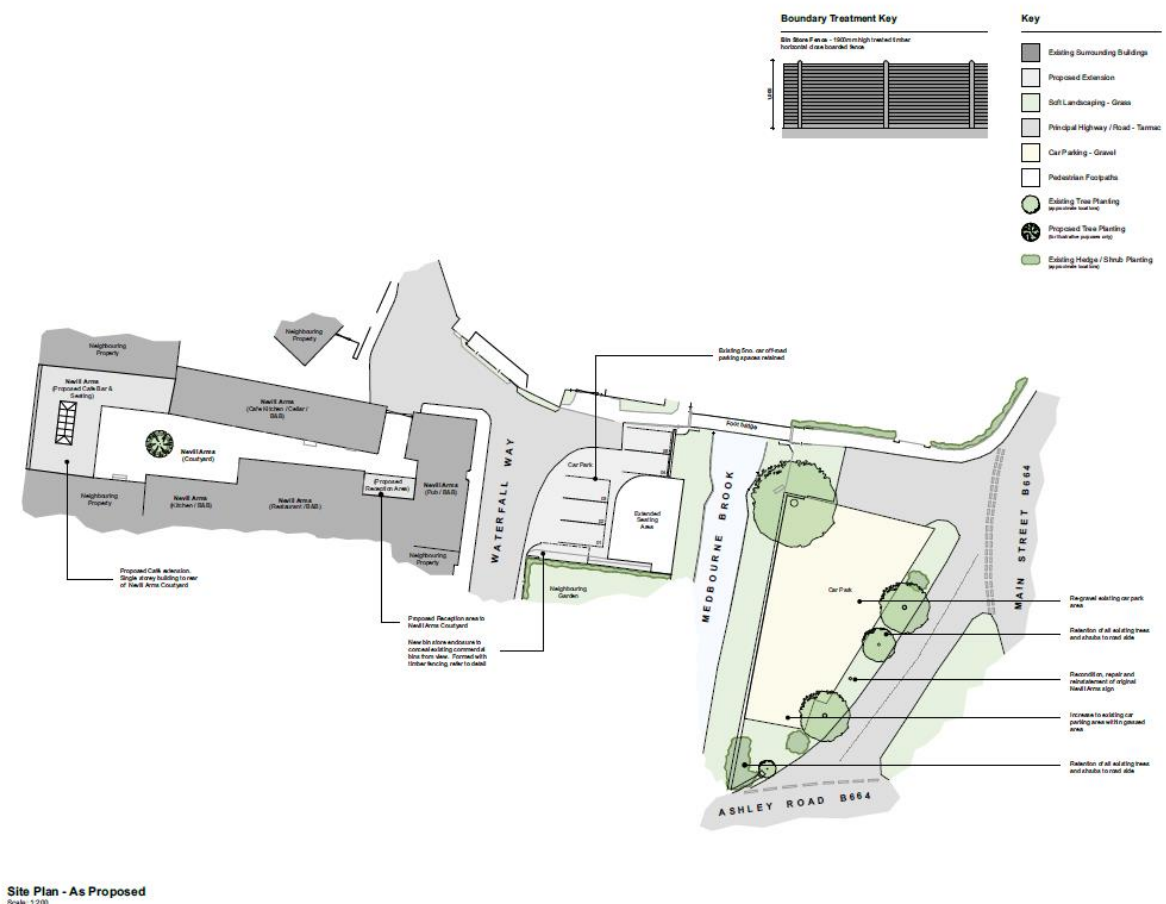
15/01286/FUL & 15/01287/LBC - Removal of chimney; alterations to windows and doors and installation of extraction equipment (retrospective)

3. Proposal

3.1 The applications seek both full planning permission and listed building consent for the following proposed works:

- Removal of the modern conservatory, utilised for café seating and removal of external modern raised terrace area, used as outside seating, and the site levels reduced to accommodate a new single storey 'L' extension to form a new café serving counter and seating area.
- Erection of a single storey extension within the courtyard to form an enclosed reception area to serve the existing restaurant and bed and breakfast accommodation
- Replacement of the 23no. courtyard uPVC courtyard windows with painted timber windows.

- Replacement of the 6no. external north facing painted timber frames windows with painted timber framed casement windows with thin central horizontal glazing bars.
- An extended external seating area adjacent to The Waterfall Way car park (which provides 5 parking spaces)
- Reinstate the informal parking area on Main Street with a new gravel surface and extend slightly to the south to provide 2 additional parking spaces
- Creation of a bin store enclosure adjacent to the Waterfall way car park, to hide the existing commercial bins.
- Reinstatement of a former hanging sign affixed to the frontage of The Nevill Arms
- Internal re-configuration to provide enlarged Café Kitchen and WC facilities



Site Plan as Proposed

3.2 During the course of the application, the following additional information has been received:

--3rd September 2021:

- Updated drawings depicting level and height information
- Response to PC comments

--25th October 2021:

- Transport Technical Note

4. Consultations and Representations

4.1 A site notice was posted (exp: 26.08.2021) and a notice placed in the Harborough Mail (exp 26.08.2021). In addition consultees and neighbours were notified of the application. A summary of the comments received are shown – please refer to the website to see in full.

LCC Highway

1st Response

The Local Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required

The increase in floor space is likely to result in an increase in trips generated and considering the required parking standards; the addition of 2 spaces is a significant shortfall. The proposed development would require at least at a minimum an additional 23 car spaces in accordance with HRfD.

Therefore the LHA advise the applicant a technical note should be submitted which addresses the

shortfall in parking provision, and provides further information on the following:

1. Total number of staff employed and the maximum number of staff on site at any one time.
2. Existing number of tables (proposed has been submitted).
3. Details on the operation of the existing car park and customer parking practises.

2nd Response

The applicant has submitted a 'Transport Technical Note' by MAC to address the LHA's previous observations dated 6 August 2021, which sought further information concerning the shortfall in parking provision

The Local Highway Authority (LHA) Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to conditions and/or planning obligations outlined

LLFA

Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the site is located within Flood Zone 3 being at high risk of flooding from rivers although with protection benefitting from flood defences. While failure of defences is deemed a low risk, consideration of this failure should be made. It is recommended the LPA pursue flood resilient construction where possible.

Notwithstanding the above information, the proposals constitute minor development and as such the LLFA is not a statutory consultee.

LCC Ecology

No objection subject to a Note to Applicant in relation to Bats and Great Crested Newts (GCN)

LCC Archaeology

Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect

impact upon the archaeological interest of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action

HDC Conservation Officer

No objections to the proposed development

HDC Environmental Health

I have looked at the above application from a noise/nuisance perspective and I don't have any objections to the proposal.

The application is to essentially enclose an external courtyard/seating area and to extend an already existing seating area to the front of the premises. Dealing with the front seating area first, I do not see this as a significant alteration in terms of noise, we have not received any complaints about this use to date and I do not expect the change to cause any significant, additional impact.

The courtyard area within the building itself is currently open to the elements though shielded in part by buildings and close-boarded fencing, so it is likely that an element of noise transmission from patrons will occur to surrounding residential premises. The enclosure of the courtyard with a permanent structure will no doubt significantly reduce any such transmission. Clearly though the construction will then allow this area to be used during inclement weather and presumably later in the evening and in the colder months of the year, hence intensifying the use.

Whilst the use may be intensified, the permanent structure should not allow for any noise nuisance to occur, providing that weak spots such as doors and windows, including the skylight are properly double-glazed and managed; to remain closed if music is played/entertainment takes place. I see no reason why suitable conditions could not be imposed to control such and therefore I have no objections to the proposal.

Medbourne PC

1st Response

Whilst Medbourne Parish Council has no objections to the design of the current planning and Listed Building application, there are a few aspects of concern that need to be addressed:-

- Safety of pedestrians emerging from the archway.
- Pub traffic emerging from Waterfall way onto Main Street
- The creating of a new extension adjacent to several other properties.

2nd Response

Whilst Medbourne Parish Council is keen for the pub to be successful, we are very concerned about safety and the parking situation.

1. Many of the houses in Medbourne do not have off road parking spaces and therefore have to park on the road. There are already safety issues with cars parked on Main Street and elsewhere and large farm vehicles that regularly travel through the village, especially at harvest time.

2. There is not sufficient room for cars to park safely on both sides of Main Street, so cars will end up parking on the pavements and in front of drives.

3. The Transport Technical note recorded that in addition to the 22 parking spaces provided,

as many as 48 vehicles connected to the pub were parked on the streets in Medbourne on a Saturday. The survey was before the cafe has been extended. This seems too many.

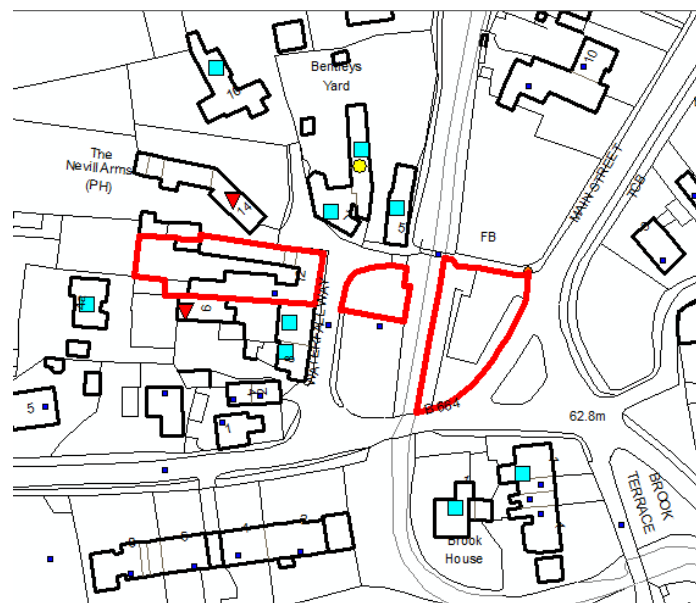
4. Although the survey says that there are 266 spaces within 500m of the pub, very few of the clients would be prepared to park 5 minutes walk away.

5. There are also the pub overnight guests.

6. There are the equivalent of 17 full-time staff. Could the pub owners find off-road parking for staff elsewhere in the village?

Neighbours

13 neighbouring properties have been consulted, of which 2 have objected.



(light blue box = neighbour consulted, red triangle – objection, yellow circle – general comment)

Summary of objections:

- The extension will result in noise from early morning until late at night
- The extension will be either abutting/ touching the wall of my property or will be too close to my wall to allow me access to maintain my property wall.
- I also object to the fire risk of the closeness of the building.
- The foundations to this new building are likely to be based on piles which will have to be driven in this creating more noise and vibration which will be likely to affect my own building foundations

Additional objections based on additional information:

- I am still extremely concerned about the undermining of the foundations of my adjoining property and walls. A documented agreement to put right any damage caused doesn't assure me that damage will not be caused by reducing the level of the courtyard and excavation for perimeter walls.
- To emerge from our drive onto Waterfall Way when you cannot clearly see beyond the parked vehicles and then attempt to pull out onto Ashley Road with the view obstructed

by more parked vehicles on both sides of the road is lethal and will soon be the site of a terrible accident.

- Will increase further pressure on the highway for parking
- We also remain concerned that the possible use of the cafe as a function venue will create noise late into the evening affecting our existing bed and breakfast business.
- We are extremely concerned regarding the considerable excavation required to create the extension to the property and the effects on our listed building.
- we stress the concern for the increased footfall from the side entrance used to access the cafe, restaurant and accommodation. The majority of customers seem unaware of the danger from vehicles regularly entering and leaving our premises at all times as they walk on to the highway.

Summary of general comment

- Already there are often access issues when pub goes park their cars along Waterfall Way, often blocking access to the properties at the end of Waterfall Way... Perhaps the erection of some signage highlighting the need for access to the properties at the end of Waterfall Way and the need for careful parking may alleviate this problem?
- I also have some safety concerns relating to the increase capacity; already there is an increase in pedestrians crossing the road from the pub to the seating area and car park; this will only increase further. Due to Waterfall Way being a quiet road people are walking out of the pub without checking for cars, stopping in the road to chat or children scooting around on the road. Again this may be address by some signage?

5. Planning Policy Considerations

- The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Government Documents:

- National Planning Policy Framework
- National Planning Policy Guidance

Harborough Local Plan 2011 to 2031 (Adopted 30 April 2019)

- GD2 Settlement Development
- GD8 Good design in development
- HC1 Built heritage
- IN2 Sustainable transport
- RT4 Tourism and leisure

Medbourne Neighbourhood Plan (Referendum Version, May 2018)

- Policy H2: Limits to Development
- Policy H5: Building Design Principles
- Policy CF1: Retention of community facilities and amenities
- Policy CF2: New and Improved Community Facilities
- Policy ENV1: Protection of Local Green Space
- Policy ENV7: Protection of Important Views
- Policy TR1: Transport, Roads and Parking

- Policy E2: Support for new employment opportunities
- Policy E4: Visitor Economy

Other:

- LCC Highway Authority Standing Advice
- Supplementary Planning Guidance Notes

6. Assessment

Principle of Development

6.1 The site is within the Limits to Development as identified within the Medbourne Neighbourhood Plan (MNP).

6.2 The Nevill Arms is specifically noted within the MNP stating:

“Medbourne is fortunate in having a thriving pub which is frequented by local residents and attracts customers from further afield. the Nevill Arms is an old coaching inn (Grade 2 listed) which offers accommodation and has a café in addition to the bar and restaurant.

Being the only pub, this is an important facility for the Parish, providing employment and attracting visitors as well as being a venue for social interaction.

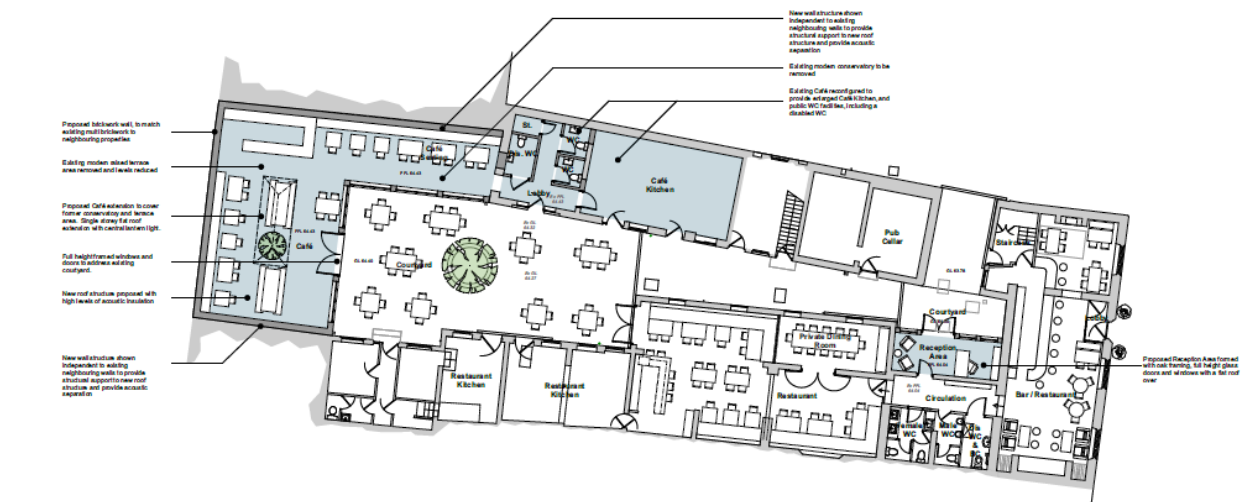
Community consultation confirms the importance of the village’s only remaining pub in defining the character of the village and fostering community cohesion. There is a clear consensus view that it should remain a pub to meet the needs of the community”

6.3 *Local Plan Policy HC3 (3) permits development at public houses including (amongst other criteria) “extensions and alterations to provide kitchen and restaurant facilities; and improvements to the external environment”*

6.4 By enhancing the facilities currently on offer, will ensure the long term economic viability and sustainability of The Nevill Arms, which is an important community facility, which employs local people. The principle of development is therefore accepted.

Design

6.5 The proposed floor plans and elevations illustrating the proposed single storey extensions are shown below.



Proposed Floorplan



Courttyard Elevation 1
Scale: 1:250



Courttyard Elevation 5
Scale: 1:250



Courttyard Elevation 2
Scale: 1:250



Courttyard Elevation 3
Scale: 1:250

Proposed Elevations

- 6.6 The café extension will be single storey and 'L' shaped and will be located to the rear of the courtyard. A dark grey flat roof covering gently sloping towards the courtyard with a glazed lantern light is proposed. The height is set to fit under the eaves of the surrounding structures which at its highest point (rear parapet wall) is approx. 450mm above the existing fence line. The overall height of the parapet from FFL will be 3.45m, sloping down to 3.12m.
- 6.7 Independent wall structures are to be formed to the perimeter walls to enable separation for structural purposes from the neighbouring properties. The rear external wall is proposed in a red multi brick to match those on the flanking neighbouring dwellings, with a stone coping on top to match the style evident on the top of the Nevill Arms roof. The front facing courtyard elevations are to be a mainly glazed façade in dark grey painted timber frames, with dark grey painted timber frame.
- 6.8 The reception area extension will be installed between the existing ironstone building and the modern single storey building within the courtyard. It is proposed as an oak framed structure with a flat roof gently sloping towards the courtyard. The height

extension (3.05m) will be lower than the existing single storey parapet roof. The structural frame is proposed as natural oak with full height glass infill panels and full height glazed double doors. The roof is proposed as a dark grey flat roof covering.

- 6.9 The Waterfall Way car park has increased the external seating area by replacing an area of tarmac with York paving stone. The extension to the seating area has not affected the number or arrangement of existing car parking spaces which will remain at 5 cars. The existing commercial bins which were stored on this carpark have been enclosed by 1.9m high horizontal timber fencing enclosure. Although the enclosure is visible from public vantage points, it is judged to be more visually appropriate than the seeing commercial bins filled with rubbish. The enclosure has also been erected adjacent to the neighbouring garden which has a timber boundary fence and some vegetation, providing some containment of views.

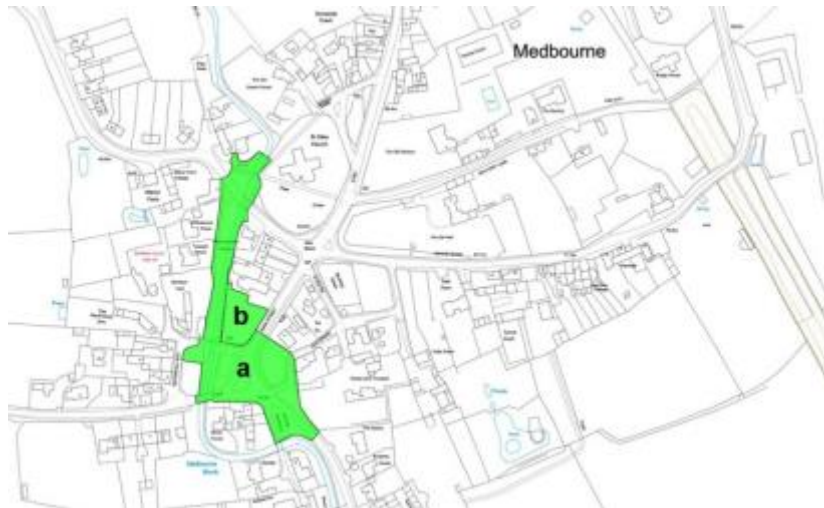


Bin Store

- 6.10 For the Main Street car park it is proposed to be re-defined and re-gravelled the existing parking area and also slightly increase the gravel area to the south to provide 2 additional informal parking spaces.

Effect on Local Green Space

- 6.11 The two parcels of land either side of Medbourne Brook are designated as Local Green Space (site a), where new development is ruled out other than in very special circumstances.



- 6.12 The changes proposed in these two parcels are minor and cosmetic i.e. re-gravel existing car park area, replacing previous tarmac area with new paving and reinstatement of Nevill Arms signage. There will be a minor loss of grass area to extend the parking and the erection of a small bin store, but this will hide the current view of the commercial bins. The parcels will remain open. Overall, none of the proposals mentioned above will change the nature of this portion of the Local Green Space. It is also noted that no objections have been raised by the local community (i.e. neighbours, parish, ward member) in relation to Policy ENV1.

Effect on Heritage Assets

- 6.13 Policy HC1 of the Local Plan refers to heritage assets and their settings. Development affecting heritage assets will be appraised in accordance with national policy and will be permitted where it protects, conserves or enhances the significance, character and appearance and setting of the asset. The Nevill Arms is a listed building, including some of the surrounding properties (No.s 5, 7, 14 and 16 Waterfall Way). The site is also located within the Medbourne Conservation Area.
- 6.14 Due to the scale, design and positioning of the extensions and the materials proposed for the external works, it is judged no harm would be caused to the significance of The Nevill Arms or those listed buildings adjacent. Neither would the proposals harm the wider conservation area. Furthermore, the replacement of the uPVC windows with timber casements will be an improvement to the overall appearance of the building. The Council's Conservation Officer has evaluated the proposal and raises no concerns. As no harm can be identified to the setting or significance of the heritage assets the proposal accords with the relevant provisions of the NPPF and policy HC1.
- 6.15 Concerns have been raised by the adjacent neighbour that removing the terrace area in order to facilitate the new extension could impact on the foundations of adjacent buildings "which were built in the 1800's".
- 6.16 The Case Officer has investigated the planning history of the adjacent buildings (which are outbuildings to the residential properties of No.6 and No.14 Waterfall Way) and looked at the rear of these buildings (which face into The Nevill Arms courtyard) with the Conservation Officer and it appears that the outbuilding with No.6 Waterfall Way has been re-built (Ref: 12/01259/LBC) and the outbuilding with No.14 Waterfall Way is a modern extension (Ref:10/00415/LBC). This modern extension is attached to the listed outbuilding, but this listed outbuilding already has the modern conservatory (which is due to be removed to facilitate the new extension) attached to it and the

proposed plans show that the levels in this area are not being lowered. In addition the Applicant's Agent has advised the extension will be "an independent wall structure to be built adjacent to the existing buildings, this will provide the structural support for the Café extension roof structure, no loading will be placed upon the existing buildings. The structural stability of the adjacent property walls will be assessed by a specialist at technical design stage and determine if any preventative measures are required to be undertaken to ensure the walls are not undermined"

- 6.17 It is judged historic foundations will not be affected as a result of this proposal.

Residential Amenity Impacts

- 6.18 The LP and MNP policies state that developments should not cause significant adverse harm to neighbouring amenity. The impact of the café extension upon the amenities of No.14 Waterfall Way (to the north and west) No. 6 Waterfall Way to the south and No 4a Waterfall Way has been considered.

No.14 Waterfall Way

- 6.19 The extension will be sited adjacent to the outbuildings of No.14 Waterfall Way which are used as bed and breakfast accommodation. Concerns have been expressed that the extension will result in an increase in noise and disturbance.
- 6.20 It is acknowledged that noise from patrons talking / laughing, as well as the moving of chairs on the surface does give rise to disturbance to neighbouring properties. However, the existing conservatory and courtyard area currently functions as outdoor dining /social space, with seating and outdoor tables provided. This is a lawful use and has no planning restrictions attached to it, although it is recognised that the proposed development would now allow its use at all times of the day and year, during all types of weather.
- 6.21 So essentially, it is an intensification of use but the permanent structure will inevitably provide more noise protection than the existing outdoor areas. The Applicant's Agent has advised that the extension *"will provide acoustic properties for the adjoining buildings due to the mass/density of the new walls and also include the provision for acoustic insulation installed within. The Café roof structure will also include acoustic insulation to further increase the acoustic properties of the new extension."*
- 6.22 The proposed windows and doors will still allow noise to escape – although the noise will be directed towards the courtyard as there are no openings proposed that directly face / open towards neighbouring properties. If noise does become an issue, then this can be considered under Environmental Health legislation. A condition requesting these windows and doors to be closed when music is being played would be considered reasonable. An hours of use condition could also be imposed if Members felt necessary.
- 6.23 The rear parapet wall will be approx. 450mm above the existing fence line, beyond which is the garden area of No.14 (although not part of the immediate garden area directly to the rear of No.14). Although the structure will be visible from No,14's garden, no adverse impact has been identified in terms of an overbearing structure / loss of light or loss of privacy.



Rear boundary fence and outbuilding (new extension) of No.14 Waterfall Way from the existing courtyard terrace



Existing conservatory attached to No.14 Waterway original outbuilding

No.6 Waterfall Way

- 6.24 Like with No,14, the extension will be sited adjacent to the outbuildings of No.6 which are used as ancillary accommodation to the host dwelling. As for the reasons given in relation to No.14, the extension will not result in an significant increase in noise and disturbance beyond the existing situation to the occupiers of No.6.

4a Waterfall Way

- 6.25 The north-east corner of No 4a (single storey dwelling), is located approx. 7m from the south-western corner of the courtyard. Due to the height of the extension (450mm above the fence line, no adverse impact is envisaged upon this property in terms of an overbearing structure.



Rear boundary fence of No.14 Waterfall Way; outbuilding of No.6 and the roof of No.4a Waterfall from the existing courtyard terrace

5,7,8 and 10 Waterfall Way

- 6.26 These properties front onto Waterfall Way. The proposed external changes to the Waterfall Way carpark and seating area are visible from these properties and glimpsed views are also possible from the adjacent residential garden (which is assumed to belong to either No.8 or No.10).
- 6.27 The increase in the seating area combined with the new garden furniture will encourage more people to sit outside, however, this area has been used for outside seating for a number of years with 7 tables visible prior to the works being carried out, with only one additional table now being added. The increase in noise facilitated by one additional table is not considered to be demonstrably harmful. Furthermore, there are no current restrictions on this seating area and the Case Officer has not been aware of any recent noise complaints.



Pre-external works – Waterfall Way car park/seating area



Current external seating area

Effect on Parking and Highway Safety

- 6.28 Policy GD8 of the HLP states that development will be permitted where it ensures safe access, adequate parking and servicing areas, and safe, efficient and convenient movement of all highway users. Policy IN2 largely echo's the above Policy. The Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.29 The site is located on Waterfall Way off the junction of the B664 Ashley Way and Main Street. Main Street is subject to a 30mph speed limit and measures approximately 6.0m wide in the vicinity of the site. There are footways along both sides of the carriageway which provide a safe and convenient pedestrian link to The Nevill Arms via a foot bridge over the Medbourne Brook. A separate footway link also runs adjacent to the brook from Waterfall Way connecting with Hallaton Road to the north of the Medbourne. Waterfall Way provides vehicular and pedestrian access to The Nevill Arms and surrounding residential properties.
- 6.30 The existing development has a total of 730sqm of internal floor space and has a lawful use as a public house, restaurant, café and bed and breakfast (10 guest rooms) and has parking provision of 20 car spaces (5 at Waterfall Way and 15 at Main Street), which is substandard given the scale of development, and therefore not in accordance with the Leicestershire Highway Design Guide. However, the Local Highway Authority (LHA) acknowledge this is an existing situation.
- 6.31 The proposed development will result in an increase of 93sqm GFA and the LHA state this would require at least at a minimum an additional 23 car spaces.
- 6.32 A Transport Technical Note has been submitted by the Applicant in order to address the comments raised by the LHA. The Note advises that there are 10 full-time and 10 part-time time, a total full time equivalent of 17 staff. Around 80% of the employees reside within the LE16 post code with 8 of these living in Medbourne. It is proposed to provide an additional two car parking spaces, in order to serve the increase in scale.
- 6.33 A parking survey was undertaken in the vicinity of the site (500m walking distance – 5min walk) to determine the level of existing parking stress on the local road network. The survey was undertaken during the opening hours of The Nevill Arms on an hourly

beat basis. The survey was undertaken on Friday 24th September and Saturday 25th September 2021 between 12:00 and 00:00 hours.

6.34 Within 500 metres of the site the survey identified there are 266 on-street parking spaces available. Following a review of the results, during the Friday survey period the maximum parking stress was recorded between 20:00 to 21:00 hours, with 52 (20%) vehicles parking out of the 266 spaces. During the Saturday survey period the maximum parking stress was recorded between 15:00 to 16:00 hours, with 70 (26%) vehicles parking

6.35 The Note concludes:

“it is considered that any parking predicted to be generated by the development would satisfactorily be accommodated within the existing off-street car parking space at Waterfall Way and Main Street. On the occasion where demand exceeds the current and proposed parking provision there is existing opportunity to park on-street within the locality of The Nevill Arms throughout the day. The additional 23 car spaces as advised by LCC, in accordance with their previous guidance document HRfD on parking provision, could therefore be accommodated on-street.”

6.36 A review of the vehicle trip generation for the proposed use has found that there is likely to be a maximum increase of circa 3 two-way movements in the busiest two peak hour periods throughout the day. Paying due regard to Paragraph 111 of the National Planning Policy Framework (NPPF), this is therefore considered to be a negligible increase and the impact would not be ‘severe’.

6.37 The LHA have reviewed this Note and advised the LPA

“the parking areas surveyed were kerbside and did not include any formal on-street parking spaces. Furthermore there appears to be no review of the highway network surveyed in order to determine its appropriateness for on street parking, particularly given Main Street and Ashley Road are classified 'B' roads. Therefore any significant shortfall in parking provision is likely to result in overspill parking on the highway network, posing a highway safety risk, in particular at the junctions of Waterfall Way, Main Street, and Ashley Road, which are adjacent to 'The Nevill Arms'.

A review of the vehicle trip generation based on the TRICS database for the proposed use predicts an increase of circa three (two-way) movements in the busiest two peak hour periods throughout the day. Whilst the increase in trip generation may be low, the development proposals will clearly attract a higher number of vehicles than currently provisioned for.

In order to make the development acceptable it is considered necessary to mitigate any impact, and ensure there would not be any adverse or potentially dangerous impacts on the highway network especially at the junctions of Waterfall Way, Main Street and Ashley Road.

Therefore the LHA would require the introduction of a Traffic Regulation Order (TRO) for 'no waiting at any time' (NWAAT) restrictions to prevent any on street parking in close proximity to the junctions. The scheme should cover the following areas:

- 1. Junction of Waterfall Way and Ashley Road;*
- 2. Both junctions of Ashley Road with Main Street; and*
- 3. Full length of the Main Street Triangle to the junction of the car park on both sides of the carriageway, and the junction of the car park on Main Street. The LHA advise a minimum of 6 months is required to process a TRO, therefore should the Local Planning Authority be mindful to permit the application, the applicant should progress the scheme at the earliest opportunity.*

Furthermore the LHA will require a £7,500 contribution in order to process the TRO and the applicant will be required to submit details of a scheme for approval.

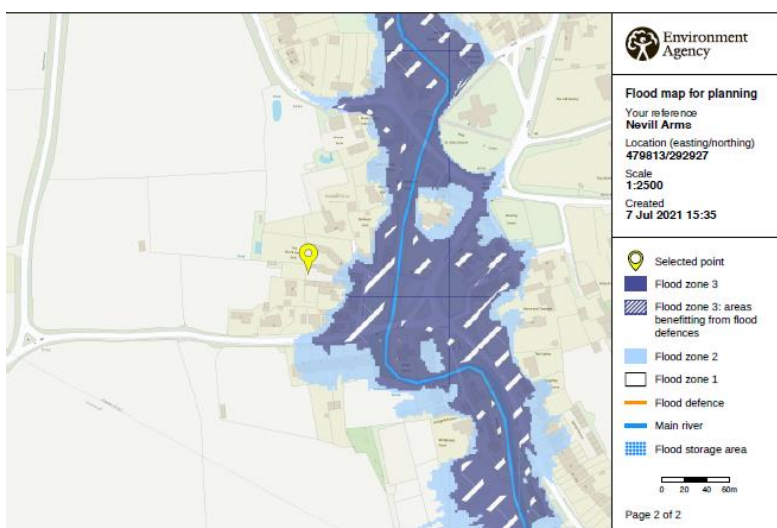
Therefore, in view of the low trip generation and NWAAT restrictions to mitigate the impact of overspill parking at the junctions of Waterfall Way, Main Street, and Ashley Road, the LHA does not consider the shortfall in car spaces to be of a severe impact to the highway in accordance with the National Planning Policy Framework

6.38 The Highway response was received on the 25th November. Members will be updated with the Applicant's response as to whether they agree to such a condition/obligation via the Supplementary Paper.

6.39 Subject to the Applicant's agreement, the proposed development would satisfy Local Plan policies GD8 and IN2.

Flood Risk/Surface water

6.40 The flood data from the Environment Agency indicates a varied flood risk across the site from Zone 1 to 3 (with areas benefitting from flood defences), see below flood risk map.



Flood Zone Map

6.41 The proposed Café extension is within Flood Zone 1 (low probability of flooding), whilst the proposed Reception Area is located within Flood zone 2. The two existing car parks adjacent to the Medbourne Brook are within Flood Zone 3 (with areas benefitting from flood defences), they are existing areas being retained for parking and external seating. They are not being enclosed and there is no net gain in hard surfacing. As such it is not envisaged that these proposals will result in any increased flood risk or require any specialist flood resilient construction.

6.42 The Applicant's Agent has advised, the Café roof is designed so that all surface water will flow towards the courtyard and away from the existing structures and boundaries, this will then connect and discharge via the existing surface water drainage system."

Conclusion

- 6.43 The development, if approved will support the enhancement of the existing facilities already offered by The Nevill Arms. The proposals will not harm the local green space designation, nor will it harm identified heritage assets, nor will it give rise to any significant highway or neighbouring amenity impacts. The proposed development is considered to satisfy Harborough Local Plan policies GD8, HC1 and IN2 and Medbourne Neighbourhood Plan policies
- 6.44 Therefore, the application is recommended for Approval, subject to the suggested condition and informatives notes outlined below.

Suggested Conditions & Informative Notes

21/01286/FUL

1. Full Planning Permission- commencement

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. Approved Plans

The development hereby permitted is in accordance with the approved plans:

- L342 0106-P05 Proposed Elevations
- H242 0100-P01 Site Location Plan

REASON: For the avoidance of doubt

3. Materials

The external materials, used in the construction of the development hereby approved shall be as detailed within the approved application particulars and shall be retained in perpetuity, unless prior written consent is obtained from the Local Planning Authority.

REASON: To safeguard the appearance of the development and the character and appearance of the area, having regard to Harborough Local Plan Policy GD8 and HC1 and the National Planning Policy Framework.

4. CEMP

No development (including any site clearance/preparation works) shall be carried out until a Construction Environmental Management Plan has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the period of development:

- a) the parking of vehicles of site operatives and visitors;
- b) loading/unloading and storage of construction materials
- c) a detailed reactive and proactive road cleaning schedule, incorporating the use of road sweepers, on-site wheel wash facilities and the use of hand brooms on wheels and roads where necessary
- d) measures to control the emission of dust and noise during construction;

- e) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
- f) hours of construction work, site opening times, hours of deliveries and removal of materials;
- g) full details of any piling technique to be employed, and the control of hours of use if relevant;
- h) location of temporary buildings and associated generators, compounds, structures and enclosures
- i) routing of construction traffic and indication of signage locations to assist those delivering to the site
- j) Contact details for site manager, including how these details will be displayed on site.
- k) full details of preventative measures to avoid surface water run-off during construction

REASON: To minimise detrimental effects to the neighbouring amenities and the amenities of the area in general, having regard to Harborough Local Plan Policy GD8 and the National Planning Policy Framework.

5. No music

No music shall be played inside the Café extension hereby approved unless the doors and windows (including the roof glass lantern) are closed.

REASON: To minimise intrusive levels of noise to neighbouring amenities, having regard to Harborough Local Plan Policy GD8 and the National Planning Policy Framework.

6. Parking and Turning Facilities

The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Plan drawing number L342-BRP-00-ZZ-DR-A-0102-P02. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

7. No Waiting at any Time Restriction Scheme

The development hereby permitted shall not come into use until such time a scheme for No Waiting At Any Time restrictions is provided at the junction of Waterfall Way and Ashley Road; both junctions of Ashley Road with Main Street; the full length of the Main Street triangle to the junction of the car park on both sides of the carriageway; and the junction of the car park on Main Street, is provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

REASON: To prevent on street parking at the junctions of Waterfall Way, Main Street and Ashley Road, and in the interests of highway safety and in accordance with the National Planning Policy Framework (2021)

21/01287/LBC

1. Listed Building Consent - commencement

The works hereby granted consent shall begin within 3 years from the date of this decision.

REASON: To meet the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approved Plans

The development hereby permitted is in accordance with the approved plans:

- L342 0106-P05 Proposed Elevations
- H242 0100-P01 Site Location Plan

REASON: For the avoidance of doubt

3. Materials

The external materials, used in the construction of the development hereby approved shall be as detailed within the approved application particulars and shall be retained in perpetuity, unless prior written consent is obtained from the Local Planning Authority.

REASON: To safeguard the appearance of the development and the character and appearance of the area, having regard to Harborough Local Plan Policy GD8 and HC1 and the National Planning Policy Framework.

Informative Notes

Building Regs

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

Bats

The property may be suitable for roosting bats, which are protected by law from harm. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst expert advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity w

GCN Reasonable Avoidance Measures

The proposed development is within 100m of a pond that has a high potential of supporting great crested newts (GCN). However, the proposed development is to take place on existing hardstanding, which is sub-optimal habitat for GCN. The likelihood of GCN being impacted by the development is low. Notwithstanding this, the Applicant is advised to follow these simple mitigation measures:

- All materials to be stored off the ground (for example on pallets) to minimise the likelihood of GCN accessing them for refugia.
- All spoil/waste materials to be removed from site at the end of each working day (or stored in a skip).

LLFA Standing Advice

The Applicant's attention is drawn to the standing advice within the LLFA consultation response dated 20.07.2021, which is available to view on the HDC website.

Traffic Regulation Order

A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email road.adoptions@leics.gov.uk to progress an application

Obligation

To comply with Government guidance in NPPF and commensurate with Leicestershire County Council Planning Obligations Policy the following contribution would be required: A £7,500 contribution toward the consultation process to implementing a Traffic Regulation Order for No Waiting At Any Time (NWAAT) restrictions at:

- Junction of Waterfall Way and Ashley Road
- Both junctions of Ashley Road with Main Street
- Full length of the Main Street Triangle to the junction of the car park on both sides of the carriageway, and the junction of the car park on Main Street.

Planning Committee Report

Applicant: J Bailey

Application Reference: 21/01320/OUT

Location: 33 Dunton Road, Broughton Astley

Proposal: Outline application for the demolition of existing dwelling and commercial buildings and for the erection of nine dwellings (access to be considered)

Application Validated: 19.07.21

Target Date: 14.12.21 (Extension of time agreed)

Consultations expire: 24.11.21

Site visit date: 03.08.21 and 18.08.21

Reason for Committee decision: Call in by Councillor Graves and Councillor Golding

Recommendation

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

1. Site & Surroundings

1.1 The application site comprises approximately 0.25 hectares and sits at the south-eastern corner of Broughton Astley. The site contains a residential property (33 Dunton Road) fronting on to Dunton Road, and a former nursery site to the rear. The nursery originally supported a nearby garden centre, also on Dunton Road, which itself is currently being redeveloped for housing. Most of the site is in a state of disrepair and disuse since the nursery ceased operation.

1.2 The site is generally flat and is bound by residential dwellings on three sides, with open countryside beyond the eastern boundary. There is recent history of back land development near to the site at Thorneycroft Close, Fretter Close and Brockley Road. Local amenities include primary and secondary schools, shop/post office, doctors' surgery, and pub all within 1200m of the site.



Aerial Photograph of the site

Photograph 1: Facing north east towards the site access and No. 33 Dunton Road.



Photograph 2: Facing north across the site



Photograph 3: facing south-west towards the proposed access/Dunton Road.



Photograph 4: Facing north-west towards Fretter Close



2. Site History

None relevant.

3. The Application Submission

a) Summary of Proposals

Layout

- 3.1 The application is submitted in outline form, to include access, with all other matters reserved for subsequent approval, thus it seeks to establish whether the principle of

residential development for 9 dwellings is acceptable, and the access suitable in respect of serving the development, and highway safety.

- 3.2 The planning statement is accompanied by:
- an illustrative layout, showing a development of 9 dwellings and associated new access off Dunton Road
 - an access junction layout transport statement
 - swept path analysis
 - preliminary ecological appraisal, together with a bat assessment and amphibian records
- 3.3 A revised illustrative layout was submitted which includes a 2m high timber fence to the rear of the gardens of Plots 7, 8 and 9 (indicated by the dashed yellow line in the plan below), whereas previously the garden boundary was formed by the hedgerow. The extent of the red line plan remains the same.



Highways

- 3.4 The proposal is to create a new widened single access onto Dunton Road which is enabled by the demolition of No. 33 which is to be replaced with a new dwelling. This is demonstrated by a proposed access layout (Para 6.17) which has a width of 5m and a 0.5m margin either side, and visibility splays of 2.4m by 43m and pedestrian visibility splays of 1m x 1m.

c) Pre-application Engagement

3.5 No engagement.

4. Consultations and Representations

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

a) Statutory & Non-Statutory Consultees

Initial consultation:

4.2 HDC Contaminated Land Officer/Environmental Health Officer
No comments received.

4.3 Severn Trent Water:

No objection subject to drainage condition.

4.4 LCC Highways

Site Access

The applicant is proposing to widen the access to 5m with a 0.5m wide margin strip on each side, and a 9.2m dropped kerb in a vehicular crossover arrangement. Vehicular visibility splays of 2.4m x 43m have been demonstrated on Drawing No. ADC2495-DR-001 Rev P2, in accordance with the LHDG. Pedestrian visibility splays measure 1m x 1m have also been illustrated.

Highway Safety

The LHA has reviewed its Personal Injury Collision (PIC) database over the past 5 years. There has been one recorded PIC within 500m either side of the access and was classified as slight.

4.5 Ecology (LCC):
The Preliminary Ecological Appraisal report (Ramm Sanderson, September 2020) recommended further surveys of building B1 for bats. The Bat Assessment report (Ecolocation, July 2021) is satisfactory; no bats or evidence of such was found. No further survey work, licencing or mitigation will be required. As a condition of any planning permission granted, a total of 5 integrated bat bricks located in suitable positions, should be incorporated into the new dwellings on the site, the locations of these should be marked on the plans and photographs submitted after they have been installed to enable the condition to be discharged.

The Preliminary Ecological Appraisal report (Ramm Sanderson, September 2020) recommended further surveys for Great crested newt (GCN). The Habitat Suitability Index (HSI) report (Ecolocation, May 2021) assessed the ponds as having poor suitability to support GCN, there were also barriers such as roads, walls and fences that would inhibit the movement of GCN from these water bodies to the site. Therefore, no further GCN surveys are required.

4.6 Broughton Astley Parish Council

The Parish Council objects to this application for the following reasons.

Access and Highway Safety

The traffic on Dunton Road has always been a problem, not only for residents, (who have complained over the years and consequently we have tried to support) but for anyone entering or leaving the village.

The access from this proposed development is located at potentially the most dangerous part of Dunton Road. Here the road bends and has a downhill slope towards the village. There are always parked cars on the opposite side of the road to this access. Traffic has to give way to lorries and buses which often drive at speed. At present there is often a build up of traffic here. This is the main road passing through Broughton Astley. The swept path analysis assumes that there will be no cars parked on the street. This may prevent refuse vehicles and some delivery lorries from entering the site. The visibility splay, although shown as the same measurements as Thorneycroft Close has a much reduced area in length.

Nine dwellings on this site will accommodate (according to the application) a proposed 23 parking spaces. This will add to traffic from the already approved backland developments of the past few years and Fretter Close but the cumulative effect is never acknowledged. The impact on this short section of road is significant and affects not only this area but all the traffic passing through Broughton Astley. The Parish Council requests a Highways report.

The Development

This is not a small backland development however the number of dwellings on the site negates the need for affordable housing. The mix is aimed at market housing. Broughton Astley has a need for smaller houses to accommodate single or retired people. Recent developments have provided over 500 houses in Broughton Astley, the majority being 3, 4 and 5 bedroomed dwellings.

The layout of the site does not appear to provide enough space for nine houses. Some plots have very small gardens resulting in being overlooked. Tandem parking and small garages means that there is not enough parking. There is no visitor parking and no chance of parking on the highway.

Parking on the internal road may obstruct the refuse vehicle and prevent manoeuvring within the site. The Emergency services may also be affected. The Parish Council requests a consultation with the Fire Brigade.

The demolition of the existing house is disappointing. The architectural character will be lost and replaced with the side of a house which does not compliment the street

scene. At present the frontage balances well with the neighbouring house as both are a similar size, design and style. All dwellings on the street face the highway.

Sustainability

The use of the car is inevitable considering the distance to schools, shops and facilities. Flood risk and drainage Residents are repeatedly complaining to the Parish Council when Dunton Road floods. This usually occurs further up the road but as the road slopes towards this site and taking into account climate change there is a possibility that this site could be affected. The site is on different levels sloping down away from the highway. It is essential that the site can cope with flooding. The Parish Council requests that Severn Trent are consulted in this application.

Re-consultation (10/11/21 – 24/11/21): comments to follow

b) Local Community



Neighbours consulted and responses received

9 neighbouring dwellings were consulted and a site notice was erected on 03.08.21.

4.7 6 households have objected to the proposals as follows:

1. Increased traffic entering and leaving the development on to Dunton Road.
2. Impact on the existing sewage network
3. Impact on water supply and surface water drainage

4. Impact on local environment from dust – including asbestos concerns
5. Extermination of vermin required on site
6. Parking issues
7. Inconsistent ridge heights
8. Noise pollution
9. Light pollution
10. Boundary is required to allow maintenance of boundaries and buildings
11. Excess nitrates and chemical deposits from previous use
12. Ecology impact
13. Impact on existing boundary treatment
14. Overbearing impact upon dwellings on Thorneycroft Close
15. Loss of privacy (Thorneycroft Close)
16. Quantum of development too large
17. Impact on character of the street scene due to proposed demolition of No. 33
18. Conflict with Policy H3 of the BA Neighbourhood Plan
19. Swept path analysis inadequate
20. Density is too high
21. Inadequate separation distances / neighbouring amenity impact

5. Planning Policy Considerations

a) Development Plan

5.1 Harborough District Local Plan

- SS1: Sustainable Development
- GD1: Achieving Sustainable Development
- GD2: Settlement Development
- GD8: Good Design in Development
- H1: Provision of New Housing
- H2: Affordable Housing
- CC3: Managing flood risk
- CC4: Sustainable drainage
- GI5: Biodiversity and geodiversity
- IN2: Sustainable transport

b) Material Planning Considerations

5.2 Material Planning Considerations relevant to this application:

- The National Planning Policy Framework (The Framework/NPPF), particularly Para.11 (presumption in favour of development), Section 5 (Delivering a sufficient supply of homes), Section 11 (Making effective use of land) Section 12 (Achieving well-designed places)
- National Planning Practice Guidance
- Supplementary Planning Guidance
- Five Year Housing Land Supply Statement
- Broughton Astley Neighbourhood Plan (2014)

c) Section 106 and Affordable Housing

- 5.3 The proposal falls below the threshold for both section 106 contributions (10 dwellings or more) and affordable housing requirements (10 dwellings or more, or site area of 1000 sqm or more).

6. Assessment

a) Principle of Development

- 6.1 The Council has an up-to-date Local Plan (adopted April 2019) which makes provision for sufficient land for housing to 2031. A neighbourhood plan for Broughton Astley was made in 2014 and forms part of the development plan.
- 6.2 The Council's 5 Year Housing Land Supply Position Statement 19/20 shows that as of September 2021 the Council has 7.49 years housing supply. Therefore, the Council is not currently seeking additional sites for housing, as a sufficient supply of housing exists and is planned for in the development plan for Broughton Astley.
- 6.3 Policy SS1: The Spatial Strategy categorises Broughton Astley in the settlement hierarchy as a Key Centre. Consequently, this means that the proposal should be assessed against Policy GD2: Settlement Development. Part 1 of Policy GD2 states development within the existing or committed built up area of Key Centres will be permitted where it meets two criteria. The proposed development is within the built-up area of Broughton Astley. Criterion a) requires the proposal to respect the form and character of the existing settlement and, as far as possible retain existing boundaries. Criteria b) allows development where it includes the redevelopment of redundant or disused buildings. The proposal is considered to satisfy criterion b), further assessment against criterion a) is included later in this report.
- 6.4 Policy H5: Housing density, mix and standards requires new housing development to a) make efficient use of land while respecting the character of the surrounding area and maximise the density on sites from where a full range of services and facilities are accessible by walking, cycling and public transport. Given the location of the proposal is in the built-up area of Broughton Astley, it is considered to be a sustainable location close to services and facilities.
- 6.5 The proposal lies within the Broughton Astley Neighbourhood Area and therefore policies within the made Broughton Astley Neighbourhood Plan (2014) apply. Of most relevance is Policy H3: Windfall and Back land development. Part i) of this policy states that small, well designed residential sites which do not have a detrimental effect on the surrounding area and neighbouring properties will be supported. Further assessment of the impact on the amenity of neighbouring residents will be required. Part ii) states that in principle development will be supported on sites of less than 5 dwellings on previously developed land. This part of the policy is different to policy H5 of the Harborough Local Plan. The Harborough Local Plan (2019) is the most recently adopted plan. Therefore, in accordance with Paragraph: 084 Reference ID: 41-084-

20190509 of the NPPG it is considered that policy H5 of the Harborough Local Plan should be given greater weight in this aspect of the planning decision for this proposal.

- 6.6 The Local Plan spatial strategy is to direct residential development to the most sustainable settlements in accordance with the settlement hierarchy. Broughton Astley is a Key Centre and in accordance with policy GD2, the proposal is considered to be a suitable location for development in principle. Further to this, policy H5 also requires further assessment of the how the proposal respects the character of the surrounding area and whether it constitutes efficient use of land. Whilst Broughton Astley Neighbourhood Plan Policy H3 remains a relevant consideration in the decision making process, it is considered that greater weight should be given to policy H5 of the Harborough Local Plan regarding the potential quantum of development on the site.

b) Technical Considerations

Design and visual amenity

- 6.7 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.8 For windfall sites in Key Centres, Policy GD2 of the Local Plan indicates that development will be permitted where the proposals respect the form and character of the existing settlement, retaining existing natural boundaries or it includes the redevelopment or conversion of redundant or disused buildings and enhances its immediate setting. The site is currently overgrown and contains multiple disused outbuildings and greenhouses as part of its former operation as a nursery, The proposal is therefore considered to enhance the immediate setting of the site which is in a state of neglect and disuse. The scale and massing of the proposals will lead to an increase in visual prominence from public vantage points in comparison to the existing situation. However, residential development in this location is considered to relate well to the surrounding area built-up area, whilst consideration for neighbouring amenity will ensure a well-designed minor development which enhances its setting and makes efficient use of the land.
- 6.9 Policy GD2 also requires new housing to be physically and visually connected to the existing settlement and to respect its form, character, and landscape. The proposal for 9 dwellings on a 0.25-hectare site results in a gross density of 36 dwellings per hectare or 15 dwellings per acre. This is considered to be an acceptable, medium density proposal for a minor housing development in an urban location and reflects the density of recent neighbouring developments.
- 6.10 As the proposal is in outline, the layout, appearance, scale, and landscaping of the scheme is reserved for future approval. However, it the proposed layout and density has been assessed as part of this application as it would hold some weight ahead of a prospective reserved matters application. Concerns have been raised regarding the somewhat contrived nature of the layout which features tandem parking and private amenity space to the side of Plot 3, Due to the narrowness of the site, the only resolution to the contrived layout would be to reduce the quantum of development and position the dwellings on one side of the access road on the western part of the site. This was suggested during discussions with the agent and met with resistance as it would not

represent an efficient use of the land in accordance with NPPF paragraph 118 and Local Plan Policy H5. Additionally, the tandem parking situation is considered acceptable by the Local Highway Authority. Notwithstanding this assessment, the layout and scale of the proposal is reserved for future approval, and the form and character of this proposed site is considered to be acceptable on balance.

- 6.11 It is acknowledged that the host dwelling is required to be demolished in order to facilitate suitable access arrangements for both vehicles and pedestrians to the site. The supporting planning statement confirms that the replacement dwelling is to be of a high-quality design which would ensure that the form of development along Dunton Road is maintained and the character of the street scene is not harmed. Although elevations and materials are not provided at this stage, the size and type of the dwellings are considered to be suitable as part of a location which includes a variety of architectural styles and sizes of dwellings.
- 6.12 On the basis of the above assessment and subject to compliance with recommended conditions 1 and 4, it is considered that the proposal satisfactorily meets the requirements of the Framework, and Local Plan Policies GD2 and GD8.

Amenity impacts

- 6.13 Policy GD8 of the Local Plan seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings and this is also reflected in the NPPF.

It is acknowledged that the outlook towards the northwest from properties on Thorneycroft Close will change as a result of residential development on this site. However, it is considered that, albeit on a smaller scale than what is proposed, there was previous commercial use on this site, and it has not always been in a state of disuse. Through applying Local Plan Policies and Supplementary Planning Guidance relating to neighbouring amenity, it is considered that a suitable scheme can be achieved which does not cause unacceptable harm to neighbouring amenity.

The most affected properties are those to the south on Thorneycroft Close, specifically numbers 1-4 which the site backs on to (see photograph 5 below). Concerns were raised by officers when the initial plans were submitted, as the minimum separation distance of 14 metres between blank elevations and principal windows of neighbouring dwellings was not met on plots 2 and 4.

The plans have since been revised to ensure that the minimum separation distance is met between Plot 2 and No's 1 and 2 Thorneycroft Close. However, there is still a shortfall of 1 metre between Plot 4 and No. 3 Thorneycroft Close, where the separation distance is 13m (see diagram 1 below). This has been acknowledged by officers who judge that there is ample space within the site to rectify this shortfall either through the re-siting of Plot 4, or a reduction in its scale, or a combination of both. This detail can be rectified through a forthcoming reserved matters application, and an informative has been included to advise of this requirement.

Diagram 1 – separation distances Plots 2 and 4



Photograph 5: Facing south east towards the rear of properties on Thorneycroft Close.



- 6.15 There are no other neighbouring amenity concerns between dwellings within the application site or between proposed dwellings and existing neighbouring dwellings. Furthermore, it is considered that the illustrative layout indicates suitable levels of private amenity space for each proposed dwelling.
- 6.16 In summary, a satisfactory relationship can be achieved through careful design, layout and boundary treatment at reserved matters stage, and there is adequate space to achieve a suitable layout including parking within the site. The proposal is therefore judged to comply with Local Plan Policy GD8 and SPG Note 2.

Access and highway impact.

6.17 The NPPF requires that the transport implications of development be examined in light of the following objectives:

“Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure
- safe and suitable access to the site can be achieved for all people, and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe

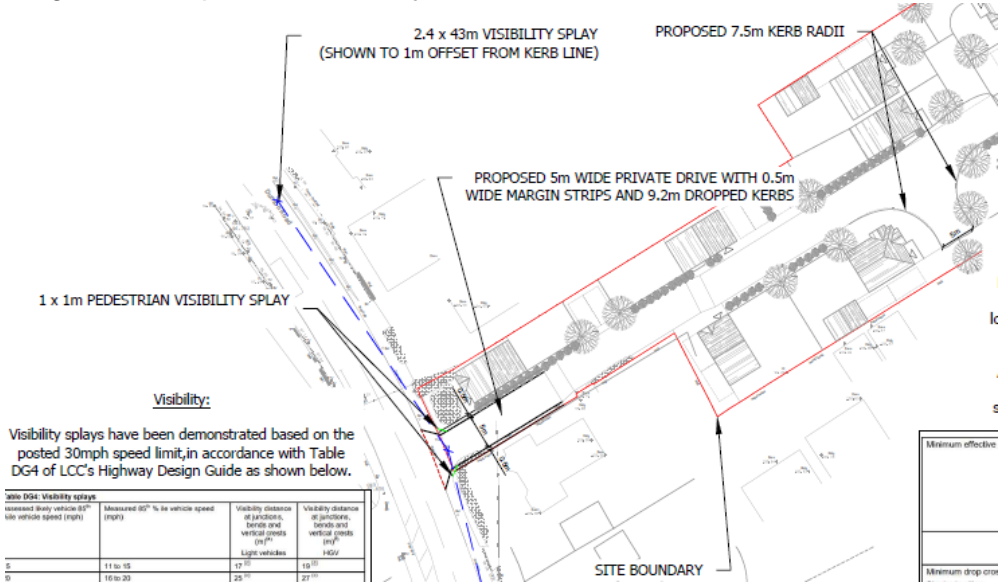
In respect of location, the site is within easy walking distance of a range of local facilities and a local bus service.

6.18 The Local Highway Authority is satisfied with the proposed vehicular and pedestrian access which are both in accordance with Leicestershire Highway Design Guidance. The LHA requested a revised swept path analysis as the submitted information related to a different refuse vehicle type. This has been provided by the applicant and is considered acceptable by the LHA.

6.19 A total of 23 off street parking spaces are proposed, which includes two spaces each for Plot 1, 2, 3 and 5, and 3 spaces (including one garage space) for Plots 4, 6, 7, 8 and 9. The exact number of required parking spaces will be known once the sizes of the dwellings are confirmed as part of the reserved matters application. This is secured via condition 8. Concerns were raised by objectors and the Parish Council in relation to the proposed tandem parking. This type of parking arrangement is not precluded by Local Highway Authority Guidance and is therefore considered acceptable.

6.20 Based on the additional information and taking account of the comments of the Highways officer, it is concluded that the proposal is acceptable in highway safety terms and accords with GD8 of the Local Plan and the Framework.

Diagram 2: Proposed access layout



Ecology

- 6.21 The initial proposal included the hedgerow on the eastern boundary within the site boundary. LCC Ecology stated that the hedgerow should be retained, a minimum 5 metre buffer should be provided between this hedgerow and site boundaries, and that the hedgerow should not form garden boundaries. Failure to do so would impair the hedgerows value as a linear wildlife corridor and habitat, as well as harming landscape and appearance.

Following this, the masterplan was amended to add a 2m boundary fence (outlined in dashed yellow on the plan below) to the rear of the gardens of Plots 7, 8 and 9, therefore effectively removing the hedgerow from the respective garden boundaries of these properties. Future retention and maintenance will be covered by the landscape management plan and biodiversity enhancement requirements (Conditions 10 and 11).

Diagram 3: Revised illustrative layout showing the proposed boundary treatment to Plots 7, 8 and 9



Drainage

- 6.22 The site is located in a Flood Zone 1 and hence an area that is at the lowest risk of flooding. In accordance with CC3 and CC4 of the Local Plan, an appropriate Sustainable Urban Drainage System (SUDS) should be incorporated as part of a future reserved matters proposal. Surface water drainage details will be required prior to the commencement of development and will form part of a prospective reserved matters application. This is secured by Condition 5.

c) Planning Obligations

- 6.23 Given the size of the site proposed for residential development (less than 10 dwellings), the application does not trigger a requirement for Section 106 obligations. In the event of the total gross floorspace of the reserved matters scheme exceeding 1000 sqm,

there will be a requirement of 40% affordable housing requirement (either on site or commuted sum).

7. The Planning Balance/Conclusion

- 7.1 Officers recognise that there is some conflict with Broughton Astley NP Policy H3 which supports windfall and back land development for less than 5 dwellings on previously developed land in general providing that they are well designed, do not have the potential for loss of amenity of neighbouring properties and must have a direct highway frontage.
- However, this restrictive policy is not replicated in the recently adopted Harborough Local Plan 2019 which, in accordance with Planning Practice Guidance takes precedent over policies in older neighbourhood plans where there is a conflict. (Policies in both the Local Plan and NPPF require that efficient use is made of land, whilst reflecting local character). As such, less weight should be attached to this requirement of Policy H3 of the Neighbourhood Plan.
- 7.2 Notwithstanding that the Council can demonstrate an up-to-date five-year supply of deliverable sites for housing, the proposal is supported by Policy GD2 which permits development where it includes the redevelopment or conversion of redundant or disused buildings, whilst enhancing the immediate setting of the site. The outline proposal is also judged to comply with Policy GD2 in terms of its physical and visual connection to Broughton Astley, where it respects the form and character of the settlement and landscape.
- 7.3 The proposed development is acceptable on the basis that the site occupies a sustainable location within the built-up boundary of a Key Centre, where the details of the scheme demonstrate that it is capable of being assimilated into its surroundings without unacceptably affecting the character of the area, the amenities of occupiers of adjoining properties, highway safety, biodiversity, flooding, or any other interest of acknowledged importance. Therefore, it is considered that the proposed development satisfactorily complies with the Framework and relevant policies in the development plan and there are insufficient material planning considerations sufficient to challenge the presumption in favour of development.
- 7.4 It is therefore recommended that the application be approved subject to the conditions in Appendix 1.

8. Appendix 1: Conditions and notes to applicant:

1. Outline consent commencement:

No development shall commence on site until details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority. 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.

2. Submission of reserved matters:

The development hereby approved shall commence prior to the expiration of two years from the date of approval of the last of the reserved matters to be approved. Applications for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

REASON: To meet the requirements of Section 92 of the Town and Country Planning Act 1990.

3. Permitted Plans:

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

- Proposed illustrative site plan – Drawing No. 201453-PL04 – Revision B
- Proposed site plan – Drawing No. 201453-SK01 – Revision G
- Proposed access junction layout - ADC2495-DR-001 – Revision P2
- Swept path analysis - ADC2495-DR-002 – Revision P2

REASON: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

4. Details of materials.

Prior to construction of any external walls, details of all external materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and the development shall only be carried out in accordance with the approved details.

REASON: To safeguard the appearance of the development and the character and appearance of the area, having regard to Harborough Local Plan Policy GD8, and the National Planning Policy Framework.

5. Surface water drainage details:

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found

unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

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

6. Construction Environmental Management Plan:

No development (including any site clearance/preparation works) shall be carried out until a Construction Environmental Management Plan has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the period of development:

- a) the parking of vehicles of site operatives and visitors;
- b) loading/unloading and storage of construction materials
- c) a detailed reactive and proactive road cleaning schedule, incorporating the use of road sweepers, on-site wheel wash facilities and the use of hand brooms on wheels and roads where necessary
- d) measures to control the emission of dust and noise during construction;
- e) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
- f) hours of construction work, site opening times, hours of deliveries and removal of materials;
- g) full details of any piling technique to be employed, and the control of hours of use if relevant;
- h) location of temporary buildings and associated generators, compounds, structures and enclosures
- i) routing of construction traffic and indication of signage locations to assist those delivering to the site
- j) Contact details for site manager, including how these details will be displayed on site.

k) full details of preventative measures to avoid surface water run-off during construction

REASON: To minimise detrimental effects to the neighbouring amenities and the amenities of the area in general, having regard to Harborough Local Plan Policy GD8 and the National Planning Policy Framework..

7. Access and off site highway works:

No part of the development hereby permitted shall be occupied until such time as the access arrangements, visibility and off site highway works shown generally on drawing number x have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

8. Parking:

Before the first occupation or use of the development, parking provision shall be provided in accordance with Leicestershire County Council Highway's Design Guide and retained thereafter for this purpose on a permanent basis.

REASON: To ensure that adequate parking facilities are provided to prevent on-road parking in the locality having regard to Harborough Local Plan Policies GD8 and IN2, and the National Planning Policy Framework.

9. Landscape scheme

Prior to the first occupation of the dwelling(s) a Landscape Scheme shall be submitted to and approved in writing by the Local Planning Authority.

The Landscape Scheme shall include full details of proposed hard and soft landscape works, including: access, driveway, parking, turning and all other surfacing materials; boundary treatments; retained planting/hedges/trees and new planting/hedges/trees; screened bin store area; and a timetable of implementation.

Thereafter, the landscape scheme shall be carried out in accordance with the approved details prior to the first occupation of the dwelling(s). Any trees, shrubs, hedges or plants which, within a period of five years from their date of planting, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

REASON: To ensure that the development includes landscaping, planting, boundary treatments and surfacing materials which are appropriate to the character and appearance of the development and the surrounding area, to protect drainage interests (promote sustainable drainage) and highway interests (prevent deleterious material and surface water entering the highway) having regard Harborough Local Plan Policies GD2, GD8 and the National Planning Policy Framework.

10. Landscape Management Plan:

Prior to the first occupation of any of the dwellings hereby permitted a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than privately owned domestic gardens or areas to be adopted by the Local Highway Authority), shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include:

(a) retention and ongoing maintenance of the hedge to the eastern boundary

REASON: To ensure the proper management and maintenance of the approved landscaping in the interests of the character and appearance of the development and the surrounding area having regard to Harborough Local Plan Policies GD2, GD5 and GD8, and the National Planning Policy Framework.

11. Biodiversity

To be added following ecology re-consultation comments

12. Risk Based Land Contamination Assessment

No development (except any demolition permitted by this permission) shall commence on site, or part thereof, 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:

- BS10175:2011+A2:2017 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS8576:2013 Guidance on Investigations for Ground Gas – Permanent Gases and Volatile Organic Compounds (VOCs) and
 - CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- Or any documents which supersede these.

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.
- BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- Or any documents which supersede these. 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.
- BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- CIRIA C735, "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases" CIRIA, 2014
- Or any documents which supersede these.

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.

REASON: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 170, 178 and 179 of the NPPF

13. Completion/Verification Investigation Report

Prior to occupation of the completed development, or part thereof, either

- 1) If no remediation was required by Condition 13, a statement from the developer or an approved agent confirming that no previously identified contamination was discovered during the course of development, or part thereof, is received and approved in writing by the Planning Authority, or
- 2) A Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to the whole development, or part thereof, shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:

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

- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

REASON: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 170, 178 and 179 of the NPPF

14. Affordable housing:

In the event of the total gross floorspace of the reserved matters scheme exceeding 1,000 sq metres, a scheme for the provision of 40% affordable housing shall be submitted for the approval of the Local Planning Authority, prior to the occupation of any housing. The scheme shall be carried out in accordance with the approved scheme.

Reason: In order to meet the affordable housing requirement of the District and to accord with Policy H2 of the Harborough District Local Plan.

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 01858 821 090). 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. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to

the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

4. 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.
5. The applicant is reminded that, under the approved revised illustrative layout, there remains a shortfall in the requisite separation distance of 14m between a blank elevation (Plot 4) and an elevation containing a principal window (rear elevation of No. 3 Thorneycroft Close). This is to be rectified as part of the reserved matters submission.

Planning Committee Report

Applicant: Manor Oak Homes

Application Ref: 21/01493/FUL

Location: Land At St Wilfrids Close, Kibworth Beauchamp

Proposal: Erection of 10 dwellings with associated landscaping, access and parking

Application Validated: 12.08.2021

Target Date: 21.10.2021 (Extension of time agreed)

Weekly List Expiry Date: 16.09.2021

Consultee Expiry Date: 19.10.2021 (expiry of amended plans)

Neighbour Expiry Date: 19.10.2021 (expiry of amended plans)

Advertisement Expiry Date: 16.09.2021

Site Notice Expiry Date: 16.09.2021

Report Date: 08.11.2021

Committee Decision: Major Development (10 or more dwellings); Call-in Request from Cllr Whelband for the following reason:

I don't believe that this is a suitable location for such an application. This site is one of the last remaining areas of natural open space in the village. Whilst I am not opposed to development of the site, this type of development is too intensive for this area. I am also concerned that construction traffic and noise will have a detrimental effect on the existing residents of St Wilfred's Close. Additional dwellings will also add to further vehicle movements on what is a quiet residential cul-de-sac. As such, I can't support this application.

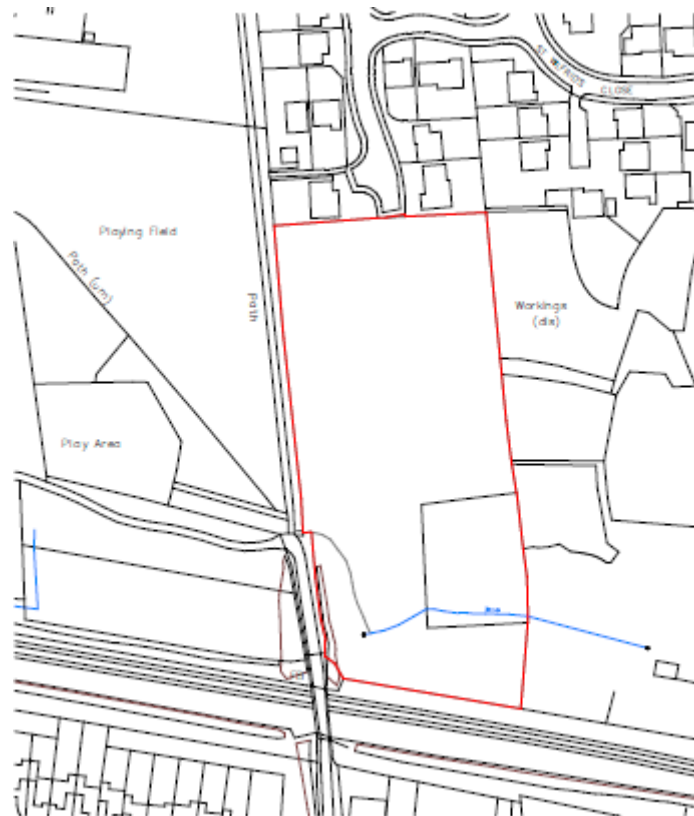
Recommendation

Planning permission is **APPROVED** for the reasons set out in the report and subject to completion of a S106 Agreement (Appendix A) and the appended Planning Conditions and Informative Notes (Appendix B).

1. Site & Surroundings

- 1.1 The application site (hereafter referred to as 'the Site') comprises a rectangular paddock totalling approximately 0.97ha.
- 1.2 The site is accessed via a field gate that adjoins the southern end of St. Wilfrid's Close and there is a second gated access to the southwest of the site leading to an adjacent footpath.

- 1.3 The site is bordered by mature trees and hedgerows on all sides and there is an existing pocket of woodland to the far south of the site. A watercourse crosses the site, close to the southern boundary, which enters the site from a culvert in the south west.
- 1.4 To the north of the site is a 1980s residential estate comprising the cul-de-sac of St. Wilfrid's Close and the Tithings, accessed off Church Road to the east. To the northeast is a small area of woodland and to the east are very large private gardens belonging to houses on the Villas and Station Hollow, the nearest of which is approximately 80m away from the site. Bordering the site to the south is the Midland Main Line. There is a pedestrian/cycle bridge with step-free access over this railway line from a footpath which runs along the western edge of the site. To the west of the site is an area of public open space and a children's play area, and slightly to the north-west lies Kibworth Primary School.
- 1.5 Land falls from north (c. 113.0 AOD) to south (c. 105.0 AOD)
- 1.6 The site is located within the settlement boundary and built-up area of Kibworth Beauchamp near the centre of the village.



Application Boundary



(Red Line – Application Site Boundary; Red Line Dash – Public Right of Way; Orange – Classified Road; Purple – Railway Line; Yellow – Listed Building)

Application Boudary in Context (Aerial Image)

Site Photographs (Taken from Applicant's LVIA)



Looking south towards the site from St Wilfred's Close



Looking south across the site from the existing vehicular access gate



Looking north across the site from the footpath on the western side of the site



Looking east across the southern boundary of the site from the school road footbridge



Looking towards the hedgerow on the western boundary of the site from Kibworth Recreation Ground - dwellings on St Wilfrid's Close are visible to the left

2. Site History

2.1 The site has the following planning history

17/00500/FUL - Erection of 45 retirement living apartments with associated access, parking and outdoor amenity space (Approved. Decision Issued 20.03.2018, following completion of S106). This permission has since lapsed (expired 20.03.2021). The approved "Proposed Site Plan" is shown below:



Approved "Proposed Site Plan"



Approved Elevation – facing towards Kibworth Recreation Ground

- 2.2 The Agent has advised that the site was marketed but *"with no viable interest from the retirement market"*

3. The Application Submission

- 3.1 The application seeks full planning permission for 10 dwellings.
- 3.2 The development will be accessed via the existing access situated along the northern boundary, directly adjacent to the southern extent of St Wilfred's Close.
- 3.3 The application was accompanied by the following supporting reports and plans:

Document	Consultant	Reference
Covering Letter	Armstrong Rigg Planning	05515/L0011
Application Form & Ownership Certificate	Armstrong Rigg Planning	N/A
Arboricultural Impact Assessment	Aspect Arboriculture	9410_AIA.002 Rev A
Archaeological Desk Based Assessment	MOLA	Report No. 16/150
Archaeological Trial Trench Evaluation	MOLA	Report No. 17/51
Design and Access Statement	RG+P	40820 A
Ecological Appraisal	Aspect Ecology	5091 EcoAp vf2 LB CL
Biodiversity Net Gain Assessment	Aspect Ecology	1005091
Flood Risk Assessment	MAC	443-FRA-01-0
Land Contamination Site Check	Argyll Environmental	SAS_60239394_1_1
Landscape and Visual Impact Assessment	Aspect Landscape	7420.LVIA.001.DV
Noise Impact Assessment	Professional Consult	21.001.1.R2
Planning Statement (including statement of community involvement)	Armstrong Rigg Planning	05515/S0002
Transport Note	MAC	443-TN-01-0
Plan	Consultant	Reference
Site Location Plan	RG+P	40820 007A
Proposed Site Layout	RG+P	40820 021N
2B4P Bungalow – Floor Plans and Elevations	RG+P	40820 023
3B5P Bungalow – Floor Plans and Elevations	RG+P	40820 025A
4B6P House – Floor Plans and Elevations	RG+P	40820 027
Street Elevations	RG+P	40820 029A
Materials Plan	RG+P	40820 030
Boundary Treatments	RG+P	40820 031
Indicative Levels Design	MAC	443-FRA05

Schedule of Supporting Documents

- 3.4 During the course of the application, the 'Proposed Site Layout' was amended (Revision Q) which removed the northern footpath link and amendment to parking for plots 1 and 2 in order to address the PC comments. Although these were sufficiently small amendments, the Applicant did decide to update all other supporting plans and documents to reflect this change.

c) Pre-application Engagement

- 3.5 Pre-application advice was sought from the Local Planning Authority (LPA) on 2nd December 2020 (Ref: PREAPP/20/00271). Advice was sought on a residential development of 15 dwellings, comprising 5 bungalows and 10 semi-detached two storey dwellings
- 3.6 The Case Officer provided initial comments on the 25th January 2021, which led to a follow up call on the 5th February 2021. A revised layout was then supplied reducing the number of units down to 10 and increasing the number of bungalows to 8. Further comments were provided on the 10th March 2021.
- 3.7 In summary the Case Officer advised:
- the principle of development was acceptable;
 - the provision of additional bungalows was welcomed

- the development would need to satisfy Local Plan Policy GD8 and KNP Policy H7 in terms of design (no elevational plans were provided)
- the development would need to satisfy LCC Highway design and KNP Policy GD8 in terms of car parking provision
- the development should retain existing hedgerows and enhance where necessary and a post and rail fence or similar placed in front of the retained hedges to separate them from the formal domestic gardens.
- Suggest a different road surface material adjacent to the green space and for the provision of a knee rail fence should also formulate the boundary between the road and the greenspace.
- A discussion should be had with statutory consultees (highways, ecology, LLFA), the Parish and local ward members prior to submitting an application.
- No Affordable Housing will be sought on a development of 10 dwellings or less, providing the combined gross floorspace is less than 1,000sqm.
- S106 may be sought on the development.

3.8 A virtual public consultation was held between Wednesday 30th June 2021 and Wednesday 21st July 2021.

3.9 A leaflet advertising the consultation was delivered to dwellings near the site on St Wilfrid's Close, The Tithings, The Villas, Station Hollow, Church Road, Station Street, School Walk and Elliot Close. A copy of the leaflet is contained within the Planning Statement, it contains details of the scheme and a link to Manor Oak Homes' website where further details were made available and an opportunity was provided to comments on the proposal. Alternatively comments could be submitted by email or post. Kibworth Beauchamp Parish Council also publicised the consultation on their website and social media pages.

3.10 A total of 9 comments were received to the consultation. These are summarised in the adjacent table and the full text of the comments is contained within the Planning Statement.

4. Consultations and Representations

4.1 Consultations with technical consultees and the local community were carried out on the original application submission and following amended plans/additional information.

4.2 A summary of the technical consultee responses which have been received are set out below. Comments which relate to developer contributions are set out in more detail in **Appendix A**. Comments in full are available upon request or online at www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

National Rail

No objection in principle to the development, subject to condition

LLFA

The proposals are considered acceptable to the LLFA subject to condition

Severn Trent Water

The site is out of Severn Trent Water's area for sewerage.

Leicestershire Designing out crime and Architectural liaison officer

Leicestershire Police have no formal objections in principle to the application. Observations given and general recommendations suggested

East Leicestershire and Rutland CCG

The development generates a requirement for a financial contribution towards healthcare provision.

Case Officer Note: See Appendix A

Lead Local Flood Authority

A review of the information currently submitted demonstrates a layout which the LHA would not consider to derive a severe impact when considered against the National Planning Policy Framework (NPPF) and therefore would not seek to resist application 21/01493/FUL on highway grounds.

LCC Highways**1st Response**

The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined.

2nd Response

Following a query from Case Officer as to whether the development would need to contribute to the A6 Highway Study, the LHA responded.

Given the scale of development we do not have any details of the trip generation and trip distribution. However, given the location of the site the LHA consider it reasonable that based on trip rates in applicants correspondence dated 1 February 2018 the proposed development could generate 7 (two-way) AM trips.

From there it is sensible to presume that those trips would go through at least one of the three junctions contained in the A6 Cumulative Impact Study. However, in these circumstances, rather than asking for a contribution for all the junctions the LHA would be willing to accept a contribution based on those 7 journeys going through one junction each. As you are aware at present the contribution to the A6 study is based on a standard £3,500 per journey through a junction so this mean the total contribution would be £24,500 (7 x £3,500).

Lastly the local highway authority do not ask for any travel packs / bus passes for any development below 25 dwellings.

LCC Ecology

The Ecological Appraisal (Aspect Ecology, July 2021) is satisfactory as is the Biodiversity Net Gain Assessment report (Aspect Ecology, August 2021).

LCC Archaeology

Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 189-190).

HDC Housing Enabling Officer

Harborough DC will seek to obtain Affordable Housing Contributions on developments of above 10 dwellings or more and which have a maximum combined gross internal floor space of no more than 1,000 square metres and will therefore not attract a requirement for S106 contributions for affordable housing.

HDC Air Quality and Land Contamination Officer

Due to the historic use of neighbouring land as a quarry and the neighbouring railway land, the permission should be conditioned requiring a Risk Based Land Contamination Assessment and Completion/Verification Investigation Report

HDC Environmental Health

I have looked at the acoustic report. The report uses 2016 noise data. I would have preferred if they repeated the monitoring as none of us can be certain that the data is still representative, without further monitoring/verification.

I have not had the opportunity to speak to the consultant directly, however my understanding is that regardless of the issues raised above, the assessment shows that average levels day and night are compliant with relevant guidance (BS8223) externally, and internally with windows closed (assuming standard-type thermal double-glazed units). However, problems then arise in the living rooms and bedrooms of some plots (unidentified) when windows are opened for ventilation (as you would expect residents to do). Therefore, mitigation is recommended in the form of alternative ventilation, essentially so that residents can keep their windows closed to protect themselves from intrusive noise levels.

They do not however highlight which plots are subjected to these excessive noise levels, neither do they quantify the actual value of the mitigation itself that they recommend.

I would say that generally this approach is acceptable but only if other options to mitigate the noise have been considered and I am not sure that they have. For example, bunding, acoustic fencing, or both, might be options that could be explored, as might the positioning and design of buildings and habitable rooms facing the railway.

HDC Environmental Co-ordinator

The application does not include any analysis of how the development will meet the challenge of climate change, as required by Policy CC1. The application should include information on how the design will seek to reduce the carbon emissions from the dwellings both in use and construction.

The information should include, the approach to energy efficient design, taking a fabric first approach, then include an analysis of the opportunities for renewable energy at a site or building level. In addition, the approach to climate resilience should be clearly stated. So, for example, the approach to reducing potential summer over-heating should be laid out, including shading to south facing windows.

The provision of infrastructure to allow for the uptake of electric vehicles should also be included in the assessment. This could include both electric bikes and mobility vehicles.

As some these homes are intended for older people or those with mobility issues, I would also wish to ascertain whether they are to be built to the accessibility standards required in our policies.

HDC Neighbourhood and Green Spaces Officer

The proposed scheme is for 10 dwellings and will therefore not attract a requirement for S106 contributions for open space.

I note that a large area of natural greenspace is proposed. This is welcomed as an important contribution to natural and semi natural greenspace in the village and for flood alleviation. The site should be planted and managed to enhance habitat and biodiversity. A management plan should be provided to give assurance that the site will be properly managed and maintained in perpetuity. Those responsible for maintenance should be identified (either Management Company or other) and this should be made known to house purchasers.

HDC Community Facilities

The development generates a requirement for a financial contribution towards community facilities

Officer Note: See Appendix A

LCC S106

The development generates a requirement for a financial contribution towards education, libraries and civic amenities.

Officer Note: See Appendix A

Kibworth Beauchamp Parish Council

At the meeting on 24 August 2021, it was resolved to support this application, subject to the following amendments:

- The car parking spaces are increased to 4 for the two 4 bedroomed houses in accordance with the Neighbourhood Plan
- The provision of a garage / outdoor storage be considered
- The top pathway to Warwick Park is removed as not necessary
- The hedge adjoining the boundary between Warwick Park be retained.

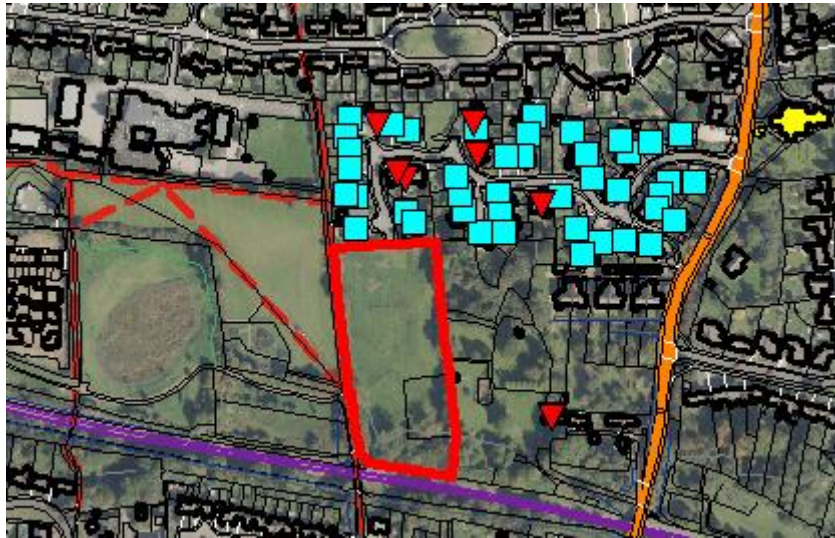
Cllr King

As one of the Kibworths ward members I object to this application and urge you to refuse permission for this unrequired development of 10 houses:-

1. This site until recently was being actively used to graze sheep.
2. This paddock is one of the last remaining agricultural paddocks separating Kibworth Harcourt from Kibworth Beauchamp
3. The development of this site, will even with the use of 8 bungalows lead to a more closed in feel and sense of place around the Warwick Road park area and lead to more complaints from potential new occupants about users of the park, a known hotspot for ASB.
4. These homes are not required for the district council's housing need- we have a 7.75 years supply of homes

b) Local Community

- 4.3 Initially only those properties which bound the site were consulted. However, following 122 neighbours were consulted on the application. A total of 22 comments (from 12 separate households) against the application have been received (covering both the initial consultation and additional consultations on the revised plans/additional information). A summary of the points raised is outlined below:



(Blue Square: Neighbour Consulted; Red Triangle – Objection)

Neighbours Consulted/Commented

Neighbour Objections

- This is yet another low quality identikit proposal that's neither needed locally nor supported by the Kibworth Neighbourhood Plan.
- Development into one of the few remaining areas of green space available in the centre of Kibworth
- Village services overloaded
- while this may only be a relatively small development, it will continue to exacerbate the issue of ever-increasing traffic volumes on village roads never designed to support the number of cars we have in Kibworth now
- Developments like those proposed have been consistently eroding the character and spirit of community of the village over the past ten years.
- I am unsure how there can be a biodiversity net gain when the application requests development over two thirds of the paddock, basically destroying the ecology of that two thirds forever.
- No new housing is required
- The proposals do not comply with the requirements of the Neighbourhood Plan in relation to parking.
- The increased traffic in a narrow residential close has not adequately been assessed.
- It is often difficult to safely exit from The Tithings onto Church Road or from Church Road onto the A6 at busy times as things stand. Adding an additional 10 dwellings at the end of St Wilfrids Close will exacerbate the problem and the developer has made no proposals to mitigate the issues arising.
- The proposed development adds no infrastructure to the local area, proposes no alteration to existing highway provision to mitigate its impact and will be a drain on existing resources in the village
- Access into field is narrow, but a major concern is the steep slope leading into proposed development.
- The extra traffic caused will be a danger to both children and parents (and existing residents)
- I strongly object to the discharge of any more surface water directly or indirectly into the already over capacity brook at the southern end of the site. The historic brook is tasked with accommodating over twice the volume of water it was ever designed to handle.
- Loss of an area of natural habitat and open countryside.
- Ridge and furrow still exist on the paddock land, which was designated to be retained for historical reasons on the Kibworth Village Plan

- Design both out of keeping with the character of the area and visually intrusive
- Concerns over the movement of and noise associated with the pumping of sewerage
- The increase in both parked cars and traffic that would be an unavoidable consequence of the proposed development will either result in children being unable to play outside (either during the development process or after it has been completed, or both) or in a serious accident

General Comment (neither objecting to or supporting the planning application)

- loss of agricultural land currently used for sheep grazing which is proposed to become managed open space to the south of the development; &
- impact of the development despite the mitigation action given on the badger set

a) Development Plan

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 instructs that planning applications must be determined in accordance with the provisions of the Development Plan (DP), unless material considerations indicate otherwise.
- 5.2 Unless stated, an explanation of the development plan policies; material considerations, evidence base and other documents referred to can be found at the beginning of the Agenda under 'All Agenda Items Common Planning Policy'
- 5.3 The Development Plan consists of the Harborough Local Plan (adopted April 2019) and The Kibworth Villages' Neighbourhood Plan 2017-2031 (adopted 2018).
- 5.4 The relevant Neighbourhood Plan policies are:
- Policy SD1: Limits to Development
 - Policy H1: Windfall Sites
 - Policy H3: Housing Mix
 - Policy H4: Building Design Principles
 - Policy H5: Residential Car Parking
- 5.5 The Kibworth Beauchamp and Kibworth Harcourt Parish Councils are formally reviewing their Neighbourhood Plan Review version. The Draft Plan is currently out for a 6 week consultation (Regulation 14) (15.11.2021 – 21.12.2021).

b) Material Planning Considerations

- The National Planning Policy Framework (The Framework / NPPF), updated July 2021
 - Section 2: Achieving sustainable development
 - Section 5: Delivering a sufficient supply of homes
 - Section 11: Making effective use of land
 - Section 12: Achieving well-designed places
 - Section 15: Conserving and enhancing the natural environment
- National Planning Practice Guidance (PPG)
- Supplementary Planning Guidance

- Five Year Housing Land Supply Position Statement
- Planning Obligations SPD (Jan 17)
- Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)
- The Community Infrastructure Levy Regulations 2010, S.I. No.948 (as amended)
- Circular 11/95 Annex A - Use of Conditions in Planning Permission
- ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)
- Leicestershire Planning Obligations Policy (adopted 10th July 2019)
- Leicestershire County Council Local Transport Plan 3 (LTP3)
- Leicestershire County Council Highways Authority 6Cs Design Guide
- Built Facilities Strategy (approved at Full Council on 14th December 2020)

6. Assessment

Principle of Development

- 6.1 Local Plan (LP) Policy SS1 identifies Kibworth as a Rural Service Centre and the site is situated within the existing and committed built-up area and within the Limits to Development set by the Neighbourhood Plan (NP) Policy SD1.
- 6.2 LP Policy GD2 states that development within the existing and committed built-up area of Rural Centres to be permitted where it respects the form and character of the existing settlement and as far as possible retains the existing natural boundaries within and around the site.
- 6.3 NP Policy H2 states that small scale development proposals for infill and redevelopment sites will be supported where it meets the following requirements.

POLICY H2: WINDFALL HOUSING - Small scale development proposals for infill and redevelopment sites will be supported where:

1. It is within the Limits to Development;
2. It helps to meet the identified housing requirement for the Plan area in terms of housing mix;
3. It maintains and where possible enhances the character of the built environment;
4. It is of an appropriate scale which reflects the size, character and level of service provision within the Plan area;
5. It retains natural boundaries such as trees, hedges and streams;
6. It provides for a safe vehicular and pedestrian access to the site and any traffic generation and parking impact created does not result in an unacceptable direct or cumulative impact on congestion on road and pedestrian safety;
7. It does not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise; and:
8. It does not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the occupiers of the dwelling.

Policy H2: Windfall Housing

- 6.4 In terms of the 1st two requirements, the site is located within the Limits to Development and will help meet the identified housing requirement in terms of housing mix. NP Policy H3 supports the delivery of smaller homes to provide suitable homes for elderly residents and residents needing to downsize. The application proposes 8 bungalows (5 no. 2 bed and 3 no. 3 bed) meeting the demands of the community. The remaining two houses are 4 bed, representing 20% of the overall mix. As will become clear when reading the remaining sections of this report, the proposal also accords with the other criteria set out in NP Policy H1
- 6.5 Concerns have been expressed by the local community and ward members about the 'need' for this development given the LPA have a healthy 5 year land supply. Whilst this is acknowledged, reaching a 5 year land supply is not a ceiling. Furthermore, the Government's objective is to 'significantly boost the supply of homes in sustainable locations.
- 6.6 In addition, the site also benefits from a previous planning permission for the erection of 45 retirement apartments (17/00500/FUL) and more importantly the site is proposed to be allocated (Site 4) for residential development in the Kibworth Neighbourhood Plan Review:

Figure 3 – Residential Allocations



Policy H1: RESIDENTIAL SITE ALLOCATIONS

The plan makes provision for about 21 new dwellings in Kibworth up to 2031. This is met by land being allocated for four residential development sites at the following locations as shown in figure 3.

Site 1 – Former Community Centre Site on the David Wilson Homes development for four 2- bed bungalows.

Site 2 – Land off Elliott Close for a single dwelling subject to a noise survey being undertaken and its recommendations incorporated into the development; and the scheme design ensuring there is no significant impact on the residential amenity of the neighbouring dwelling. Any trees lost through the development would need to be replaced on a one for one basis.

Site 3 – Rear of 4 Station Street for six dwellings plus restoration of the existing dwelling. Development to be low density and designed to be sympathetic to the Conservation Area.

Site 4 – St Wilfrid's Close for 10 dwellings - 5 no. 2bed bungalows, 3 no 3 bed bungalows, 2 no 4 bed houses.

6.7 Whilst it is acknowledged only limited weight can be given to the Review as it will require examination and referendum, it signals the intent of the Parish to allocate this site for residential development. The Review is considered to be a material consideration and it shows a direction of travel for development in Kibworth.

6.8 The principle of development is therefore accepted on this site.

Locational Sustainability

- 6.9 The site is located within Kibworth Beauchamp, a sustainable settlement with good access to services and facilities that can be undertaken by journeys other than the private car.
- 6.10 The Framework states that “walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly those under 2 kilometres (approx. 20-25min walk). The plan below shows that the majority of local facilities are within 800m (approx. 10min walking time) including:

Kibworth C of E Primary School (350m)

- Kibworth High School (965m)
- Kibworth Surgery/ Pharmacy (482m)
- Library (482m)
- Post Office (643m)
- Supermarket (805m)



Distance from site to services / facilities

Key:

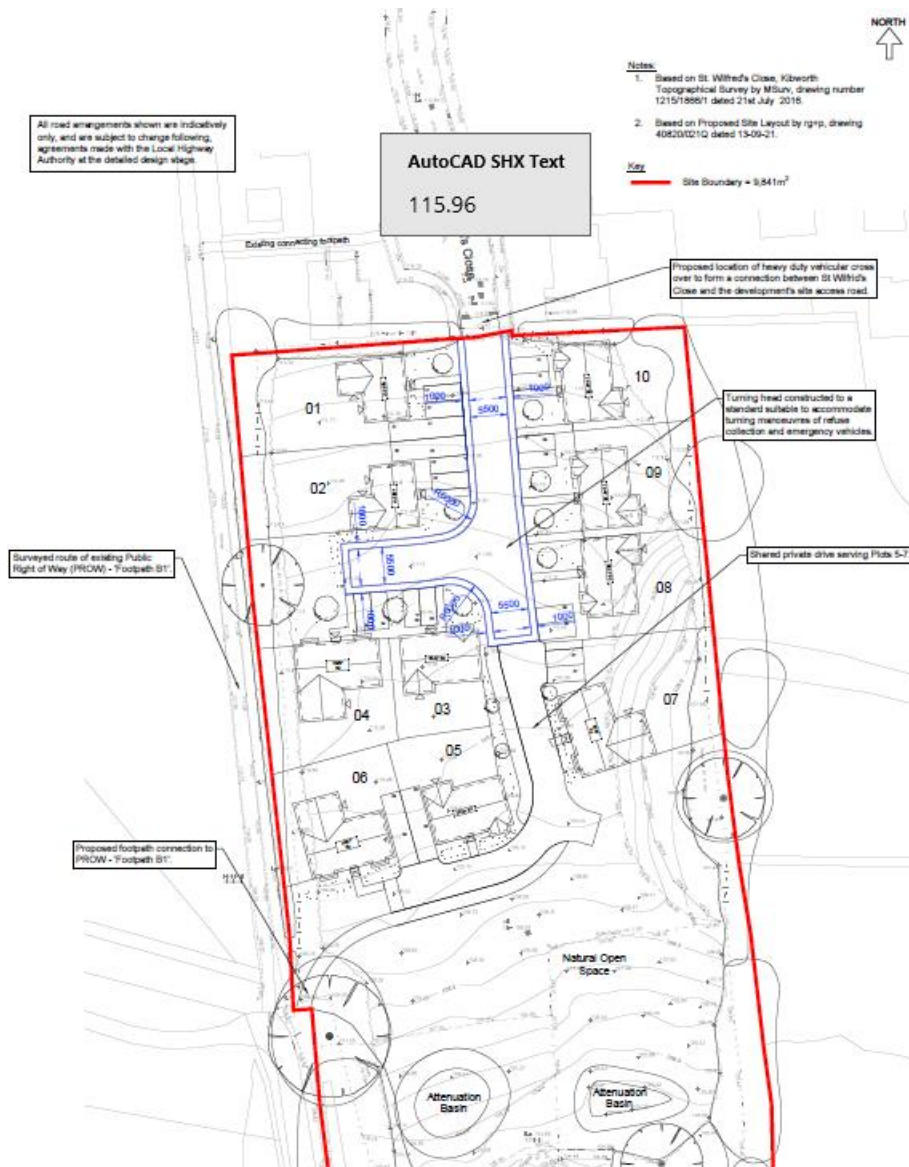
● Education	● Supermarket / Convenience Store
● Medical	● Sports & Recreation
● Library	▲ Bus Stops
● Post Office	— Site Boundary
● Pharmacy	- - - Walking Time

- 6.11 Using the pedestrian railway bridge to the south-west of the site, the village's facilities located along the high street are only circa 400m walk from the site. The site is also highly accessible by public transport with local bus services to Market Harborough, Leicester and surrounding areas a short walk away on either Church Road or High Street (both approximately 300-400m).
- 6.12 Mindful of the information outlined above, along with best practice advice and guidance regarding acceptable walking & cycling distances, it is considered that the development of the site would provide future occupiers with a realistic option to choose walking and cycling as an alternative to private vehicle trips in order to access village facilities, as well as locations farther afield, including those served by bus. The location of the site is judged to accord with local and national locational sustainability principles and weight is attached to this positive material consideration.

Highways

Site Access

- 6.13 Vehicular and pedestrian access to the proposed development is by means of an extension to St Wilfrids Close, Kibworth Beauchamp. This connects to the wider highway network via The Tithings and Church Road. The site access is shown on drawing number 443-TA04, Revision A and is reproduced from Appendix F of the TA below.



Proposed site access reproduced from MAC drawing number: 443-TA04 Revision A

- 6.14 The LHA is satisfied that a safe and suitable access can be achieved however there may be some minor changes to the design of the site access (e.g. 2m wide footways) as part of the S278 process.
- 6.15 In order for the site to be suitable for adoption the LHA have advised the internal layout must be designed fully in accordance with the Leicestershire Highway Design Guide, (eg highway corridor geometry, turning heads, speed control measures, private areas and green areas, drainage etc) which will be subject to a Section 38 agreement in accordance with the Highways Act (1980) once planning permission is secured. The LHA would typically advise a development of this scale be offered for adoption as publicly maintainable highway but it is not a requirement. The developer has advised the Case Officer (26.10.21) *"that our client does not intend for the roads to be adopted. They will instead go into a man co."*
- 6.16 The applicant is proposing to provide 24 parking spaces for the 5 x 2-bed dwellings, 3 x 3-bed dwellings and 2 x 4+bed dwellings. The quantity and size of parking spaces across the site meets the guidance as specified in the LHDG. Cycle parking within the development will

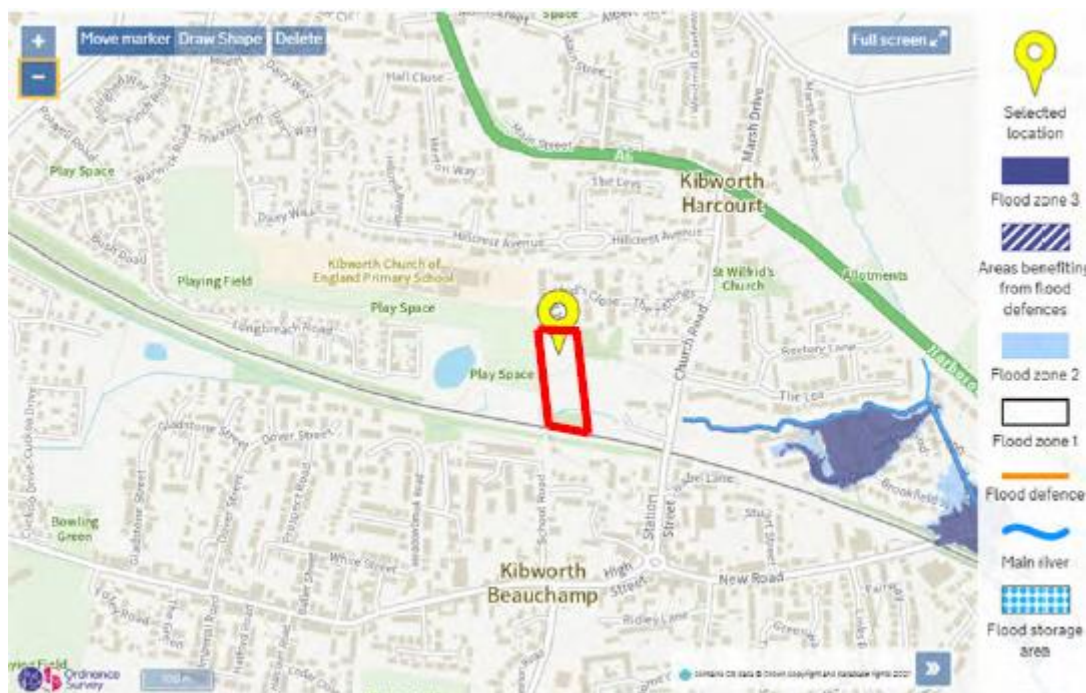
be provided in line with the Leicestershire Highway Design Guide. The development will provide a minimum of 1 space per dwelling i.e., a minimum of 10 spaces. The intention is to provide cycle parking within rear garden sheds. The provision of the sheds would also help to satisfy NP policy H8 (external storage). A pedestrian link is proposed from the development in the south west of the site which will connect into the existing public footpath B1, thereby offering sustainable travel choice.

- 6.17 The LHA are satisfied the information submitted demonstrates a layout which they would not consider to derive a severe impact when considered against the National Planning Policy Framework (NPPF) and therefore would not seek to resist the application on highway grounds, subject to the conditions outlined within their observations. They have also advised latterly (24.11.2021), that a contribution towards the A6 Highway Study would also be reasonable.
- 6.18 Therefore, subject to conditions and the obligations outlined in Appendix A & B, the development would satisfy Local Plan policy GD8 and IN2.

Flood risk and SUDS

- 6.19 The Framework requires that development be directed away from areas of highest flood risk. This is reflected in Policy CC3 (Managing Flood Risk).
- 6.20 The application site is greenfield totalling 0.98 ha in size with 0.242 ha being impermeable.

Risk of Fluvial Flooding



Fluvial Flood Risk

- 6.21 The Environment Agency's flood map shows that the proposed development site is located within Flood Zone 1 (Low Probability) and as such, the development is at a low (less than 1 in 1000 years) of flooding from rivers or the sea. The proposed development which is located within Flood Zones 1 is defined as having a less than 1 in 1000 annual probability of flooding.

Risk of Surface Water Flooding



Surface Water Flooding

- 6.22 The site is in an area which is currently shown to be an overland flow path, flowing in a north to south direction through the centre of the development parcel. Most of the flood extent shown in the Figure above illustrates there is a low risk of surface water flood risk. Low risk means the area concerned has between 0.1% and 1% chance of annual flooding. The FRA advises *“Given the site’s steep topography (approximately 1:13), it is not considered that the existing topography provides many opportunities for surface water flows to pond within the development’s boundary. As a result, the extent of flooding shown in the Figure above should be considered as the currently observed flow path corridor, as opposed to an area of standing water. At detailed design stage the proposed site levels will be designed such that any overland flows are not routed towards the dwellings and continue to flow from north to south through the site as per the existing arrangement. As further mitigation all dwellings will be located 300mm above the existing ground levels.”*

Proposed Surface Water Drainage Strategy

- 6.23 Surface water discharge from the proposed development will outfall to the ordinary watercourse which passes through the southern extent of the development site. The surface water discharge rates will be restricted to minimum viable discharge rates. In this site-specific instance, a 2 l/s restriction will be applied.

The proposed drainage strategy will comprise a:

- ☐ A piped network
- ☐ Hydrobrake flow control
- ☐ Detention Basin – online
- ☐ Tanked permeable paving to private drives

Proposed Foul Water Drainage Management

- 6.24 Foul water will be discharged to the adopted Anglian Water sewer located within St Wilfrid’s Close, via a direct connection to manhole 1102. It should be noted that the proposed outfall manhole is located upstream of the development proposal. Therefore,

the residential development will need to convey foul flows to this outfall location using a pumped solution. Anglian Water previously confirmed (17/00500/FUL) that the sewer in question has adequate capacity to accept foul flows generated for the application site via a pumped solution.

- 6.25 Subject to planning conditions suggested by the LLFA, EA and Anglian Water, the proposed development has satisfactorily complied with Policy GD8 and CC3 and IN4.

Landscape impact

- 6.26 Policy GD5 (Landscape Character) requires development to be located and designed in such a way that it is sensitive to its landscape setting and landscape character
- 6.27 The site is not the subject of any local or national landscape designations.
- 6.28 The site lies within the eastern part of the 'Leicestershire Vales' National Character Area. Locally, the site falls within the 'Lutterworth Lowlands' Landscape District Character Area. Within the Harborough District Landscape Character Assessment (2007), Lutterworth Lowlands LCA is identified as having Medium - High capacity for development.
- 6.29 Within the Landscape Character Assessment and Landscape Capacity Study (HDC, 2014) the site is identified as being located within the 'Kibworth Lutterworth Lowlands' Landscape Character Area. Within the assessment, the character area is identified having good condition, with a moderate strength of character, resulting in a recommendation to conserve and strengthen.
- 6.30 Aspect Landscape Planning, on behalf of the Applicant, has undertaken a more localised landscape character assessment of the application site, and the immediate surrounding landscape:

"the application site is heavily influenced by existing development within the immediate and localised landscape fabric, alongside the presence of the existing railway to the south which reduces the perceived tranquility of the site. The site is well enclosed with the existing mature hedgerows, treebelts and woodland creating a high level of separation from the localised and wider landscape. The location of the application site, in the centre of Kibworth, largely restricts views towards the site to locations adjacent to the site boundaries, with the existing development within the localised setting containing long distance views towards the site"

- 6.31 In terms of effect upon landscape character as a result of the development Aspect conclude (following an assessment of the landscape susceptibility, landscape value and landscape sensitivity):

"the proposals will give rise to some change, although the change is not perceived from the wider landscape setting due to the extent of existing development and vegetation structure associated with Kibworth within the site setting. Furthermore, as illustrated, the development proposals respect and enhance the quality and character of the area, include high quality sustainable design, recessive finishes and a considerable degree of articulation. It is considered the proposals will not give rise to any significant adverse effects in terms of landscape character, nor would it result in significant harm in terms of its impact on the landscape character of the area."

6.32 In terms of effect upon the visual environment, a number of viewpoints have been identified in order to demonstrate the visibility of the site within the localised and wider setting. The viewpoints are illustrated below.



Viewpoint Location Plan

6.33 Below outlines the summary of the Visual Assessment

Viewpoint	Location	Receptor	Sensitivity	Magnitude of Change	Significance of Effect
1	St Wilfred's Close	Motorists	Medium	Medium	Moderate
2	St Wilfred's Close	Motorists	Medium	Year 1: High Year 15: Medium	Major/Moderate Moderate
3	Public Right of Way	Walkers	High	Low	Moderate
4	Public Right of Way	Walkers	High	Low	Moderate
5	Public Right of Way	Walkers	High	Medium/Low	Major/Moderate -Moderate
6	Public Right of Way	Walkers	High	Year 1: Low Year 15: Negligible	Moderate Moderate / Minor
7	Church Road	Motorists within Kibworth	High	Negligible	Moderate/Minor

		Beauchamp Conservation Area			
8	Public Right of Way	Walkers	High	Low/Negligible	Moderate /Minor
9	Public Right of Way	Walkers	High	Negligible	Moderate/Minor
10	Public Right of Way	Walkers	High	None	None

Table 1: Visual Assessment

- 6.34 The Case Officer concurs with the visual analysis undertaken by Aspect. The existing mature vegetation structure which defines the site's boundaries affords a strong degree of containment to the application site. It is acknowledged glimpsed views of the proposals will still be apparent but the proposals will be seen as part of the existing residential development to the north, south east and south. Furthermore, the proposals have been designed sensitively, with 8 of the 10 dwellings being bungalows. In addition, the landscape strategy once implemented will assist in integrating the proposals further. Finally, the Case Officer is also mindful of the 2017 consent, which whilst has now expired, proposed 2 storey development across the majority of the site, but was judged to be acceptable in landscape terms.

Design

- 6.35 Policy GD8 (Good design in development) permits development where it achieves a high standard of design. The NPPF is clear that:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process". (Para 126).

The Planning Practice Guidance is the accompanying guide to the NPPF. It makes clear the importance of good design:

"Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design".

Proposed Layout

- 6.36 The proposed layout (see below) shows development designed around a central street leading off St Wilfrid's Close which continues the established pattern of development to the north of the site, enables the existing view south to be maintained and framed by dwellings and also provides access to dwellings. A side street will lead off this street to the west to provide access to 2 dwellings - this will help to break up the site layout to avoid an overly linear approach. Parking will be provided either to the front or side of dwellings. A private drive will lead off the shared surface and provide access to dwellings which overlook the southern half of the site. A pedestrian route will follow the private drive in order to provide access to the open space and a connection to the PROW. The Agent has confirmed that the

bungalows will have level access as will the 2 storey houses but given the sloping nature of the site such access will be either from the front or rear of the property and will be happy to accept a condition to secure its provision.



Proposed Site Layout – Amendment A

Proposed Scale

- 6.37 The scale of dwellings have been designed to step down the slope of the site reducing in scale from north to south. 2 x 2 2 storey houses (no taller than 8.4m above FFL) at Plots 1 and 2 will help to define the entrance into the site and reflect the two storey houses in St Wilfred's Close. Single storey bungalows (no taller than 6.1m above FFL) on the eastern and southern side of the site (plots 03-10) will minimise the visual impact on adjacent open space and create a more 'village' feel to the development as it steps down the site away from St Wilfred's Close. Use of larger 3 bed bungalow types (Plots 03, 04 & 07) to vary development and turn corners - e.g. providing overlooking across the open space to the south from the side of plot 07

Proposed Mix / Appearance

6.38 The proposal is for 10 dwellings. Of which 2 will be 4 bedroom houses and the remaining 8 will be 2 and 3 bedroom bungalows. There is a need for open market bungalows in the District: This development will allow people to downsize thereby freeing up larger houses for families, whilst allowing people to remain in the village.

TYPE	HEIGHT	SIZE	NUMBER
4 bed House	2 Storey	135.0m2	2
2 Bed Bungalow	Single Storey	82.10m2	5
3 Bed Bungalow	Single Storey	105.60m2	3
Total		997.30m2	10

6.39 The housetypes as illustrated below reflect the prevailing traditional architectural styles and use of building materials seen historically in Kibworth. Two character types are proposed, a formal late Georgian type and a more informal semi rural type with late Victorian / Edwardian features. The more formal Georgian type will be applied to the 2 storey houses and the more informal Victorian type will be applied to the bungalows.

6.40 Facing materials will reflect those seen in the surrounding area with development to the west in the Barnards Way / Longbreach Road character area being a key reference point e.g. a mix of red brick and off white cement render with red and grey roof coverings. Fenestration will be white and rainwater goods will be black.



4 Bed House Type – Front Elevation



2 Bed Bungalow House Type – Front Elevation



3 Bed Bungalow House Type – Front Elevation

6.41 The Applicant has prepared 3 streetscene views to illustrate how the site will look.



North Facing



West Facing



East Facing

Proposed Streetscene

Open Space/Landscaping

6.42 The total site area is 0.98ha, of which 0.51ha will be developed. The remaining 0.47ha will be retained as natural open space. A landscape strategy (see below) has been submitted which shows the following:

- New attenuation basins to provide additional wildflower grassland habitat.
- New tree and scrub planting will be provided within the built development, a proportion of which should be nectar-rich or fruiting species that will be of benefit to a range of birds and invertebrate species.
- Creation of areas of wildflower grassland would increase floral diversity and provide enhanced opportunities for invertebrate species such as butterflies and bees, and foraging opportunities for bats and birds.
- Existing tree stem to be retained as an ecological feature.
- Improvements to the channel profile to the watercourse in conjunction with planting native species would create a more defined feature providing valuable habitat for a range of wildlife.
- Plot landscaping will include lawns, hedgerows ornamental shrubs, specimen plants and garden trees.
- Existing trees and hedgerows around the edges of the site will be retained wherever possible



Landscape Strategy Plan

6.43 Local Plan policy CC1 seeks information on how carbon emissions would be minimised through passive design measures, how renewable energy technology may be provided and utilised; how demolition of existing buildings is justified in terms of optimisation of resources in comparison to their retention and re-use; and how carbon emissions during construction will be minimised. The submitted Planning Statement does not deal with Policy CC1, however, given the scale of the development it is considered a suitably worded condition

requiring further details of the way in which the development will mitigate against climate change would be reasonable.

- 6.44 Overall, the development is considered to achieve a good standard of design.

Residential Amenity impacts

- 6.45 Policy GD8 requires development to minimise its impact on the amenity of existing and future residents. The nearest residential properties to the site are the two dwellings on St Wilfred's Close which are adjacent to the site's northern boundary:



Relationship between proposed plots and existing residents



Relationship between Plot 1 and No.34

- 6.46 No.34 St Wilfred's Close contains no principal windows in its side elevation and is located on higher land than Plot 1. Plot 1 is proposed to be a two storey dwelling, which is to be sited further forward than the front elevation of No.34, however, the 45 degree line is not breached. No windows are proposed in the side elevation facing No.34. 1st floor windows are proposed in the rear elevation, but given the rear wing closest to No.34 has been set of the boundary

by approx. 2m and will be set back from the rear elevation of No.34 and the retained hedge (which is approx. 5m high) it is judged Plot 1 will not give rise to any adverse amenity issues result to such a degree to warrant refusal of the application.

- 6.47 No. 23 St Wilfred Close also contains no principal windows in its side elevation and is located on higher land than Plot 10. Plot 10 is proposed to be a bungalow and will be sited no further forward or back than the front and rear elevations of No. 23. The existing boundary hedge is shown to be retained. For these reasons, it is judged Plot 10 will have no adverse impact upon No.23
- 6.48 To the east of the site is the side elevation and rear garden of No.9 St Wilfred's and large garden of No.9 Station Hollow. However, no adverse impact can be identified to these properties or their gardens given Plots 7-10 are bungalows, the separation distance (in excess of 35m from the closest proposed bungalow - Plot 10 to the closest existing dwelling – No.9 St Wilfred's) and the retention of the eastern boundary hedgerow.
- 6.49 Internally, separation distances are met on the whole, with the exception of the back to back distances between plots 3/4 and 5/6 which are less than 21m. However, as these plots are all bungalows 2m high garden fences will provide obstructions to lines of sight between habitable rooms and as such this relationship is deemed to be acceptable.
- 6.50 During construction there will be some adverse impacts upon residential amenity. However, a construction method statement, to be submitted via condition, would contain measures to limit the disturbance and inconvenience that may arise when buildings works are undertaken.

Future Residential Amenity – Noise Impact

- 6.51 An acoustic report has been completed in order to determine the existing levels of noise across the Site due to rail traffic noise. Additionally, a full weekday and weekend background sound survey has been completed. Noise modelling software has been used in order to predict the noise levels in external amenity areas and also incident upon the proposed facades.
- 6.52 The assessment shows that average levels day and night are compliant with relevant guidance (BS8223) externally, and internally with windows closed (assuming standard-type thermal double-glazed units). However, problems then arise in the living rooms and bedrooms of some plot when windows are opened for ventilation (as you would expect residents to do). Therefore, mitigation is recommended in the form of alternative ventilation, essentially so that residents can keep their windows closed to protect themselves from intrusive noise levels.
- 6.53 The Council's Environmental Health Officer has reviewed the report. The Officer would have preferred up to date monitoring data, rather than data based on 2016 monitoring (which was used to support application 17/00500/FUL).
- 6.54 The Officer accepts the noise levels are compliant with BS8223 with mitigation, however, the report does not highlight which plots are subjected to these excessive noise levels, neither do they quantify the actual value of the mitigation itself that they recommend. Nor does the report advise if other mitigation has been considered, for example, bunding, acoustic fencing and/or positioning of habitable rooms.
- 6.55 The Officer is aware that the mitigation proposed for this development is the same as that proposed for 17/00500/FUL and was considered to be acceptable by the Environmental Health team at that time, although that was based on 2016 data. The Officer has therefore suggested a pre-commencement condition seeking an updated acoustic report based on updated data, which should advise if additional mitigation is required.

Ecology

- 6.56 Policy G15 (Biodiversity and geodiversity) permits development (amongst other criteria) where there is no adverse impact on protected species, there are opportunities for improving habitats and contributes to improving biodiversity and geodiversity.
- 6.57 An Ecological Appraisal has been submitted with the application. The findings of the survey are summarised below.
- 6.58 The site is not subject to any statutory ecological designations. The nearest statutory designation is Kilby – Foxton Canal SSSI, located approximately 2.1km west of the site, and is sufficiently removed to be unlikely to be adversely affected. A single tree located along the western site boundary has been identified as a candidate Local Wildlife Site (LWS) 'Wilfred's Close Ash' and will be retained and remain unaffected under the proposed development.
- 6.59 The site itself comprises a single grassland field with boundary hedgerows, along with a small area of woodland within the south, adjacent to the off site railway corridor. A small watercourse is also present, which enters the site via a culvert in the south west.
- 6.60 The site generally offers limited opportunities for protected species, although a Badger sett is present at the site boundary and trees with bat roosting potential were recorded, whilst it is likely that birds nest within suitable habitat at the site and could therefore potentially be adversely affected by the proposal. Appropriate mitigation measures, centred on the creation of buffer zones, to be demarcated with protective fencing, will minimise potential for adverse effects on Badger and roosting bats, whilst careful timing of works be implemented to safeguard nesting birds during relevant site clearance works.
- 6.61 The proposals present the opportunity to secure a number of net gains in biodiversity, including establishment of an ecological enhancement area in the south of the site, along with additional native tree planting, wildflower grassland and enhancement to the ditch feature, along with new roosting / nesting opportunities for bats, birds and invertebrates.



Ecological Enhancement Area

- 6.62 The County Ecologist has confirmed the Ecological Appraisal is satisfactory as is the Biodiversity Net Gain Assessment Report and advised the mitigation measures and biodiversity enhancement be followed and made a condition of any planning permission granted.
- 6.63 Subject to these conditions, the development would satisfy local plan and neighbourhood plan policies relating to protected species and biodiversity net gain

Arboriculture

- 6.64 Policy GD2 seeks the retention as far as possible of existing natural boundaries within and around the site and Policy GD8 seeks to protect and enhance existing landscape features. Para 131 of the NPPF (2021) details the aspiration to secure increased tree cover within new developments, comprising both new tree planting, and the retention of existing trees where possible
- 6.65 The site's boundaries comprise primarily of native broadleaved species, with the exception of 2no. offsite groups of ornamental Leyland Cypress situated within neighbouring gardens.



Tree Constraints Plan

- 6.66 An assemblage of Field Maple, Crack Willow, Silver Birch, Alder, Hawthorn, Cherry, Hazel, Lime and Sweet Chestnut (G2) occupy the southern extent of the application area. Collectively they help define the boundary and screen the adjacent railway line. They are considered to collectively hold moderate arboricultural value (category B). Note: the single Crack Willow is recommended for removal due to its poor health and hazardous structural condition
- 6.67 The remaining boundaries are defined by lapsed native hedgerows and groups of scrub which are of low arboricultural quality and contain the occasional Ash standard (T1-T3, T5, G1, G3-G6 and H1-H3)
- 6.68 In order to facilitate the development, it will be necessary to remove T1 (Elder) and short sections of boundary hedgerows (H1, H2 and H3). To accommodate the proposed development, it will be necessary to selectively prune the interior edges of H1, H2 and H3 by up to c.2m. This work will provide sufficient working room to construct Plots 1, 6 and 10, and help restore a managed and tidy appearance to both hedgerows.
- 6.69 The proposal will require works within the RPA of retained tree T3 (Ash) (which was Pollarded in Feb 2021) to accommodate a pedestrian link to an existing PROW adjacent to the site's western boundary and as such a no dig construction method will be utilised.

- 6.70 As previously referred to in para 6.41, a Landscape Strategy Plan has been submitted which incorporates new tree planting to mitigate for the loss of the trees proposed and to help enhance the appearance of the development. The development is therefore considered to satisfy local plan policies GD2 and GD8.

S106 Obligations

- 6.71 To assist in mitigating the impact of the proposed development, the Applicant has agreed to enter into a S106 Agreement.
- 6.71 The Agreement will reflect the contributions and triggers as set out in Appendix A which have been requested from the following consultees:
- LCC Education
 - LCC Waste Management
 - LCC Libraries
 - LCC Highways
 - HDC Community Facilities
 - NHS (PCT)
- 6.72 The Case Officer has considered the evidence provided by consultees in support of the sought obligations (which can be viewed on-line in full) and are satisfied that each sought obligation meets the three tests set out in the Framework for planning obligations, which reflect those set out in Regulation 122 of the Community Infrastructure Levy (CIL) (2010).

7. Conclusion

- 7.1 The development will be sited within the Limits to Development of a sustainable Rural Centre, within walking and cycling distance to a range of amenities and services within the village centres(s).
- 7.2 The proposed development will help to increase the choice of housing, in particular open market bungalows, catering for the needs for older people or those with disabilities, thereby freeing up existing housing stock that are perhaps under-occupied whilst at the same time allowing people to remain in the village(s) meet the housing mix required by the local community (8 bungalows).
- 7.3 The proposed development would contribute towards economic growth during the construction period in terms of employment; and in the longer term, the additional population would be likely to increase spending, for instance in the local shops and help support the range of other local services.
- 7.4 The development would result in the loss in greenfield land and result in localised landscape harm, but the development would as a result of its appearance and proposed landscape strategy achieve high quality design which will result in biodiversity net gain.
- 7.5 Finally, statutory consultees are satisfied that the development would not result in increased flood risk, adversely affect highway safety or ecological or archaeological interests. The development would safeguard the amenities of existing and future residents.
- 7.6 The development will result in a minor/moderate landscape impact, but this impact is not considered to significantly and demonstrably outweigh the above benefits. The application is therefore recommended for approval subject to conditions and S106 obligations outlined in

Appendix A and Appendix B. The recommendation has been made taking into account Paragraph 38 of the NPPF, as well as National Planning Practice Guidance.

APPENDIX A – S106 OBLIGATIONS

Request by HDC	Obligation for Community Facilities contribution (inc. Indoor Sports Facilities Contribution)		
Amount /Detail	Delivery	CIL Justification	Policy Basis
Community Facilities £9,605 for the purpose of funding new or improving existing community facilities in the vicinity of the Development	100 % to be paid to HDC prior to the Commencement of Development	<p>See Full CIL justification from HDC Parish and Community Facilities Officer dated 20.09.2021</p> <p>The development would place additional demands on community facilities.</p> <p>The contribution request has been justified using evidence of need for the community facilities and the contribution would be allocated to projects supporting community facilities in either the Parish of Kibworth or facilities in a neighbouring parish in close proximity (5 mile radius) to the proposed development.</p> <p>The projects evidenced (as identified in the Council's Built Facilities or Parish Neighbourhood Plan) will benefit the new residents of the proposed development.</p>	<p>Developer Contributions SPD January 2017</p> <p>Community Facilities Refresh Assessment May 2017</p> <p>HLP Policy IN1</p> <p>Built Facilities Strategy (December 2020)</p>

Request by LCC	Highways		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>The contribution to the A6 study is based on a standard £3,500 per journey through a junction so this mean the total contribution would be £24,500 (7 x £3,500).</p>		<p>The Cumulative Development Traffic Impact Study jointly commissioned by Leicestershire County Council and Harborough District Council assessed the cumulative impact of pending applications, at links and junctions identified within the Kibworth Beauchamp, Kibworth Harcourt, Fleckney, Saddington and Great Glen areas. The capacity assessment of the links and junctions identified within the study demonstrates that the A6 corridor within the study area is operating significantly over capacity and consideration must therefore be given to the introduction of highway improvements to mitigate the highway impact from this development and the cumulative impact of the other developments proposed.</p> <p>The study went on to identify concept highway improvements for the A6 Leicester Road /Wistow Road roundabout and the A6 Harborough Road / New Road junction to accommodate the impact of the cumulative development tested within this study. In addition, concept highway improvements were identified for the Church Road / A6 / Marsh Drive junction which would allow traffic from Church Road and Marsh Drive to access the A6 Leicester Road more freely compared to the existing junction layout.</p> <p>Notably, the referenced concept highway improvements were deemed necessary to accommodate traffic flows from the Baseline 2021 traffic flow scenario and Baseline 2021 + Cumulative Development scenarios and the study went on to conclude that local junction interventions and bespoke highway improvements proportionate to the scale of the</p>	<p>Developer Contributions SPD January 2017</p> <p>Leicestershire Planning Obligations Policy (3rd December 2014).</p> <p>A6 Cumulative Impact Study</p>

		<p>total development quantum proposed should be pursued. The study demonstrates that this development would have a material impact at the junctions identified and therefore improvements are required to alleviate the significant impacts of the development.</p> <p>The LHA understands the highway network's role to enable economy, growth and employment. To enable and facilitate such growth, the LHA recognises the pivotal role the A6 plays in providing a vital connection to areas of employment, education and the strategic road network. With due consideration to both the local and wider road network, where a material impact of development has been established, the LHA will continue in its endeavours to pursue these wider opportunities to propagate both housing and employment. By way of these necessary, relevant and proportional improvements as identified in the study, the LHA advises that development can appositely progress and the county highway network can continue to operate efficiently as it must for County, District, local resident's and developer's interests.</p> <p>Until such time as a final scheme has been identified, a scenario of 'short term pain' for 'long term gain' is considered to be acceptable. Therefore, it is recommended that this development should contribute towards improvements to the wider highway network as considered appropriate by Harborough District Council in consultation with Leicestershire County Council.</p> <p>Given the location of the site the LHA consider it reasonable that based on trip rates in applicants</p>	
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		<p>correspondence dated 1 February 2018 (in connection with 17/00500/FUL) the proposed development could generate 7 (two-way) AM trips.</p> <p>From there it is sensible to presume that those trips would go through at least one of the three junctions contained in the A6 Cumulative Impact Study. However, in these circumstances, rather than asking for a contribution for all the junctions the LHA would be willing to accept a contribution based on those 7 journeys going through one junction each.</p>	
Request by LCC	Civic Amenity		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£446.00 towards the acquisition of additional containers or the installation of additional storage areas and waste infrastructure at the Kibworth Household Waste Recycling Site		<p>See Full CIL justification from LCC Waste Management 20.08.2021</p> <p>A contribution would be required to ensure that the local waste facilities can continue to maintain the existing level of service and capacity for the residents of the proposed development. This would be provided through the development of additional capacity and infrastructure to handle the waste and vehicles delivering in/out as a result of the proposed development at the local waste facilities.</p>	<p>Leicestershire County Council Planning Obligations Policy (2019). HLP Policy IN1</p>
Request by LCC	Libraries		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£310.00 towards increasing capacity at Kibworth Library		<p>See Full CIL justification from LCC Libraries dated 02.09.2021</p> <p>The proposed development on St Wilfred's Close is within 0.32km of Kibworth Library on Padget Street, being the nearest local library facility which would serve the development site.</p> <p>Post code analysis using 2015 mid-year population estimates</p>	<p>Leicestershire County Council Planning Obligations Policy (2019). HLP Policy IN1</p>

		demonstrates that the catchment population for Kibworth library is 6,910. It is estimated that the proposed development will add 30 to the existing library's catchment population. This will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought to provide materials e.g. books, audio books, newspapers, periodicals for loan and reference use, and associated equipment or to reconfigure the library space to account for additional usage of the venue for residents to hold meetings, including book reading and activity sessions.	
Request by PCT			
Amount /Detail	Delivery	CIL Justification	Policy Basis
£2,195.51 towards increasing capacity at the Market Harborough Medical Practice and the South Leicestershire Medical Group	Prior to first Occupation	<p>See Full CIL justification from LCG 30.09.2021</p> <p>The development is proposing 10 dwellings which based on the average household size of 2.42 per dwelling (2001 Census) could result in an increased patient population of 24.2</p> <p>An increase in patients will create additional pressure on clinicians and admin teams within the area (South Leicestershire Medical Group)</p> <p>The contribution would support the practice in improving patient access and capacity.</p>	HLP Policy IN1
Request by HDC	Obligation for Monitoring Fee		
Amount /Detail	Delivery	CIL Justification	Policy Basis

15% of the Application fee or £250.00 per financial obligation payable to the District Council	Within 14 days of commencement	To cover the costs of monitoring payments and implementation of the developer contributions and scheme.	Developer Contributions SPD adopted September 19th 2016.
Request by LCC	Obligation for Monitoring Fee		
Amount /Detail	Delivery	CIL Justification	Policy Basis
£300.00 or 0.5% (whichever is greater) per financial obligation in favour of the County Council	Within 14 days of commencement	To cover the costs of monitoring payments and implementation of the developer contributions and scheme.	Leicestershire County Council Planning Obligations Policy (2019).

NOTE 1: Indexation may be applied to the above figures.

Appendix B Suggested Planning Conditions

1)Planning Permission Commencement

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 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

2)Approved Plans

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

- Site Location Plan 40820 007A
- Proposed Site layout 40820 021Q
- 2B4P Bungalow – Floor Plans and Elevations 40820 023
- 3B5P Bungalow – Floor Plans and Elevations 40820 025A
- 4B6P House – Floor Plans and Elevations 40820 027

REASON: for the avoidance of doubt and to ensure the development is implemented as approved.

3)Construction Method Statement

No development shall commence on site (including any site clearance/preparation works), until a Construction Method Statement has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the construction period.

- a) the parking of vehicles of site operatives and visitors;
- b) loading/unloading and storage of plant, materials, oils, fuels, and chemicals;

- c) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- d) wheel washing facilities and road cleaning arrangements;
- e) measures to control the emission of dust during construction;
- f) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
- g) measures for the protection of the natural environment;
- h) hours of construction work, including deliveries and removal of materials;
- i) full details of any piling technique to be employed, if relevant;
- j) location of temporary buildings and associated generators, compounds, structures and enclosures;
- k) routing of construction traffic
- l) full details of any floodlighting to be installed associated with the construction of the development
- m) preventative measures to avoid surface water run-off during construction.

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, having regard to Harborough Local Plan Policy GD8

4) Levels

No development shall commence on site until a Levels Scheme has been submitted to and approved in writing by the Local Planning Authority. The Levels Scheme shall include full details of the finished ground floor levels of the dwellings, existing and proposed site levels, the adjacent highway, together with details of the levels of all accesses (to include pathways, driveways, steps and ramps) The Levels Scheme should ensure level access to all properties. Thereafter, the works for each Plot shall be completed in accordance with the approved Levels Scheme prior to occupation of each respective dwelling.

REASON: To ensure satisfactory levels for the development, in the interests of the character and appearance of the development and the surrounding area, to protect residential amenities and to accord with Harborough Local Plan Policies GD2 and GD8

5) Arboricultural Method Statement

No development shall commence on site until a detailed Arboricultural Method Statement supported by 1:500 scale technical drawings has been submitted to and approved in writing by the LPA. The drawings should expand on Appendix C of the Arboricultural Impact Assessment Report (Aspect Arboriculture; Rev B) and should include details of proposed levels and service routes Thereafter the development shall be implemented in accordance with the approved details.

REASON: To ensure the trees and vegetation are safeguarded and to accord with Harborough Local Plan Policies GD2 and GD8

6)Landscape and Ecological Enhancement Scheme

Prior to construction above damp proof course, a Landscape and Ecological Enhancement Scheme (which reflects the principles of the submitted Landscape Strategy and Ecological Enhancement Area) shall be submitted to and approved in writing by the Local Planning Authority. The Scheme should also include an Implementation and Management Programme. Thereafter the scheme shall be implemented in accordance with the approved details.

REASON: To ensure that the development includes landscaping, planting, boundary treatments and surfacing materials which are appropriate to the character and appearance of the development and the surrounding area, biodiversity and ecological enhancements and to ensure the proper management and maintenance of the approved landscaping and ecological areas, having regard to Harborough Local Plan Policies GD2, GD8 and GI5, and the National Planning Policy Framework.

7)Landscape Implementation

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 dwellings to which they relate 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.

REASON: in the interest of the character and appearance of the development, in the interest of general amenities and to accord with Harborough Local Plan Policies GD2 and GD8

8)Protective Fencing

Prior to the commencement of development on site, any hedgerows or trees that are to be retained on the site must be enclosed by protective fencing, in accordance with British Standard 5837 (2010): Trees in Relation to Construction. After the fencing has been erected it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

REASON: To ensure retained trees and hedgerows are protected during the construction period having regard to Harborough Local Plan Policy MH2, GD8 and GI5.

9)Hedgerow/Tree Protection

No tree or hedgerow shown as being retained in the landscape details to be submitted shall be removed, uprooted or destroyed. If any retained tree or hedgerow dies within 5 years from the date of the commencement of development, another tree / hedgerow of the same size and species shall be planted at the same place within the first planting season following the loss of the retained tree or hedgerow.

REASON: To protect trees/hedgerows which are to be retained in order to enhance the quality of the development, bio-diversity and the landscape of the area having regard to with Harborough Local Plan Policy MH2, GD8 and GI5

10)Materials Schedule

Prior to construction above damp proof course, details of all external materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and the development shall only be carried out in accordance with the approved details.

REASON: In the interest of visual amenity, to ensure that the materials are appropriate to the character and appearance of the development and the surrounding area having regard to Harborough Local Plan Policy MH2 and GD8.

11) Implementation of Ecological Survey Recommendations & County Ecologist

The development hereby approved shall be implemented in accordance with the mitigation measures (MM1 to MM9) and the ecological enhancements (EE1-EE6) as identified in Chapter 6 of the Ecological Appraisal (Aspect Ecology)

REASON: To ensure species identified are protected during the construction period and safeguarded following completion of the development and to ensure the implementation of enhancement measures to provide a net gain in biodiversity post development having regard to Harborough Local Plan Policy GD8 and GI5

12) Surface Water Drainage Scheme

No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to ensure that drainage associated with the site does not impact on or cause damage to adjacent railway assets having regard to Harborough Local Plan Policy CC3 and CC4

13)Management of Surface Water

No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.

REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase having regard to Harborough Local Plan Policy CC3 and CC4

14)Long-term Maintenance

No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority.

REASON: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development having regard to Harborough Local Plan Policy CC3 and CC4

15)Infiltration Testing

No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy having regard to Harborough Local Plan Policy CC4

16)Foul Drainage

Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

REASON: To prevent environmental and amenity problems arising from flooding having Harborough Local Plan Policy IN4

17)Written Scheme of Investigation

No demolition/development shall take place/commence until a staged programme of archaeological work, commencing with an initial phase of geophysical survey and trial trenching has been undertaken. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

REASON: To ensure satisfactory archaeological investigation, recording, dissemination and archiving having regard to Harborough Local Plan Policy HC1

18)Access Arrangements

No part of the development hereby permitted shall be occupied until such time as the access arrangements generally shown on MAC drawing number: 443-TA04 Revision A have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

19)Site drainage details

No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning

Authority. Thereafter surface water shall 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 in accordance with the National Planning Policy Framework (2019).

20) Parking and turning facilities

No residential unit shall be occupied until the parking and turning facilities associated with that unit have been implemented in accordance RG+P Architects drawing number: 40820/021, 'Proposed Site Layout', Revision Q, dated 13 September 2021. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

21) Private Access Drives

Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG20 of the Leicestershire Highways Design Guide. The private access drives should be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, and to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

22) No gates, barriers, bollards

Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary. Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2021).

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2021).

No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of all private accesses with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2021).

23)Refuse and Recycling Facilities

No development shall commence on site until details of the storage facilities for refuse and recycling materials have been submitted to and approved in writing by the LPA. Thereafter the facilities shall be laid out in accordance with the approved details and shall be provided for each dwelling before that dwelling is first occupied and thereafter be retained in perpetuity

REASON: To ensure the adequate provision of facilities and in the interests of visual/general amenity having regard to Harborough Local Plan policy GD8

24)External lighting

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. Light spill to the woodland boundaries to the north and east shall not exceed 1lux.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site having regard to Harborough Local Plan policy GD8

25)Superfast Broadband

All dwellings shall incorporate ducting capable of accepting fibre to enable Superfast Broadband.

REASON: To enable adaptation, in the interest of digital connectivity in rural areas, to increase the opportunity for people to work and/or shop from home, to reduce the need to travel and having regard to Harborough Local Plan IN3

26) Trespass Proof Fencing

The developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. Network Rail's existing fencing/wall must not be removed or damaged.

REASON: To reduce the risk of trespass onto the railway

27) Noise Impact Assessment

Notwithstanding the submitted Noise Impact Assessment, an updated Noise Impact Assessment should be submitted, utilising up to date monitoring data, shall be submitted to and approved in writing by the LPA. The Assessment should consider all reasonable mitigation options. Thereafter any recommendations made within the report shall be implemented prior to first occupation of the dwellings hereby approved.

REASON: To safeguard future residential amenity from noise associated with the adjacent railway line and to accord having regard to Harborough Local Plan policy GD8

28) Climate Change Mitigation

No development above ground level shall commence until a statement setting out details of how the development will mitigate against climate change has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details

REASON: To ensure the development will provide suitable climate change mitigation, in accordance with Policy CC1 of the Harborough Local Plan.

Notes to Applicant

Building Regulations

The Applicant is advised that this proposal will require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. 01858 821090). As such, please be aware that complying with Building Regulations does not mean that the Planning Conditions attached to this Permission have been discharged and vice versa.

Landscape/Open Space Management

It is the developer's responsibility to inform buyers of new properties of the requirement to pay for an annual maintenance contribution (Service Charge/Estate Fee). Once open space has been transferred to a management organisation, the Council or other organisation it is no longer the developer's responsibility to manage the open space. Any costs or other resident commitments in relation to the management of open space on new developments (e.g. service charge) should also be flagged by the appointed solicitor during the conveyancing process to residents

Where the provision of open space is made on site and is of benefit to the occupants of a proposed development and the wider community the developer usually has three options to maintain the open space;

- Transfer to Management Company
- Transfer to District Council
- Transfer to Parish Council

The District Council will not usually adopt open space for maintenance unless it is of strategic significance.

If open space is transferred to the District Council (or Parish Councils) the developer will be required to pay a commuted sum to cover the cost of future maintenance for thirty years (note: a local agreement between Parish Councils and developers concerning commuted sums may be acceptable). This is to avoid circumstances where open spaces become neglected and deteriorate and are no longer safe or useful to the community they serve. The current 30 year commuted sum for maintenance for semi natural and natural greenspace is £260,117.60 per hectare.

Where an open space is provided on site, it should be maintained by the developer to the satisfaction of the District Council for a period of 12 months after practical completion. Upon the expiry of this 12 month maintenance period, the open space shall be transferred to either the Council or nominated maintenance organisation following the payment of a commuted sum as required.

The developer will be obliged to ensure that the open space is to the standards outlined in Appendix C - Adoption Standards Requirements, and that they comply with any planning conditions and approved plans.

Material Details

The details of external materials to be submitted shall qualify all bricks, including brick bond style, tiles, including ridge tiles, render types and colours, any date stones, garage door and other doors, windows, sills and lintels, corbel/dentil/string course brickwork, rainwater goods, porch canopies, bargeboards, fascias, soffits, finials and other external materials.

Land Drainage Consent

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

LLFA Respective Condition Notes

1. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

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

3. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.

4. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.

LLFA Standing Advice

The Developers attention is drawn to the standing advice given by the LLFA in their consultation response dated

Network Rail

The Developers attention is drawn to the Drainage requirements of Network Rail in their consultation response (dated 01.09.21) when submitting their surface water drainage plans as requested by Condition X. The developer should also take on board Network Rail's requirements in relation to landscaping and their standard informatives

Railway Noise Mitigation

The Developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Designing out Crime

The Applicant's attention is drawn to the General Recommendations raised by Leicestershire Police Designing out Crime Officer & Architectural Liaison Officer within his letter dated

184 permit/section 278 agreement

Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

Section 38 Agreement

If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg> . If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.

Temporary Signage

To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).

Public Right of Way

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

Committee Report

Applicant: Michael Rickman

Application Ref: 21/01485/FUL

Location: 48 Main Street, Medbourne

Proposal: Demolition of existing conservatory and erection of a single storey rear extension

Application Validated: 27/08/21

Target Date: 22/10/21 (extension of time agreed)

Consultation Expiry Date: 13/10/2021

Site Visit Dates: 13/09/21

Reason for Committee decision: The applicant is a District Councillor

Recommendation

It is recommended that the application is **APPROVED**.

1. Site & Surroundings

- 1.7 The application site is within the village of Medbourne. It is within the Conservation Area.
- 1.8 The application site is the end property in a row of three. Immediately north of the property is the applicant's driveway leading to stables and a paddock to the rear. On the other side of the driveway is a detached house that has been extended to the rear. To the east and south are residential properties.
- 1.9 There is an existing conservatory to the rear of the property. This is to be replaced by the proposed extension.

2. Site History

2.1 There is no relevant planning history on the application site.

3. The Application Submission

a) Summary of Proposals

3.1 The proposal is for the demolition of the existing conservatory and the erection of a single storey rear extension. The proposed extension extends across the rear of the dwelling house and extends out by 5.1m. It has a flat roof, bi-fold doors on the rear elevation and a flat-topped roof lantern. The bi-fold doors are to have an oak frame and the external walls are to be rendered. A floor to ceiling window is proposed in the north elevation. The south elevation is blank. It is 2.9m high.



Figure : Block Plan.

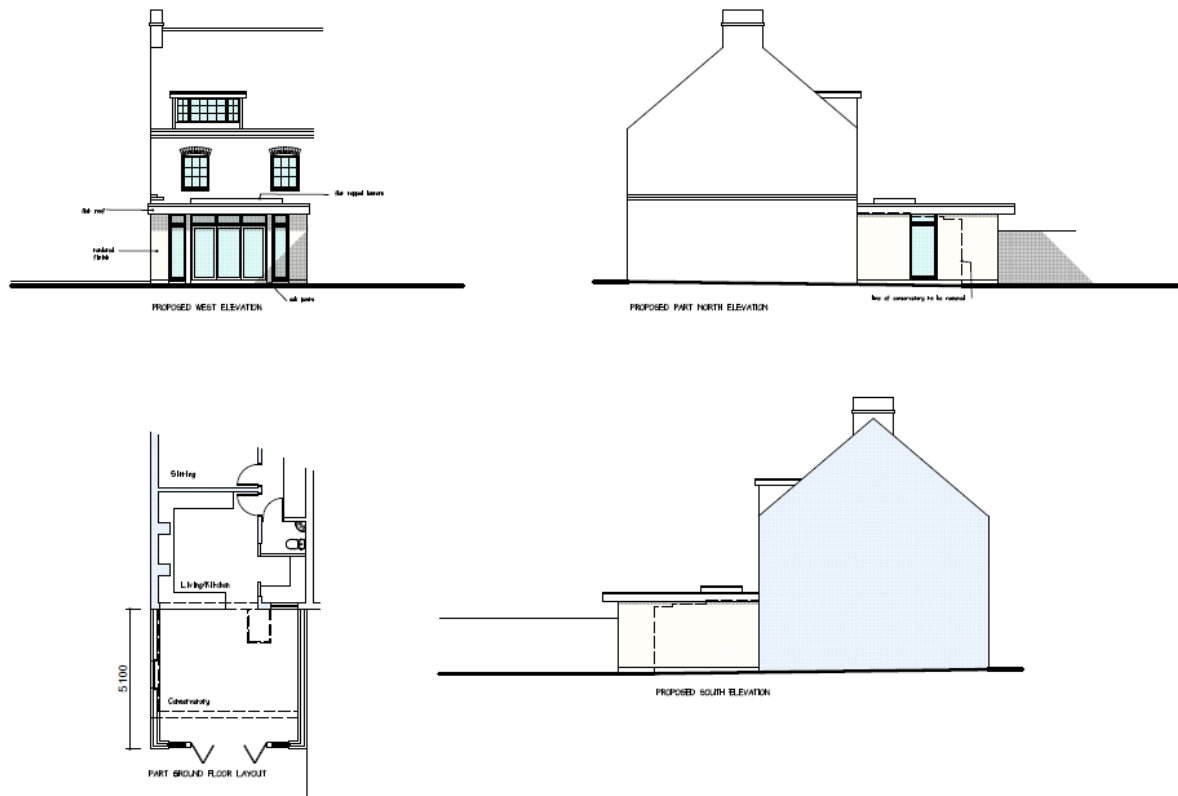


Figure 3, floor plan and elevations

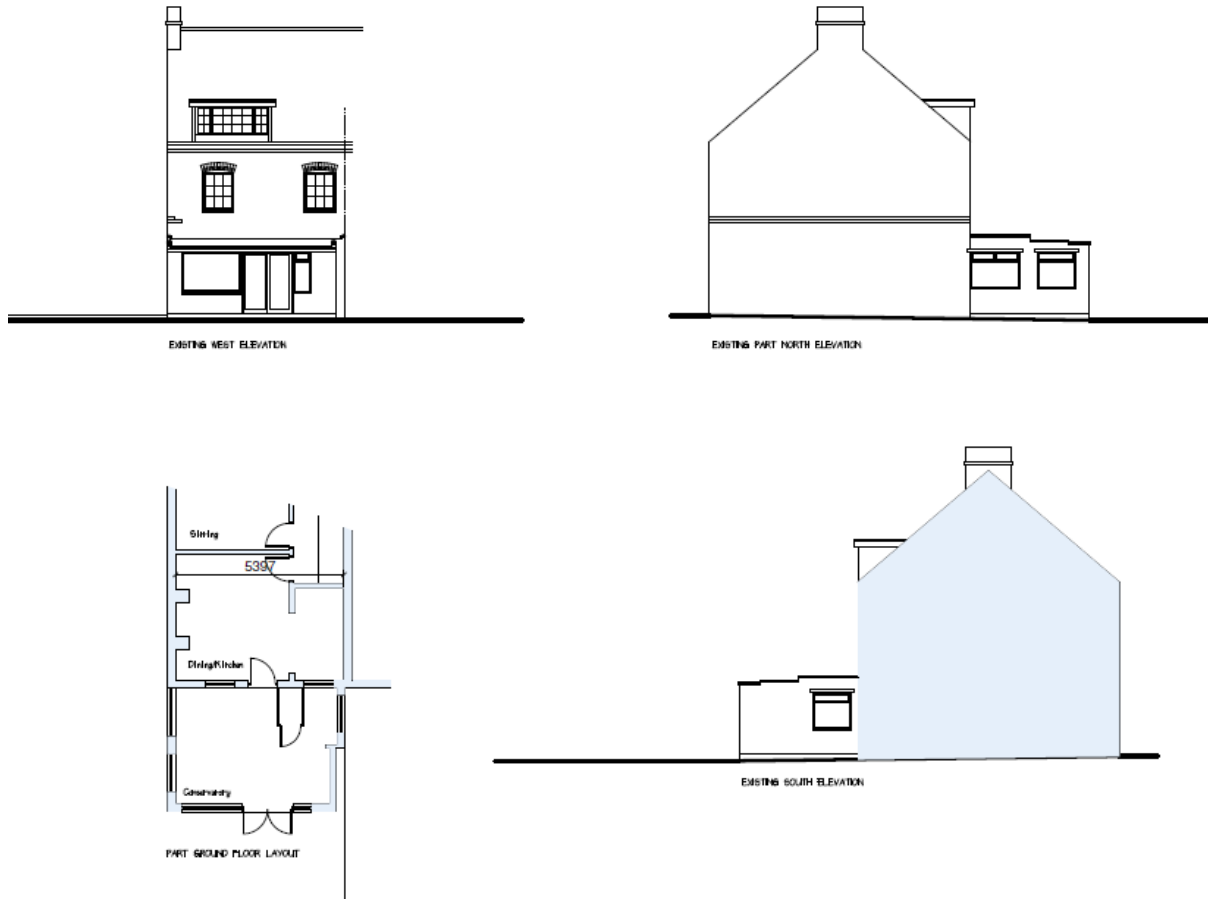


Figure 4 Existing floor plan and elevations

- 3.2 The existing conservatory is 3.9m deep and extends across the rear of the property but then steps in on the southern boundary. The widest part extends to the boundary with the adjoining property and contains an obscure glazed window. A close boarded fence and trellis extends along the boundary from the widest part of the conservatory and alongside the garden. On the north elevation there are two windows facing the driveway. The roof is stepped in height and there is coping along the top of the two side parapet walls. It is 2.6m high at its highest and 2.4m at its lowest point.



Figure 5 Existing conservatory and rear of the property



Figure 6 Existing conservatory and view from driveway gates

b) Documents submitted

i. Plans

3.3 The application has been accompanied by the following plans:

Location/Block Plan 3120/3
Existing layout 3120/1 Rev. A
Planning 3120/2 Rev. A

Amended plans were submitted (Rev. A) as the original plans did not accurately show the existing situation or the proposal correctly.

ii. Supporting Information

3.4 The application has the following supporting information:

Design and Access Statement

c) Pre-application Engagement

3.5 None.

d) Other Relevant Information

3.6 The application has been called-in to Planning Committee as the applicant is a Councillor.

4. Consultations and Representations

4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 2nd and 29th September 2021. A site notice was put up on 13th September 2021 and the proposal was publicised in the Harborough Mail on 16th September 2021. The last consultation expired 13th October 2021.

4.2 A summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning.

a) Statutory & Non-Statutory Consultees

Medbourne Parish Council

4.3 No comments received.

b) Local Community

4.4 4 neighbours were consulted.



Figure 7 Neighbours consulted

No representations were received.

5. Planning Policy Considerations

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

a) Development Plan and material planning considerations

5.2 The National Planning Policy Framework (NPPF):
Section 7: Requiring good design

Harborough Local Plan:
GD8 Good design in development
HC1 Built heritage

Supplementary Planning Guidance:
Note 5 – Residential extensions

Medbourne Neighbourhood Plan May 2018 (adopted):
Policy H5 Building design principles

LCC Highway Authority Standing Advice (September 2011)

Conservation Areas - Planning (Listed Buildings & Conservation Areas) Act 1990,
Section 72(1)

6. Assessment

a) Design, impact on the street scene & designated heritage assets

- 6.1 As this application is for the erection of an extension to a dwelling-house within a village and Conservation Area Policies GD8 and HC1 of the Harborough Local Plan should be complied with.
- 6.2 Policy GD8 states that development will be permitted where it achieves a high standard of design. Development must be inspired by, respect and enhance the local character and distinctiveness of the settlement, be sympathetic to local vernacular, and respect the context and characteristics of the individual site, street scene and wider local environment.
- 6.3 Policy HC1 Built Heritage states that development affecting heritage assets and their setting will be permitted where it protects, conserves and enhances the significance, character and setting of the asset. Development within or affecting a conservation area will be permitted where it preserves and enhances the character and appearance of the Conservation Area.
- 6.4 Policy H5 of the Medbourne Neighbourhood Plan states that development proposals should respect local character having regard to scale, density, massing, height, layout and materials.
- 6.5 SPG Note 5 states that extensions should be in keeping with and subservient to the original building in terms of scale, mass and design.
- 6.6 The extension is located at the rear of the property and replaces an existing flat roof conservatory. The property is historic and has a traditional character. It is considered

that the design and scale of the conservatory preserves and does not detract from the original character of the dwelling house and replaces a conservatory similar in appearance.

- 6.7 The side of the extension can be seen in the street scene through the existing gates at the top of the driveway. Currently there is a staggered roof height flat roof conservatory with two windows. The view will be of a flat roof extension containing one floor to ceiling window. It is to be rendered. It is not considered that this new view would have a harmful impact on the character and appearance of the street scene or the designated heritage asset of the Conservation Area. There are no Listed Buildings close enough to be affected by the proposal. There is a mixture of materials in the street scene including red brick, render, buff brick, stone and painted brickwork.



Figure 8 View from entrance of driveway

- 6.8 Due to the scale, siting, materials and design of the proposed extension it is considered that it accords with Policies GD8 and HC1 of the Harborough Local Plan and Policy H5 of Medbourne Neighbourhood Plan.

b) Residential amenity

- 6.9 Policy GD8 of the Local Plan states that development should seek to minimise the impact on existing and future residential amenity. SPG5 states that extensions should not result in an adverse loss of privacy or have an adverse overbearing or overshadowing impact. Policy H5 of the Neighbourhood Plan states that development should take into account the amenity of neighbouring occupiers.
- 6.10 To the north of the application site is 50 Main Street. This property has been extended at the rear and this is separated from the proposal by a driveway. There are two windows in the side elevation of the neighbour's property at ground floor. These predominantly look towards the main two-storey side elevation of the existing dwelling. A window is proposed in the side of the new extension but there are currently two windows in the existing conservatory. Due to the existing situation it is not considered that there would be an unacceptable loss of privacy. The new window would face the blank side elevation of the neighbour's extension. Though the proposal is 1.2m longer than the existing conservatory, due to the neighbour's extension and the driveway separating the two properties the extension will not be overbearing.



Figure 9 Rear of 50 Main Street

- 6.11 Adjoining the property to the south is 46 Main Street. The existing conservatory is on the boundary for the first 1.9m from the rear of the properties. This part of the conservatory contains an obscure glazed window that faces the neighbour's garden immediately at the rear of their property. Next to the boundary the neighbour has French doors and then a window serving a kitchen/diner. The current extension breaches the 45-degree line from the centre of the French doors.
- 6.12 The proposed extension is to be on the boundary with the neighbour for its full 5.1m. This replaces the existing 1.9m of the existing conservatory that is on the boundary and a close boarded fence with trellis. In addition to this the remaining 2m of the existing conservatory is only 0.3m from the boundary. The proposed extension is 1.2m longer than the existing conservatory and 0.3m higher. The neighbour will therefore have a longer and higher blank wall along their boundary. However, the extension is north of the neighbour's garden and windows and the existing window that is on that boundary will no longer exist. There is also already a close boarded fence and trellis with thick planting that extends up to a height of approximately 2.4m (the height of the lowest part of the existing conservatory).
- 6.13 On balance considering the existing situation of the existing conservatory, window, fence, trellis, planting and orientation it is not considered that the new extension of the height and length proposed would have an unacceptable overbearing impact on the neighbouring property. There will also be no loss of privacy.



Figure 10 Existing conservatory next to boundary with 46 Main Street

6.14 Overall given the existing situation on site, and given that the extension is not significantly higher or larger than the existing conservatory, it is not considered that the proposal would adversely affect residential amenity. It is considered that the proposal will not be overbearing or result in a loss of privacy and that it accords with Policy GD8 of the Harborough Local Plan and Policy H5 of Medbourne Neighbourhood Plan.

c) Highways

6.15 The proposed extension does not create an additional parking need nor affect the existing provision. The proposal therefore accords with Policy GD8 of the Harborough Local Plan.

7. The Planning Balance / Conclusion

7.1 The application is to be assessed against the policies of the development plan together with all material considerations. The above assessment concludes that the proposal

accords with Policies GD8 and HC1 of the Harborough Local Plan and Policy H5 of Medbourne Neighbourhood Plan.

8. Conditions

1. The development hereby permitted shall begin within 3 years from the date of this decision.

REASON: To meet the requirements of the Town and Country Planning Act 1990 (as amended).

2. The external materials, including windows and doors, used in the construction of the development hereby approved shall be as shown on the approved plans. These materials shall be retained in perpetuity, unless prior written consent is obtained from the Local Planning Authority.

REASON: To safeguard the appearance of the development and the character and appearance of the area, having regard to Harborough Local Plan Policies GD8 and HC1 and the National Planning Policy Framework.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Existing layout 3120/1 Rev. A, Planning 3120/2 Rev. A and Location/Block Plan 3120/3 Rev. A.

REASON: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

Planning Committee Report

Applicant: Harborough District Council

Application Ref: 21/01488/FUL

Location: Market Hall, Northampton Road, Market Harborough

Proposal: Siting of a storage container

Application Validated: 02/09/21

Target Date: 28/10/21

Consultation Expiry Date: 30/09/21

Site Visit Date: 13/09/2021

Reason for Committee decision: Applicant is Harborough District Council

Recommendation

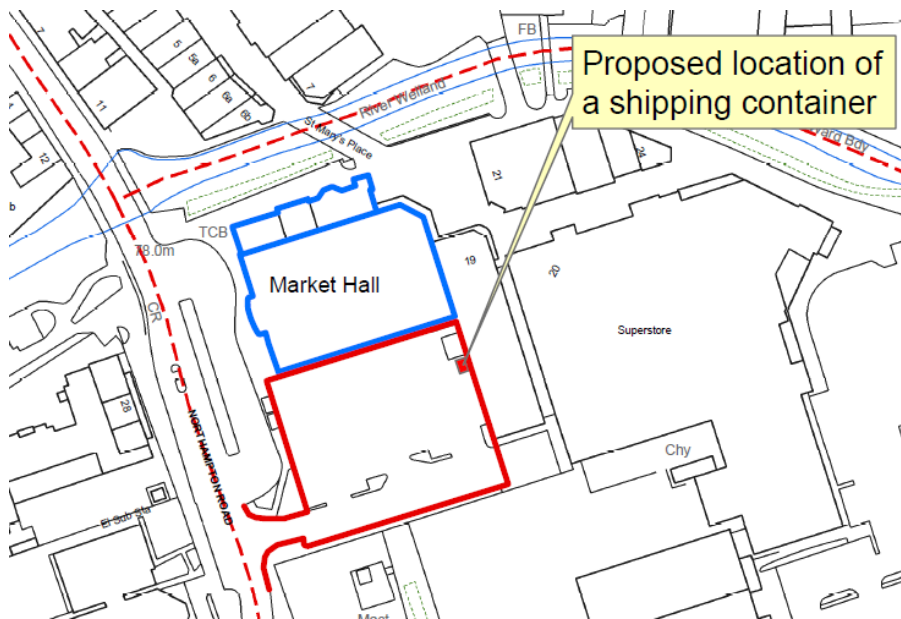
Planning Permission is **APPROVED** subject to the conditions set out below.

1. Site & Surroundings

The site is the market hall car park, located in the centre of Market Harborough on the eastern side of Northampton Road. The proposed container is to be sited on the north-eastern boundary of the car park, approximately 60m from Northampton Road. The site lies adjacent to, but not within the Market Harborough Conservation Area.



Red Line Plan (Uniform)



Site location plan



Site photograph – facing east



Site photo taken 13/09/2021 – containers have since been removed.



Google street view – May 2017



Google street view – May 2021



Site notice – 13/09/21



2. Site History

- 2.1 14/00220/ADV - Installation of halo illuminated fret cut 3D signs and non-illuminated rondelle signs, to replace existing signage – Approved
- 14/00017/NMA - Installation of 2x additional doors (Proposed non-material amendment of 13/01131/FUL)
- 13/01131/FUL - Replacement entrance doors, additional entrance and blocking up of 4 doors - Approved

3. Reason for Referral to Committee

- 3.1 The application has been referred to Committee as the applicant is Harborough District Council.

4. Proposal

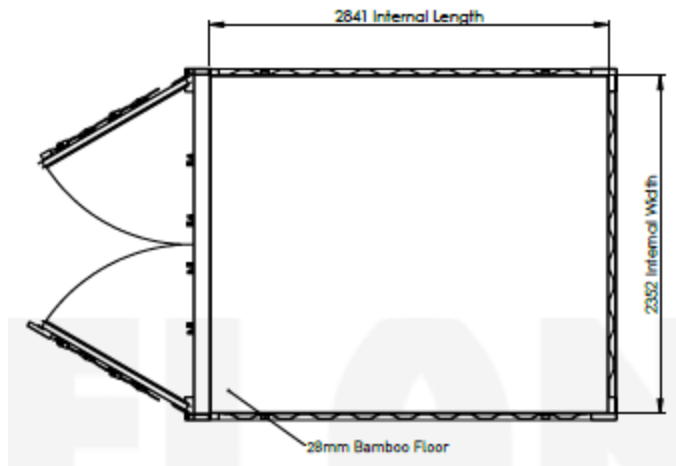
- 4.1 The proposal is to site a storage container within the Market Hall Car Park, on the eastern boundary.

Proposed Dimensions

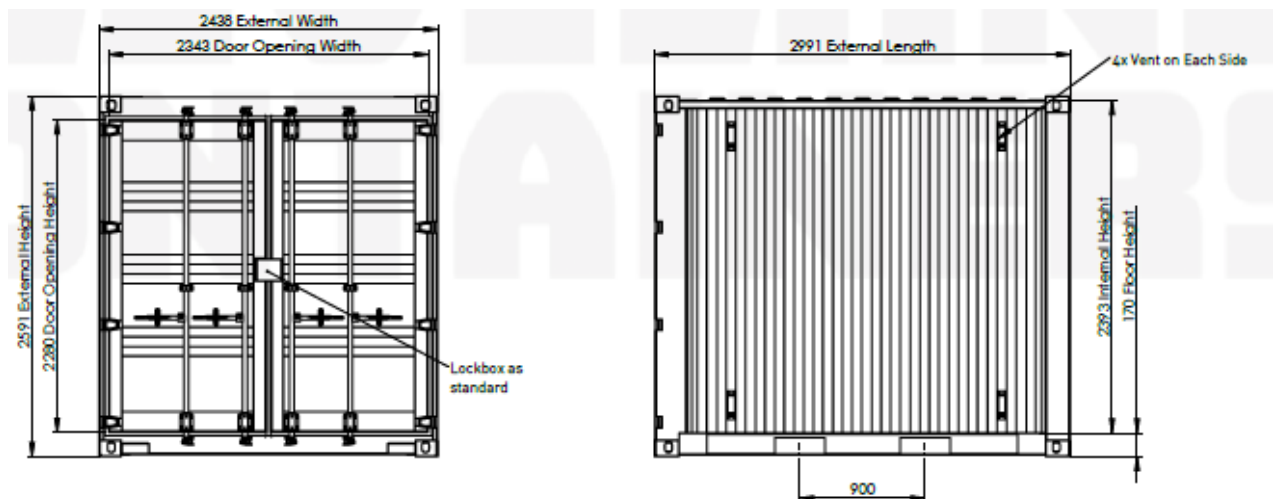
Depth: 2.991m

Width: 2.438m

Height: 2.591m



Floor Plan



Elevations

5. Consultations and Representations

59 neighbours consulted – No comments or objections.

Market Harborough Civic Society: No comment.

HDC Environmental Health: No comment.

HDC Conservation: No comment

LCC Highways: The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Consideration should be given to access and parking provision.

Cadent Gas: No objection. Informative suggested.

6. Planning Policy Considerations

Policy Assessment:

According to emails received by HDC Economic Development, the main purpose of the storage unit is to store a new electric cargo bike, which will be used as a local delivery service for the Market. The dimensions of the electric cargo bike are: 208 x 87 x 117 cm, and weight of 51 kg, which would be awkward to move around in the Market, where the main storage is on the first floor, served only by a very small goods lift or narrow staircase.

The intention is also to use the storage unit for some other items of equipment, which are used for outdoor market events. This could include gazebos, weights and trestle tables. It is understood that the container is intended to be permanently sited in this location, with future cladding added or fencing off the storage container in an attempt to minimise its visual impact

As this application is for a non-fixed structure which is visible from public vantage points in a busy location, Harborough Local Plan Policy GD8 is relevant.

Policy GD8 of the Local Plan states that design must be of a high standard and be inspired by, respect and enhance local character and distinctiveness of the settlement, where appropriate be individual and innovative yet sympathetic to the local vernacular, including in terms of building materials, in areas with high heritage value reflect those characteristics that make these places special, respect the context and characteristics of the individual site, street scene and the wider local environment to ensure it is integrated as far as possible into the existing built form, and minimise impact on the amenity of existing and future residents by not having a significant adverse effect on the living conditions of existing and new residents through loss of privacy, overshadowing and overbearing impact.

Design and Visual Impact Upon the Street Scene

The proposed storage container measures roughly 2.5m x 2.5m and is to be sited alongside existing timber clad bin store area as shown in the photographs. The proposed site is towards the rear of the car park, behind the Market Hall and St. Mary's Place row of commercial buildings, approximately 60m from Northampton Road. The proposed container will be visible from Northampton Road on the outskirts of a large car park against a blank façade at the rear of a row commercial buildings.

Officers initially concluded that this type of free standing structure is not suitable for permanent siting in a relatively prominent public vantage point in an attractive, well designed area which is in close proximity to the eastern boundary of the conservation area (70m to the west). It was therefore agreed between Officers that the proposed container should be granted temporary planning permission whilst a suitable alternative is found.

Following discussions with the economic development team in an attempt to find a suitable permanent solution, it was agreed that if the container could be enclosed within a dark stained timber cladding identical to the one used for the adjacent bin store, it could acceptably mitigate the visual impact of the proposed container. Officers considered alternative solutions to cladding the storage container such as an open bike shelter, however these would not have provided the necessary level of security and shelter for the storage of the delivery bike which is a valuable item. It was therefore judged that cladding the storage container in materials to match the adjacent bin store was an acceptable compromise. It was also agreed that, although the storage container would be taller than the existing bin store, the economic benefits that the

container would enable, along with the mitigated visual impact as a result of the cladding, would lead to an acceptable permanent solution.

It is therefore considered that, subject to compliance with Condition 3, the proposal will not cause unacceptable harm to visual amenity and is therefore in accordance with Local Plan Policy GD8.

Neighbouring Amenity

Due to the location of the proposed storage container, it is not considered that neighbouring amenity will be at risk. There are no residential or commercial premises sited close enough to be negatively impacted in terms of overbearing, loss of light, noise, or loss of privacy. It is therefore considered that residential amenity is safeguarded and that the proposal complies with Policy GD8 of the Harborough Local Plan.

Highway safety

The storage container is sited on the outskirts of the Market Hall car park and does not obstruct access or turning within the car park. The container would remove one car parking space, however this is not considered to have an unacceptable economic impact. The proposal is therefore considered to comply with Local Plan Policy IN2.

7. Conclusion

The development hereby approved, by virtue of its design, size and positioning, would not adversely affect the amenity of local residents. It is considered that, subject to the addition of suitable screening as outlined in Condition 3 of this permission, the proposal is of a design and form which will not cause unacceptable harm to visual amenity. The minor visual harm caused is not considered to outweigh the importance of the expansion of the services provided by the Market Hall, which would help to maintain its economic vitality and service to the local community. The proposal is therefore considered to accord with the Harborough Local Plan and no other material considerations indicate that the policies of the development plan should not prevail, furthermore the decision has been reached taking into account paragraph 38 of the National Planning Policy Framework.

Conditions / Reasons

1. The development hereby permitted shall begin within 3 years from the date of this decision.

REASON: To meet the requirements of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted is to be installed in accordance with the approved plans:
 - Site location plan (received 02/09/21)
 - Block Plan (received 01/09/21)
 - Proposed floor plan and elevations (received 16/08/21)

REASON: For the avoidance of doubt.

3. Prior to first use or within one month of installation (whichever is sooner) the container is to be clad in a dark stained timber, matching that of the adjacent bin store. Details of the materials shall be submitted to and approved in writing by the Local Planning Authority, and the development shall only be carried out in accordance with the approved details.

REASON: To safeguard the appearance of the site and the character and appearance of the area, having regard to Harborough Local Plan Policy GD8 and the National Planning Policy Framework.

Informatives:

Building regulations

You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (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.

Cadent Gas

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linsearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Planning Committee Report

Applicant: Harborough District Council

Application Ref: 21/01066/FUL & 21/01067/LBC

Location: The Symington Building, Adam and Eve Street, Market Harborough

Proposal: Ventilation installation and associated building works

Application Validated: 08/06/21

Target Date: 28/10/21 (EOT Agreed)

Consultation Expiry Date: 06/07/21

Site Visit Date: 06/07/21

Reason for Committee decision: Applicant is Harborough District Council

Recommendation

Planning and Listed Building Consent are **APPROVED** subject to the recommended conditions.

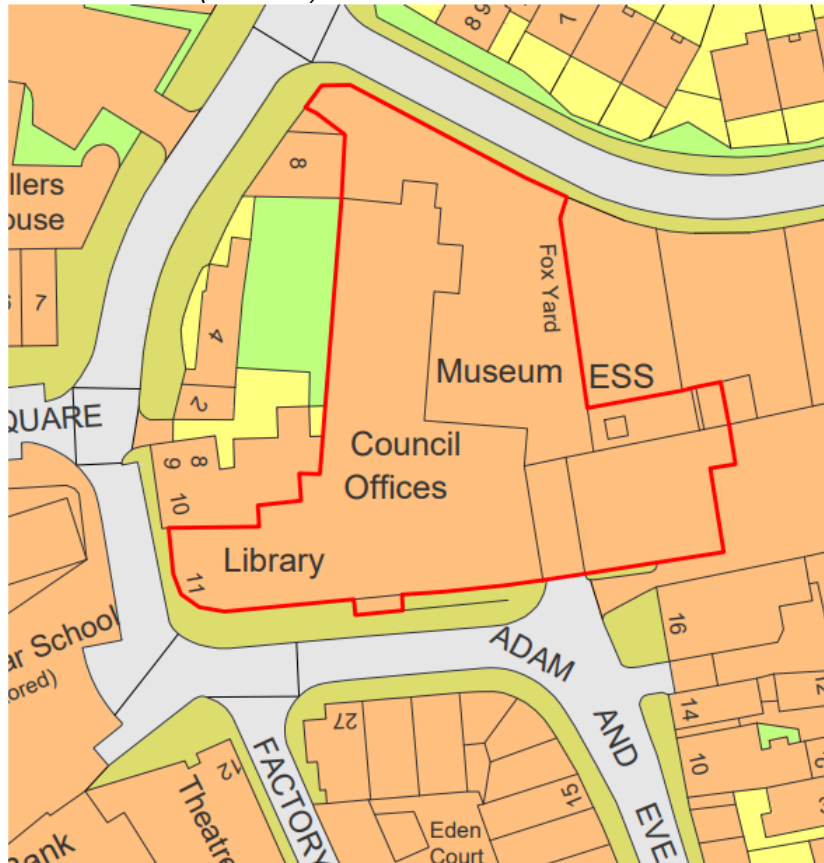
1. Site & Surroundings

The site is the Symington Building offices, located in the centre of Market Harborough. It is a grade II listed building and within the Market Harborough Conservation Area.

Site Plans



Red Line Plan (Uniform)



SITE PLAN (1:500)

Photographs



East wing (north elevation)



North range (east elevation)

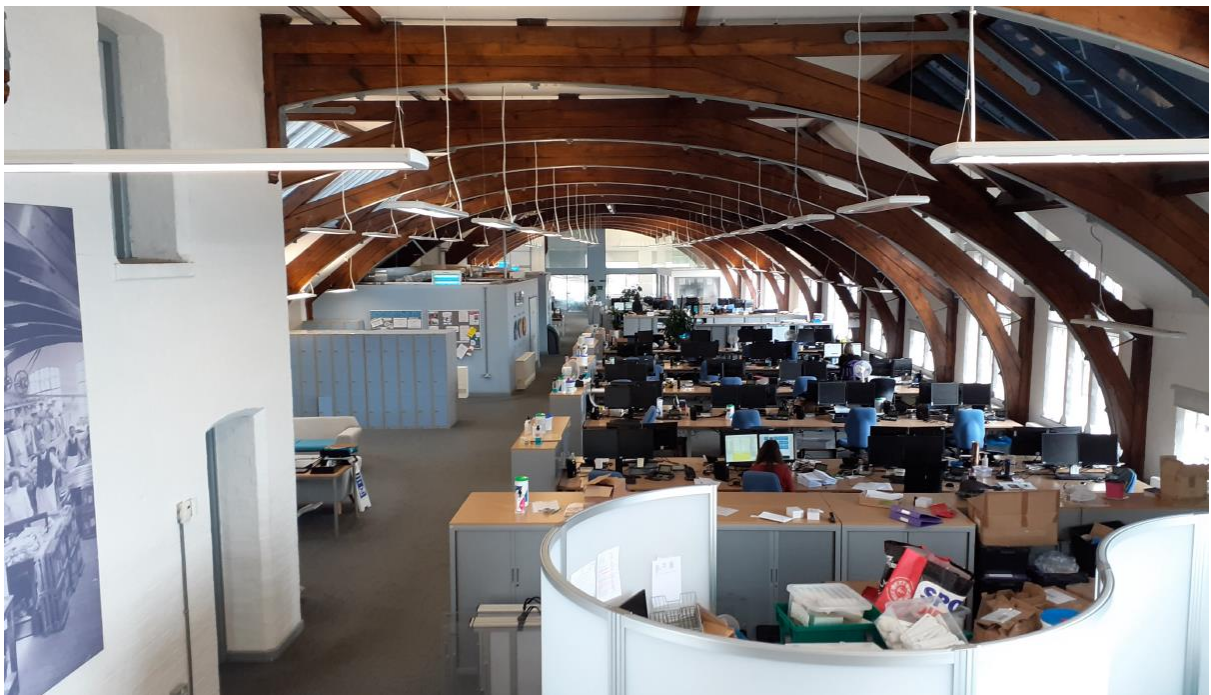


South elevation of northern stair tower

Internal works



North range looking south (3rd Floor)



South range looking east (from tower room stairs- 3rd Floor)



**Junction of south range and main stair tower.
Existing duct connects WC blocks to 4th floor plant room**



**Junction between north and south ranges.
Windows on right would be replaced with plant enclosure and ducts**

2. Site History

- 2.1 The building was originally constructed as part of Symington's factory in 1884, which was later extended in 1894 and 1926. It was listed at grade II in 1977 and converted to its present council offices use in 1980, when the remaining factory blocks were demolished and the rear car parks created.

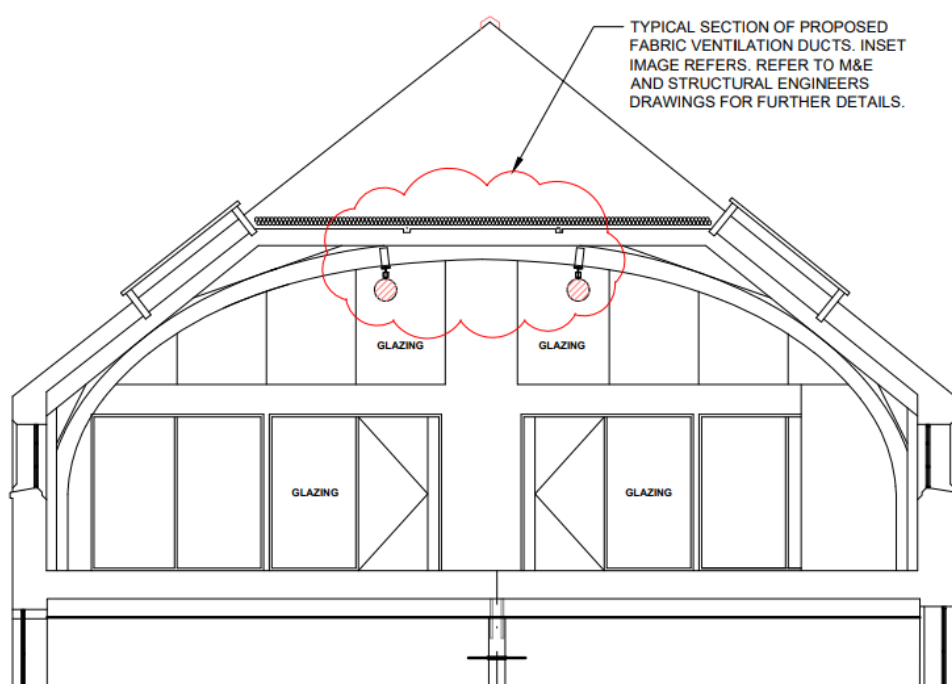
- 2.2 Since 1980 there have been many applications for minor works to the building. Substantial remodelling took place in 2014 when the building was converted to its present layout approved under the following consents:

12/01197/LBC & 12/01196/FUL: Alterations to form council offices, combined library and museum, one stop shop and ground floor retail units

3. The Application Submission

a) Summary of Proposals

- 3.1 It is proposed to install a mechanical air-handling system to serve all floors of the building in areas which do not currently have air conditioning. The new system would provide air circulation but not air conditioning.



Typical Proposed Section

Indicative section of 3rd floor plan showing route of ducting



Typical Example of Proposed Fabric Duct (colour tbc)

3.2 The system would comprise cylindrical ducting approximately 350mm in diameter, which would be suspended from the ceiling and connected either to an air-handling unit or an external grille and would be installed in the following locations:

3.3 **Ground floor:** Ducting and plant would be installed in the existing plant room at the north end of the building

3.4 **First floor:** Ducting would be installed above the museum and library areas, a small plant enclosure would be located at the east end of the library.

3.5 **Second floor:** Ducting would be installed to the office in the northern wing extending into the office in the main range to the south. A small plant enclosure would be installed close to the northern stair tower.

3.6 **Third floor:** Ducting would be installed to all areas of open-plan office suspended from the existing timber trusses. A small plant enclosure would be created in the middle of the building requiring the removal of two internal windows. The existing ducting serving the WCs would be re-routed and a new entry made to the existing 4th floor plant room.

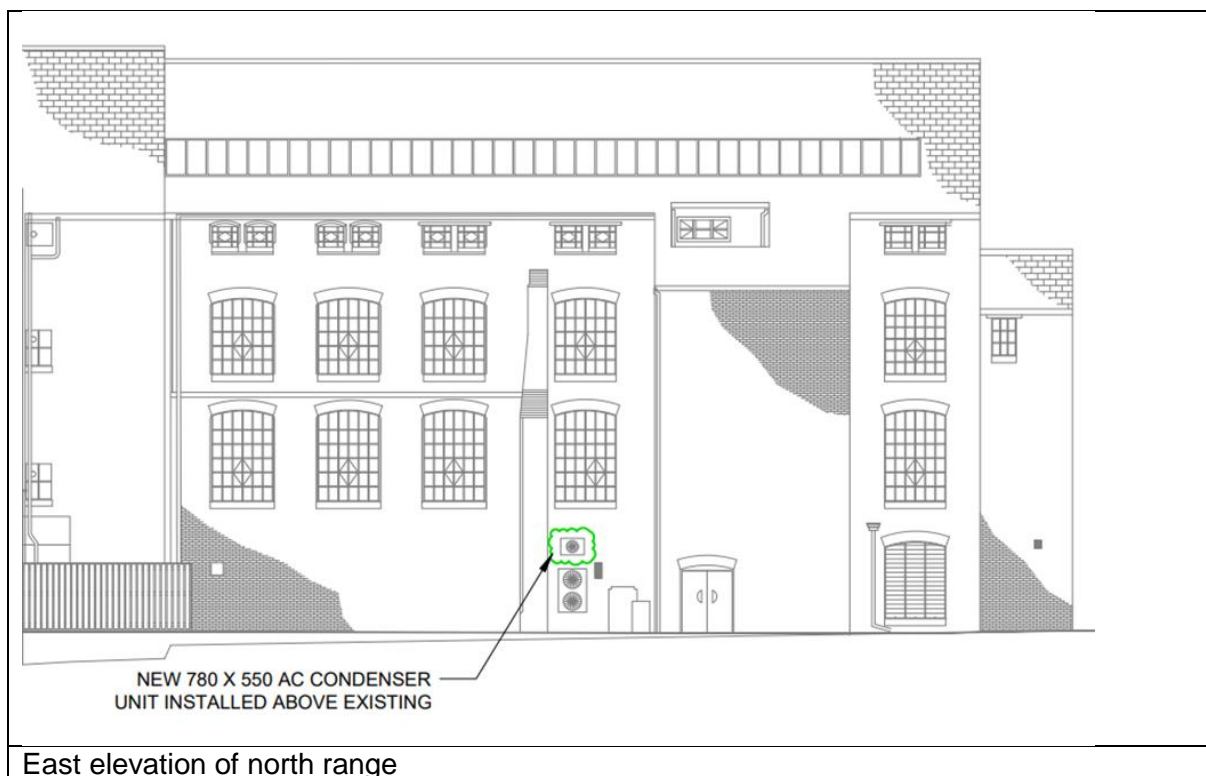
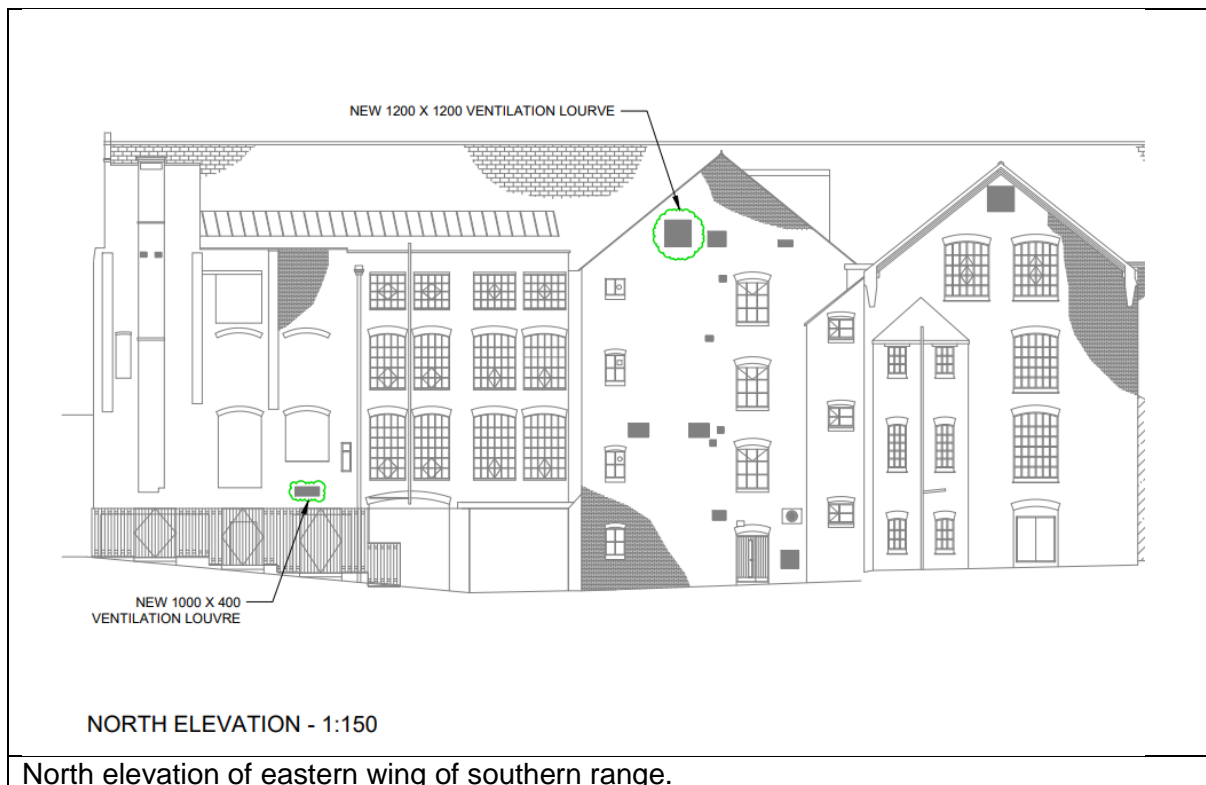
3.7 **Fourth floor:** New plant would be installed within the existing plant room in the main stair tower.

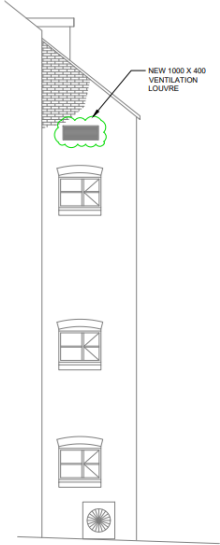
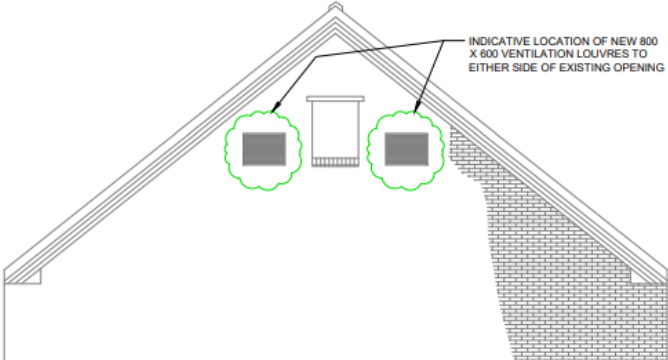
3.8 Externally, the works would comprise new metal grilles at first and third floor levels on the north and east elevations, a new air handling unit would be installed above the existing ones at ground floor level facing the public car park.

3.9 The location of the five new external ventilation grilles is as follows:

- North elevation of east wing: between ground and first floor level
- North elevation of central stair tower at 3rd floor level
- South elevation of north stair tower at 3rd floor level
- 2 x South elevation of North wing at 3rd floor level.

3.10 One new external air-handling unit is proposed on the ground floor of the north wing above the existing extract units.



 <p>NEW 1000 X 400 VENTILATION LOUVRE</p> <p>SOUTH RETURN ELEVATION - 1:50</p>	 <p>INDICATIVE LOCATION OF NEW 800 X 600 VENTILATION LOUVRES TO EITHER SIDE OF EXISTING OPENING</p> <p>SOUTH GABLE ELEVATION OF NORTH WING - 1:50</p>
<p>North Stair tower (1980s) South elevation</p>	<p>Southern gable of north range. This elevation is not visible from the public highway</p>

3.11 Justification for the proposal

The proposed ventilation system is a result of complaints of the building overheating in the summer months causing a significant level of discomfort and disruption, particularly for users of the third floor, which experiences the most solar gain.

3.12 An options study was carried out and it was concluded that the proposed system was the most sensitive option to provide the necessary cooling while minimising harm to the character of the building. The system has been designed in a way which limits external alterations to the less significant elevations of the building.

3.13 Options that would have involved non-mechanical options of passive cooling, such as blinds were found to only have been effective should they have been externally mounted, which would have had a significant impact on the external appearance of the building to the detriment of its character.

b) Documents submitted

i. Plans

3.4 The applications have been accompanied by the following plans:

- Site and location plan
- Existing Floor Plans
- Existing Elevations
- Proposed Ground Floor and Basement Layout
- Proposed First Floor Layout Plan
- Proposed Second Floor Layout Plan
- Proposed Third Floor Layout Plan
- Proposed Roof Void Plant Room Plan
- Proposed Elevations
- Proposed Third Floor Section
- Proposed Roof Truss Fixings detail

ii. Supporting Information

3.5 The application has the following supporting information:

- Statement of Need
- Acoustic Design Report
- Mechanical Ventilation Details

4. Consultations and Representations

37 neighbours consulted: No comments or objections.

Market Harborough Civic Society: No comment.

HDC Environmental Health: Following a monitoring exercise and submission of an acoustic report, the following comments were received:

'..the report and confirms that both the predicted noise level and the noise limit are below the most prevalent night-time background noise level, so I am satisfied that the noise should not cause nuisance or have any detrimental impact on local residents providing that the noise limit is adhered to. I would therefore recommend that the noise limit is conditioned accordingly on the planning permission.'

HDC Conservation: Report author, comments included as part of main report.

Historic England – No Comments

Leicestershire County Council Ecology: No bat survey necessary however recommend a note to applicant is attached in case bats are found. Request that 2 groups of 3 Swift boxes are attached to the building as the building is within a Swift Alert Area

Leicestershire County Council Archaeology: The works would not have an impact on the archaeological interest of the building and as such no further works are required.

5. Planning Policy Considerations

a) Development Plan

- *Harborough Local Plan*

5.2 The following policies of the adopted Local Plan are considered most relevant in consideration of the application:

- GD8 – Good design in development
- HC1 – Built Heritage
- GI5 – Biodiversity and Geodiversity
- CC1 – Mitigating Climate Change

b) Material Planning Considerations

5.3 The following are considered material planning considerations:

- *National Planning Policy Framework*
- *National Planning Practice Guidance*
- *The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990*

- *Climate Change Act 2008*
- *Harborough District Council Climate Local Action Plan 2015*
- *HDC Declaration of Climate Emergency (June 2019)*

6. Assessment

a) Principle of Development

- 6.1 The principle of altering a listed building is dependent on whether harm is caused to its significance, and if so, whether or not this can be outweighed by wider public benefits.

b) Technical Considerations

- 6.2 Visual impact and impact on heritage
- 6.3 External Impact
The external significance of the Symington Building is largely derived from its grand south and west elevations fronting Adam and Eve Street and Church Square as well as its surviving historic fabric.
- 6.4 The proposed alterations would be located on less sensitive elevations of the building which is welcomed.
- 6.5 Three of the five new external grilles would be visible from the public highway, two of these would be on the stair towers which date to the 1980 conversion, while the other would be on part of the older factory.
- 6.6 The other two grilles would be hidden from public view on a non-visible third floor elevation and as such would not have an impact on its external appearance.
- 6.7 The air handling unit would be located above an existing double-sized air handling unit on the north wing and adjacent to another unit on the north stair tower.
- 6.8 Loss of historic fabric would be minimal, and I consider the visual impact of the new unit and grilles would not be significant given the mass of the building and the fact these are intrinsically less decorative elevations, which already contain ventilation equipment.
- 6.9 As such, I consider there would be a minor level of harm to the external elevations of the building. I do however consider it reasonable to require all new external grilles to be coated black to minimise visual impact and blend with the existing louves. This will be a condition of the consent.
- 6.10 Internal Impact
The internal significance of the building derives from its historic fabric, most notably the decorative grand entry hall stair and offices at the western end of the south range and the floor plans linking it to its former factory use.

- 6.11 The internal character of the building has already been sensitively converted to office use, which has required the introduction of contemporary fittings such as doors, walls and lighting.
- 6.12 Ground, First & Second Floors
On the ground, first and second floors, there is limited historic character in the internal spaces outside the principal stair at the western end of the building.
- 6.13 The proposed introduction of the proposed ducting would be consistent with the character of the interior of the building as a modern office and would not cause any harm to the significance of the building.
- 6.14 Third floor
The third floor, unlike the lower floors does have surviving historic character with its large double-height ceiling with exposed timber trusses and as such is a more sensitive space. Other than the lighting tracks, this roofspace is largely uninterrupted and retains a historic character.
- 6.15 The introduction of ventilation ducts would be prominently visible within this space, causing an element of harm to the character of this space. The ducts would need to be attached to the historic roof trusses and as such there is an element of harm to fabric.
- 6.16 The two windows, which would be removed are likely to date to have been external windows on the original factory before the 1889 extension. They are of a style still found elsewhere on the building.
- 6.17 The loss of these windows is regretted, but it is accepted that this is the least harmful location which could provide access to the exterior of the building to serve the new system.
- 6.18 Heritage consideration
As the proposed works would be harmful to the character of the building through the introduction of ducting and a loss of historic fabric. this harm needs to be weighed against the wider public benefits associated with the proposal in line with paragraph 202 of the NPPF and local plan policy HC1.
- 6.19 The third floor is currently in use as offices and has operated in its present open-plan layout since 2014. In that time significant discomfort has been experienced during hot days in the summer months, which it has not been possible to ameliorate. It is therefore evident that the current ventilation system is not adequate for a modern office and could limit the long-term viability of the use of the building.
- 6.20 The use of the building as an open-plan office is appropriate and which allows for the building to remain in a single use with large open-plan spaces, which is part of the building's original character.
- 6.21 As such I consider the provision of a well-designed air-handling system to provide a comfortable working environment can be a wider public benefit as it would allow the building to remain in a use which is appropriate to its historic character.
- 6.22 It is accepted that harm to the historic character of the building would be caused by the proposed works, however any ventilation system is likely to cause some element of harm and it has been demonstrated that the chosen system is a least harmful as possible while still providing the necessary comfort level.

- 6.23 As such, on balance, I consider that the public benefits associated with keeping the building in a viable use outweigh the harm which would be caused to the historic character of the building.
- 6.24 Residential Amenity
There is a potential impact on residential amenity linked to the additional noise associated with the air handling units. As the environmental health officer is satisfied any additional noise would not be harmful, I am satisfied that there would not be any unreasonable impact on local residential amenity.
- 6.25 A condition has been recommended that noise levels do not exceed what has been stated in the application, which is considered to be reasonable.
- 6.26 Ecology
The County Ecologist has identified an opportunity to incorporate swift boxes or bricks within the building to promote Swift habitats within a defined alert area. I consider this to be a reasonable request and recommend a condition is attached that 2 banks of 3 nest boxes be attached to the building providing a suitable place can be found.
- 6.27 Other considerations
The proposal will increase energy use in the building and as such will increase carbon emissions. While this is regrettable the system would have a lower power demand than air conditioning and the applicant has confirmed the system has been designed to minimise energy use.

7. Conclusion

- 7.1 Overall it is considered that benefits associated with the proposal outweigh the harm identified.
- 7.2 It is therefore recommended that these applications are APPROVED subject to the following conditions:

Conditions / Reason:

21/01066/FUL

1 – Start within 3 years

The development hereby permitted shall begin within 3 years from the date of this decision.

REASON: To meet the requirements of the Town and Country Planning Act 1990 (as amended).

2 - Noise Levels

The noise levels associated with the new plant shall not exceed the levels as set out in the Acoustic Design Report from apex acoustics dated 31st March 2021 revision A, unless otherwise agreed in writing with the District Council as local planning authority.

REASON: To protect the residential amenity of the occupiers of nearby dwellings.

3 - External Grilles to be matt black

All new external louves and grilles shall be coated in a matt black finish and retained as such thereafter unless otherwise agreed in writing with the District Council as local planning authority.

REASON: To preserve the special character of the building and the character and appearance of the Market Harborough Conservation Area.

4 - Habitat boxes

Before works commence, details of the on-site provision of habitat boxes for swifts shall be submitted to and agreed in writing with the District Council as local planning authority and installed in accordance with these previously agreed details. The agreed habitats shall be retained in perpetuity.

REASON: To ensure the biodiversity potential of the building is enhanced in line with policy GI5 of the Local Plan.

5 - Plans and Details as submitted

This application relates to the plans and details received on 8 June and 8 July 2021 and the truss fixing details received on 6 August 2021 unless otherwise agreed in writing with the District Council as local planning authority.

REASON: For the avoidance of doubt.

21/01067/LBC

1- Heritage Consent

The works hereby granted consent shall begin within 3 years from the date of this decision.

REASON: To meet the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 - External Grilles to be matt black

All new external louves and grilles shall be coated in a matt black finish and retained as such thereafter unless otherwise agreed in writing with the District Council as local planning authority.

REASON: To preserve the special character of the building and the character and appearance of the Market Harborough Conservation Area.

3 - Habitat boxes

Before works commence, details of the on-site provision of habitat boxes for swifts shall be submitted to and agreed in writing with the District Council as local planning authority and installed in accordance with these previously agreed details. The agreed habitats shall be retained in perpetuity,

REASON: To ensure the biodiversity potential of the building is enhanced in line with policy GI5 of the Local Plan.

4 - Plans and Details as submitted

This application relates to the plans and details received on 8 June and 8 July 2021 and the truss fixing details received on 6 August 2021 unless otherwise agreed in writing with the District Council as local planning authority.

REASON: For the avoidance of doubt.

Planning Committee Report

Applicant: Clive Mason (on behalf of HDC)

Application Ref: 21/01538/FUL

Location: Land At Plowmans Yard, Coventry Road, Market Harborough

Proposal: Conversion of a garage to a dwelling

Application Validated: 25.08.2021

Target Date: 20.10.2021 (EOT Agreed)

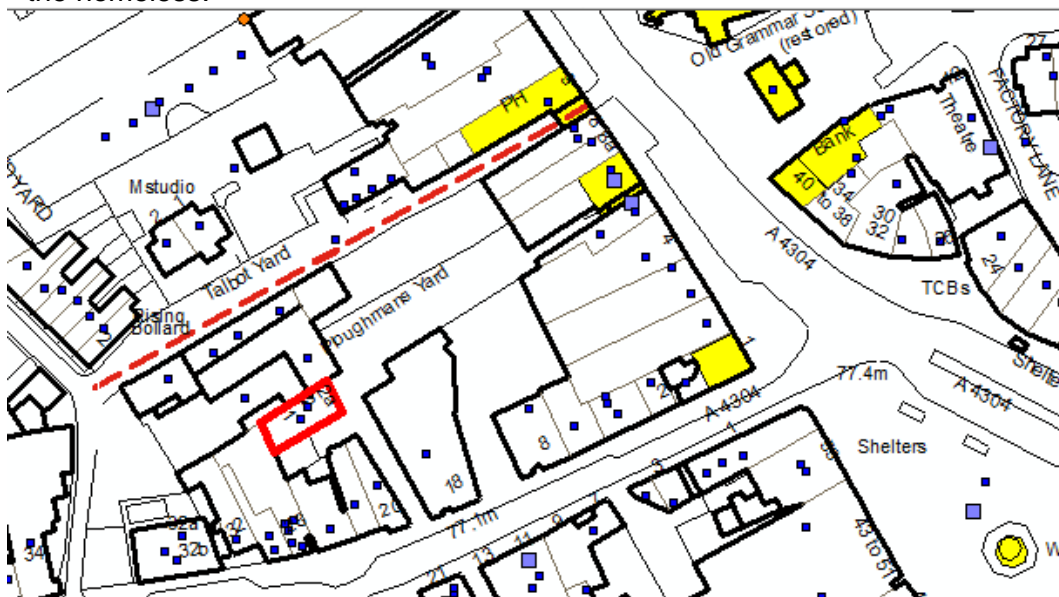
Overall Consultation Expiry Date: 3.11.2021 (site notice)

Reason for Committee decision: Applicant is Harborough District Council (HDC)

RECOMMENDATION: APPROVE

1. Site and Surroundings

- 1.1 The site is located within the centre of Market Harborough (and within the Conservation Area), with Plowmans Yard accessed just off Coventry Road. The site boundary extends to the existing building footprint only and is bounded by Plowmans Yard to the south and east, and built form abutting the property to the north and west
- 1.2 The site consists of a two storey building with simple duo pitched roof. There are 2no. bedsits accommodated on the first floor level and single bedsit and double garage located at ground floor level. The bedsits are currently utilised as sheltered housing for the homeless.



Site Location (red -site; yellow-listed building; red dash – public right of way)



Existing Building



Looking towards Coventry Road



Looking towards the rear of the buildings fronting High Street from Plowmans Yard/east elevation of the application building

2. Site History

2.1 The site has the following history

- Conversion of 2 storey outbuildings into flats (revised scheme of 88/2382/3P retrospective) APPROVED

3. Proposal

3.1 It is proposed to change the use of the double garage to residential accommodation, to provide additional sheltered housing for the homeless.

- 3.2 The existing bedsits will be retained, although their current internal layout will be modified. A new entrance door and 1st floor window is proposed on the side (south) elevation (following submission of an amended plan 18.11.21) to serve the new bedsit. The existing garage door openings shall be in filled with vertical timber effect cladding and glazing.



Proposed Floorplans & Elevations (Amendment A)

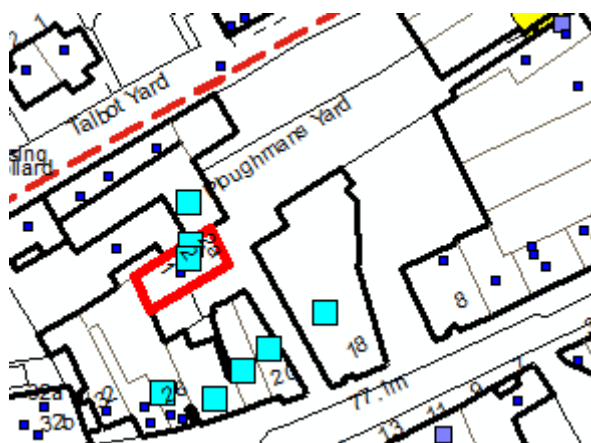
4. Consultations and Representations



Posted Site Notice

Neighbours

5 neighbouring properties have been consulted. No comments received.



Uniform Mapping (large light blue box = neighbour consulted)

LCC Highways

Refer to standing advice.

LCC Ecology

No objections; but recommend a condition relating to the installation of Swift boxes and a note to applicant in relation to bats.

Case Officer Note – A swift box shall be encouraged by way of a note to applicant, however it is not reasonable to request one by way of condition as the building is already in situ.

HDC Contaminated Land Officer – no objection subject to a pre-commencement condition requiring the submission of a Contaminated Land Report and pre-occupation Verification Report.

Case Officer Note – These conditions are not considered to be reasonable given the building is already in situ and already being occupied for residential use.

5. Planning Policy Considerations

- The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Government Documents:

- National Planning Policy Framework
- National Planning Policy Guidance

Harborough Local Plan 2011 to 2031 (Development Plan):

- GD2 Settlement Development
- GD8 Good design in development
- HC1 Built heritage

- IN2 Sustainable transport

Other:

- LCC Highway Authority Standing Advice
- Supplementary Planning Guidance Notes

6. Assessment

- 6.1 The site is within the town centre of Market Harborough and will include the conversion of an existing building. The principle of development therefore satisfies Local Plan Policy GD2.
- 6.2 As previously mentioned the site is within the Market Harborough Conservation Area and the nearest listed building to the site is No.6 High Street (Grade II), approximately 50m east from the site. Due to the site's positioning and limited proposed external alterations no harm is envisaged upon either the setting of the Conservation Area or Listed Building.
- 6.4 Neither the proposed use (residential) nor the external alterations proposed will give rise to any adverse neighbouring amenity impacts.
- 6.5 As the development is located within Market Harborough town centre and is for to be used for sheltered housing for the homeless a requirement for on-site car parking provision is not considered necessary.
- 6.6 The development if approved will meet a District housing need for sheltered housing for the homeless which will utilise existing buildings located within a highly sustainable location. The external alternations will not harm heritage assets and will not give rise to any highway or neighbouring amenity impacts. The proposed development is considered to satisfy Harborough Local Plan polices GD2, GD8 and HC1 and as such the application is recommended for Approval, subject to the suggested condition and informatives notes outlined below.

Suggested Conditions & Informative Notes

Full Planning Permission- commencement

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.

Approved Plans

The development hereby permitted is in accordance with the approved plans:

H242 0210-P01 Proposed Plans and Elevations
H242 0100-P01 Site Location Plan

REASON: For the avoidance of doubt

Materials

The external materials, used in the construction of the development hereby approved shall be as detailed within the approved application particulars and shall be retained in perpetuity, unless prior written consent is obtained from the Local Planning Authority.

REASON: To safeguard the appearance of the development and the character and appearance of the area, having regard to Harborough Local Plan Policy GD8 and HC1 and the National Planning Policy Framework.

Informative Notes

Building Regs

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

Bats

The property may be suitable for roosting bats, which are protected by law from harm. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst expert advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity w

Swift Boxes

The applicant is encouraged to install a swift box on the building, as the site is located within a Swift Alert Area.

Construction Hours

To ensure that as far as possible the proposed development does not become a source of annoyance to nearby residents, the applicant is advised not to undertake building works, deliveries, clearance or any works in connection with the development outside of the hours of 08.00 – 18.00 hours Monday to Friday, 08.00 – 13.00 Saturday and at No time on Sunday or Bank Holidays.

Planning Committee Report

Applicant: Harborough District Council

Application Ref: 21/01541/FUL

Location: Little Bowden recreational Ground, Scotland Road, Market Harborough

Proposal: Installation of 1 CCTV mounted on a 6m post

Application Validated: 10/09/21

Target Date: 05/11/21 (extension of time agreed)

Consultation Expiry Date: 18/10/21

Site Visit Date: 27/09/2021

Reason for Committee decision: Applicant is Harborough District Council

Recommendation

It is recommended that the application is **APPROVED**.

1. Site & Surroundings

- 1.1 The site is Little Bowden Park, bounded by the Brampton Valley Way to the West and residential properties on Northampton Road, and by further properties to the North and East, with Little Bowden School and play area to the East, and properties on Scotland Road. To the southern part of the site is the cricket pitch and allotments back on to the South. There are mature and younger trees planted to the perimeters and a hard bound path surrounds.
- 1.2 The site is not within a Conservation Area.



View looking across the park from Southwest corner.



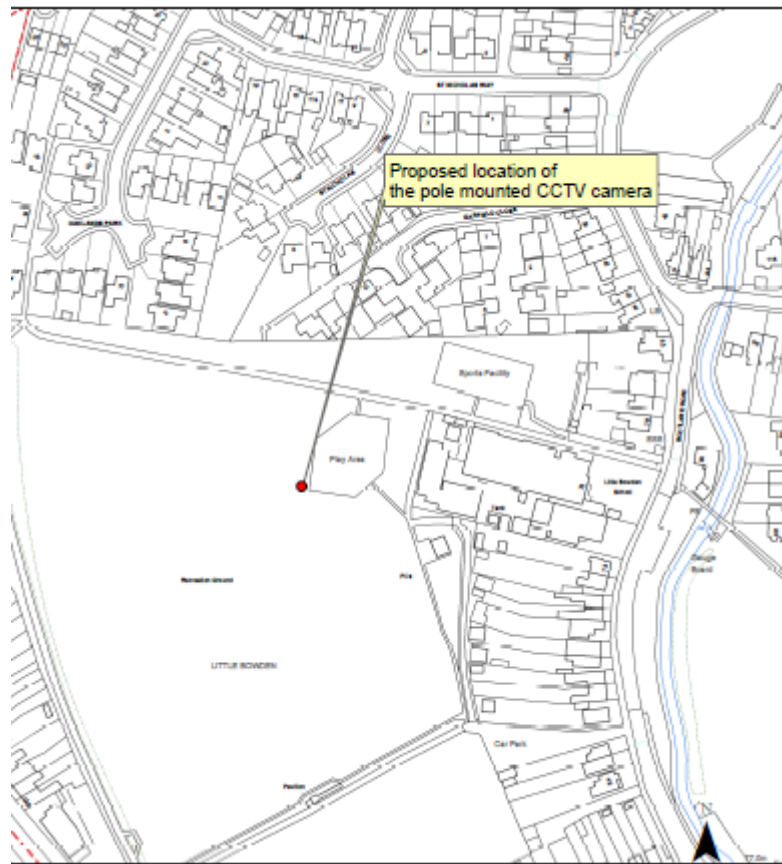
View looking towards play area from east



View from Northern path looking towards play area and where the pole would be mounted (map below shows position)



Site location plan

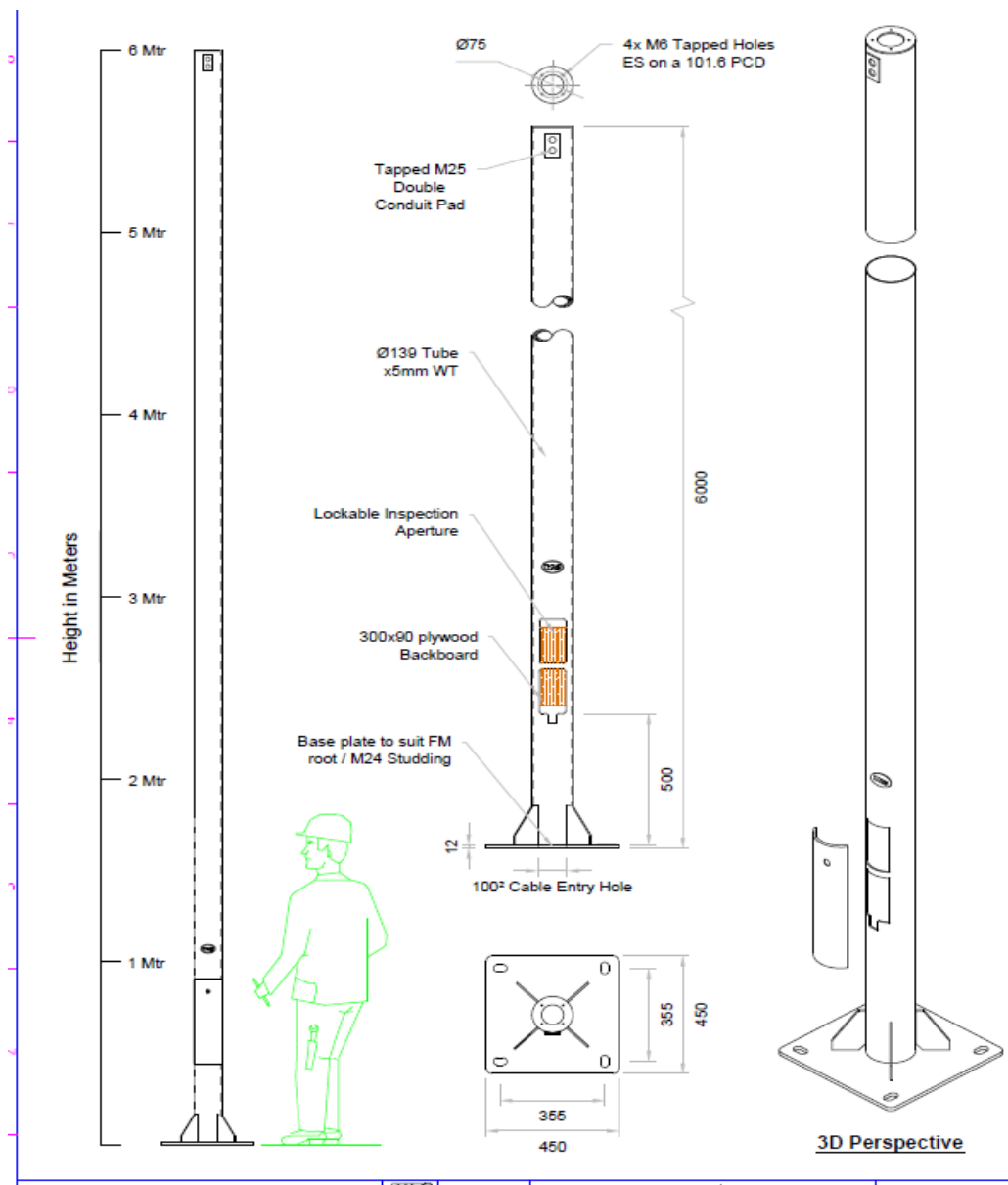


2. Site History

- 2.1 No relevant planning history.

3. Proposal

- 3.1 The proposal is to site a 6m high pole mounted CCTV camera in the location shown, which is just to the West of the fenced off play area. Material for the pole is steel.



3.2 Following an increase in anti-social behaviour in and around Little Bowden Recreation Ground in the Summer of 2020 and Spring 2021 and also historic complaints of anti-social behaviour and drug misuse prior to this time, a number of measures were put in place by Harborough District Council, the Police and partners to reduce these incidents.

This included temporary re-deployable CCTV. Surrounding residents and users of the recreation ground have been re-assured by the presence of the CCTV and it has been one of the measures that has reduced ASB in the area. HDC are therefore installing a permanent camera with backing from Harborough Community Safety

Partnership which can be monitored through the HDC main system.

This camera needs to cover a number of entrances to the recreation ground and also needs to be high enough for the signal to be able to transfer to the main control room for monitoring

i. Plans

3.3 The application has been accompanied by the following plans:

Location/site plan
Elevations and sections and details.

ii. Supporting Information

3.4 The application has the following supporting information:

Application form and plans as above.

c) Pre-application Engagement

3.5 None.

d) Other Relevant Information

3.6 The application is considered by the Planning Committee as the applicant is HDC. Planning permission is required as the CCTV camera is pole mounted.

4. Consultations and Representations

4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 13.09.21 . Four site notices were put up on 27th September 2021 (around the park).The last consultation expired 18th October 2021.

4.2 A summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning.

a) Statutory & Non-Statutory Consultees

4.3 Market Harborough Civic Society: No comment.

HDC Environmental Health: No comment.

HDC Community Safety Officer: Supports proposal to tackle anti-social behaviour and

as detailed in Para 3.2.

b) Local Community

- 4.4 12 neighbours consulted and 4 site notices were put up– No comments or objections.

5. Planning Policy Considerations

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

a) Development Plan and material planning considerations

- 5.2 The National Planning Policy Framework (NPPF):
Section 7: Requiring good design
Section 8: Promoting healthy and safe communities.

Harborough Local Plan:
GD8 Good design in development

Supplementary Planning Guidance:

LCC Highway Authority Standing Advice

6. Assessment

a) Design, impact on the street scene & designated heritage assets

- 6.1 As this application is for the erection of 6m high pole and attached equipment in an attractive green space GD8 the Harborough Local Plan should be complied with.
- 6.2 Policy GD8 states that development will be permitted where it achieves a high standard of design. Development must be inspired by respect and enhance the local character and distinctiveness of the settlement, be sympathetic to local vernacular, and respect the context and characteristics of the individual site, street scene and wider local environment. In this case the equipment is relatively minimal and is seen in the overall context of the adjacent park with play equipment, and trees to park perimeter which provide partial screening to adjoining properties and those using the paths around the park.
- 6.3 Paragraph 97 of the National Planning Framework states that: “Planning policies and decisions should promote public safety and take into account wider security and defence requirements by: a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and

regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security”;

b) Residential amenity

- 6.4 Policy GD8 of the Local Plan states that development should seek to minimise the impact on existing and future residential amenity.

In this case, the visual impact is considered comparatively minor given the nature of the structure, and there would be significant potential benefits in respect of reducing anti-social behaviour. In turn this should be beneficial to public safety and private amenity of residents backing on to the park. Thus, this is considered a proportionate and positive step.

- 6.5 The proposed pole is located away from any rear gardens and there are trees to the park boundaries in any event which would serve to minimise views through. The structure is next to existing play equipment and is seen in this context. Its position is also dictated by functional requirements as outlined by the Community Safety Officer (3.2).

- 6.6 No objections have been raised, and the proposal will help to achieve a more inclusive and safer environment.

c) Highways

- 6.7 The proposed extension does not create any highway impact. The proposal therefore accords with Policy GD8 of the Harborough Local Plan.

7. The Planning Balance / Conclusion

- 7.1 The application is to be assessed against the policies of the development plan together with all material considerations. The above assessment concludes that the proposal accords with Policies GD8 of the Harborough Local Plan and relevant NPPF policies in relation to promoting healthy and safe communities.

8. Conditions

1. **Commencement:**

The development hereby permitted shall begin within 3 years from the date of this decision.

REASON: To meet the requirements of the Town and Country Planning Act 1990 (as amended).

2. **Plans:**

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

Location and site plan

Elevations and sections

CCTV pole and pole base details.

REASON: For the avoidance of doubt and to ensure that the proposed is carried out as approved.

3. **Removal:**

If at any time the equipment is replaced or no longer required, it shall be permanently removed from the site.

Reason: To preserve the long-term amenity of the area in accordance with Policy GD8 of the Harborough District local Plan.

**REPORT TO THE PLANNING COMMITTEE MEETING OF
7 December 2021**

Status: For information
Title: Planning Enforcement Update Report
Originator: Christine Zacharia Team Leader Planning Enforcement
Where from: n/a
Where to next: For information only
Portfolio (holder) Councillor Jonathan Bateman

1 Purpose Report

- 1.1 This report on planning enforcement performance advises the Committee on the work of the planning enforcement service between April 2021 to September 2021 (6 month period).

2 Recommendation:

- 2.1 That the Committee notes the information contained in the report.**

3 Summary of Reasons for the Recommendation

- 3.1 To ensure that Committee are kept updated on the performance of the Council's planning enforcement service.

4 Impact on Communities

- 4.1 Enforcement is referred to in paragraph 59 of the National Planning Policy Framework (NPPF) 2021. The discretionary and proportionate nature of enforcement is stressed and states that; *"Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control"*.

5 Key Facts

- 5.1 Performance Targets

- 5.2 All complaints and enquiries received by the Planning Enforcement Service are categorised as one of the following:

1. *Top Priority Cases* - where works are being carried out which will cause irreparable harm / damage.
2. *High Priority Cases* - where works or uses are causing a significant and continued harm to amenity, time sensitive breaches or development that compromise safety.
3. *Standard Priority Cases* – new structures or changes of use having limited degree of disturbance to local residents or damage to the environment, and which do fall within the foregoing priority groups.

5.3 In order to assess whether the planning enforcement service is meeting its targets it is assessed monthly against local performance targets which include 4 main indicators. These are set out in Table 1 below:

Table 1 - Performance indicators

Indicator	Target
% of Planning Enforcement Cases closed within 8 weeks of registration where no formal action is deemed necessary or appropriate (DM TPI 08)	80%
% of Cases responded to within target date set out in Local Enforcement Plan (LEP) Top priority cases – 1 working day High priority cases – 5 working days Standard priority cases – 10 working days (DM TPI 09)	90%
% of Complainants updated on progress of planning enforcement investigations within 20 days of receipt of complaint (DM TPI 11)	90%
% of enforcement complaints registered and acknowledged within 3 days of receipt (DM TPI 12) <i>New indicator</i>	90%

5.4 A summary of the planning enforcement service data collated for the period April - September 2021 is set out in Table 2 below. The data shows that the service on balance meets its targets.

Table 2 - Performance April – September 2021

Indicator	April	May	June	July	August	September
DM TPI 08 (80%)	65.5%	90.5%	80.4%	69.4%	79.2%	89.2%
DM TPI 09 (90%)	75%	86%	83%	94.2%	89.1%	89.6%
DM TPI 11 (90%)	89.3%	90.7%	96.2%	92.3%	95.7%	93.8%
DM TPI 12 (90%)	89.3%	88.4%	90.6%	96.2%	89.1%	93.8%

5.5 Planning Enforcement Statistics

- 5.6 Table 3 below is a summary of enforcement figures for the April - September 2021 period.

Table 3: Enforcement Figures April 2021 – September 2021

Month	Enforcement cases registered	Enforcement cases closed
April	57	64
May	47	45
June	53	47
July	53	42
August	47	64
September	48	37
Totals for 6 month period	305	310

- 5.7 The figures show that in the 6 month period between April and September 2021 the team is closing broadly the number of cases it receives. There are currently 75 cases under investigation, 8 of these are more than 6 months old.
- 5.8 Table 4 below sets out the number of cases received annually since 2017. The table shows a continued increase in cases except for the year 2019/20 which took a dip in new cases registered. It is worth noting that the team has experienced a significant increase in the year 2021/22 to date, but are still meeting demand for its service, given the number of cases closed in the same period.

Table 4: Enforcement Figures for the past 4 financial years & first part of current financial year

Financial Year	Enforcement cases registered	Enforcement Cases Closed	Notices Issued
2017/18	424	402	10
2018/19	435	454	15
2019/20	372	375	15
2020/21	477	419	8
2021/22 (6 months only)	305	310	8

- 5.9 The types of breaches investigated during April – September 2021 is summarised in Table 5 below. The table shows that the highest reported type of breach is unauthorised development, followed by non compliance with planning conditions/approved plans.

Table 5: Types of breaches investigated April – September 2021

Breach Type	No. of cases	% of cases registered
Unauthorised Development	104	35.4%
Condition non compliance	82	27.9%
Change of use	42	14.8%
Untidy Land	19	6.2%
Unauthorised works to trees	11	3.6%
Advert	11	3.6%
Works in a Conservation Area	10	3.3%
Hedge removal	7	2.3%
Development Condition Monitoring	7	2.3%
Unauthorised works to listed building	2	0.6%

- 5.10 In the same period, as set out in Table 5 above, 310 cases were closed. The reasons for closure are set out in Table 6 below. It is noted that nearly half of enforcement complaints received result in no breach identified (44.8%).

Table 6: Reasons for closing April – September 2021

Reason for closing	No. of cases	% of cases registered
No Breach Found	139	44.8%
Not Expedient	68	22%
Breach Ceased	35	12%
HISQ - History Query	21	6.7%
Breach reported approved by retrospective planning permission	20	6.5%
To be reviewed within 6 months	11	3.2%
Duplicate Case	10	3%
Notice Compliance	4	1.3%
APPEAL - Appeal allowed. Notice Quashed	1	0.3%
IMMUNE - Breach immune from formal action	1	0.3%

5.11 Notices Served

- 5.12 During the period April – September 2021, 8 notices were served.

In summary these relate to:

- Land adjoining Greenacres, Leicester Road, Market Harborough, Leicestershire, LE16 7QT – S215 notice served for untidy land. **No appeal submitted. Compliance with notice.**
- Red Lion, 5 Main Street, Great Bowden – Breach of condition notice relating to painting container – **notice complied with**

- Red Lion, 5 Main Street, Great Bowden – Planning enforcement notice for unauthorised works (Quadrant Structure). ***Appeal submitted, waiting for hearing date***
- 62 Welland Avenue, Gartree, LE16 7RW – Planning enforcement notice for unauthorised change of use – outbuilding in use as a separate unit of residential accommodation not ancillary to the host dwelling. ***Appeal submitted***
- August Cottage, 3 The Lindens, Station Road, Broughton Astley – Breach of condition notice relating to hours of operation. ***Notice complied with***
- Land at North and South of North End, Hallaton, Leicestershire, LE16 8UJ – Temporary Stop Notice relating to non-compliance with construction route. ***Notice complied with***
- Land at North and South of North End, Hallaton, Leicestershire, LE16 8UJ – Breach of condition notice relating to non-compliance with construction route. ***Notice complied with***
- Land Rear of Cedars Courtyard, High Street, Fleckney – Temporary Stop Notice for non compliance of planning condition 4 (contamination) of 20/00505/FUL - ***Notice complied with***

5.13 Appeal decisions:

- Claybrooke Hall, Claybrooke Parva – Appeal against Listed Building Enforcement Notice. Appeal dismissed and Council's notice upheld. Copy of Inspector decision attached as Appendix 1 of this report.

6. Legal Implications

- 6.1 There are no direct legal implications arising from the report itself.

7. Equality Implications

- 7.1 The primary objective of the planning enforcement function is to remedy harm to public amenity resulting from unauthorised development. The Council will not take disproportionate action and will seek to redress any issue through the most appropriate means. Under the general principles of the Council's equality plan officers will have due regard of equality impacts during any investigation and before a decision is made.

8. Financial Implications

- 8.1 There are no financial implications from this update report.

9. Risk Management Implications

9.1 The integrity of the Development Management process depends on the Councils' readiness to take enforcement action when it is necessary to do so, in order to remedy the undesirable effects of unauthorised activity. Failure to take enforcement action when it is clearly required would damage the reputation of the Council's Planning Enforcement Service.

10. Data Protection Implications

10.1 None identified

11. Consultation

11.1 The Portfolio Holder has been consulted on the content of this report.

12. Options Considered

12.1 Taking effective enforcement action for a breach of planning control is important as a means of maintaining public confidence in the planning system. However, the Council's decision to take enforcement action is discretionary and the Council will act proportionately in responding to suspected breaches of planning control.

13. Background Papers

13.1 None

Previous report(s): None

Information Issued Under Sensitive Issue Procedure: n/a

Ward Members Notified: N

Appendix:

Appendix 1 Enforcement appeal decision –Claybrooke Hall



Appeal Decision

Site visit made on 28 September 2021

by A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC

an Inspector appointed by the Secretary of State

Decision date: 09 November 2021

Appeal Ref: APP/F2415/F/20/3256616

Claybrooke Hall, Main Road, Claybrooke Parva, Lutterworth LE17 5AE

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Max West against a listed building enforcement notice issued by Harborough District Council.
- The enforcement notice was issued on 26 June 2020.
- The contraventions of listed building control alleged in the notice are:

Front reception room (Library)

The walls and ceiling of the room has been finished in solid oak panelling which is not in character with the main building or the style and era in which it was built.

Kitchen

The kitchen has been over-clad with ashlar stone and a substantial mock fireplace has been constructed while a door and internal window have been finished with gothic arch details, and a historic range cooker has been removed.

Main Stair

The main stair has been over-clad with new timberwork in preparation for laying of a marble floor. The new boarding is masking the surviving historic fabric and has changed the intrinsic proportions of the stair. The handrail has also been removed.

Second stair (west wing) and handrail

The second stair and associated bannister in the West wing of the building has been replaced.

First floor flooring and doors

A false floor has been installed throughout the first floor to contain services, the effect of which has been to truncate all doors and architraves and to cause the historic fireplaces to sit below the floor level.

Panelling

Timber wall panelling has been installed on the ground floor corridor which links the main hall with the rear door, creating a unified decorative finish which has blurred the division between the main circulation space and the service wing.

- The requirements of the notice are:

Front reception room (library)

The over boarding and new decorative finish to this room be removed and the room restored to its former character.

Kitchen

The over boarding and new decorative finish to this room be removed and the room restored to its former character.

Main stair and handrail

The over-boarding be removed and the historic bannister and balusters re-instated or replaced in replica where necessary.

Second stair (West wing) and handrail

Over-boarding to be removed and the historic fabric re-instated or replaced in replica where necessary.

First floor flooring

The false floor be removed from the first floor.

Doors and architraves

The doors to the main body of the house to be reinstated and the architraves reinstated to original proportions.

Panelling

New panelling to the main body of the house to be removed accordingly.

- The period for compliance with the requirements is 12 months.
 - The appeal is made on the grounds set out in section 39(1)(e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
-

Decision

1. The appeal is dismissed and the listed building enforcement notice (LBEN) is upheld. Listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Procedural matter

2. The appellant accepts the requirements of the LBEN with respect to the main stair and second stair (West wing) and handrail. Consequently, my decision for the appeal on ground (e) does not cover these works.

The appeal on ground (e)

3. The ground of appeal is that listed building consent ought to be granted for the works and therefore the main issue is the effect of the works on the special architectural and historic interest of the Grade II listed building.
4. Section 16(2) of the Act requires the decision-maker, in considering whether to grant listed building consent for any works affecting a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest it possesses.
5. Policy HC1 of the Harborough Local Plan 2011 to 2031 (Adopted April 2019) (the LP) relates to the built heritage and among other objectives states that development affecting heritage assets will be appraised in accordance with national policy; and be permitted where it protects, conserves or enhances the significance, character, appearance and setting of the asset.
6. The Grade II listed appeal building was first listed in September 1993 and is an early nineteenth century house. It is plastered with flat wooden eaves soffit with paired brackets to its shallow hipped roof with stacks behind the ridge to the right and behind the ridge to the left. It has two storeys, regular three window frontage with glazing bar sashes. It has a central panelled door in an entablature-headed porch in flat surround with paired Tuscan columns. There is a two storey canted bay on the right return front and a lower two storey wing with hipped roof to the left.
7. Its significance lies in its simplicity as a small country house in a simple square plan with a two storey side service wing. It was designed in a regency style with simple yet elegant proportions and muted classical detailing.

Front reception room (library)

8. The appellant has confirmed that the oak panelling has not been fixed directly to the building and that as a consequence of its degree of reversibility and

simplicity it should be approved. However, the library is one of the Hall's principal rooms and it is likely that it was decorated in a style similar to other main rooms at ground floor level with similar architectural detailing such as cornicing. The walls are now covered with oak panelling and an oak coffered ceiling is suspended below the original ceiling. The panelling replicated that which has been installed in the adjacent study.

9. The works carried out may be of a high standard, but they are likely to cover existing historic decorative features such as coving, picture rails, architraves and window shutters. Furthermore, the alterations have created a totally different design and style approach to the decoration of such an important principal room which is very much at odds with the overall regency character of the property. Indeed, the overall character of the house is one of restrained elegance and the works to the library are at odds with that.
10. I have noted the method of installation but cannot be certain that historic decoration and features have not been damaged by the installation of the oak panelling. It may be removable without causing significant harm, but in my mind that does not justify such harmful and intrusive works in a sensitive building. I do not consider that this aspect of the works, as carried out, should be granted LBC and the appeal fails on ground (e) for this part of the works.

Kitchen

11. The kitchen has been over-clad with ashlar and a substantial sandstone mock fireplace has also been constructed. Furthermore, a door and internal window have been finished with a gothics arch details. It is also my understanding that an historic range has been removed. The appellant has stated that the stone cladding is fixed to studwork and not directly to the walls and that original door and window openings have been retained behind the cladding.
12. The decorative overhaul of the kitchen is visually significant and the fireplace is very much out of proportion with the character of the room. The wall to the corridor has also been overclad with ashlar and the gothic arch features sit uncomfortably with their surroundings and, in particular the hall. There is no doubt that the alterations are very significant and have harmed the character of the kitchen and adjacent areas, hide or eliminate historic features such as the original openings and range, and are harmful to the character and appearance of the building.
13. The appellant states that the works have had a negligible impact on the building's character and significance and the works reflect the original purpose of the room and its position within the hierarchy of spaces within the Hall. I appreciate that as a kitchen it is a secondary room and may be of a lesser status than other principal ground floor rooms at the house, but the works exceed mere decoration but are visually intrusive, insensitive alterations which have fundamentally and detrimentally changed the character of the kitchen. I do not consider that this aspect of the works, as carried out, should be granted LBC and the appeal fails on ground (e) for this part of the works.

First floor flooring and doors

14. A new floor has been installed at first floor level which is, in effect, a floating floor which is not affixed to the original floor of the property. It is my

understanding that the purpose of the new floor is to provide a suitable base for new flooring and to provide a void for new service runs.

15. The appellant has stated that the installation has not caused damage to any historic fabric and as it is not fixed to the building this element is easily reversible without causing harm. Nevertheless, the works have resulted in alterations to the doors and architraves as a consequence of the alterations to the floor level. The appellant accepts that the works have resulted in a change to the building's character but argues that they have had little impact on the overall character of the building and its significance.
16. The changes to the proportions of the doorways and changes to the relationship of the fireplaces to the floor are significant in that they have caused harm to the decorative elements of the house and therefore the special interest of the listed building. There is little evidence that alternatives have been explored with reference to the provision of service runs and the harm is not justified. It may be the case that these particular works could be reversed but again that does not justify the harm caused by the works that have been carried out without due consideration of the historic and architectural significance of the building and, in particular, the importance of its interior design and decoration. Therefore, I do not consider that this aspect of the works, as carried out, should be granted LBC and the appeal fails on ground (e) for this part of the works.

Panelling

17. Timber panelling has been applied to the corridor which connects the main hall with the rear door. The corridor served as a service corridor and prior to the works taking place it is my understanding that it was simply decorated without there being any obvious functional division with the rest of the ground floor of the house.
18. The appellant understands that the panelling is fixed to the studwork and not directly to the walls and consequently is potentially reversible. He also assumes that little damage has been caused to the corridor's historic fabric, although there is little evidence to support this claim. The works that have occurred amount to significant redecoration of this part of the property and as such should respect the historic integrity of the house and, in particular the division between the different roles of the main hall and the service wing at ground floor level.
19. The service wing would have been far less decoratively important than other areas of the ground floor such as the hall and principal rooms and the panelling somewhat reverses this distinction, harming the integrity of the ground floor decoration and blurring the different roles of the different parts of the ground floor. The works have significantly altered the corridor's appearance and as such have had a significant harmful effect on the historic interest and significance of the ground floor of the building. It is argued that the service corridor retains its legibility as an ancillary space, but in my judgement, this has been unacceptably compromised. Therefore, I do not consider that this aspect of the works, as carried out, should be granted LBC and the appeal fails on ground (e) for this part of the works.

Conclusions

20. The Framework advises that when considering the effect of works on the significance of designated heritage assets great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration of those assets. For the reasons set out above the works have resulted in harm to the special architectural and historic interest of the Grade II listed building. In this case that harm is less than substantial.
21. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the works, which includes securing the optimal use of the building. The appellant contends that the works have been undertaken to secure its use as a single residence, which in his view is the optimal viable use of the building, and as part of a wider programme of refurbishment to address the building's poor condition. I accept that the works are part of the wider refurbishment of the historic building but do not agree with the argument that the unauthorised works are required to make the property viable as a single residence. It is clear to me that refurbishment and preparation for its use as a single dwelling by the appellant could quite easily have taken place without the need to carry out such intrusive and harmful interventions. In any case, the argument presented by the appellant illustrates only very limited public benefits but rather some private benefits to the appellant.
22. Given the above, and in the absence of sufficiently clearly defined public benefit, I conclude that the works have a harmful effect on the special architectural and historic interest of the listed building. This would fail to satisfy the requirements of the Act, the Framework and would conflict with Policy HC1 of the LP.

Formal Decision

23. I dismiss the appeal and uphold the listed building enforcement notice and refuse listed building consent for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

A A Phillips

INSPECTOR

MEETING OF THE PLANNING COMMITTEE
7TH December 2021

Section 100A (4) Local Government Act 1972

The following item is suggested to be dealt with under the above legislation. To comply with the Act the following resolution needs to be passed:

“That the public and press be excluded from the remainder of the meeting on the grounds that the matters yet to be discussed involve the likely disclosure of exempt information as defined in paragraphs 1 and 2 of part 1 of Schedule 12A to the Local Government Act 1972”.

Report 9: Lutterworth East s106 update

