

## Planning Committee Report

**Applicant:** Clare Marrinan

**Application Ref:** 16/01660/LBC

**Location:** Skeffington Hall, Rolleston Road, Skeffington.

**Proposal:** Retention of works involving the removal of internal walls from ground floor kitchen and reception rooms; removal of kitchen fireplace and staircase; replacement of rainwater pipes; reroofing and new lead work to roof; installation of a boiler and flue; repointing and repairs to castellation; exposing and cleaning of second floor timber; repointing internal stone walls; refurbishment to entrance doors and removal and replacement of plaster within portico and alterations to second floor layout including insertion of partition walls.

**Application Validated:** 27.10.16

**Target Date:** 22.12.2016

**Consultation Expiry Date:** 06.12.16

**Case Officer:** Emma Harrison

## Recommendation

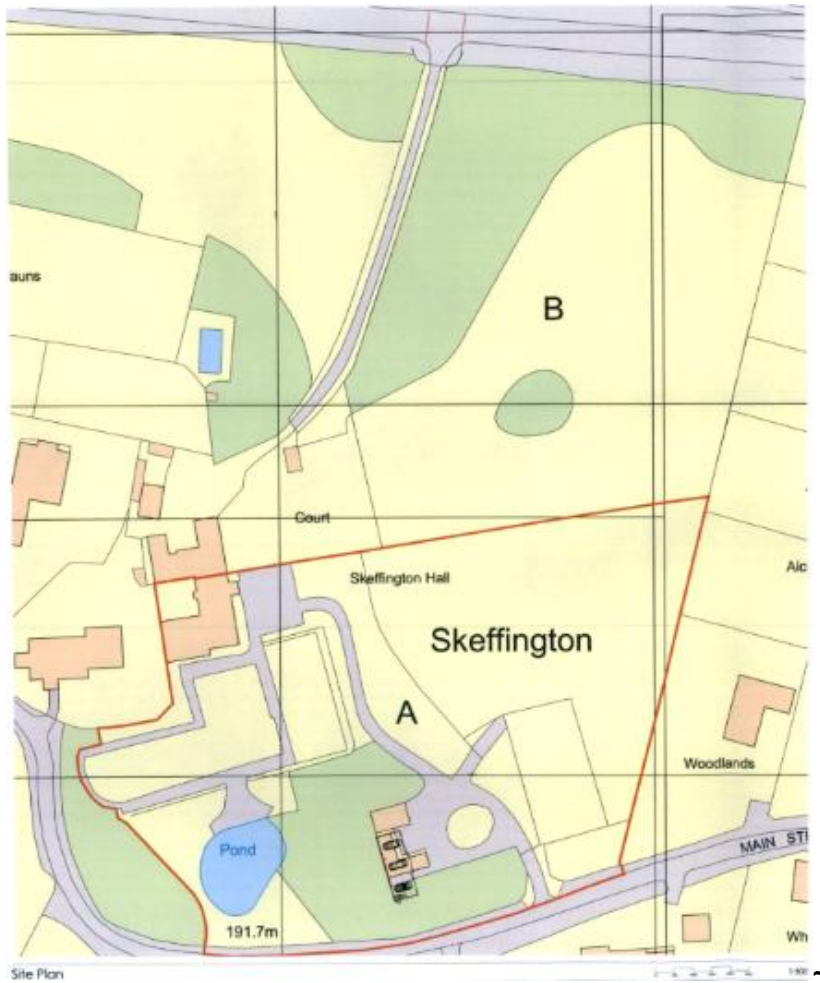
Listed Building Consent is **REFUSED**, for the following reasons:

The proposal would result in substantial harm to the architectural character of the historic building as a result of internal alterations and demolition of significant walls and fails to fully demonstrate the impact upon the significance of the building as a result of other works. The proposal is therefore considered to have a detrimental impact upon the historic character and integrity of the Grade II\* Listed Building, and as such would be contrary to Policy CS11 of the Harborough District Core Strategy and Paragraphs 128, 131, 132 and 133 of the NPPF. Furthermore, the decision has been reached taking into account Paragraphs 186 and 187 of the National Planning Policy Framework.

## 1. Site & Surroundings

1.1 The site is Skeffington Hall which is located in the village of Skeffington. The Building is a large H plan House that has been divided into two residences and can originally be dated to 1450. The building was extended in 1530 and again in the early to mid 17<sup>th</sup> century. The building is constructed largely of coursed ironstone rubble with white limestone ashlar dressing and swithland slate roofs. The Main front represents the 17<sup>th</sup> century building, projecting slightly to the left of this front block is the 1530 block in white Ashlar with blind tracery panels, it includes a full height squared bay and to the rear of this is the oldest part of the building as this represents the bay at the dais end of the hall house. Internally the features include a carved wood Tudor fireplace in the main hall and a four centred arch stone fireplace with a Charles I fireback. The building is a Grade II\* Listed building that is located within a Conservation Area.

**Figure 1: Site Location**



**Figure 2: Aerial Photo**



## **2. Site History**

2.1 There are several planning and listed building applications for the site.

- BR/07955/BRDC - Conversion of dwellings into two dwellings - permitted
- 77/01075/3L – Insertion of doorway into existing garden elevation - Permitted
- 15/00327/LBC – Replacement of 12 windows at second floor - Permitted
- 15/00429/FUL – Erection of a triple garage and alterations to existing garage and tack room - Withdrawn
- 15/01381/FUL – Erection of a detached triple garage and alterations to existing garage and tack room (Revised scheme of 15/00420/FUL) - Permitted

## **3. The Application Submission**

### **a) Summary of Proposals**

- 3.1 The application seeks Listed Building Consent for Retention of works already completed.
- 3.2 The works include the removal of internal walls from ground floor kitchen and reception rooms, which includes the removal of a fireplace and chimney breast, the removal of a modern staircase, partition walls and a false ceiling. Steelwork was also installed where walls have been removed. The existing floor was removed and replaced. In the large reception room/dining room two modern pillars with arched openings were removed to reveal the western stone bay window.
- 3.3 At first floor a timber and plywood screen was removed which enclosed the staircase, The staircase from first to second floor was replaced walls have been re plastered and a chimney breast removed.
- 3.4 At second floor partition walls removed, roof timbers brushed and cleaned and the installation of Celotex insulation. Plaster has been removed to reveal stonework and stonework has been re pointed with lime mortar. New partition walls have also been inserted.
- 3.5 Externally repairs have been undertaken to include removal of the existing roof slates, breathable felt laid over the roof structure and the slates re laid. Localised repairs of the roof including the refurbishment of the dormer side cheeks and damaged slates replaced. Perished leadwork and cast iron rainwater goods have been replaced. The stonework on the entrance porch has been cleaned and repointing along with the refurbishment of the doors. The existing stonework on the whole building has been undertaken including repointing and re bedding the stone castellations.

### **b) Documents submitted**

#### **i. Plans**

3.5 The application has been assessed based on the following plans:

- Existing floorplans, ground, first and second floor
- Proposed floorplans, ground, first and second floor
- Location Plan and site plan

## ii. Supporting Statements

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

- Design and Access Statement
- Planning and Heritage Statement
- Photographic Document

### c) Pre-application Engagement

3.7 A pre application site meeting was undertaken on 20<sup>th</sup> September 2016. The applicant was advised that the works would have required Listed Building Consent and an application to regularise was discussed with the advice that strong evidence was needed to identify the harm and impact on significance.

## 4. Consultations and Representations

4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 28<sup>th</sup> October 2016 and included a site notice put up on 15<sup>th</sup> November 2016 and a press notice 10<sup>th</sup> November. This consultation period expired on 6<sup>th</sup> December and 1<sup>st</sup> December respectively.

4.2 Firstly, a summary of the technical consultee responses received are set out below. If you wish to view the comments in full, please go to: [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning).

### a) Statutory & Non-Statutory Consultees

4.3 Historic England

Skeffington Hall is Listed Grade II\* as recognition of its more than special architectural and historic interest, placing it within the top 8% of listed structures in the country. The hall is H-plan in form, the oldest part forming the south wing, which lies at an angle to the later c17 front range. The south wing contains fabric dating from 1450 thought to be part of an earlier house on the site. The house was extended c1530 and again in early /mid c17 with further works in c18 and c19. The hall is located within Skeffington Conservation Area to which it makes a strong positive contribution.

The hall is divided into two dwellings and the unauthorised works have been undertaken to the property located on the south side, the earliest part of the building. The proposal is for retrospective consent for various internal and external alterations including the removal of internal walls, chimney breast, staircases, re-plastering of walls, the removal/replacement of a floor and the installation of stud walls.

As this application affects a listed building and a conservation area, the statutory requirements to have **special regard** to the desirability of preserving the building, its setting and any features of special interest (s.16 and s.66, 1990 Act) and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) must be taken into account by the authority when determining the application.

Section 7 of the Planning (Listed Building and Conservation Areas) Act 1990 (LBCA Act) provides that, *subject to the following provisions of the Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised. (Section 9 of the 1990 Act provides that if a person contravenes Section 7 he/she shall be guilty of an offence.)*

It is a criminal offence to carry out work which needs listed building consent without obtaining it beforehand.

At this stage, we do not believe that the current application contains sufficient information to enable either Historic England or your authority to make a proper assessment of the significance of Skeffington Hall, or the impact of the proposals as highlighted below.

Notwithstanding the lack of information provided at this stage, we believe the removal of the internal walls and chimney breast within the current kitchen area has an adverse impact on the hall's character as a building of special architectural and historic interest and is clearly harmful to the overall significance of this highly graded listed building as outlined below. Historic England recommends that the local planning authority seeks the restitution of these elements that have been removed without the benefit of consent, taking enforcement action where appropriate and necessary.

Historic England objects to this application and recommends refusal of listed building consent as the application fails to meet the requirements of Paragraph 128 and 131-134 of the NPPF 2012.

If, notwithstanding our advice, your Authority is minded to grant listed building consent for the application in its current form, in light of our objection you should treat this letter as a request to notify the Secretary of State of this application, in accordance with Circular 08/2009.

## **Historic England Advice**

### *Significance*

Skeffington Hall is listed Grade II\* in light of its special national historic and architectural character and interest, placing it within the top 8% of listed buildings in England. The hall is H-plan in form, the oldest part forming the south wing, which lies at an angle to the later c17 front range. The south wing contains fabric dating from 1450 thought to be part of an earlier house on the site and includes a full height canted bay window, which represents the bay at the dais end of the hall house. The house was extended c1530 and again in early /mid c17 with further works in c18 and c19. Main front range dates from the c17, with central doorway located in the projecting balustraded porch, which has architrave fluted shafts and consoles supporting an open pediment.

The hall is built largely of coursed ironstone rubble with white limestone dressings and consists of two storeys with attics, the roofs are covered in Swithland slate. Internally, architectural features include a Tudor chimney piece in the main hall and an early c17 staircase.

The hall is now divided into two residences and the application relates to the south side of the hall which includes the earliest part of the building and c1530 block, as well as part of the c17 range, including the main entrance porch.

The hall is located within Skeffington Conservation Area to which it makes a positive contribution.

#### *Impact*

We are very disheartened to learn that significant, unauthorised works have been undertaken at Skeffington Hall. This retrospective application relates to both internal and external unauthorised works, the internal works are extensive and include all floors (except the basement). From our understanding of the information provided the works include;

#### *Ground floor*

- ☐ The removal of internal walls between kitchen and former utility/ boot room and former laundry/boiler room.
- ☐ Removal of chimney breast/ fire surround in former utility/ boot room and staircase to first floor.
- ☐ The removal of the floor and installation of a new concrete floor incorporating under-floor heating. Relaying of flagstones to alternative location- extent unknown
- ☐ Insertion of stud walls
- ☐ Removal of false ceiling and plasterwork to walls- extent unknown
- ☐ Insertion of dry-lining/plasterboard and re-plastering of walls - extent unknown
- ☐ Insertion of steelwork and new ceiling- extent unknown
- ☐ The removal of an internal wall within the reception room

#### *First floor*

- ☐ Removal of plasterwork - extent unknown
- ☐ Removal of a section of panelling in former bedroom 2 and installation of a section of new flooring
- ☐ Removal of a secondary staircase to the second floor
- ☐ Installation of plasterboard to walls with skim finish- extent unknown

#### *Second floor*

- ☐ Removal and insertion of stud walls
- ☐ Insertion of insulation between rafters, lined with plasterboard
- ☐ Removal of plaster/ boarding from stone walls and repointing
- ☐ Cleaning of roof timbers and treatment with Cuprinol preservative

#### *External works*

- ☐ Re-roofing to include breathable felt- insulation between rafters (as above)
- ☐ Replacement rainwater goods- extent unknown
- ☐ Re-pointing of exterior walls, repairs and re-pointing of castellations- extent unknown
- ☐ Refurbishment of entrance doors and replacement of plasterwork within the porch- extent unknown

It will be for your authority to establish which of the works are considered unauthorised and form part of the application for Listed Building consent.

The supporting information includes a Planning and Heritage Statement, an addendum to the Planning and Heritage Statement and Photograph Documents- *Prior to the removal of walls* dated 26<sup>th</sup> September 2015 and *Completed Refurbishment Works* dated September 2016. Whilst the information is useful to a

certain extent, we do not consider that sufficient information has been provided to understand the impact of the proposal on the significance of Skeffington Hall. Only limited information has been provided in relation to the significance of this highly graded listed building and the areas affected by the proposed scheme, including any historic fabric affected and the plan form of the building. For example- Are there any historic plans of the building showing its plan-form/ historic photographs of the exterior/interior? Was the plasterwork removed from walls of historic significance? Were any historic decorative features such as plasterwork (eg- coving), joinery ( eg- doors, skirting boards, architrave) removed?

As you will be aware paragraph 128 of the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution to their setting; the level of detail should be proportionate to the assets importance and sufficient to understand the potential impact of the proposal on their importance. In our view, the current retrospective application fails to respond to paragraph 128 of the NPPF

Furthermore it is unclear as to the extent of the work that has been undertaken. We note the floor plans provided are basic and inconsistent in relation to the written description of work undertaken. For example, the walls removed on the second floor are not shown on the plans provided. On the first floor plans- where is the chimney breast on the south wall of the stair area?-has it been boarded over or removed? Where has internal plasterwork been removed from walls, this is not annotated on the plans? How much of the ground floor area within the kitchen has been removed? Why does there appear to be a large opening in the brickwork on the first floor stair area not described in the works (Picture 12).

As a minimum, we would recommend that scaled drawings showing the full extent of works undertaken are provided (floor-plans and elevations) , including cross-sections showing all new construction work, including roof works, stud walls, floor construction etc. to enable a full understanding of the proposed scheme and the impact of the unauthorised works.

Notwithstanding the lack of information provided at this stage, we are extremely concerned by the unauthorised removal of internal walls and chimney breast within what is now the kitchen area. This area is within the south wing, which as outlined above, is one of the oldest parts of the hall. The wall removed between the kitchen and former utility/ boot room, contained stonework, which potentially could be of a very early date (C16) and of very high significance. Furthermore the historic plan form of the building is one of its most important characteristics and the removal of these internal walls and chimney breast has resulted in both the loss of this historic plan-form and historic fabric. These unauthorised works are therefore considered to have an adverse impact on the special architectural and historic interest of the hall and are clearly harmful to the overall significance of this highly graded listed building and unjustified.

As outlined above, we are unable to make any meaningful comments on the potential impact of the remaining proposals and thus assess the level of harm caused to this highly graded listed building, at this stage, due to the lack of supporting information provided. We therefore advise that further information is provided to address this important issue.

#### *Policy*

As this application affects a listed building and a conservation area, the statutory requirements to have **special regard** to the desirability of preserving the building, its

setting and any features of special interest (s.16 and s.66, 1990 Act) and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) must be taken into account by the authority when determining the application.

The Government's National Planning Policy Framework (NPPF) states that a core planning principle is the conservation of heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations (paragraph 17). Your authority should also take account of the desirability of sustaining and enhancing the significance of heritage assets (paragraph 131, NPPF).

The NPPF also states that when considering the impact of a proposed development on the significance of a designated heritage asset, **great weight** should be given to its conservation, and the more important the asset, the greater the weight should be (paragraph 132). Whilst some are given equal importance, no other planning concern is given a greater sense of importance in the NPPF. Any harm or loss to significance *'should require clear and convincing justification'* (paragraph 132, NPPF).

Paragraph 133 of the NPPF goes on to say that *'Where a proposed development will lead to substantial harm to... significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that substantial harm ... is necessary in order to achieve substantial public benefits that outweigh the harm or all of the following apply:*

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use'.*

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

#### *Position*

We do not believe that the current application contains sufficient information to enable either Historic England or your authority to make a proper assessment of the significance of Skeffington Hall , or the impact of the proposals as highlighted above.

Notwithstanding the lack of information provided at this stage, we believe the removal of the internal walls and chimney breast within the current kitchen area has an adverse impact on the hall's character as a building of special architectural and historic interest and is clearly harmful to the overall significance of this highly graded listed building. In line with paragraphs 131-134 of the NPPF we do not consider that there is clear and convincing justification for this proposal.

Historic England considers that this application fails to meet the requirements of Paragraph 128 and 131-134 of the NPPF 2012 and we therefore object to this application.

#### **Recommendation**



Historic England objects to this application and recommends refusal of listed building consent as the application fails to meet the requirements of Paragraph 128 and 131-134 of the NPPF 2012.

We believe the removal of the internal walls and chimney breast within the current kitchen area has an adverse impact on the hall's character as a building of special architectural and historic interest and is clearly harmful to the overall significance of this highly graded listed building. We recommend that the local planning authority seeks the restitution of these elements that have been removed without the benefit of consent, taking enforcement action where appropriate and necessary.

If, notwithstanding our advice, your Authority is minded to grant listed building consent for the application in its current form, in light of our objection you should treat this letter as a request to notify the Secretary of State of this application, in accordance with Circular 08/2009.

#### 4.4 Skeffington Parish Meeting

The village meeting recognises that Skeffington is designated as a Conservation village, within that designation is included a number of buildings of historical importance. As a village we feel that it is of the utmost importance to maintain both the external features and the history within the Hall. Whilst Skeffington Hall dates back to the 15th Century we recognise that there have been various changes and additions to the structure over the years. Which is why it is paramount to conserve both its cosmetic and structural integrity as a Grade 2\* listed building.

We would advise all residents that living within a Conservation area will incur additional responsibilities and requirements within the Planning process. The village expectation is that residents should ask the Planning Authority prior to any works to ensure compliance.

I do not intend to make specific response to the internal changes suffice to express some concern as to the level at which the building was stripped back. It is noted that all plaster and ceilings were removed along with some non 70/80s brick and stonework? The meeting would have considered that the 2\* listing would have included the interior structure and some of the fittings.

The Meeting is also surprised that as part of the retrospective planning application there is no supporting statement from the structural engineer, with regard to the installation of RSJ's supporting significant structural elements within the building. Following concerns made at the Parish Meeting the Parish Chair contacted HDC Building Control and was advised that there had not been a Building Regs submission for these works and that they had not been advised that an Approved Inspector was acting on the owners/builders behalf. Therefore within the scope of the alterations that have been completed and considering there have been material changes made to the means of escape for the upper floors; concern is raised that the functional requirements of Approved Document B of the Building Regulations are not being complied with. This is with specific regards to the fire separation from the 2nd floor and removal of the secondary escape route via the rear staircase. It is also noted that AFD has not been installed which may have been considered a compensatory feature?

Within the previous planning consent for replacement windows, are any of these designated as escape windows and would they be compliant due to their height from the ground? These issues are raised within the Planning Consultation as HDC Building Control has not been in receipt of any Building Regs submission, or advice from an Approved Inspector that they were undertaking the Building Regs submission.

Unfortunately the Parish Meeting believes due to the lack of consultation prior to alterations some important historical features have been lost to future generations. There are also concerns With regard to the occupier's safety. I would also point out that this decision to make comment was following a proposal at the meeting which had unanimous support from the Parish Meeting with 29 attendees.

- 4.5 National Amenity Societies  
No comments

## **b) Local Community**

- 4.8 6 letters of objection from Little Vale, 1 Cedar Cottages, Meadowside, Grey Roofs, 14 Hunters Avenue, Skeffington Court and The Beeches and a petition containing 30 names have been received. Officers note that several of the representations are very detailed and whilst regard has been had to these in assessing this application, it is impractical to copy these verbatim and therefore a summary of the key points is provided below.
- Concerns regarding the unauthorised building works to a grade II\* Listed Building and the retrospective consent that is now sought.
  - Concerns relating to the removal of original and historic features and fabric therefore compromising the historical integrity of the building.
  - Fears that potential structural issues will occur as a result of the works completed and the lack of a structural engineers report.
  - Concerns regarding the existence of Building Regulations.
  - Feelings that the alterations should be reversed and the features reinstated.

## **5. Planning Policy Considerations**

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

### **a) Material Planning Considerations**

- *Planning (Listed Building and Conservation Areas) Act 1990*
  - *Planning Practice Guidance – Conserving and enhancing the historic environment*
  - *The National planning Policy Framework 2012*
- 5.2 Paragraphs 128 and 131-134 of The National Planning Policy Framework The Framework) are the most relevant.
- 5.3 Paragraph 128 states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution to their setting; the level of detail should be proportionate to the assets importance and sufficient to understand the potential impact of the proposal on their importance.
- 5.4 Paragraph 131 states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.
- 5.5 Paragraph 132 also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation, the more important the asset, the greater the weight

should be.....As heritage assets are irreplaceable any harm or loss to significance 'should require clear and convincing justification.

- 5.6 Paragraph 133 Paragraph 133 of the NPPF says that *Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that substantial harm or loss is necessary in order to achieve substantial public benefits that outweigh the harm or all of the following apply:*

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

- 5.7 Finally Paragraph 134 says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

#### **b) Other Relevant Information**

- *Reason for Committee Decision*

- 5.7 This application is to be determined by Planning Committee as the application submitted to Harborough District Council, has received in excess of 5 objections.

### **6. Assessment**

#### **a) Technical Considerations**

1. Design and Impact on the Listed Building.

- 6.1 The external elevations of the building and internal works are shown in the photographs below.

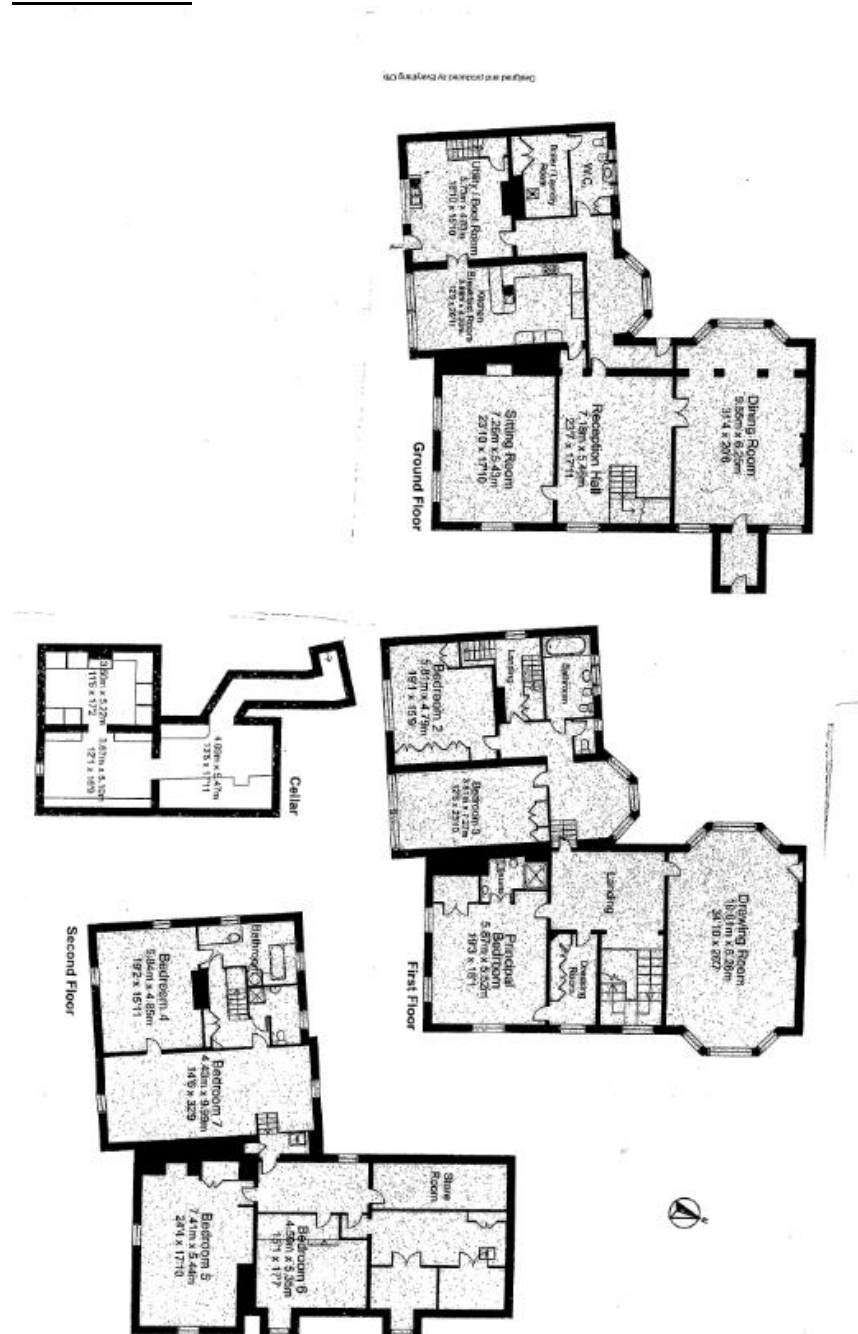
**Figure 3: external elevation**



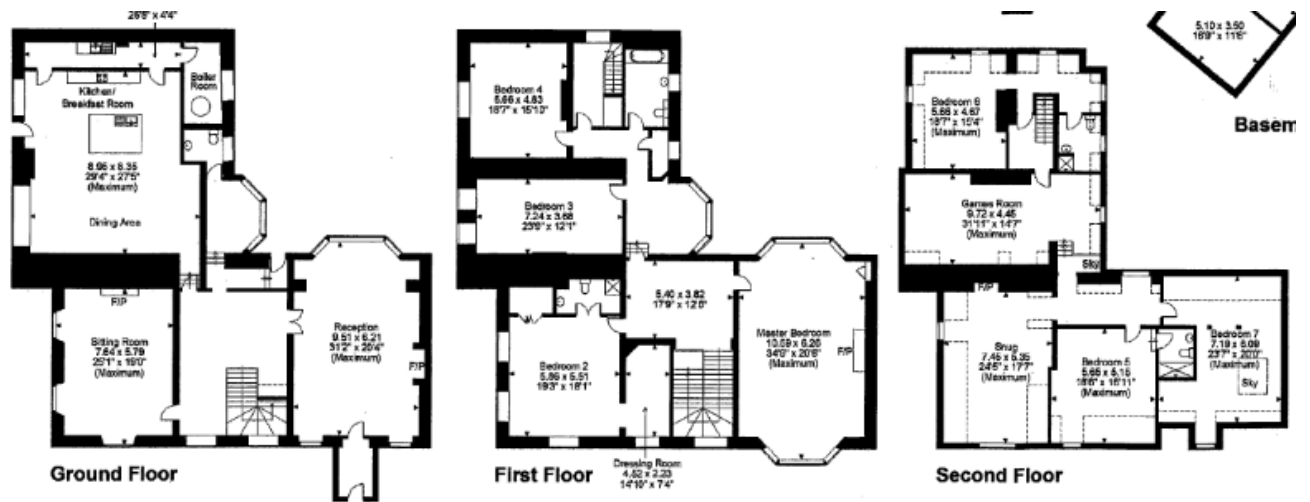
**Figure 4: floorplans**

The floorplans below show the layout of the building before and after the works were completed

Prior to works



## Works completed



**Figure 5: before and after photographs- kitchen**

The photographs below show before and after the work completed to remove the wall between the kitchen and utility room and the fireplace and chimney between the utility and laundry room.

### Before







After



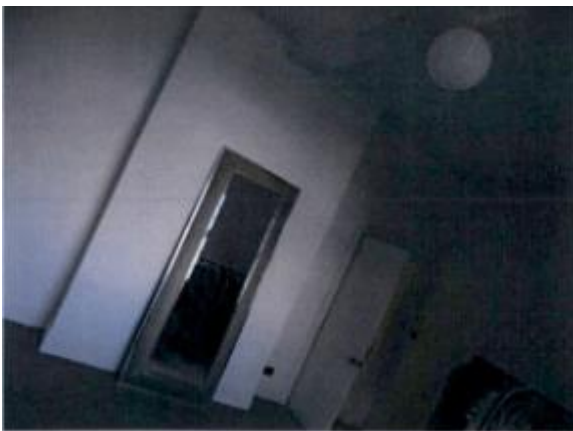
**Figure 6: Before and after photographs-first floor**

The photographs below show the first floor bedroom 2 before and after the works were completed

Before



After



**Figure 7: Before and after photographs – staircase**

The photographs below show the staircase removed from the utility to the first floor landing.



Before



After



### Figure 8 First Floor Landing

The photographs below show the, first floor landing and second staircase with chimney breast removed.

Before



After



**Figure 9: Before and after photographs - dining room.**

The photographs below show the dining room before and after the removal of the pillars and arched openings.

Before



## After



- 6.2 Extensive works have been completed within the ground floor of the building, these are considered to form the major part of the application submitted. The works include the removal of walls and the chimney breast within the kitchen and utility area to create a large open kitchen. This is within the south wing of the building. This wing is believed to contain fabric relating to the original hall dating to 1450. The removal of the walls and chimney breast therefore constitute a loss of historic fabric in an area that has been identified as being potentially the oldest part of the building. The removal of this fabric has furthermore compromised an understanding of the plan form of the building and therefore the properties historic development. Steelwork has also been inserted to maintain the integrity of the first floor and structure and this has therefore resulted in a non tradition intervention/installation to the building.
- 6.3 In the Utility/Boot room a staircase has been removed leading to the first floor landing. There is evidence submitted that this was a modern timber and plywood staircase and as such does not result in a loss of historic fabric. It is also considered that a staircase in this position was likely to have been a more recent introduction to the property.
- 6.4 Other alterations in these rooms include removal of a non original ceiling and the installation of a new plasterboard ceiling and partition walls. These works although do not result in a loss of historic fabric, have altered the historic plan form of this part of the property and therefore are harmful to the significance of the building.
- 6.5 Floors have also been removed in this area and a new insulated concrete floor laid. The floor removed was concrete and flagstones of which the flagstones have been relayed elsewhere in the building.
- 6.6 In the dining room area of the ground floor two pillars and arched openings were removed. It is suggested that these were modern brick piers and timber arches. Their

removal opens up the room. This element on its own is not considered to harm significance.

- 6.7 At first floor the void left by the removal of the staircase has been filled in and the screen has been removed. This screen was plywood and therefore not historic fabric. The walls have had their existing plaster removed and have been re plastered. It is unclear how much of this would have been historic plaster and therefore the impact of this work is difficult to quantify.
- 6.8 In the area of the first floor landing a further section of the chimney breast has been removed. This is directly above and therefore formed part of the chimney breast that has been removed at ground floor. This has resulted in the removal of noteworthy historic fabric which is considered to be harmful to the significance of the building.
- 6.9 On the second floor a new oak stair leading up to the second floor landing has been inserted replacing an existing modern staircase, this has not resulted in a significant loss of historic fabric and the new staircase again in isolation is considered to be acceptable.
- 6.10 Also on the second floor modern partition walls have been removed and new partitions installed to change the layout and to introduce new bathroom facilities. This work is believed to not have resulted in a loss of historic fabric and the changes to the plan form of the building are in this instance considered to be reversible.
- 6.11 Insulation was fitted throughout between the rafters and the underside lined with plasterboard. This installation of insulation may affect the fabric of the building as it may reduce the buildings ability to breathe and therefore lead to subsequent problems. There has been no evidence submitted as to the suitability of this type of insulation for use in historic buildings.
- 6.12 Stone walls have been exposed within two rooms at second floor; the stone has been cleaned and repointed with lime mortar. This has exposed historic fabric and is considered not to have harmed the fabric or significance of the building.
- 6.13 The external works completed are considered to be mainly repairs. The roof has been removed felt has been laid and the roof was re laid using existing slates or replacement slate where necessary. Localised repairs have been undertaken and the leadwork has also been replaced or repaired using the same material as existing.
- 6.14 Cast iron rainwater goods have been replaced or repaired on a like for like basis which is considered to be beneficial to the building.
- 6.15 The stonework on the entrance porch has been cleaned and the whole building has been re pointed including re bedding and repointing the castellations to the roof area. The re pointing involved the removal of some inappropriate mortar and its replacement with lime mortar which is beneficial to the fabric and for the maintenance of the building. External doors have also been refurbished.

## 7. Other Matters

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- 7.1 The site is subject to an ongoing enforcement case which includes investigations into other potential breaches of Listed Building control. There are a number of works identified that are in addition to the works included as part of this application submission, and do not form part of this assessment.



## **8. The Planning Balance / Conclusion**

- 8.1 There is a statutory presumption to have special regard to the desirability of preserving Listed Buildings. Furthermore the Planning Practice Guidance, conserving and enhancing the historic environment states that when works to a Listed Building seriously affects a key element of its special architectural or historic interest then this can constitute substantial harm. If a development leads to substantial harm or total loss of significance of a designated heritage asset which is not demonstrated to be necessary to achieve substantial public benefit then this is contrary to paragraph 133 of the Framework.
- 8.2 Paragraph 132 of The Framework asserts that when considering the impact of works on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. The property Skeffington Hall is a Grade II\* Listed Building and therefore is in the top 8% of the Listed Buildings in England in terms of its special architectural character and interest. Consequently this building is of high importance.
- 8.3 Due to this high importance of the building in question there is a requirement for the level of information submitted to be commensurate to the building's importance. The information submitted with the application was not considered sufficient to understand the potential impacts of all of the works forming the application for consent and therefore this contravenes paragraph 128 of the Framework.
- 8.4 The works undertaken to repair and maintain the external structure of the building have been completed to ensure the building remains robust against deterioration due to weather etc. It is considered that these works have been completed in an appropriate manner and in traditional materials. Therefore on its own this element of the Listed Building Consent application is considered acceptable and not harmful to the significance of the heritage asset in accordance with paragraphs 133 and 134 of The Framework.
- 8.5 The works to remove or replace modern staircases and partition walls and to insert new partition walls and staircases have changed the layout of the building to the second floor, however as these works have not resulted in a loss of historic fabric and any changes to the plan form of this part of the building are argued to be reversible it is also considered that these works do therefore not constitute harm to the significance of the heritage asset and are thus in accordance with paragraphs 133 and 134 of The Framework.
- 8.6 The removal of the extensive walls and chimney breasts at ground and first floor has resulted in an irreversible loss of historic fabric and has greatly altered the plan form of the building which in addition has potentially compromised the understanding of the historic development of the building. The invasive and irreversible nature of some of these works have resulted in substantial harm to the Listed Building which is not outweighed by any substantial public benefit and therefore is contrary to paragraph 133 of The Framework.
- 8.7 Although the aspects of the submitted application are assessed as having different scales of harm, impact and acceptability, some of these works that have been completed cause substantial harm or loss of significance, warranting a

recommendation for refusal, and furthermore is contrary to paragraphs 128, 131, 132 and 133 of The Framework.

## Planning Committee Report

**Applicant:** Mr Hecks

**Application Ref:** 17/00023/FUL

**Location:** The Firs, Mill Hill Road, Arnesby, Leicestershire

**Proposal:** Erection of two storey dwelling and detached garage

**Application Validated:** 13/03/2017

**Target Date:** 16/06/2017 (Extension of time agreed)

**Consultation Expiry Date:** 07/04/2017

**Case Officer:** Faizal Jasat

## Recommendation

Planning Permission is **APPROVED**, subject to;

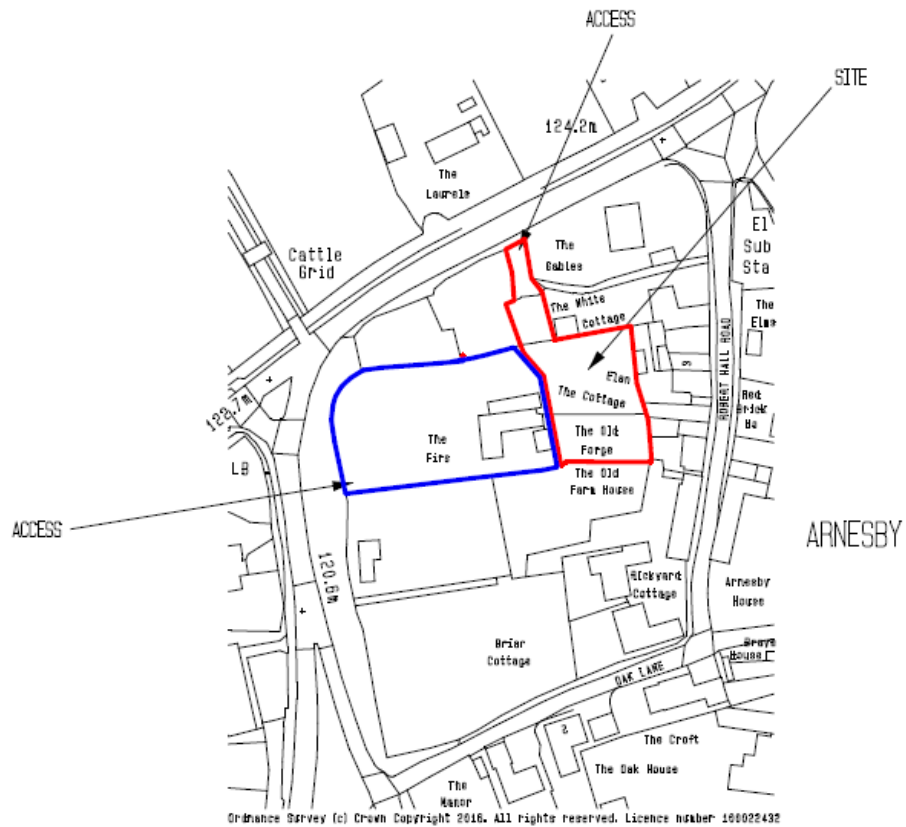
- The conditions set out in Appendix A

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

## 1. Site & Surroundings

- 1.1 The application site forms part of the residential curtilage of The Firs and is a back-land site located between The Firs on Mill Hill Road and a row of houses on Robert Hall Road. The proposed dwelling would be accessed from Lutterworth Road and part of the access would be located on Public Right of Way.





**Figure 1: Site Location**



**Figure 2: Existing entrance to The Firs on Mill Hill Road**



**Figure 3: Existing Public Right of Way and proposed new access**



**Figure 4: View across site looking toward proposed access**





**Figure 5: View across site from rear of The Firs**



**Figure 6: Rear elevations of dwellings on Robert Hall Road**

- 1.2 The host dwelling is a two storey detached dwelling fronting Mill Hill Road. The dwelling is of a traditional design and constructed in red brick with dark brown/grey roof tiles. The site is located on a large plot with a garden that extends around the front, northern side and rear of the house. A long driveway from Mill Hill Road is located to the southern side boundary of the house. Large turfed plots of land are located to either side of the house and row of smaller houses is located to the rear of the house behind the garden.
- 1.3 The site is within limits to development for Arnesby and is located within a Conservation Area. Listed Building – The Old Farm House – adjoins the application site at the south/southeast.

## **2. Site History**

- 2.1 11/01274/FUL – Erection of a conservatory to side/rear: Approved

## **3. The Application Submission**

### **a) Summary of Proposals**

- 3.1 The proposal seeks full planning approval for the erection of one dwelling two storey storey dwelling and detached garage for two cars. A separate access for the proposed dwelling would be accessed from Lutterworth Road.
- 3.2 The proposed dwelling would be sited to the rear garden of the host property and would be approx. 12.5m in length east to west down the garden and approx. 6.5m in width. The proposed dwelling would be approx. 7.3m in height to the ridge and approx. 4.5m in height to the eaves. The proposed dwelling will be a 4 bed dwelling, with lounge, and kitchen/diner to the ground floor. Two trees would be removed as part of the proposal and eight trees would be planted.
- 3.3 The applicant has amended the application to include a revised layout plan that alters the siting of the proposed house. In addition, the correct certificate on the application form has been completed and the application has been re-publicised accordingly.

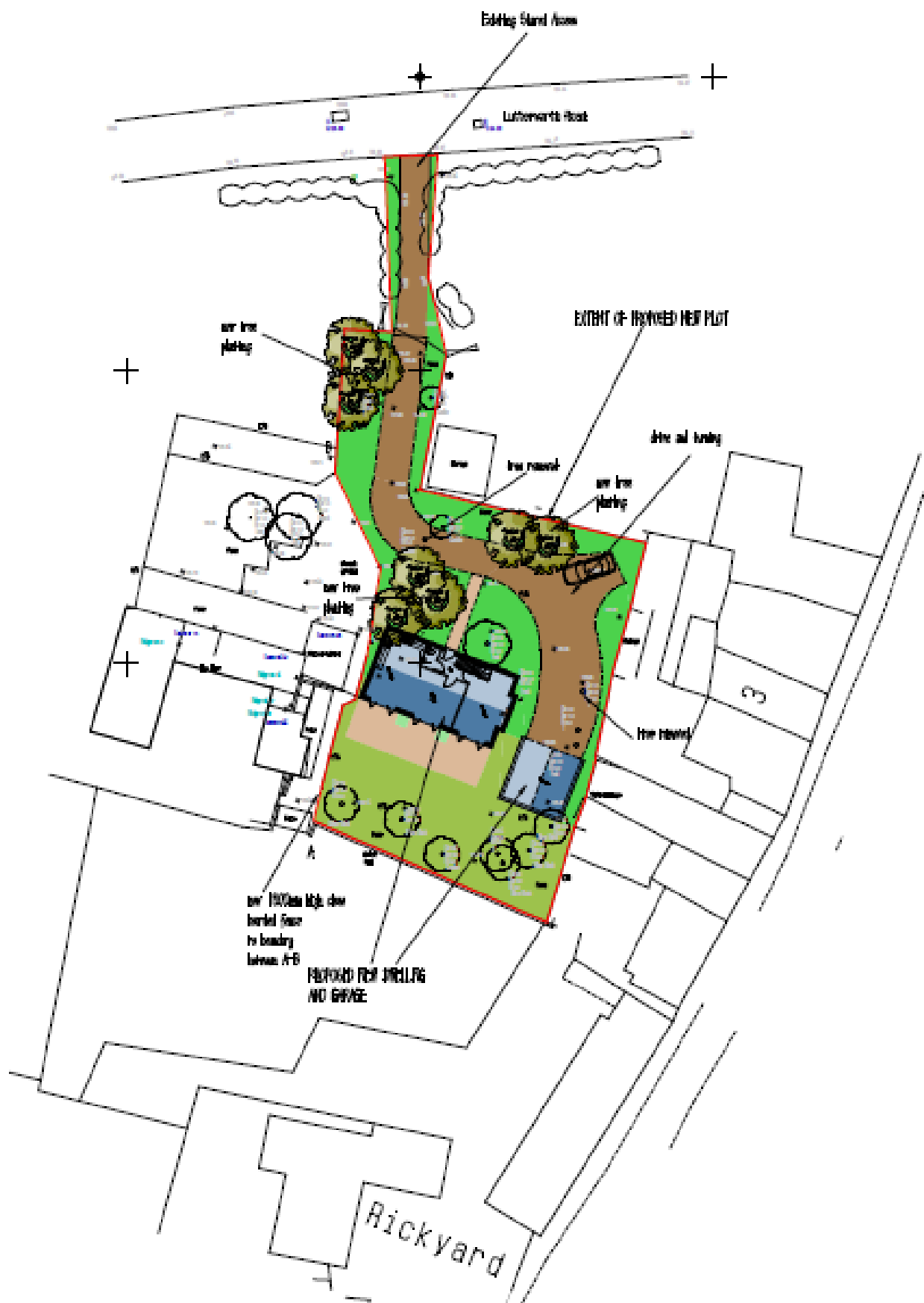


Figure 7: Proposed site plan

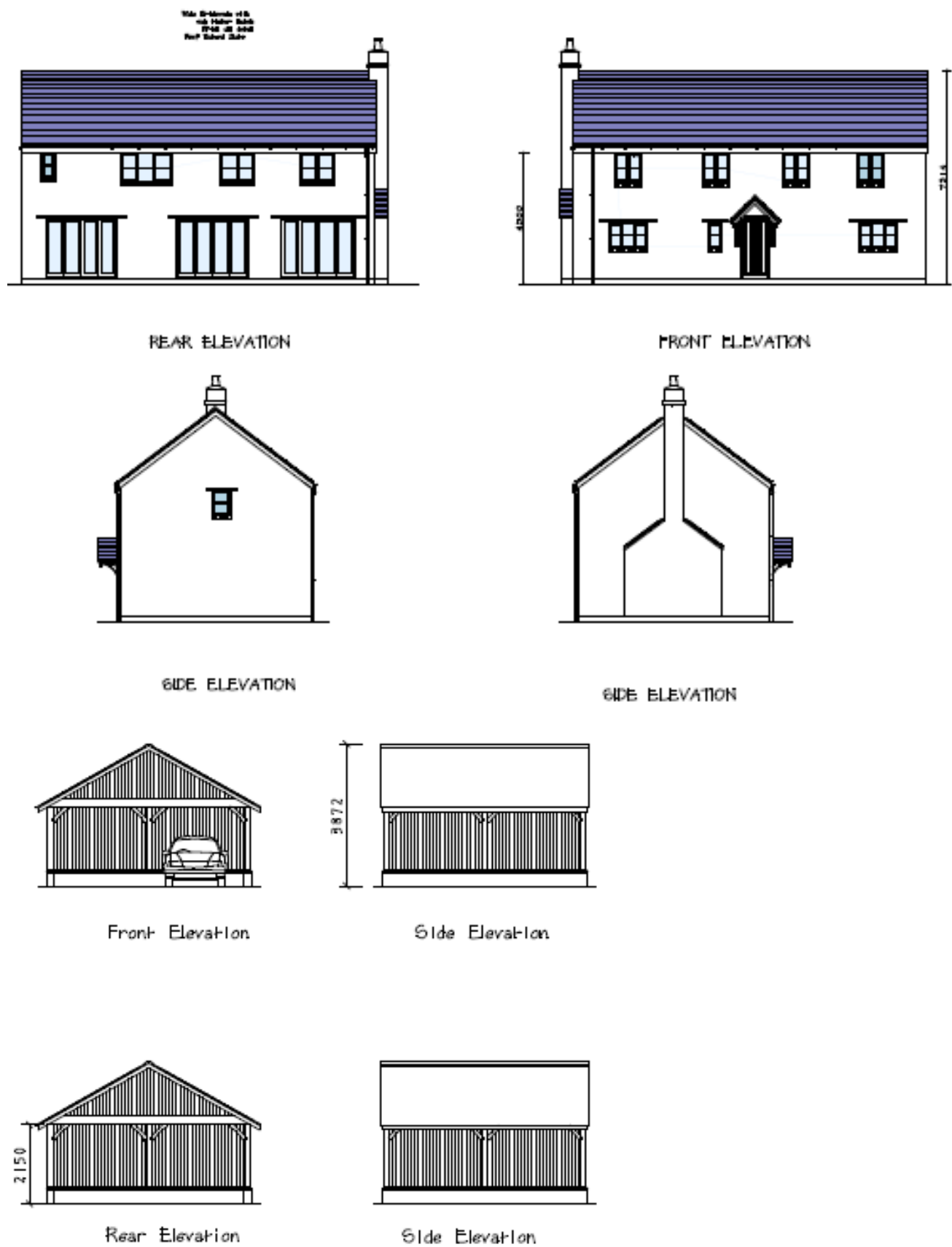


Figure 8: Proposed elevations

- 3.4 The proposed dwelling would be located immediately to the rear of the host dwelling, and approx. 15m from the closest point of the closest dwelling to the rear. The proposed dwelling would front Lutterworth Road, although screened from the main road as it would be considerably set back within the site.

#### **b) Documents submitted**

##### **i. Plans**

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

- Location Plan – L1
- Proposed Layout Plan – P1A
- Proposed Plans and Elevations – House – P2
- Proposed Layout Plan – Important Open Space – P3A
- Proposed Plans and Elevations – Garage – P4

##### **ii. Supporting Statements**

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

- Design and Access Statement
- Written Scheme of Investigation Archaeology Assessment

#### **c) Pre-application Engagement**

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

#### **4. Consultations and Representations**

- 4.1 Consultations with technical consultees and the local community were carried out on the application. This occurred on 19<sup>th</sup> January 2017 and the initial consultation period expired on 9<sup>th</sup> February 2017. Following the receipt of the correct certificate on the application form and a revised siting of the dwelling, a further consultation was undertaken with neighbours and all previous representors. This occurred on 24<sup>th</sup> March 2017, and concluded on 7<sup>th</sup> April 2017.
- 4.2 Firstly, a summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to:  
[www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)

#### **a) Statutory & Non-Statutory Consultees**

##### ***Arnesby Parish Council***

- 4.3 Arnesby Parish Council object to the application and have raised concerns that the proposal is unsuitable for the site and would result in overdevelopment of the site.

##### ***LCC Highways***

- 4.4 The Local Highway Authority refers the Local Planning Authority to current standing advice and to consider:



- Parking and turning provision
- Access surfacing (5m behind highway boundary on Lutterworth road)
- Access width & geometry on to Lutterworth road
- Access way is a Public Right of Way – Footpath Y104a

### ***LCC Ecology***

- 4.5 No objection, subject to condition:  
Removal of vegetation outside the March-Aug inclusive bird-nesting season, or within 24 hours of the 'all-clear' from an appropriately qualified ecologist following a negative bird-nesting survey.

### ***HDC Environmental Health***

- 4.6 No objection, subject to conditions:
- Risk Based Land Contamination Assessment
  - Completion/Verification Investigation Report
  - Informative – No burning
  - Informative – Hours of construction

### ***LCC Archaeology***

- 4.7 The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies in an area of archaeological interest, within the medieval and post-medieval historic settlement core of Arnesby. Recommended conditions:
- No demolition/development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted
  - No demolition/development shall take place other than in accordance with the Written Scheme of Investigation
  - The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation

### ***LCC Footpaths***

- 4.8 No objection to the application as it should not affect the Public's use and enjoyment of the Right of Way, subject to conditions:
- Any changes to the existing boundary treatment currently separating the application site from the Public Right of Way, must be approved
  - No trees or shrubs should be planted within 1 metre of the edge of the Public Rights of Way.
  - measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works

### ***HDC Conservation***

- 4.9 The proposed dwelling will be on an area of land that is fully enclosed by existing buildings. As a result the dwelling will sit to the rear of the existing properties and therefore will not affect views of the principal/front elevations of these buildings and therefore their character will be retained. The design of the proposed dwelling is simple and I believe this is in keeping with the character of the nearby properties. Overall in my opinion the development will not harm the setting of the Conservation Area and will preserve its special character. Furthermore the significance of the setting of the Listed Building, The Old Farm House will not be harmed. Therefore the application complies with Chapter 12 of the NPPF and Policy CS11 of the Harborough District Core Strategy.



## **b) Local Community**

4.10 9 objections received from 6 neighbouring addresses. Issues raised through objections include:

- Incorrect site boundary on originally submitted location plan – Public Right of Way
- Overlooking
- Overdevelopment of site
- House is out of scale with plot size
- Style of house out of character with surrounding houses
- Loss of light
- Loss of privacy
- Overbearing impact of house and garage
- Noise and disturbance caused by vehicles/people in and out of site
- Loss of trees
- Drainage/flooding
- Loss of view (non-material)

## **5. Planning Policy Considerations**

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

## **a) Development Plan**

### *Harborough District Local Plan*

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

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

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

5.4 Policy CS17 of the Core Strategy sets out the Council's approach to development in the rural centres, selected rural villages and the countryside. Policy CS17 does not identify Arnesby as a Selected Rural Village (SRV), based on its service provision of a primary school only, with development in Selected Rural Villages to be on a lesser scale than Rural Centres, with Rural Centres to be the focus for rural affordable and market housing, additional employment, retail and community uses to serve the settlement and its rural catchment area. In all cases development will be on a scale which reflects the size and character of the village concerned, the level of service provision and takes into account recent development and existing commitments.

5.5 Whilst Arnesby is not identified as a Selected Rural Village, Policy CS17 a) states that 'Villages not identified, but which have identified Limits to Development, may be suitable to receive very limited small scale infill development'.

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

## **b) Material Planning Considerations**

### *Supplementary Planning Guidance*

- 5.7 The Supplementary Planning Guidance Note that is relevant to this application is Note 3 Development of Single Plots, Small Groups of Dwellings and Residential Development in Conservation Areas.

## **c) Other Relevant Information**

### *Reason for Committee Decision*

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

## **6. Assessment**

### **a) Principle of Development**

- 6.1 The village of Arnesby is not identified within CS17 as a Selected Rural Village (having only 1 of the 6 key services and therefore not considered sustainable), however the settlement of Arnesby does have identified Limits to Development, and the site falls within this. The site is within 800m of primary school serving Arnesby village.
- 6.2 As Arnesby is not identified as a Selected Rural Village the site is identified as countryside, with development to be strictly controlled. However, Policy CS17 a) states that villages not identified as SRVs, but that have limits to development, may be suitable to receive very limited small scale infill development.
- 6.3 The site is within limits to development of Arnesby, and is located on residential garden land. The proposed dwelling is back-land development that would be located to the rear of and enclosed by existing houses and therefore not considered to adversely impact on the existing layout or scale of the village.
- 6.4 Whilst Arnesby is not identified as an SRV, and all trips to access GPs, food shopping, libraries, post offices and pubs will be made by car, the site is within 800m of a primary school, negating any additional trips to access the primary school, and the village also benefits from a restaurant. Previous recent infill applications (single dwelling on Mill Hill Road and 3 dwellings on a paddock on Mill Hill Road) have recently been approved for development.
- 6.5 As the Council is unable to demonstrate a 5yr supply, and the site is within limits to development of settlement, the principle of development therefore is considered in compliance with the Core Strategy.

## **b) Housing Requirement and Housing Land Supply**

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

## **c) Technical Considerations**

### **1. Scale, appearance and landscaping**

- 6.7 The proposed dwelling is sited on existing residential garden land in a wider residential area and is therefore considered, in landscape terms, to have the capacity to accommodate the development proposed.
- 6.8 The existing site is characterised by a mix of trees, planting and a pond, with animal shelters located through the site. The proposal would change the existing residential garden layout of the site in order to create a residential plot comprising a house and garage, with a garden and landscaping.
- 6.9 The overall area of the application site is 825m<sup>2</sup>. The combined footprint of the house and garage is approximately 110m<sup>2</sup> and therefore the combined footprint of the house and garage would take up one seventh of the overall plot size, which is considered more than adequate and not overdevelopment of the site. Similarly, the host property would retain an even larger house footprint to plot ratio than the proposed dwelling would.
- 6.10 The proposed dwelling is two storeys in height, at a ridge height of approx. 7.3m and matching in scale and character with host dwelling – The Firs. It is acknowledged that the proposed dwelling differs in style and scale to houses on Robert Hall Road; however, the proposed dwelling is located to the rear of these houses and therefore the difference between the styles of houses would not be viewed as part of the same street-scene.
- 6.11 The applicant has submitted a layout plan in support of the application, which includes some landscaping details. Two trees would be removed as part of the proposal, none of which are subject to any TPO or of any significant amenity value. The proposed layout plan shows eight new trees to be planted around the northern part of the site and forward of the front elevation of the proposed dwelling. No further details are given with regards to the tree species.
- 6.12 The proposed garden boundaries are proposed to be maintained as per the existing 1.8m close boarded fences, with additional 1.8m fences to separate the proposed dwelling curtilage from the existing. The rest of the site is shown as turfed, with a winding driveway leading from the entrance to the side of the proposed garage to the side of the house. As the proposed landscaping details are limited, a condition is recommended for a detailed landscaping scheme to be agreed in writing with the LPA.

### **2. Amenity**

- 6.13 Objections have been received from occupants of neighbouring houses regarding the adverse impacts the proposal would have on the enjoyment of their properties.
- 6.14 With regards to the proposed height, the dwelling would be a maximum ridge height of approx. 7.3m, with eaves of approx. 4.5m. This height is considered comparable to the host dwelling. The proposed dwelling is located approx. 15m from the two storey

rear elevation of the closest dwelling on Robert Hall Road and approx. 16m from the two storey rear elevation of the main house. These distances are above the 14m recommended distance from a principal window to a blank two storey elevation as specified in the Supplementary Planning Guidance. It is therefore not considered that the proposal would result in an adverse overbearing impact on neighbouring dwellings.

- 6.15 It is acknowledged that a single storey section of 'The Cottage' on Robert Hall Road would be immediately adjacent to the proposed garage; however, there are no windows to the rear elevation of this part of the house. The siting of the garage is considered acceptable, as there are already tall trees located towards the common boundary providing screening and therefore, the impact of a garage in front of these trees is considered acceptable.



**Figure 9: Boundary between 'The Cottage' and application site**

- 6.16 The proposed house would be closer to the single storey elements of the main house, none of which have windows. The proposed house would also be sited immediately adjacent to the conservatory of the host property; however, a 1.8m boundary would be erected between to subdivide the land and therefore any adverse impact is considered acceptable and necessary in order to subdivide the land. In addition, as the host property and main portion of the application site are in the ownership of the same applicant, the applicant therefore accepts this impact. A first floor side window serving as a dressing room is proposed to the side elevation facing the host property; however, as this a dressing room the likelihood of overlooking or perceived overlooking is negligible as it is not a habitable room and too small to ever be used as such.

- 6.17 With regards to any perceived overlooking impact, the proposed dwelling would have principal windows to the front (north) and rear (south) elevations. As the proposed house would be sited at a right angle to houses on Robert Hall Road, the principal windows would directly face the gardens of 'The White Cottage' and 'The Old Farm House'. However, as the house is situated centrally within the application site and immediately adjacent to the host dwelling, separation distances of 12.5m would be maintained between the front and rear elevations of the house and the common boundary with the respective neighbouring properties; a distance of which is considered considerable to avoid any adverse overlooking. Furthermore, the rear elevations of these neighbouring houses are a considerable distance from the proposed dwelling with existing and proposed trees to the common boundary providing some degree of screening. On balance the overlooking impact is considered insufficient to warrant refusal of the application.
- 6.18 With regard to overshadowing and loss of sunlight and daylight, the site is a back-land site with dense planting and trees surrounding the edge of the site and common boundary with neighbouring properties. It is therefore considered that the proposal would not result in adverse overshadowing and loss of sunlight and daylight than the existing context of the site already presents.

#### 4. Conservation and Heritage

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- 6.19 Sections 66 & 72 impose a duty on Local Planning Authorities to pay special regard/attention to Listed Buildings/assets and Conservation Areas, including setting, when considering whether to grant planning permission for development. For Listed Buildings/assets, the Local Planning Authority shall "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (Section 66) and for Conservation Areas "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" (Section 72).
- 6.20 The proposed dwelling, whilst located within the conservation area, would be located on a back-land plot and within a wider mixture of types, ages and character of dwellings. The siting of the proposed dwelling is not considered harmful to the character and appearance of the street-scene or the Arnesby Conservation Area. The proposed dwelling would be on an area of land that is fully enclosed by existing buildings. As a result, the dwelling would sit to the rear of the existing properties and therefore would not affect views of the principal/front elevations of these buildings and their character would be retained. Furthermore the significance of the setting of the Listed Building, The Old Farm House would not be harmed.
- 6.21 LCC Archaeology have been consulted on the application, and due to the proposed dwelling being sited in the historic core of Arnesby, have recommended conditions should the application be approved. The conditions include the submission of a detailed written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The applicant has since provided this Written Scheme of Investigation and LCC Archeology have been re-consulted on this, but no comments have yet been received and therefore a condition for the Written Scheme of Investigation to be submitted and agreed with the LPA is recommended.

#### 5. Ecology

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- 6.22 LCC Ecology have been consulted on this application. As the site is currently maintained garden land, LCC Ecology have no objections to the application, subject to a condition for the removal of vegetation outside the March-Aug inclusive bird-nesting season, or within 24 hours of the 'all-clear' from an appropriately qualified ecologist following a negative bird-nesting survey. However, this condition is considered more appropriate as an informative to the applicant, as it would be difficult for the LPA to monitor and enforce.

## 6. Highways and Public Right of Way

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- 6.23 The layout proposes an access width 4.5m from Lutterworth Road. LCC Highways have commented on the application proposing standing advice and requesting that consideration be given to:
- Parking and turning provision
  - Access surfacing (5m behind highway boundary on Lutterworth road)
  - Access width & geometry on to Lutterworth road
  - Access way is a Public Right of Way (Footpath Y104a)
- 6.24 The parking provision is considered acceptable, as the proposal would have a providing two car spaces, with space for an additional two cars in front of the garage. In addition, a turning head would be located towards the north east corner of the site to enable cars to exit the site in a forward motion. A condition if recommended for the garage to remain as such and to avoid it being used as habitable accommodation.
- 6.25 It is acknowledged that the proposed access is a public right of way; however, this access also serves as access to the rear of the adjacent neighbouring property The White Cottage. The access appears acceptable; however, it would be unreasonable and onerous to expect the applicant to carry out any works to this existing access considering that it is currently also serving the neighbouring property. In any case, it is recommended that conditions are attached for the existing visibility splay to be maintained and for hard surfacing to remain at least 5m behind the highway boundary.
- 6.26 LCC Footpaths have been consulted on the application and raise no objection to the application, as it should not affect the Public's use and enjoyment of the Right of Way, subject to conditions. The condition relating to boundary matters is considered reasonable and it is considered other matters can be dealt with under the recommended landscaping conditions notes to the applicant.

## 7. Drainage

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- 6.27 Objections have been raised regarding drainage and flood risk impacts resulting from the proposed development.
- 6.28 The proposed dwelling is sited in an area of low flood risk and away from any watercourses. Any permission for the dwelling would also be subject to building regulations and further dialogue with Severn Trent in terms of connections to the existing network.

## d) Sustainable Development

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

*Economic*

Provides economic development in the building of 1 additional dwelling, including 1 dwelling towards the Council's 5yr supply, currently a shortfall. The development would also generate New Homes Bonus funding for the Council to invest in facilities and infrastructure in the area. As well as the direct economic benefits related to employment generation and investment, the proposal will deliver up to 1 dwelling.

*Social*

Provides 1 new dwelling, which contributes to housing need. The site can also access a primary school within 800m walking distance.

*Environmental*

The proposal is in keeping with the character and appearance of the surrounding area, and well sited and not considered harmful to the character of the Arnesby conservation area. Landscaping related to the proposal will be conditioned. It is therefore considered that it will have not have a negative impact on the environment.

## **7. Conclusion**

- 7.1 Overall it is considered that the proposed dwelling, by virtue of its siting, appearance, scale and massing, the proposal would be acceptable and would not adversely affect local highway safety or give rise to a road safety hazard.
- 7.2 The proposal would provide housing development within the District, and would contribute towards the Council's Housing Land Supply. The National Planning Policy Framework provides an undertone of the importance of housing delivery and this site is considered to be sustainable. The site is within the Limits to Development for Arnesby.
- 7.3 The application site is within the Limits to Development and is considered to have the landscape capacity to accommodate development and relates relatively well to the existing built up area. The Council is unable to demonstrate an up-to-date five year supply of deliverable sites for housing and therefore finds support from Policy CS2(a). Policy CS2(a) is an important material consideration that weighs strongly in favour of the proposal.
- 7.4 In the absence of a five year housing land supply, paragraph 14 of the Framework is engaged and therefore permission granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits.
- 7.5 The development hereby approved would be in keeping with the form, character and appearance of the surrounding settlement; would not have an adverse affect on the amenity of adjoining residents and would not result in additional traffic which would give rise to a road safety hazard. The proposal is therefore considered to accord with Harborough District Local Plan Policy HS/8 and Core Strategy Policies CS5 and CS11 and no other material considerations indicate that the policies of the development plan should not prevail, furthermore the decision has been reached taking into account 186-187 of the National Planning Policy Framework.

## APPENDIX A – Planning Conditions

### 8. Planning Conditions

#### **Planning Permission Commencement**

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

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

#### **Materials Schedule**

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

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

#### **Removal of PD rights**

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

#### **Use of garage**

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation. REASON: To safeguard the amenities and character of the area and in the interest of highway safety and to accord with Harborough District Core Strategy Policy CS11.

#### **Highway Drainage**

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

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

#### **No gates**

- 6) No gates shall be erected to the vehicular access.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway and to accord with Harborough District Core Strategy Policy CS11

#### **Parking and turning facilities within curtilage**

- 7) The car parking and any turning facilities shown on the permitted plan shall be provided and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained. REASON: To ensure that adequate off-

street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to accord with Harborough District Core Strategy Policy CS11

**Visibility splay**

- 8) Before first use of the development hereby permitted, 1.0metre by 1.0metre visibility splays shall be provided on the Highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and thereafter be permanently so maintained.

REASON: In the interests of pedestrian safety and to accord with Harborough District Core Strategy Policy CS11

**Highway surfacing**

- 9) Before first use of the development hereby permitted/occupation of the/any dwelling, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and thereafter be permanently so maintained.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) and to Harborough District Core Strategy Policy CS11

**Landscaping**

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

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any trees and hedgerows to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (e) means of enclosure;
- (f) hard surfacing materials;
- (g) programme of implementation

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

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

**Landscaping to be carried out**

- 11) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years from the date of first occupation of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

### **Boundary Treatment - PROW**

- 12) Prior to construction, any changes to the existing boundary treatment currently separating the application site from the Public Right of Way, must be approved by the Local Planning Authority following consultation with the Highway Authority. Reason: in the interests of amenity, desirability, safety and security of users of the Public Rights of Way and to ensure a satisfactory standard of development in the interests of visual and or residential amenities and/or highway safety conditions.

### **Risk Based Land Contamination Assessment**

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

- BS10175 Year 2011 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- LR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:
  - CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
  - The Verification Plan shall be prepared in accordance with the requirements of:
  - Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
  - CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

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

### **Completion/Verification Report**

- 14) Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development. Prior to occupation of any part of the completed development, a report showing the findings of the Verification Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
  - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;

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

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

#### **Written Scheme of Investigation**

- 15) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

The programme and methodology of site investigation and recording;

The programme for post investigation assessment;

Provision to be made for analysis of the site investigation and recording;

Provision to be made for publication and dissemination of the analysis and records of the site investigation;

Provision to be made for archive deposition of the analysis and records of the site investigation; and

Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition.

**REASON:** To ensure satisfactory archaeological investigation and to accord with the Harborough District Council Core Strategy Policy CS11.

#### **Site investigation and post investigation assessment**

- 16) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (16) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

**REASON:** To ensure satisfactory archaeological investigation and to accord with the Harborough District Council Core Strategy Policy CS11.

#### **Permitted Plans**

- 17) The development hereby permitted shall be in accordance with the following approved plans L1, P1A, P2, P3A and P4.

**REASON:** For the avoidance of doubt.

#### **Notes to applicant:**

- 1) All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001).
- 2) 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.

- 3) 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.
- 4) Other Building works, deliveries, clearance or any works in connection with the development shall take place on site between 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. 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 Local Plan.
- 5) A watching brief for protected species must be maintained at all times throughout the development. In the event of any protected species being discovered works shall cease, whilst expert advice is sought from Natural England
- 6) This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' at [www.leics.gov.uk/6csdg](http://www.leics.gov.uk/6csdg)
- 7) 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.
- 8) The available width of the Public Right of Way must not be encroached upon by works associated with the development. The Public Rights of Way must not be further enclosed in any way without undertaking discussions with the County Council's Safe and Sustainable Travel Team (0116) 305 0001.
- 9) The Public Right of Way must not be re-routed, encroached upon or obstructed in any way without proper authorisation. To do so may constitute an offence under the Highways Act 1980. c) If the developer requires that the Right of Way be temporarily closed or diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [roadclosures@leics.gov.uk](mailto:roadclosures@leics.gov.uk) at least 8 weeks before the temporary closure / diversion is required.
- 10) Any damage caused to the surface of the Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.



- 11) No new gates, stiles, fences or other structures affecting the Public Right of Way, of either a temporary or permanent nature, should be installed on, across or adjacent to it without the written consent of the Highway Authority having been obtained. Unless a structure is authorised, it may constitute an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
- 12) Prior to construction, any changes to the existing boundary treatment currently separating the application site from the Public Right of Way, must be approved by the Local Planning Authority following consultation with the Highway Authority
- 13) Prior to and during construction, removal of vegetation should take place outside the March to August inclusive bird-nesting season, or within 24 hours of the 'all-clear' from an appropriately qualified ecologist following a negative bird-nesting survey.

**Applicant:** Hallam Land Management Ltd And William Davis Ltd

**Application Reference:** 17/00177/REM

**Location:** Land At Airfield Farm,Leicester Road

**Proposal:** Erection of 79 dwellings (phase 1) (Reserved Matters of 11/00112/OUT including details of layout, scale, appearance and landscaping)

**Application Validated:** 14.02.2017

**Target Date:** 16.05.2017

**Consultation Expiry Date:** 31.03.2017

**Case Officer:** Sarah Luckham

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

The development hereby approved is considered consistent with the outline consent (11/00112/OUT) and would be a significant contribution towards the housing provision, including affordable, in the District. By virtue of its scale, design, form and massing, it would safeguard the living conditions of neighbouring residents, would not adversely affect local highway safety or give rise to a road safety hazard. It would respond appropriately to the site's characteristics. In addition, the proposal would not adversely affect ecological or archaeological interests or lead to an unacceptable flood risk. The proposal therefore complies with Policies CS2, CS3, CS5, CS8, CS9, CS10, CS11 and CS17 of the Harborough District Core Strategy.

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

1. Back ground
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- 1.1 The application site forms a part of the North West Market Harborough Strategic Development Area (SDA) which lies between the A4304 Harborough Road/Lubenham Hill to the south, Gallow Field Road to the north and the B6047 Harborough Road to the east.

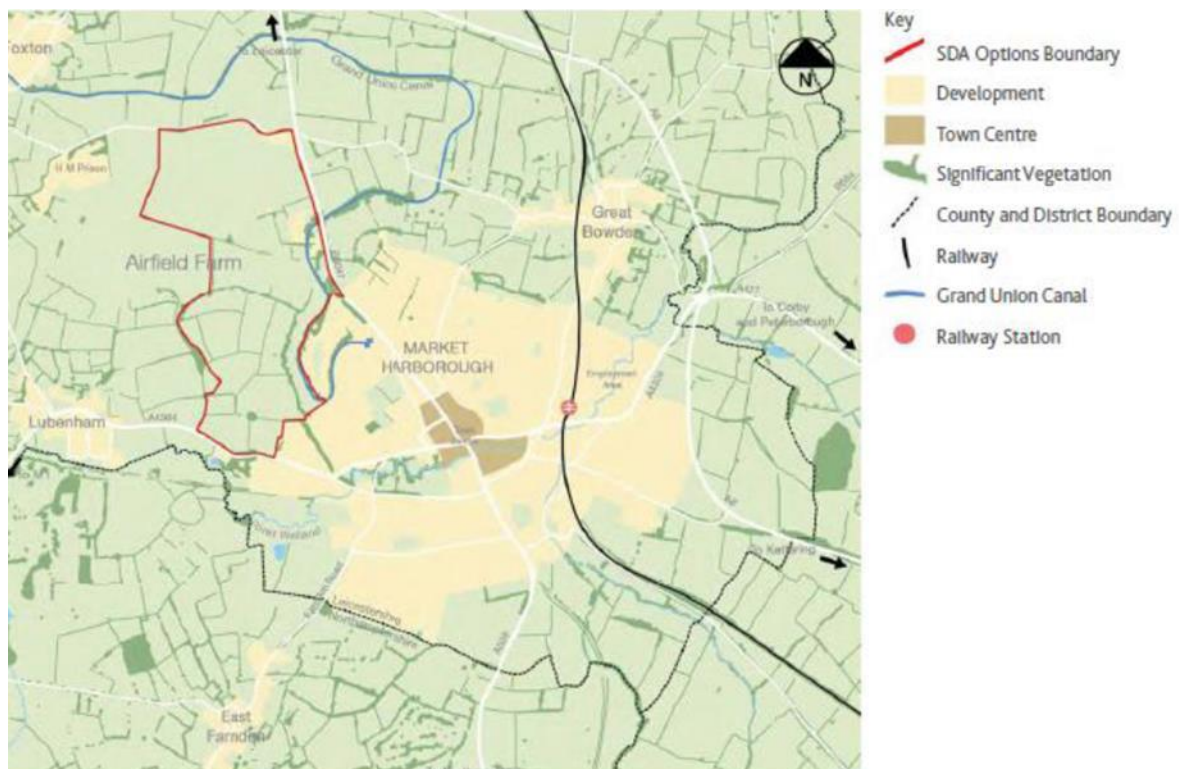


Figure 1: North West Harborough Strategic Development Area

1.2 Outline approval (11/00112/OUT) was granted on 13<sup>th</sup> May 2016 on a parcel of land within the wider SDA known as 'Airfield Farm'. Figure 2 below indicates the entire area encompassed within the application site relating to that approval, together with adjacent sites within the SDA that also benefit from planning approval.

1.3 The approval was in Outline for:

*'Residential development (up to 924 dwellings), construction of access roads including bridge across the Grand Union Canal, demolition of footbridge and diversion of footpath 24, local centre with retail (A1, A3, A4, A5), healthcare (D1) and community (D2) uses, primary school, construction of marina with hotel (C1) and retail leisure uses (A1, A3, A4, D2), provision of open space including country park, sports fields, allotments, parks, play areas and other open space, landscaping and formation of surface water storage ponds'*

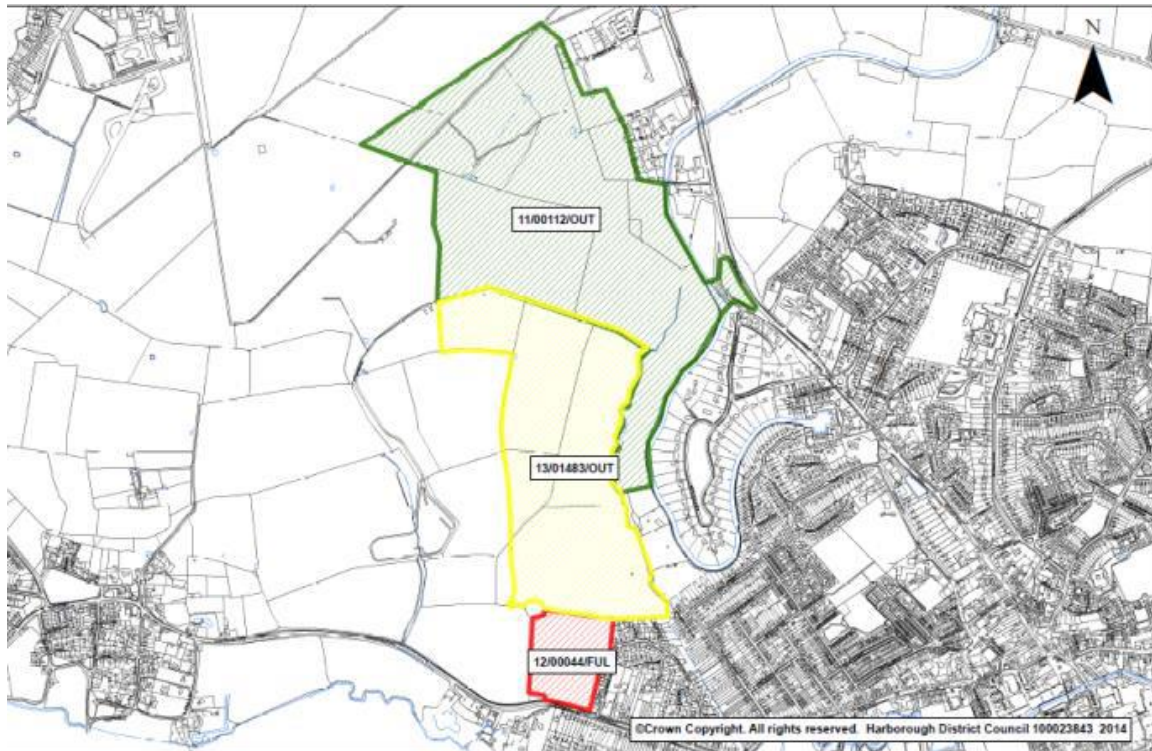


Figure 2: Planning Consents within the SDA

## 2. Site and Surroundings

- 2.1 As discussed above, the application site forms a part of the North West Market Harborough Strategic Development Area (SDA), and is located approximately 2km from the town centre.



Figure 3: Aerial View

- 2.2 The Harborough Arm of the Grand Union Canal borders the Site to the east and forms part of the Grand Union Canal Conservation Area..
- 2.3 Across the canal from the Site, and adjacent to the south eastern boundary is 'The Woodlands' residential area, a low density private housing development of large detached houses.

### 3. Site History

- 3.1 The site under consideration forms a part (Phase 1) of the outline application 11/00112/OUT Land at Airfield Farm, Leicester Road. The Outline approval related to residential development (up to 924 dwellings), construction of access roads including bridge across the Grand Union Canal, demolition of footbridge and diversion of footpath 24, local centre with retail (A1, A3,,A4, A5), healthcare (D1) and community (D2) uses, primary school, construction of marina with hotel (C1) and retail leisure uses (A1, A3, A4, D2), provision of open space including country park, sports fields, allotments, parks, play areas and other open space, landscaping and formation of surface water storage ponds.
- 3.2 A Phasing Plan has been submitted and approved in accordance with Condition 2 of the outline approval which required phasing details prior to a decision on the first Reserved Matters application.



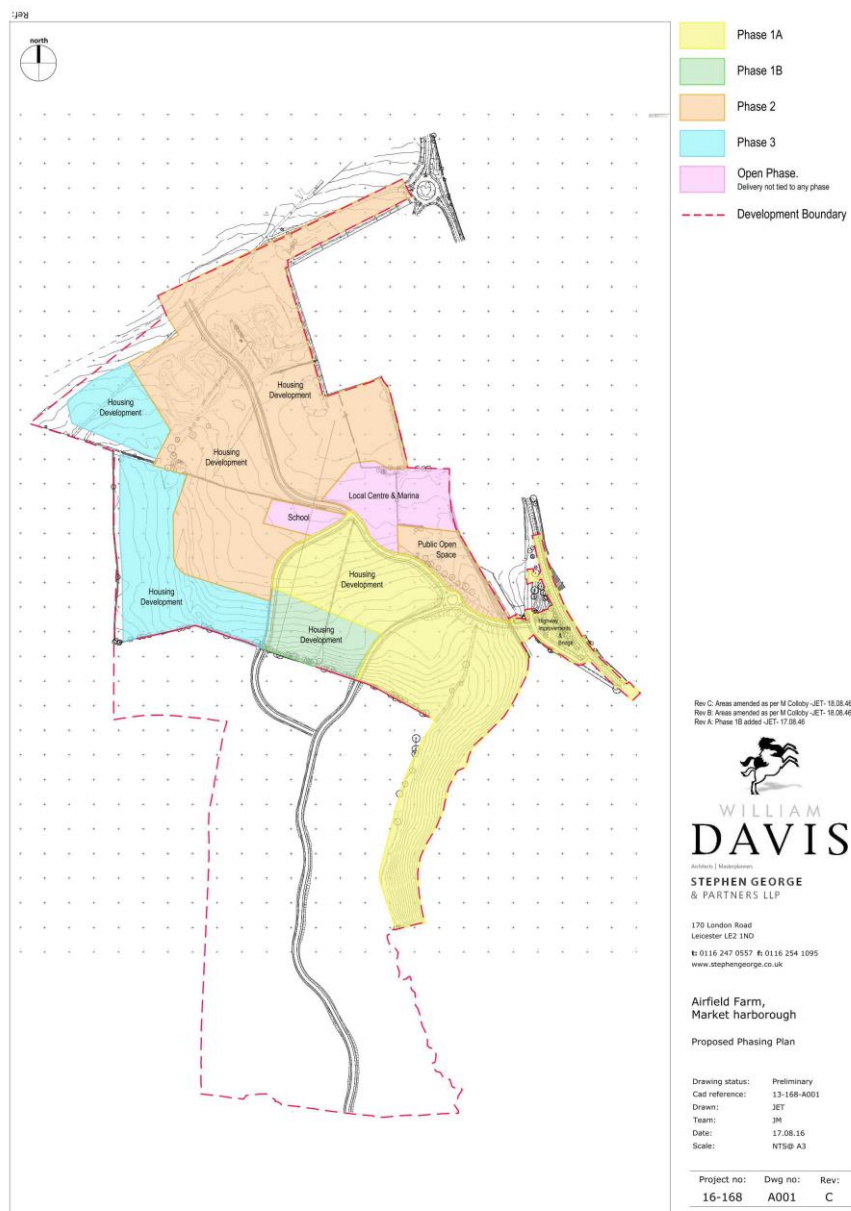


Figure 4: Phasing Plan

#### 4. The Application Submission

- 4.1 In accordance with Condition 1 of the Outline permission, this application is for approval of Reserved Matters for the first phase of the above permission (i.e. details relating to scale, layout, external appearance, and landscaping).
- 4.2 During the course of the application, minor amendments have been made to the original submission to take into account Consultee comments in relation specifically to highway requirements.

#### a) Summary of Proposals



## Site Layout

- 4.3 The scheme proposes 79 dwellings within this first phase, 11 of which would be affordable, and 1 that would be classified as 'affordable by design'.
- 4.4 The 68 market dwellings would be comprised of the following:
- 7 X 2 bed properties
  - 13 x 3 bed
  - 40 x 4 bed
  - 8 x 5 bed
- 4.5 Of the 11 affordable homes, four would be 3 bed, with the remainder being 2 bed properties.
- 4.6 The proposed dwellings would be predominantly 2 storeys, although there are some 2.5 storey dwellings and landmark buildings in accordance with the outline approved DAS.
- 4.7 Access into the site would be via a new bridge over the canal (the new bridge does not form part of this application but is being dealt with through Highway Regulations). From this approach, the access road would then lead towards a roundabout off which the dwellings would be accessed as indicated in the layout plan below.



Figure 5: Proposed dwelling site layout (Rev E)

- 4.8 The Design and Access Statement that formed a part of the original outline approval indicated the need for a landmark building behind the roundabout. The applicants have evolved this concept to incorporate 3 two and a half story buildings that curve around a landscaped area that would include a significant tree in the centre of landscaping to the front. This is illustrated in Figure 6 below. Parking for these dwellings would be to the rear.



Figure 6: Focal Point



Figure 7: Focal Point Elevational View

- 4.9 The built form would be enclosed by the two main access routes running from the roundabout towards the north west and south west, with dwellings being located along these and the internal routes that run off them.
- 4.10 There is no vehicular link between the two roads to the north and south of the site, however provision would be made to enable pedestrians to walk between the two.
- 4.11 The dwellings would primarily face onto the roads to form well defined frontages, and the garages have been set back from the dwellings, although there is also some integral and individual frontage parking within the scheme.
- 4.12 The dwellings located on street corners have generally been designed as dual frontage. Alternatively in some cases, gables include windows and detailing in order to add interest.

- 4.13 The finished floor levels of the site would rise towards the north west from approximately +99 to +103.8m.
- 4.14 The dwellings would be set within a substantial amount of Public Open Space (POS) and landscaping. This would include a park area, children's play and community orchard to the north west (between the proposed marina and canal and the dwelling houses), a country park running south adjacent to the canal, and sports pitches to the south of the dwellings, as well as a variety of different forms of planting/landscaped areas.
- 4.15 A number of trees, hedges and vegetation will be retained, although there will also be some loss. There will however also be substantial planting of new trees, native shrubs, grassed areas and bulbs. There will also be marsh seeding and reed planting associated with the balancing ponds.
- 4.16 There would also be a number of footpaths within the overall site area, both new, existing, and realigned.
- 4.17 SUD detention basins would run towards the south following the approximate alignment of the canal from south of the access road to the most southern boundary in an area identified as forming a country park.
- 4.18 There would also be railings and gates associated with the play area, post and rail fence with netting, and ball fence/netting associated with the sports pitch area.

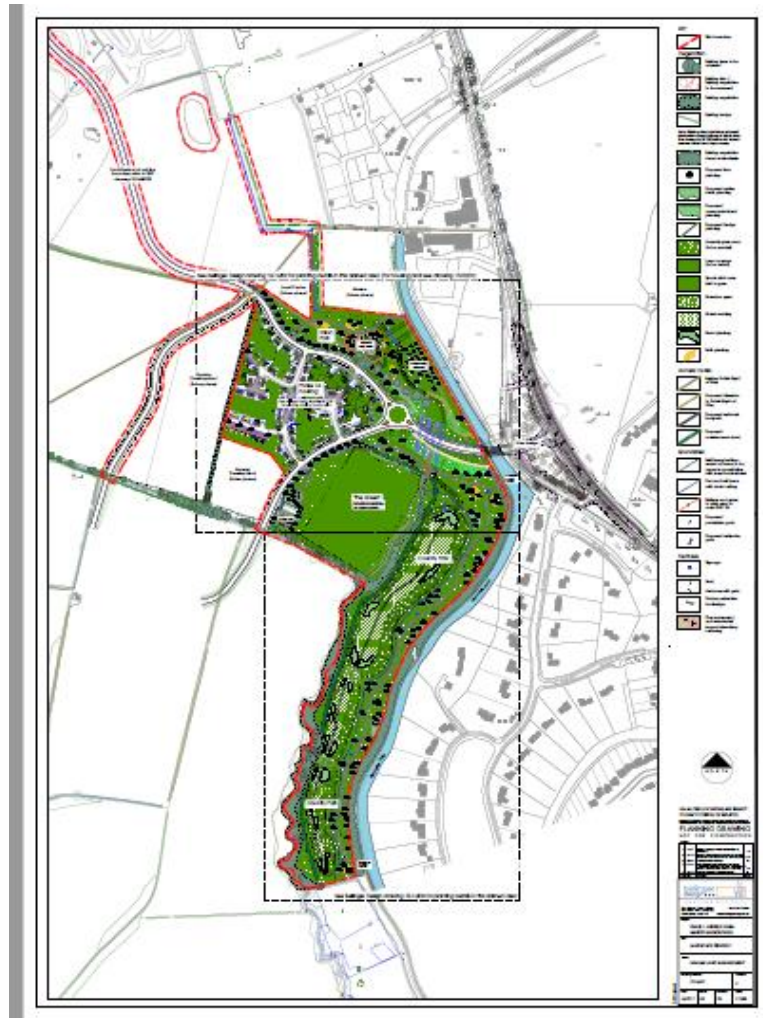


Figure 8: Landscaping Proposals

- 4.19 A pumping station compound would be located away from the dwellings and next to the south west boundary of the sports pitches. This would include a lighting column, telemetry mast and chemical dosing system.

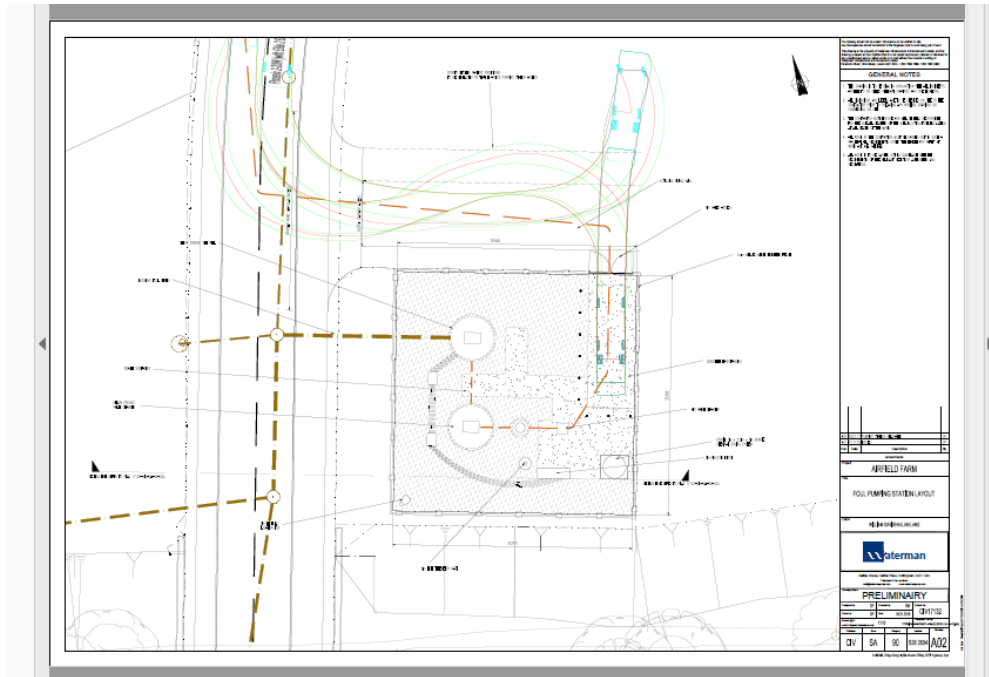


Figure 9: Pumping Station Layout

### *Proposed Road Layout*

4.20 In terms of the road layout and standards, the Statement submitted with the application indicates that the link road within the site complies with the 6C's Design Guide and in relation to highway design that :

- *'The link road comprises a 6.75m width carriageway with a 3m cycleway on one side and a 2m footway on the other.*
- *Access roads to the residential development areas comprise 4.8m carriageway widths for up to 50 dwellings and 5.5m width for 50 to 400 dwellings.*
- *Highway gradients comply with Table DG1 in 6Cs and longitudinal gradients do not exceed 1 in 20.*
- *Visibility at junctions complies with the requirements of Table DG4 in 6Cs.*
- *Speed control features comprising either chicanes or 'pinch point' type arrangements will be incorporated on the link road.*
- *The link road is designed for use as a bus route and residential access roads are designed to accommodate vehicles up to the size of a refuse lorry with appropriate turning heads provided.*
- *The proposed surfacing for the link road will comprise a bituminous asphalt material'.*

### House Types and Materials

4.21 Overall there are proposed to be 16 different house types spread throughout the development, as illustrated in Figure 10 below.

4.22 A majority of the dwellings would be 2 storey, with eight being 2.5 storey.





Figure 10: House Type Distribution as Submitted (Rev D)

- 4.23 The ridge heights of the dwellings would vary across the site, with the tallest reaching a maximum height of 10.010m to the ridge.
- 4.24 Figure 11 below offers a perspective of the elevational street scenes within the development, using different house types and roof heights in order to achieve a varied profile.



Figure 11: Elevational Sections as Submitted

- 4.25 Figures 12 to 17 below provide a visual example of the range of house types proposed.





Figure 12: House Type: Ashburn



Figure 13: House Type Medway



Figure 14: House Type Rother



Figure 15: House Type Solent



Figure 16: Beamish



Figure 17: House Type Kildale

4.26 A schedule of materials has also been submitted with the application that indicates the use throughout the development of:

- Five different brick types, with some properties incorporating render/half render.
- Three different roof tiles (slate grey and breckland brown) Render and ½ render.
- 3 different roof tiles

4.27 Figure 18 below illustrates how the different material types would be dispersed through the site.



Figure 18: Materials Layout Plan as submitted (Rev D 08 05 17)

4.28 Boundary treatments would include a mix of brick walls, timber screen fences and a 'hit and miss' fence (along the western boundary of the site). Hard landscaping would include slabs to paths, tarmac drives and block pavements.

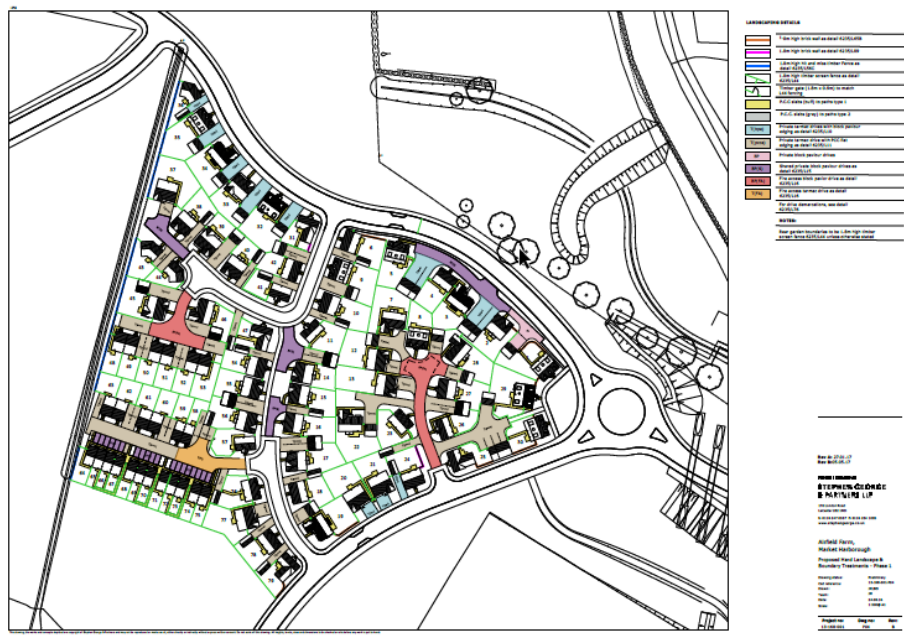


Figure 19: Proposed hard landscape and boundary treatments (Rev B)

- 4.29 Parking meets with the parking standards, as set out in the Leicestershire 6Cs Design Guide (equating to 1/1.5 spaces per 1 bed unit, 2 spaces for either a 2 or 3 bed unit and 3 plus spaces for either a 4 or 5 bed unit).
- 4.30 Whilst a number of trees and existing vegetation is to be retained within this phase of the housing development, it is also proposed to supplement this with new tree, hedge, and shrub planting as shown in figure 20 below.



Figure 20: Planting Plan Phase 1A Rev D

## Surface Water Drainage and Sustainable Urban Drainage



- 4.31 A surface water drainage strategy has been prepared for the Airfield Farm Site based on the Flood Risk Assessment report submitted by Waterman for the Airfield Farm Site in October 2010.
- 4.32 In addition to the residential development areas, the proposed drainage system will receive flows from the existing Business Park Development in the north. The existing attenuation basin serving the Business Park will be infilled and the outfall sewer crossing the residential development area abandoned. The Business Park outfall will be re-routed around the east of the residential development areas to discharge to the SuDS in the southeast. The storage volume provided in the SuDS basins will cater for the runoff from the Business Park.
- 4.33 The detailed design of the drainage system would be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.

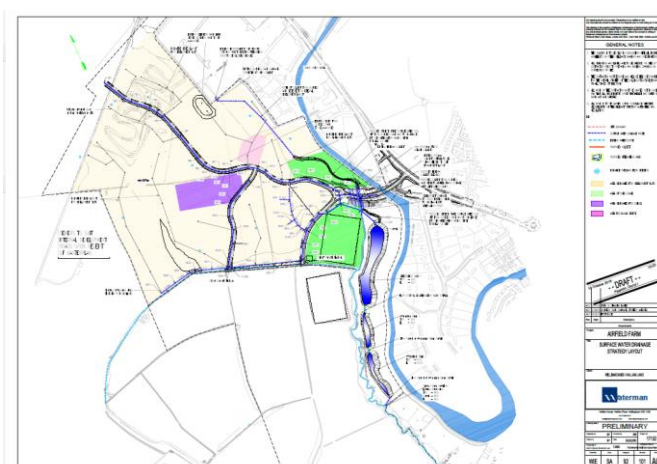


Figure 21: Surface Water Drainage Strategy Layout A04

#### b) Documents submitted

- 4.34 *With the application:*
- Proposed Phasing Plan 16-168 A001 Rev H
  - Surface Water Drainage Planning Condition Discharge January 2017 (issue 3)
  - Airfield Farm Planning Condition 2 January 2017 (issue 2)
  - Supporting Statement (Rev B);
  - Proposed Site Plan Phase 1 13-168-001 PO2 C;
  - Landscape Strategy 13.16/01 Rev E;
  - Landscape Infrastructure Planting Plan 13.16/02 Rev E;
  - Planting Plan Phase 1A Housing 17.02/01 Rev D;
  - Proposed Finished Floor Levels V8779PH – SK01 Rev A;
  - Roundabout Tracking Layout CIV-SA-90-025 Rev A01;
  - Access Road and Roundabout Junction CIV-SA-90-S38-101 Rev A01;
  - General Arrangement Road 1 CIV-SA-90-S38-111 Rev A01;
  - General Arrangement Road 2 CIV-SA-90-S38-121 Rev A01;
  - General Arrangement Road 3 CIV-SA-90-S38-131 Rev A01;
  - Access Road, Roundabout and Road 2 Pavement Layout CIV-SA-90-S38-701 Rev A01;

- Spine Road 1 and Spine Road 3 Pavement Layout CIV-SA-90-S38-711 Rev A01;
- Standard Details CIV-SA-90-S38-2600 Rev A01;
- SuDS Layout CIV-SA-90-S38-2602 Rev A01;
- Foul Pumping Station Layout CIV-SA-90-S38-2604 Rev A02;
- Foul Pumping Station Elevations CIV SA 90 028 A02
- SuDS Cross Sections CIV-SA-90-S38-2607 Rev A01;
- Surface Water Drainage Strategy Layout CIV-SA-92-101 Rev A04;
- Foul Water Strategy Layout CIV-SA-92-102 Rev A03;
- Surface Water Drainage Catchment Layout W/E SA 92 103 A02
- Plot Area Drawing CIV-SA-92-103 Rev A02;
- Proposed Plans and Elevations 13-168-001 LB-1;
- Proposed Plans and Elevations 13-168-001 BM1;
- Proposed Plans and Elevations 13-168-001 BM-2;
- Proposed Plans and Elevations 13-168-001 SN-1;
- Proposed Plans and Elevations 13-168-001 SN-2;
- Proposed Plans and Elevations 13-168-001 GW-1;
- Proposed Plans and Elevations 13-168-001 GW-2;
- Proposed Plans and Elevations 13-168-001 SV-1;
- Proposed Plans and Elevations 13-168-001 SV-2;
- Proposed Plans and Elevations 13-168-001 RR-1;
- Proposed Plans and Elevations 13-168-001 DL-2;
- Proposed Plans and Elevations 13-168-001 DD-1;
- Proposed Plans and Elevations 13-168-001 DD-2;
- Proposed Plans and Elevations 13-168-001 AB-1;
- Proposed Plans and Elevations 13-168-001 AB PC;
- Proposed Plans and Elevations 13-168-001 DK-1;
- Proposed Plans and Elevations 13-168-001 DK-2;
- Proposed Plans and Elevations 13-168-001 MD-2;
- Proposed Plans and Elevations 13-168-001 ST-2;
- Proposed Plans and Elevations 13-168-001 ST-6;
- Proposed Plans and Elevations 13-168-001 ST-1 PC;
- Proposed Plans and Elevations 13-168-001 ST-2 PC;
- Proposed Plans and Elevations 13-168-001 DS-1;
- Proposed Plans and Elevations 13-168-001 DS-2;
- Proposed Plans and Elevations 13-168-001 MD-1;
- Proposed Plans and Elevations 13-168-001 ME-1;
- Proposed Plans and Elevations 13-168-001 ME-1 PC;
- Proposed Plans and Elevations 13-168-001 ME-2 PC;
- Proposed Plans and Elevations 13-168-001 KD-2;
- Street Elevations 13-168-001-P05 Rev A;
- Composite Site Plan 13-168-A007 Rev J;
- Fire Access Drive Details 6235-L16;
- Shared Block Drive Detail 6235-L15 Rev C;
- Private Tarmac Drive Detail 6235-L10 Rev C;
- Private Tarmac Drive Detail Flat Edging 6235-L11 Rev D;
- Private Drive Demarcation Lines 6235 L76;
- Proposed Materials Plan 13-168-001-P03 Rev B;
- Hard Landscape and Boundary Treatments 13-168-001-P04 Rev A (superseded);
- Brick Screen Wall Detail 6235-L89;
- Brick Screen Wall Detail 6235-L65 Rev B;
- 1800mm Timber Screen Fence 6235-L44 Rev D;
- 1800mm Timber Palisade Fence 6235-L56 Rev C;



- Image – Redland Grovebury Slate Grey;
- Image – Redland Grovebury Farmhouse Red;
- Image – Redland Grovebury Breckland Brown;
- Image – Ibstock Arden Olde Farmhouse;
- Image – Ibstock Marlborough;
- Image – Terca Dorton Manor Multi;
- Image – Terca Blended Red Multi Gilt;
- Image – Terca Sunset Multi

4.35 *During the course of the application:*

- Landscape Infrastructure Planting Plan 2 (South) 13.16/02 Rev A
- Proposed Plans and Elevations 13-168-001 BM 1A
- Proposed Materials Plan Rev C (superceeded)
- Proposed Materials Plan Rev D
- Hard Landscape and Boundary Treatments 13-168-001-P04 Rev B
- Proposed Finished Floor Levels Rev B
- Proposed Plans and Elevations 13-168-001 NN 1
- Proposed Plans and Elevations 13-168-001 DK 2
- Timber Pallisade Fence Rev C
- Proposed Site Plan 13 168 001 P02D
- Proposed Site Plan 13 168 001 P02E
- Proposed Site Plan 13 168 001 P02E
- Highways Design Basis Statement Nov16 A05
- 17132-CIV-SA-90-029 J1 Roundabout Rigid Lorry A01

#### c) Pre-application Engagement

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

### 5. Consultations and Representations

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

#### a) Statutory & Non-Statutory Consultees

5.2 **LCC Senior Planning Administrative Officer  
Planning, Historic and Natural Environment Team**

*The reserved matters application 17/00177/REM is for the first phase of the development of Airfield Farm, Leicester Road, Market Harborough granted outline planning permission under planning application no. 11/00112/OUT. The reserved matters application 17/00177/REM must for the purposes of enabling the developer contributions to be realised to mitigate the impacts of the proposed development be covered off, cross referenced and linked to the outline planning application no. 11/00112/OUT and its Section 106 planning agreement dated 13th May 2016.*

5.3 **Leicestershire Police**

*I have now managed to review these plans and am able to offer the following comments, which are based upon the Secured By Design (SBD) criteria and NPPF paragraph 58.*

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

*We appreciate that the applicant will already be committed to providing security rated doors and windows under the requirements of Building Regulations Approved Document Q: Security which means that the comments provided by Leicestershire Police will address any concerns we may have with the environmental design of the development taking into account the local crime and disorder context.*

*Comments with regard to the proposed site layout, ref 13-168-001-P02 dated 6 Jan 17 Layout, Access and Parking*

*The layout is compliant with the principles of Secured by Design and features back to back gardens with on plot parking where appropriate which are considered good practice. The only exception appears to be the 4 parking plots marked as 25 and 30. These are in a rear courtyard style and as such do not appear to be overlooked by dwellings, creating a vulnerability of criminal activity to cars parked here. Parking should be close to dwellings and surveillance of these areas should be possible from 'active' (living) rooms within houses (I do not have sufficient detail about the use of rooms to know if this is the case).*

*Consideration needs to be given to providing sufficient visitor parking to prevent parking overspill on grassed areas. The use of low level wooden post and rail fencing could be used to prevent such activity.*

*Boundaries and Perimeters*

*To provide adequate security for each dwelling requires rear boundary fencing that is difficult to climb.*

*Rear and side fencing that abuts public space should be 1.8m high and constructed of either brick walls or close board fencing with lockable gates to the same height. However due to the rural nature of the development these fence heights could be reduced to 1.5m high if a 300mm high trellis was used on top.*

*The use of hit and miss fencing could also be an alternative.*

*Inter-garden fencing should provide clear demarcation between dwellings and ideally be provided to a*

*height of 1.8m. However due to the rural nature of the development these fence heights could be reduced to 1.2m in height with trellis on top. If this approach is utilised the first panel adjacent to the home should always be 1.8m high to provide privacy.*

*The applicant is encouraged to comply with the criteria contained within Secured by Design Homes 2016 which can be downloaded from [www.securedbydesign.com](http://www.securedbydesign.com) for which an application should be submitted to Leicestershire Police.*

#### 5.4 LCC Highways

LCC Highways have through the course of the application sought amendments to technical detailing, and at the time of writing a further technical amendment is awaited. As such LCC final comments will be reported via the Supplementary Information at Committee.

#### 5.5 Ecology (LCC):

Overall no objection to the application noting need to ensure badger mitigation is followed as detailed within the Badger Mitigation Strategy (FPCR, August 2016) which was agreed under condition 26 of the outline application. This will require the closure of an outlier badger sett.

Compliance with the GCN Mitigation Strategy also required.

Concerns were raised in relation to the buffer zone between the hedge along the western boundary of the site and the new dwellings on the eastern side of the hedge.

This is because it would be less than the desired 5-10 metre buffer. Following further confirmation from the agent with regards to the extent of the buffer in a later phase on the western side of the hedge, County ecology raised no objection.

Conditions were recommended.

#### 5.6 Lead Local Flood Authority

Following the submission of additional details in relation to finished floor levels:

Leicestershire County Council as Lead Local Flood Authority advises the Local Planning Authority that:

- The proposed development is considered to be acceptable to Leicestershire County Council as the Lead Local Flood Authority and we would therefore support the approval of the reserved matters application in terms of drainage and flood risk.

5.7 This additional information is now with the LLFA, and further comments are awaited at the time of writing.

#### 5.8 Affordable housing officer (27/02/2017)

Following initial concerns regarding the layout with regards to affordable housing, following acceptability of the scheme to the RP partners, the officer was minded to accept the location of the affordable homes.

#### 5.9 Neighbourhood and Green Spaces Officer 27/03/2017

*'I have looked at the proposed plan and the general layout of the landscaping appears to be ok. The play area, pitches, community orchard and SuDS structures re indicated.*

*The species for the structural landscaping are satisfactory for the POS, with suitable tree sizes indicated.*

*There is still some detail required on the play area proposals, which I will be happy to comment on in due course.*

*The proposals for SuDS planting will also need to be clarified. The SuDs should be multifunctional areas and planted to give additional habitat. In this way they can count towards the provision of natural and semi natural greenspace. What we want to avoid is a balancing structure that is just a basin and has a purely engineering function'*

Following the submission of additional information, a further response was received which reads:.

*'I am happy that the seed mixes meet the requirements of wetland and marginal planting and will provide habitat as required and am content that the plan should be approved from a landscaping perspective.*

*I would just like to see some instructions to the contractor re the preparation of the seed bed as this needs to be a relatively low fertility area'.*

#### 5.10 LCC Forestry and Arboriculture Officer

*'Given the size of open spaces etc. on the layout, there would seem to be scope for increasing the proportion of large-growing long-lived trees such as oak, lime, hornbeam, beech, etc. rather than admittedly attractive but smaller and shorter-lived species such as rowan, whitebeam and birch;*

*All trees are specified as RB rootballed, which in my opinion are inferior to CG container grown because of the proportion of active root lost or left in the nursery field on lifting. This is particularly relevant to trees of 14/16 size and above. If the planting areas were to be adopted by LCC (for example highway verges) RB trees would not be acceptable'.*

The applicant responded to these initial concerns with the following:

*"In terms of 'greening' within the site, the proposed planting follows the principles of the masterplan and is consistent with the overall approach taken by the applicants. Prominent locations benefit from frontage landscaping and additional planting. No trees are proposed within highway verges and as such, there is no requirement for container grown species, as previously requested by the LCC Forestry Officer. The applicants will consider the planting of larger forest tree species where necessary to provide immediate impact within the scheme. As required, the N8 seed bed mixture will be prepared with low fertility soil.*

*I trust this satisfies concerns raised by the LCC Forestry Officer (30th March), the HDC Open Space Officer (19th April) and your own comments (30th March)".*

Following this email, the LCC Forestry Officer Confirmed no objections to the proposals

## **b) Local Community**

### **5.11 Foxton Parish Council**

*'Foxton Parish Council have some concerns with this application, particularly with regard to the high volume of commercial traffic that may be expected during the construction phase. Consequently the Parish Council request that when the application is approved a condition is added that stipulates the routes to and from the construction site.*

*We believe that all construction traffic should only use the A6 and the main road into Market Harborough and not any of the minor rural roads. The roads that should be avoided are Langton Road, Swingbridge St and Main St in Foxton, Gallowfield Rd by Gartree - because of the School and the Prison, the road between Lubbenham and Foxton and also the minor road into Gt Bowden.*

*We request that this clause be added with the stipulation that the developers add it to any contract they issue to their Building and Supply Contractors and Sub Contractors'.*

### **5.12 Lubenham Parish Council**

*'The design of these houses does not appear to show any energy and water efficiency measures.*

*The Lubenham Neighbourhood plan which has now passed the examination stage and awaits the referendum, and there should be afforded some weight and requires the following of all new developments.*

*(xi) All proposed developments shall be energy efficient and designed for water efficiency, with initiatives such as rainwater collection and use incorporated into new designs.*

*(xii) All proposed developments shall be designed to avoid flood risk to new homes as determined by appropriate flood risk assessments which shall accompany planning applications.*

*In addition the Neighbourhood Plan requires -*

*(vii) All new residential developments shall have target design speeds of a maximum 20 mph and because they will result in additional traffic on village roads shall make a financial contribution reasonably related to the scale of the development proposed for the express*

*purpose of funding traffic speed reduction measures within the settlements in the Neighbourhood Plan area.*

*(x) All proposed developments shall provide safe links with the existing roads and footpaths in the vicinity of the site.*

*(xi) All proposed developments shall be energy efficient and designed for water efficiency, with initiatives such as rainwater collection and use incorporated into new designs.*

*In relation to traffic and transport*

*New residential developments of five or more dwellings shall be required to demonstrate that they are designed to incorporate measures that will protect and enhance natural habitats and biodiversity within the site or within the vicinity of the site.*

*Regardless of Neighbourhood Plan Policies on an development of this size in the unique location we expect a high quality development that respects and enhances Harborough as a place to live, maximising the opportunities for innovative solutions to sustainability'.*

## 5.13 Market Harborough Civic Society

**The Market Harborough Civic Society has studied the details submitted in this application.**

1 The Society has no comments to make on the details relating to site access, other highway infrastructure and public open space.

2 The Society welcomes the phasing plan submitted but feels more information should be provided about the type and extent of development in each phase(as required by condition 2 of the Outline permission). Also, the developer should be asked to provide information about the estimated start and finish dates for development in each phase.

3 The Society approved the developers approach to the layout of the 79 dwellings in this phase. However, without going in to the detail, on the face of it there appears to be too many different materials in this phase. This will not result in good design. In particular we note that for plots1, 29 and 30, at the entrance to the site, three different bricks are proposed. There are two designs and the bricks and tiles should be the same.

## 5.14 Local Community

6 Comments identified as neither objecting nor supporting as follows:

Roads too narrow to accommodate the additional traffic.

- Swingbridge Street has a weak bridge across the canal which is also very narrow. There are signs at both ends of the street informing drivers of the three ton max weight limit but drivers follow their sat navs and ignore it. This frequently results in large vehicles having to reverse down the street or up the curved hill to extricate themselves, which is extremely dangerous and causes problems for other vehicles using the streets
- Main street has tight bends at both ends and a very narrow and steep bridge going over the canal. Vision at all these locations is severely restricted making the use of this road for large numbers of vehicles and large heavy vehicles extremely dangerous. There are numerous incidents of near misses on the sharp corners near the church and on the bridge.
- There are a lot of children living in Foxton and many play on the streets or walk around on their own. The introduction of construction related traffic will hugely increase the risk of an accident as most of both Main Street and Swingbridge Street does not have a pavement.

- General noise pollution and vibration caused by the heavy vehicles
- Additional traffic going past the school, especially at school pick up and drop off times will cause problems as it is already congested at these times.

2 objections as follows:

- Building in open countryside
- Overbearing impact upon the environment
- Noise and disturbance resulting from increase in traffic in town.
- Date for objections to be sent not given
- Questions raised regarding legal status of applicants
- Access to and from the site does not appear to be shown
- Re phasing of application is required
- No dates given for a start on site
- Good to see variation in house types but should be no allowance for fibreglass chimneys
- Render dwellings need maintenance
- Was a covenant that dwellings should not be visible from the west. Not clear if being adhered to.
- Objector not clear what Stage 1A of landscaping means
- Visitor parking should be considered more
- Can see no response to concerns of LCC Highways.

## **6. Planning Policy Considerations**

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

### **a) Development Plan**

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

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

### **b) Material Planning Considerations**

6.3 Material Planning Considerations relevant to this application:

- National Planning Policy Framework (Sections 4 (Transport), 6 (Wide choice of high quality homes), 7 (Good design), 10 (Meeting the challenge of flooding), 11 (Natural Environment))
- National Planning Practice Guidance



- North West Market Harborough Strategic Development Area Master Plan approved by Full Council in October 2013.
- Lubenham Neighbourhood Plan
- Supplementary Planning Guidance Notes 1 (Design Principles), 2 (Major Housing Sites), 9 (Landscape and New Development), 10 (Trees and Development), 11 (Hedges and Development), 12 (Lighting in Town and Country), 13 (Crime Prevention and Reduction), 16 (Provision for Outdoor Play space), and 19 (Development and Flood Risk)
- CIL Regulations 2010

#### **c) Other Relevant Information**

6.4 Foxton Neighbourhood Plan (Made)

6.5 Lubenham Neighbourhood Plan (Proceeding towards referendum)

### **7. Assessment**

#### **a) Principle of Development**

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

#### **b) Technical Considerations**

##### Impact on the Character of the Area

- 7.2 The plans submitted in support of this reserved matters application are close to the suggested proposals outlined within the Layout Parameters Plan and Development Framework on which the outline application was approved. This includes the use of mix of materials, landmark buildings, extent of public space (country park) running adjacent to the canal, park areas, provision of footpath links, sports facilities, and community orchards.
- 7.3 The site includes a number of different house types, materials, roof heights, and on the whole parking has been set back away from the road frontages.
- 7.4 The proposed dwelling types and materials are in keeping with the approved Masterplan and Design and Access Statement.
- 7.5 The proposals therefore accord with Policy CS11, SPGs 1, 2 and 13, and Paragraphs 6 and 7 of the NPPF.

##### Residential amenity

- 7.6 The layout submitted demonstrates that development can be achieved which meets required separation distances to neighbours (SPG Notes 2 and 5) without causing harm to neighbours through loss of outlook, privacy or light, and the proposal is therefore considered acceptable in residential amenity terms and accords with Core Strategy Policy CS11 in this regard.

##### Landscaping and Public Open Space

- 7.7 The proposals are set within an extensive area of different forms of public open space and landscaping in accordance with the Parameters Plan and outline approval. There is significant new planting, and areas suitable for play and recreation by all age groups. This has been illustrated in the Landscaping Plans above.
- 7.8 I am satisfied that the proposals accord with Policy CS8, SPGs 9, 10 and 11 and relevant paragraphs of the NPPF and will provide an appropriate setting and resource for the local residents.

#### Access, Highway safety and parking

- 7.9 Access into the site is in accordance with the parameters set within the outline approval, and adequate parking for the different house types has been provided on site.
- 7.10 For dwellings of 4 or more beds, 3 spaces have been provided, for dwellings of 3 or less beds, 2 spaces have been provided.
- 7.11 This meets with the parking standards, as set out in the Leicestershire 6Cs Design Guide (equating to 1/1.5 spaces per 1 bed unit, 2 spaces for either a 2 or 3 bed unit and 3 plus spaces for either a 4 or 5 bed unit).
- 7.12 County Highways have sought technical amendments to the scheme during the course of the application, and at the time of writing a final technical drawing relating to detailed geometry of the roundabout at the entrance to the site is awaited.
- 7.13 The changes understood to be in discussion include white lining and entry width. Any such design amendments will not impact upon the overall design parameters for the link road or the layout of Reserved Matters Phase 1

#### Drainage

- 7.14 As indicated above, the Lead Local Flood Authority have in their response indicated that the drainage proposals appear consistent with the proposals approved at outline stage and as such provide sufficient confidence in them. And have raised no objection to the proposals.

#### Ecology

- 7.15 Following initial concerns regarding the buffer zone of the hedge along the western boundary, County Ecology have confirmed that they are satisfied with the proposal, on the understanding that a suitable buffer will be created on the western side of the hedge in a subsequent phase. An informative note has therefore been suggested.

#### Affordable Housing

- 7.16 Affordable housing has been provided on site to which there is no objection by the HDC Affordable Housing Officer it is therefore considered that the current proposal accords with Core Strategy Policies CS2(b) and CS11.

#### Neighbourhood Plans

- 7.17 Note 1 of the Decision Notice relating to the Outline permission says:

*'The applicant should ensure that any forthcoming reserved matters are in accordance with any adopted Neighbourhood Plan which may cover the application site area and include matters such as design'*

- 7.18 The application site itself lies within the Lubenham Neighbourhood Plan area.
- 7.19 The Examiners Report was received by Harborough DC on 7<sup>th</sup> March 2017, and approved by the Council Executive to accept all the recommendations in the Examiners Report and proceed to referendum.
- 7.20 Whilst the Examiner has recommended a number of amendments and deletions from the Submission Version of the Neighbourhood Plan there are nonetheless a number of relevant policies that in parts cross with, or build on, the Local Plan Policies. These include for instance policies that seek to maximise opportunities for walking within the SDA, and measures to mitigate projected traffic levels, enhancement of biodiversity within the NP area.
- 7.21 I am satisfied that the proposals are in general conformity with the Neighbourhood Plan, albeit that it has not yet been through the referendum process and so is not 'Made'. It is therefore afforded limited weight.

## **8. The Planning Balance / Conclusion**

- 8.1 Significant weight should be attached to the outline consent as detailed above. The proposed development is considered to accord with the requirements of the decision and relevant policies in respect of its design and layout and very much respects the Parameters Plans and Design and Access Statement that formed part of the Outline Application.
- 8.2 The proposed development by virtue of its scale, design, form and massing, would safeguard the living conditions of residents, would not adversely affect local highway safety or give rise to a road safety hazard. It would respond appropriately to the site's characteristics, as well as providing the first phase of a much wider Strategic Development Area. In addition, the proposal would not adversely affect ecological or archaeological interests or lead to an unacceptable flood risk. The proposal therefore complies with Policies CS2, CS3, CS5, CS8, CS9, CS10, CS11 and CS17 of the Harborough District Core Strategy.
- 8.3 The proposal would bring forward additional residential development and contribute towards the Council's Housing Land Supply, including affordable provision. These are major factors in the consideration of the application. The National Planning Policy Framework and national Planning Practice Guidance underline the importance of housing delivery.

## **9. Planning Conditions**

- 9.1 If Members are minded to approve the application, a list of suggested planning conditions is attached below.
- 9.2 As this is a Reserved Matters application, the undischarged conditions relating to the outline permission still apply to that permission, and do not therefore need to be repeated as part of a permission in relation to the Reserved Matters application. I

have however, for member information, appended the Decision Notice within Appendix A.

## **Suggested Conditions**

### **1. Plans**

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

- Landscape Strategy 13.16/01 Rev E;
- Landscape Infrastructure Planting Plan 13.16/02 Rev E;
- Planting Plan Phase 1A Housing 17.02/01 Rev D;
- Proposed Finished Floor Levels V8779PH – SK01 Rev A;
- Standard Details CIV-SA-90-S38-2600 Rev A01;
- SuDS Layout CIV-SA-90-S38-2602 Rev A01;
- Foul Pumping Station Layout CIV-SA-90-S38-2604 Rev A02;
- Foul Pumping Station Elevations CIV SA 90 028 A02
- SuDS Cross Sections CIV-SA-90-S38-2607 Rev A01;
- Surface Water Drainage Strategy Layout CIV-SA-92-101 Rev A04;
- Foul Water Strategy Layout CIV-SA-92-102 Rev A03;
- Surface Water Drainage Catchment Layout W/E SA 92 103 A02
- Plot Area Drawing CIV-SA-92-103 Rev A02;
- Proposed Plans and Elevations 13-168-001 LB-1;
- Proposed Plans and Elevations 13-168-001 BM1;
- Proposed Plans and Elevations 13-168-001 BM-2;
- Proposed Plans and Elevations 13-168-001 SN-1;
- Proposed Plans and Elevations 13-168-001 SN-2;
- Proposed Plans and Elevations 13-168-001 GW-1;
- Proposed Plans and Elevations 13-168-001 GW-2;
- Proposed Plans and Elevations 13-168-001 SV-1;
- Proposed Plans and Elevations 13-168-001 SV-2;
- Proposed Plans and Elevations 13-168-001 RR-1;
- Proposed Plans and Elevations 13-168-001 DL-2;
- Proposed Plans and Elevations 13-168-001 DD-1;
- Proposed Plans and Elevations 13-168-001 DD-2;
- Proposed Plans and Elevations 13-168-001 AB-1;
- Proposed Plans and Elevations 13-168-001 AB PC;
- Proposed Plans and Elevations 13-168-001 DK-1;
- Proposed Plans and Elevations 13-168-001 DK-2;
- Proposed Plans and Elevations 13-168-001 MD-2;
- Proposed Plans and Elevations 13-168-001 ST-2;
- Proposed Plans and Elevations 13-168-001 ST-6;
- Proposed Plans and Elevations 13-168-001 ST-1 PC;
- Proposed Plans and Elevations 13-168-001 ST-2 PC;
- Proposed Plans and Elevations 13-168-001 DS-1;
- Proposed Plans and Elevations 13-168-001 DS-2;
- Proposed Plans and Elevations 13-168-001 MD-1;
- Proposed Plans and Elevations 13-168-001 ME-1;
- Proposed Plans and Elevations 13-168-001 ME-1 PC;
- Proposed Plans and Elevations 13-168-001 ME-2 PC;
- Proposed Plans and Elevations 13-168-001 KD-2;

- Composite Site Plan 13-168-A007 Rev J;
- Fire Access Drive Details 6235-L16;
- Shared Block Drive Detail 6235-L15 Rev C;
- Private Tarmac Drive Detail 6235-L10 Rev C;
- Private Tarmac Drive Detail Flat Edging 6235-L11 Rev D;
- Private Drive Demarcation Lines 6235 L76;
- Proposed Materials Plan 13-168-001-P03 Rev B;
- Brick Screen Wall Detail 6235-L89;
- Brick Screen Wall Detail 6235-L65 Rev B;
- 1800mm Timber Screen Fence 6235-L44 Rev D;
- 1800mm Timber Palisade Fence 6235-L56 Rev C;
- Landscape Infrastructure Planting Plan 2 (South) 13.16/02 Rev A
- Proposed Plans and Elevations 13-168-001 BM 1A
- Proposed Materials Plan Rev D
- Hard Landscape and Boundary Treatments 13-168-001-P04 Rev B
- Proposed Finished Floor Levels Rev B
- Proposed Plans and Elevations 13-168-001 NN 1
- Proposed Plans and Elevations 13-168-001 DK 2
- Proposed Site Plan 13 168 001 P02E

**Reason:** For the avoidance of doubt.

## 2. Ecology

Updated ecology surveys to be completed and submitted, with updated mitigation approved if required, if works do not commence by Spring 2018 (2 years since the date of the last surveys).

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

## 4. Materials:

The development hereby permitted shall be constructed entirely of the materials as detailed in the materials schedule submitted in support of the application.

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

## Notes to Applicant

### 1. Garages

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

### 2. Building Control

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

### **3. Land Drainage Consent**

If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under s.23 Land Drainage Act 1991. This is in addition to any planning permission that may be granted.

Guidance on this process and a sample application form can be found at the following:

<http://www.leicestershire.gov.uk/Flood-risk-management>

### **4. Maintenance**

Please note, it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.

### **5. Buffer to Hedgerow**

Please note that in a subsequent phase of the SDA development a substantial buffer (10m) will be required along the western side of the hedgerow that forms part of the western boundary to this application site. It is on this basis that County Ecology have accepted a reduced buffer in relation to this application.



## Planning Committee Report

**Applicant:** Waterloo Housing Group

**Application Ref:** 17/00205/OUT

**Location:** Brooklands Social Services, 34 Northampton Road, Market Harborough, Leicestershire, LE16 9HE.

**Proposal:** Change of use from office accommodation (B1) to create 7 no. residential (C3) apartments and the demolition of 2 no. existing single-storey modular office outbuildings to the rear; and the erection of three 3-bedroom detached dwellings.

**Application Validated:** 10/02/2017

**Target Date:** 07/04/2017 (Extension of time agreed until 16<sup>th</sup> June 2017)

**Consultation Expiry Date:** 19/04/2017

**Site Visit Date:** 20/02/2017 and 27/02/2017

**Case Officer:** Jeremy Eaton

### Recommendation

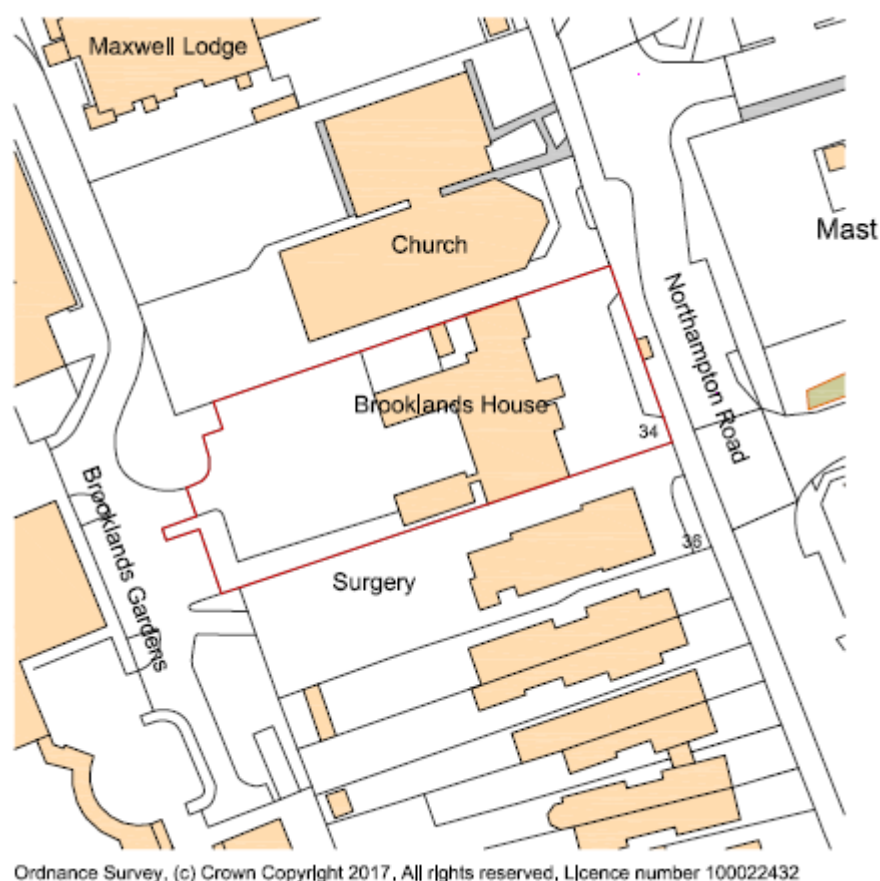
Planning Permission is **APPROVED** subject to the conditions listed in Section 8.

The proposed development would be in accordance with Policies CS1, CS2, CS3, CS9, CS10, CS11 and CS13 of the Harborough District Core Strategy and “saved” Policy HS/8 of the Harborough District Local Plan, and also National planning policy, and no material considerations indicate that the policies of the Development Plan should not prevail. The proposal represents sustainable development which accords with Paragraph 14 of the NPPF, and the decision has been reached taking into account Paragraphs 186 and 187 of the NPPF.

### 1. Site & Surroundings

- 1.1 The application site is located to the western side of the A508 Northampton Road, within the Development Limits of Market Harborough. Market Harborough Methodist Church and No. 36 Northampton Road (pertaining to the business premises of Berry Accountants) adjoin the northern and southern boundaries of the application site respectively, whilst Walcot Road, and beyond that Brookland Gardens, adjoin the western boundary of the site.
- 1.2 The site comprises a large rectangular plot, approximately 0.184 Ha (1,840 sq.m.) in extent. The site is occupied by a large building which is currently vacant. It was last occupied, under Use Class B1(a) of the Town and County Planning (Use Classes) Order 1987 (as amended) by Leicestershire County Council for the purposes of Social Services offices, in May 2014. The building sits centrally within the application site, adjoining both the northern and southern boundaries of the site, and offers approximately 717 sq.m. gross internal floorspace set across three floor levels.

- 1.3 The building was constructed in the 19<sup>th</sup> Century by the Symington Family, the owners of the successful corsetry manufacturer based in Market Harborough, as a major residence for William Symington. It has since been the subject of changes of use, and extensions; including two-storey wing extensions, and single and three-storey rear extensions to the original building. Significant period architectural features remain both internally and externally to the existing building; however, the building is a non-designated heritage asset.
- 1.4 To the frontage and rear of the plot are car parks associated with the former use of the site. Access to the site, and each car park, is achieved directly off of the A508 Northampton Road to the east, as well as off of Walcot Road to the west.
- 1.5 The application site is located within Market Harborough Conservation Area. Its boundary adjoins the eastern and western boundaries of the application site. The site is also located within the Northampton Road Office Policy Area designation.



**Figure 1: Site Location**

## **2. Site History**

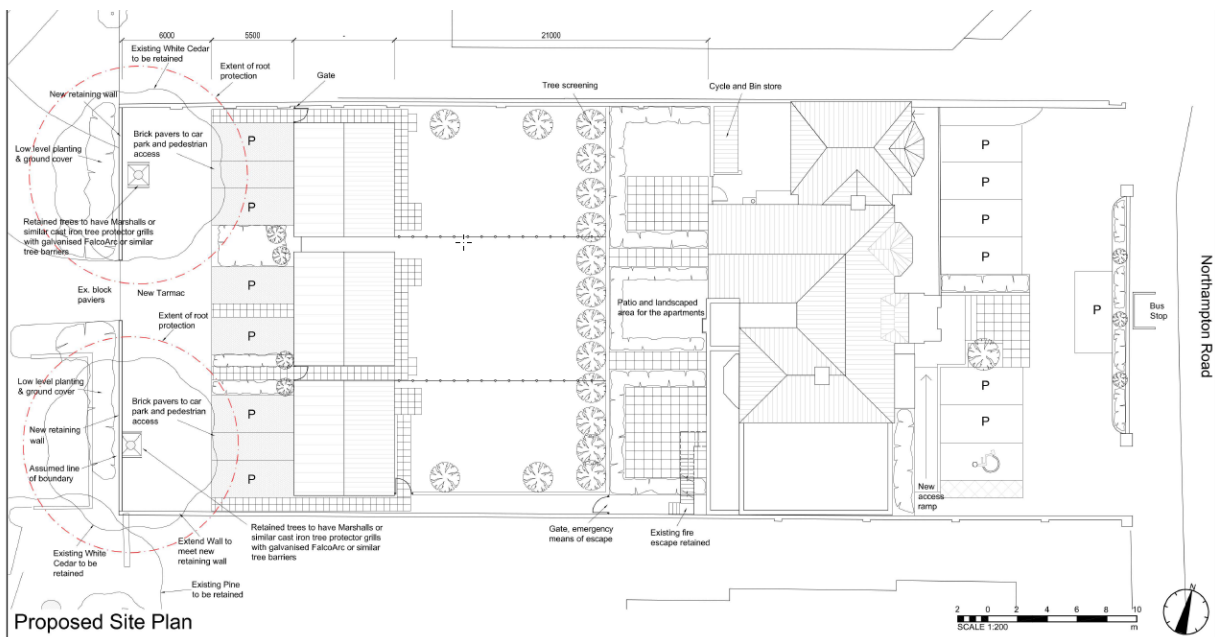
- 2.1 The application site has previously been the subject of the following planning history:
- MU/04197/MUDC - Build two storey office extensions – Approved (27.01.1961);
  - MU/06963/MUDC - Erection of two single storey office buildings – Approved (09.04.1969);

- MU/08527/MUDC - Erection of temporary two storey office accommodation and construction of car park – Approved (05.07.1973);
- MU/08531/MUDC - Construction of car park – Approved (17.07.1973);
- MU/08710/MUDC- Standing of two temporary and mobile buildings – Approved (18.10.1973);
- 78/01501/3D - Retention of two temporary and mobile buildings – Approved (25.10.1978);
- 81/00659/3T - Retention of 2 temporary mobile buildings – Approved (05.05.1981);
- 81/02099/3C - Construction of car park and alterations to Brooklands – Approved (11.02.1982); and
- 04/00044/TCA – Works to trees – Fell one conifer – Approved (03.02.2004).

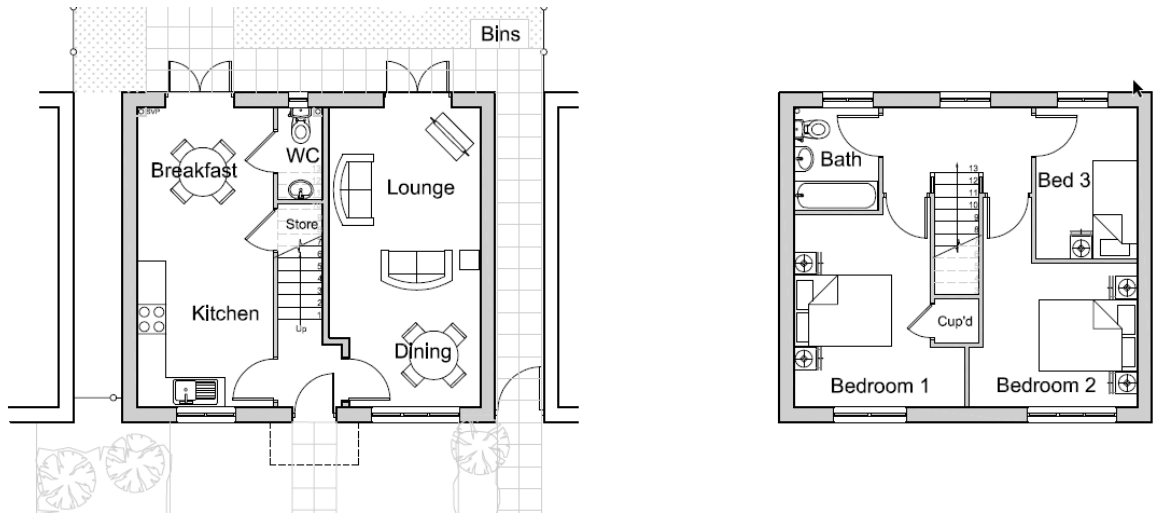
### 3. The Application Submission

#### a) Summary of Proposals

- 3.1 This application seeks outline planning permission for the change of use of the existing building from Use Class B1(a) to Use Class C3 of the Town and County Planning (Use Classes) Order 1987 (as amended) for the purposes of creating 7 no. apartments, including a mixture of 1 no. and 2 no. bedroom apartments (2 x 1 no. bedroom apartments and 5 x 2 no. bedroom apartments). In addition, this application seeks permission for the erection of 3 x 3 no. bedroom detached dwelling houses to the rear of the existing building, within the former rear car park. All Matters, including Access, Layout, Scale, Appearance and Landscaping, are reserved for later consideration.



**Figure 2: Indicative Proposed Site Plan**



**Figure 3: Indicative Proposed Plans and Elevations of the Proposed Dwellings**

## **b) Documents submitted**

### **i. Plans**

3.5 The application has been accompanied by the following plans: –

- Drawing No. 9900 Rev – (Location Plan);
- Drawing No. 9901 Rev – (Existing Floor Plans);
- Drawing No. 9902 Rev – (Proposed Floor Plans);
- Drawing No. 9903 Rev – (Existing Site Plan);
- Drawing No. 9904 Rev – (Proposed Site Plan) (now superseded);
- Drawing No. 9904 Rev A (Proposed Site Plan) (now superseded);
- Drawing No. 9904 Rev B (Proposed Site Plan);
- Drawing No. 9905 Rev – (Proposed New House Floor Plan) (now superseded);
- Drawing No. 9905 Rev A (Proposed New House Floor Plan);
- Drawing No. 9906 Rev – (Typical Proposed Front Elevation New Three Storey Houses) (now superseded); and
- Drawing No. 9906 Rev A (Typical Proposed Front Elevation New Three Storey Houses).

## **c) Pre-application Engagement**

3.6 Prior to submitting the planning application the proposed development was not subject to a pre-application enquiry.

#### **4. Consultations and Representations**

- 4.1 Consultation with technical consultees and the local community were carried out on the application.
- 4.2 A Site Notice was displayed outside the application site on Northampton Road, and a Press Advert was placed in the Harborough Mail.
- 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](http://www.harborough.gov.uk/planning)

#### **a) Statutory & Non-Statutory Consultees**

- 4.4 Please note – only the latest consultee comments have been summarised below.

##### ***Market Harborough Civic Society***

- 4.5 According to the amended plan 3 detached houses are proposed. Any permission granted should include a floor space restriction and control over permitted development.

##### **Harborough District Council (Environmental Health)**

- 4.6 For the following reasons due to potential made ground onsite the permission should be conditioned as follows

##### **1 Risk Based Land Contamination Assessment**

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

- BS10175:2011+A1:2013 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.

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 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings

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 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

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

{\ul Reason:-} *To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 120 of the NPPF*

## 2 Completion/Verification Investigation Report

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

Either

- 1) If no remediation was required by Condition <insert Number> 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.

{\ul Reason:-} *To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 120 of the NPPF*

INF33 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.

Other Building works, deliveries, clearance or any works in connection with the development shall take place on site between 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.



{\ul Reason:-} *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 Local Plan.*

**Harborough District Council (Technical Services – Drainage)**

4.7 No comments received.

**Harborough District Council (Neighbourhood and Green Spaces Officer)**

4.8 I have no comments to make concerning this application.

**Harborough District Council (Community Partnerships)**

4.9 We will not be seeking Sec106 contributions for this development at this time.

**Harborough District Council (Conservation Officer)**

4.10 The building is not a Listed Building however it is a building of character located within the Conservation Area and therefore is considered to be a non designated Heritage Asset. The works proposed to the building are largely internal with the removal of some modern unsympathetic extensions to the rear. As a result the character of the building will not be harmed and the street scene and character of the Conservation Area will be preserved, therefore in my opinion the proposed works to create residential apartments is acceptable.

The design of the new dwellings proposed to the rear is a simple one. Although it is appreciated that these are indicative designs something of this nature is considered appropriate to the location. Because of their position to the rear of the site they will not be visible in principle views of the Conservation Area and they will not dominate the attractive building. To the rear this design would appear in keeping with the surrounding modern buildings, although some detail could be added to make the proposals more visually interesting. Overall the proposals in my opinion will not be harmful to the character of the area which complies with policy CS11 of the Harborough District Core Strategy and therefore I see no reason on heritage grounds to resist the proposals.

**Harborough District Council (Housing Enabling and Community Infrastructure Officer)**

4.11 I understand this proposal has been revised down to 10 units and also that the gross Sqm of this development will not exceed 1,000 Sqm. This being the case, it will be below the threshold for seeking AH (Affordable Housing) contributions.

**Leicestershire County Council (Highways)**

4.12 These revised highway observations are made in response to an amended planning application form and an amended drawing reference 5001177 RDG A 9904 Rev B. The revised planning application form corrects the anomaly previously raised regarding the quantum of development, and also revises the size and number of dwellings proposed to the rear of the main building, accessed from Walcot Road.

For the avoidance of doubt and to aid clarity, the application now proposes 2no 1 bedroom apartments, 5no 2 bedroom apartments, and 3no 3 bedroom dwellings, i.e. 10 dwellings in total.

**Parking Provision**

The re-design and reduction in the number and size of the proposed dwellings to the rear of the main building to be accessed from Walcot Road significantly reduces the requirement for provision of off-street parking in accordance with the County

Council's latest design guidance (6CsDG). There are now 3 dwelling proposed, each with 3 bedrooms which only require two parking spaces per plot. These have been demonstrated on the submitted amended plan, and the spaces also now slightly exceed the minimum required dimensions, measuring 2.5m x 5.5m. Furthermore, the redesign has ensured that there is sufficient space to manoeuvre vehicles into and out of the parking spaces up to the proposed retaining wall (6 metres).

With regards to the conversion of the existing building fronting Northampton Road, the revised drawing more accurately demonstrates the sizes of the parking spaces and manoeuvring space that can be achieved. As such, the Local Highway Authority (LHA) considers that the proposal can now demonstrate 7 parking spaces and one disabled parking space to serve the proposed apartments. Ideally, each 2 bedroom apartment should have 2 parking spaces, and each 1 bedroom apartment 1 parking space (12 spaces in total), however the LHA is of the opinion that due to the location of the development close to the town centre, occupants would have the opportunity to use more sustainable modes of travel which would discourage the use of the private car. Furthermore, the parking restrictions on Northampton Road would prevent overspill parking in the highway to the detriment of highway safety. The revised plan also overcomes the LHA's concerns with regards to the space to manoeuvre within the site to ensure that vehicles enter Northampton Road in a forwards gear.

As such, the LHA has no objection to the proposal, subject to the imposition of the following condition:

#### Condition

1. Prior to first occupation of any of the dwellings hereby permitted, the parking provision and turning space as shown on plan 5001177 RDG A 9904 Rev B shall be provided, hard surfaced, marked out and made available for use in perpetuity. Drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained.

Reason: To reduce the possibility of the proposal leading to on-street parking problems, to ensure that vehicles can enter and leave the highway in a forward gear and to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.

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

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

#### **Leicestershire County Council (Ecology)**

- 4.13 Thank you for consulting us on the above application, as far as I can ascertain from comparing the floor plans the conversion works will be primarily internal with a few cosmetic alterations to the elevations and the roof of the main building will remain unchanged.

Provided this is the case there will not be a need for a Bat Survey as the single storey modular extensions which are to be demolished, due to their materials and construction do not trigger the need for a survey under the Bat Protocol Guidelines.

**Leicestershire County Council (Senior Forestry Team Leader)**

- 4.14 The CBE Consulting arb. report concurs that the two cypress trees T2 and T5 are conspicuous elements of the landscape and should be preferably retained in the new design. The proposed design retains these trees and in principle allows for their incorporation into the new surroundings.

However, there are three elements requiring further detail –

1. All “tarmac” indicated on the plan to the east of the trees should be laid to a ‘no-dig’ specification using a cellular containment method such as Infracore or Cellweb, laid on top of the existing levels without further excavation. Final surfacing should be porous. CBE Consulting concurs in this regard, making comment in section 4.1.
2. The plan shows two locations where “new retaining wall” is indicated immediately to the west of retained trees T2 and T5. In the southernmost case, a relatively recent wall is already in place at the rear of existing car-parking spaces, and I question whether this need to be replaced. In the northernmost case, there is no existing wall, just a relatively gentle slope, and in my opinion a new wall here would be potentially very damaging to the roots of the retained tree. Can this proposal be omitted?
3. Both trees are shown as having “tree protector grilles” around their bases; such provision is largely design-led and offers little to the trees in reality, merely requiring further basal excavation and also requiring regular monitoring to ensure that the tree root flare does not become constrained by the grille. In my experience such grilles have a limited useful life span for this reason. Perhaps other alternatives can be considered.

The recommended protective fencing (as in BS5837:2012 Trees in Relation to Design, Demolition and Development) will not be possible because of the obviously necessary access requirements. With this in mind, it would be desirable to protect the ground from compaction by site vehicles by laying proprietary tracking panels/rolls over the existing ground levels, and also protect the stems of the trees from inadvertent collision damage by either wrapping the stems in several layers of ‘chespale’ fencing or boxing in with heavy-duty plywood.

## 4.15 Leicestershire County Council (Lead Local Flood Authority (LLFA))

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

The applicant is proposing to convert the existing Brooklands House office accommodation into 7 apartments with a further three dwellings constructed on the existing car park to the rear. The site is located within Flood Zone 1 and is less than 1ha therefore does not require a Flood Risk Assessment however a short FRA has been submitted in support of the application.

However, no drainage strategy has been submitted for the proposed development. It is expected as the development is on brownfield land, the development will utilise any existing connection to a public sewer however a strategy should be provided detailing how surface water is to be drained, attenuated and discharged from the site.

The applicant is advised to consider the House of Commons Written Statement (HCWS161) stating SuDS should be included for development of 10 dwellings or more. Further to this, the

Defra Non-Statutory Technical Standards for Sustainable Drainage Systems also states within section **S3**:

*"For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event."*

In light of the above, the LLFA would expect the proposed development drainage to employ the use of SuDS within the development. Surface water should be discharged as close to the greenfield runoff rate as is reasonably practical and should not exceed the brownfield runoff rate. Thought should also be given to the treatment train to ensure maximum water quality benefits.

### **Lead Local Flood Authority**

Leicestershire County Council as Lead Local Flood Authority advises the Local Planning Authority that:

- The application documents as submitted are insufficient for the Lead Local Flood Authority to provide an acceptance at this stage. In order to provide a positive response, the following information is required:
  - A suitable drainage strategy employing the use of SuDS devices and discharging as close to the greenfield runoff rate as is reasonably practical.

### **General Information for Local Planning Authority and Applicant**

#### **Land Drainage Consent**

If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under s.23 Land Drainage Act 1991. This is in addition to any planning permission that may be granted.

Guidance on this process and a sample application form can be found at the following:

<http://www.leicestershire.gov.uk/Flood-risk-management>

#### **Maintenance**

Please note, it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.

**Leicestershire County Council (Developer Contributions Officer)**

- 4.16 No developer contributions are sought for Education, Libraries and Waste.

**Anglian Water**

- 4.17 Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

**Wastewater Treatment**

The foul drainage from this development is in the catchment of Market Harborough Water Recycling Centre that will have available capacity for these flows.

**Foul Sewerage Network**

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

**Surface Water Disposal**

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.

Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency.

We will request that the agreed strategy is reflected in the planning approval

**Trade Effluent**

Not applicable

**Suggested Planning Conditions**

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

**Surface Water Disposal (Section 4)**

**CONDITION**

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

**REASON:**

To prevent environmental and amenity problems arising from flooding.

## **East Leicestershire and Rutland CCG**

- 4.18 I can confirm due to the number of dwellings we will not be applying for S106 funding.

### **b) Local Community**

- 4.19 1 No. letter of representation had been received in connection with this application, which objects to the proposed development. The Case Officer acknowledges that the representation received is very detailed and whilst regard has been had to this in assessing this application, it is impractical to copy this verbatim and, therefore, a summary of the key points/concerns is provided below:

- Loss of sunlight to nearby properties (Maxwell Lodge);
- The roof design of the proposed houses should be hipped in keeping with neighbouring buildings. This will also reduce the apparent height of the houses;
- Removal of mature trees should not be allowed without expert advice;
- Impact of construction and construction traffic on nearby properties;
- Request for time restrictions for deliveries (in respect of building materials, and demolition and construction) to site;
- Over-development of the site; and
- No site notice displayed on site (adjoining Brooklands House).

### **5. Planning Policy Considerations**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *“where in making any determination under the Planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.”*
- 5.2 Unless stated, an explanation of the development plan policies; material considerations, evidence base and other documents referred to can be found at the beginning of the Agenda under ‘All Agenda Items Common Planning Policy’.

### **a) Development Plan**

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

#### *Harborough District Core Strategy*

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

- Policy CS1 (Spatial Strategy);
- Policy CS2 (Delivering New Housing);
- Policy CS3 (Delivering Housing Choice and Affordability);
- Policy CS9 (Addressing Climate Change);
- Policy CS10 (Addressing Flood Risk);
- Policy CS11 (Promoting Design and Built Heritage); and
- Policy CS13 (Market Harborough).



*Harborough District Local Plan ("saved policies")*

5.4 Of the limited policies which remain extant, the following policies are considered to be relevant to this application:

- Policy HS/8 (Limits to Development).

**b) Material Planning Considerations**

5.5 Material Planning Considerations relevant to this application are:

- The National Planning Policy Framework (The Framework/NPPF);
- National Planning Practice Guidance (PPG);
- Supplementary Planning Guidance Notes 3, 8-10, 13, 16 and 19;
- Five-Year Housing Land Supply Statement;
- SHMA (2014); and
- HEDNA (2017).

**c) Other Relevant Documents**

5.6 The following documents should be noted:

- The Community Infrastructure Levy Regulations 2010, S.I. No. 948 (as amended);
- Circular 11/95 Annex A – Use of Conditions in Planning Permission;
- ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System);
- Building for Life 12 (BFL12) (2012);
- Leicestershire County Council Planning Obligations Policy (December 2014);
- Leicestershire County Council Highways Authority 6Cs (Highways) Design Guide;
- Harborough District Council's Provision for Open Space, Sport and Recreation (2009); and
- Harborough District Council's Planning Obligations Supplementary Planning Document (January 2017).

**d) Other Relevant Information**

*Reason for Committee Decision*

5.7 This application is to be determined by Planning Committee because the proposal is for 10 no. dwellings, which falls within the definition of a Major Development.

5.8 Notwithstanding the above, Harborough District Council have an indirect interest in respect of the future sale of the application site in which case, in the interests of transparency, it is reported to Committee.

**6. Assessment**

**a) Principle of Development**

6.1 The application site is located within the Development Limits of Market Harborough, which is protected from development by "saved" Policy HS8 of the Harborough District Local Plan; and Policies CS2 a) and CS17 of the Harborough District Core Strategy.

6.2 Policy CS1 of the Harborough District Core Strategy states:

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

- a) Enable the development of at least 7,700 dwellings across the District during the period 2006-2028;*
- b) Develop Market Harborough’s role as the main focus for additional development within the District, promoting its historic function as a market town and safeguarding its compact and attractive character.*

...

- i) Give priority to the use of previously developed land;*

...

- l) Provide for the varied housing needs of the community in terms of tenure, affordability, care and other support needs ...”*

6.3 Policy CS2 of the Harborough District Core Strategy states:

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

- *Market Harborough at least 3,300 dwellings ...”*

6.4 In this case, the proposed development will contribute 10 no. dwellings towards the Council’s overall housing provision target within Market Harborough, and in general, over the Plan period (2006-2028). The proposal will also bring back into use a previously developed site which is currently vacant.

6.5 Subject to the proposal complying with the relevant planning policies and guidance, the principle of residential development on the application site is considered to be acceptable in line with Policies CS1 and CS2 of the Harborough District Core Strategy.

## **b) Technical Considerations**

### **1. Layout, Scale and Design**

6.6 Although the matter of design (form/layout, mass, scale, proportions, style, materials) of the proposed development is not a matter which is currently for consideration at this time, and will be tested at the Reserved Matters stage in the event that Outline Planning Permission is granted, an illustrative proposed site plan (Figure 2) has been provided together with illustrative proposed floor plans for the conversion of the host building and illustrative proposed floor plans and elevations (Figure 3), and supporting information contained within the Design and Access Statement. Together, these demonstrate how the application site could be developed, taking into account the constraints of the application site.

6.7 Policy CS2 of the Harborough District Core Strategy states:

*“b) All housing developments should be of the highest design standard (in conformity with Policy CS11) and have a layout that makes the most efficient use of land and is compatible with the built form and character of the area in which it is situated. A mix of housing types will be required on sites of 10 or more dwellings, taking into account the type of provision that is likely to be required, informed by the most up to date Strategic Housing Market Assessment or other local evidence.*

*Proposals for sites of 0.3ha or above will be required to meet the following minimum net density standards:*

*40 dwellings per ha - sites within and adjacent to the Principal Shopping and Business Area of Market Harborough and Lutterworth (ref. Policy CS6Improving Town Centres);*

*30 dwellings per ha - sites elsewhere in the District.*

*Higher densities are particularly encouraged in locations that offer, or have the potential to offer, a choice of transport options and are accessible to other services and facilities. Additional design and density guidance for large site allocations and the strategic development area will be provided in the Allocations DPD. In circumstances where individual site characteristics dictate and are justified, a lower density may be appropriate.”*

- 6.8 Policy CS11 (Promoting Design and Built Heritage) of the Harborough District Core Strategy requires proposals for development to exhibit a high standard of design to “create attractive places for people to live, work and visit.” To meet these requirements, proposed development should “be inspired by, respect and enhance local character, building materials and distinctiveness of the area in which it would be situated.” In addition, development “should respect the context in which it is taking place and respond to the unique characteristics of the individual site and wider local environment beyond the site’s boundaries to ensure that it is integrated as far as possible into the existing built form of the District.”
- 6.9 Saved Policy HS/8 of the Harborough District Local Plan requires the design and layout of development proposals to be in keeping with the scale, form, character and surroundings of the settlement in which it is to be sited within.
- 6.10 The illustrative proposed site plan (Figure 2), the illustrative proposed floor plans for the conversion of the host building, the illustrative proposed floor plans and elevations of the proposed new-build dwellings (Figure 3) and the supporting information demonstrate that a residential development comprising up to 10 no. dwellings, including 7 no. apartments within the host building which is proposed for conversion and 3 no. new-build dwellings within the former rear car park, could be accommodated on the application site.
- 6.11 The density of the proposed development would achieve 54 dwellings per hectare (dph), which significantly exceeds the 40 dph target set out in Policy CS2 of the Harborough District Core Strategy. Whilst a higher density is proposed, it is considered that the location of the application site is sustainable, by virtue of being close to the town centre of Market Harborough, and such a density can be achieved without contributing to the over-development of the application site.

- 6.12 The housing mix of the proposed development, as per the illustrative information, will comprise a mixture of 1 no. and 2 no. bedroom apartments (2 x 1 no. bedroom apartments and 5 x 2 no. bedroom apartments) and 3 x 3 no. bedroom detached dwelling houses.
- 6.13 The illustrative proposed site plan indicates that the proposal would retain the host building on site, albeit the demolition of more modern single-storey rear modular extensions is proposed, and be converted to residential use. The existing car park to the frontage of the building, adjoining Northampton Road, would be retained albeit there will be scope for additional tree planting/landscaping to support existing landscaping (which can be secured by condition in the event of any grant of planning permission). Communal amenity space, of an appropriate hard/soft landscaping design (again which can be secured by condition in the event of any grant of planning permission), would be provided to the rear of the building to serve the proposed dwellings. Details of landscaping is a Reserved Matter.
- 6.14 Furthermore, the illustrative proposed site plan indicates the remaining area of the application site, to the rear (west) of the host building, would serve the 3 no. detached dwelling houses proposed. Car parking provision would be located to the frontage of the plots, adjacent to the access off of Walcot Road, whilst to the rear of the houses would be private amenity space, which is considered to be proportionate to the size of the proposed dwellings. Along the boundary created between the host building (proposed apartments) and proposed dwellings would be a landscape buffer to provide appropriate screening.
- 6.15 The illustrative proposed elevations of the proposed dwellings (Figure 3) indicates that the scale of development would be commensurate with the prevailing character of the surrounding Brooklands Gardens, which is a mixture of two and three stories in height, and surrounding buildings located to Northampton Road. The height of the dwellings would be approximately 7.6m to the ridge and 5.4m to the eaves level. The houses themselves would be laid over two storeys with no habitable accommodation with the roof space.

## 2. Heritage

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- 6.16 The application site is located within Market Harborough Conservation Area, whilst the host building is considered to be a non-designated heritage asset.
- 6.17 Section 72 of the Town and County Planning (Listed Buildings and Conservation Areas) Act 1990 states *“in the exercise, with respect to any buildings or other land in a conservation area, ..., special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*
- 6.18 Paragraph 131 of the NPPF states *“in determining planning applications, local planning authorities should take account of:*
- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - *the desirability of new development making a positive contribution to local character and distinctiveness.”*

- 6.19 Paragraph 132 of the NPPF continues to state *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”*
- 6.20 Paragraph 133 of the NPPF states *“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- *the nature of the heritage asset prevents all reasonable uses of the site; and*
  - *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
  - *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
  - *the harm or loss is outweighed by the benefit of bringing the site back into use.”*
- 6.21 Paragraph 134 of the NPPF continues to state *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*
- 6.22 Paragraph 137 of the NPPF states *“Local planning authorities should look for opportunities for new development within Conservation Areas ... and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.”*
- 6.23 Policy CS11 (Promoting Design and Built Heritage) of the Harborough District Core Strategy requires proposals for development to exhibit a high standard of design to *“create attractive places for people to live, work and visit.”* To meet these requirements, proposed development should *“be inspired by, respect and enhance local character, building materials and distinctiveness of the area in which it would be situated.”* In addition, development *“should respect the context in which it is taking place and respond to the unique characteristics of the individual site and wider local environment beyond the site’s boundaries to ensure that it is integrated as far as possible into the existing built form of the District.”*

With regard to heritage assets, this policy states *“heritage assets within the District, and their setting, will be protected, conserved and enhanced, ensuring that residents and visitors can appreciate and enjoy them through:*

...

*iii) ensuring development in existing Conservation Areas is consistent with the special character as describe in the Statement or Appraisal for that Area, ...”*

- 6.24 The Market Harborough Conservation Area character statement states, amongst other things:

*“The boundaries of the Conservation Area roughly follow the boundaries of the ancient chapelry (the area attached to the Church of St. Dionysius) of Market Harborough, although extensions to the Conservation Area have been made to*

*include some of the buildings along entry roads into the town. The first is south of the river and west of the Northampton Road to incorporate houses of all periods of the 19th Century including Brooklands, a former major residence ...”*

Brooklands House is specifically referred to within the Conservation Area appraisal.

- 6.25 National and local planning policy does not prohibit new development within a Conservation Area or within the setting of heritage assets. In this case, the protection, conservation and enhancement of these designated heritage assets are essential, as is the desirability of a proposed development making a positive contribution to local character and distinctiveness.
- 6.26 Harborough District Council’s Conservation Officer has been consulted on this application. No objection has been raised. Whilst this application is at the Outline Stage with all matters reserved, the Conservation Officer considers that the illustrative proposed site plan (Figure 2) and illustrative proposed floor plans for the host building demonstrates that the works proposed to the host building are largely internal, with the removal of some modern unsympathetic extensions to the rear, in which case the character and appearance of the building would not be harmed, and the streetscene to Northampton Road and character of the Conservation Area would be preserved. With regard to the proposed dwellings, the Conservation Officer considers that the illustrative proposed site plan (Figure 2) and illustrative proposed floor plans and elevations (Figure 3) indicate that the design of the proposed dwellings will be simple; however, in view of the fact that this application is at the Outline Stage with all matters reserved, the Conservation Officer accepts that a design of this nature would in principle be acceptable in light of surrounding/neighbouring modern buildings, and that by virtue of their location to the rear of the application site, they would not be visible in respect of principle views of the Conservation Area, and would not dominate the attractive host building. Accordingly, it is considered that the streetscene to Walcot Road and character of the Conservation Area would be preserved.
- 6.27 Notwithstanding the above, it would be envisaged that at the Reserved Matters stage, in the event that Outline Planning Permission is granted, the Case Officer would endeavour to seek improvements to the design of the proposed dwellings in order that a more visually interesting scheme is achieved.
- 6.28 In view of the above, it is considered that the proposed development would not be demonstrably harmful to the character of the area and would comply with the relevant provisions of Policy CS11 of the Harborough District Core Strategy, Policy HS/8 of the Harborough District Local Plan and the provisions of Chapter 12 of the NPPF.

### 3. Amenity

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- 6.29 Paragraph 17 of the National Planning Policy Framework *“seeks to secure a high quality design and good standard of amenity for all existing and future occupants of land and buildings”*.
- 6.30 Policy CS11 (Promoting Design and Built Heritage) of the Harborough District Core Strategy requires proposals for development to *“ensure that the amenities of existing and future neighbouring occupiers are safeguarded.”*
- 6.31 Saved Policy HS/8 of the Harborough District Local Plan requires proposals for development to protect the amenity of the occupants of neighbouring residential properties, and the wider local area.



- 6.32 As the matters of layout, scale and appearance of the proposed development is not a matter which is currently for consideration at this time, and will be tested at the Reserved Matters stage in the event that Outline Planning Permission is granted, it is not possible to provide a detailed assessment on whether or not the amenity of existing residential properties located adjacent to, or within close proximity of, will be adversely affected in terms of loss of light (overshadowing), loss of privacy (overlooking) or over dominant or overbearing structure (as outlined within the Council's Supplementary Planning Guidance).
- 6.33 Notwithstanding the above, the Case Officer is satisfied that the illustrative proposed site plan demonstrates that the proposal would protect the amenity of those neighbouring residential properties, notably those at Brooklands Gardens, in relation to the above. Adjoining uses to the north and south of the application site are non-residential in which case will not be adversely affected in relation to the above in the same way residential properties would.
- 6.34 It is considered that during construction there could potentially be some adverse impacts on residential amenity. However, a planning condition requiring a Construction Environmental Management Plan to be approved and implemented could be imposed upon any grant of planning permission in order to limit the disturbance and inconvenience that may arise when building works are undertaken. In addition to planning controls, the Environmental Protection Act provides a variety of safeguards in respect of noise, air and light pollution.
- 6.35 Accordingly, it is considered that the proposed development would be in accordance with the relevant provisions of Policy CS11 of the Harborough District Core Strategy, Policy HS/8 of the Harborough District Local Plan and Supplementary Planning Guidance Note 5: Extensions to Dwellings.

#### 4. Highways

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- 6.36 Although the matter of access of the proposed development is not a matter which is currently for consideration at this time, and will be tested at the Reserved Matters stage in the event that Outline Planning Permission is granted, an illustrative proposed site plan has been provided which demonstrates how access to the application site could be achieved, taking into account the constraints of the application site.
- 6.37 The illustrative proposed site plan (Figure 2) outlines that the proposed development would utilise existing accesses on to Northampton Road to serve the proposed dwellings to be located within host building, whilst the proposed dwellings to the rear would be served by an existing access on to Walcot Road. The existing car park to the frontage of the host building will be retained to serve the proposed dwellings. There will be 8 no. parking spaces (including 1 no. disabled space) to serve 7 no. dwellings. The existing car park to the rear will be significantly reduced in size, and will provide 6 no. parking spaces, 2 no. per dwellinghouse.
- 6.38 Leicestershire County Council Highways were consulted on this application and raised no objection to the proposed development. Notwithstanding this, whilst the levels of car parking provision for the proposed 1 no. bedroom apartments and 3 no. bedroom dwelling houses would be compliant with the car parking standards set out within Leicestershire County Council Highways' 'The 6Cs Design Guide', LCC Highways consider the levels of car parking provision for the proposed 2 no. bedroom apartments would technically be non-compliant. However, by virtue of the

location of the application site close to the town centre of Market Harborough, future occupants of the proposed scheme would have the opportunity to use more sustainable modes of travel which would discourage the use of the private car. Furthermore, the parking restrictions on Northampton Road would prevent overspill parking in the highway to the detriment of highway safety. Therefore, this provision will be acceptable.

- 6.39 In view of the above, it is not considered that the proposal would give rise to any material harm in respect to matters of highway safety. Accordingly, it is considered that the proposed development would be in accordance with the relevant provisions of Policies CS5 and CS11 of the Harborough District Core Strategy, and Leicestershire County Council Highways' 'The 6Cs Design Guide'.

## 5. Arboricultural Issues

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- 6.40 A tree survey was undertaken by C.B.E. Consulting on 17<sup>th</sup> March 2017 to assess the quality and value of the principal trees within or adjacent to the western boundary of the application site. The findings of the tree survey are presented within the Report entitled 'BS5837:2012 Tree Survey' dated 29<sup>th</sup> March 2017.
- 6.41 The report outlines that 2 no. Cypress trees (no.'s T2 and T5) are conspicuous elements of landscaping that exist along the western boundary of the application site, within the streetscene to Walcot Road in this location and should be retained within any proposed scheme. However, 6 no. trees of a variety of specimen and size are identified as being of poor quality to low value of which are not recommended for retention. The report advises that the removal of these trees would enhance those recommended to be retained as they would be opened up which in turn would improve the visual amenity of those trees, and the streetscene.
- 6.42 As the matter of landscaping is not a matter which is currently for consideration at this time, and will be tested at the Reserved Matters stage in the event that Outline Planning Permission is granted, it will be necessary to pay close attention to the final layout to ensure that the 2 no. Cypress trees are retained, as illustrated on the illustrative proposed site layout (Figure 2).
- 6.43 In addition, appropriate conditions should be applied in the event of approval to protect the roots of the 2 no. Cypress trees on site during the construction process.
- 6.44 Leicestershire County Council Senior Forestry Team Leader has been consulted on this application. No objection has been raised.
- 6.45 In view of the above, it is not considered that the proposal would give rise to any material harm in respect to trees. Accordingly, it is considered that the proposed development would be in accordance with the relevant provisions of Policy CS11 of the Harborough District Core Strategy.

## 6. Ecology

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- 6.46 Leicestershire County Council's Ecologist has been consulted on this application. In view of the nature of the proposed development, i.e. mostly internal works to the host building with minor exterior alterations proposed, and the demolition of single-storey modular extensions to the host building, it was considered that there was no formal requirement for a Bat Survey to be submitted in support of the application. No objection has been raised.

## 7. Flood Risk/Drainage

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6.47 A Flood Risk Assessment, prepared by Ridge and Partners LLP, has been submitted in support of this application.

6.48 Policy CS10 of the Harborough District Core Strategy states:

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

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

6.50 Notwithstanding the above, Policy CS10 continues to state:

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

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

*f) The following settlements are particularly sensitive to any net increase in surface water discharge into the local public sewer network:*

- Market Harborough

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

- Proposed Surface Water Drainage

6.51 The Application Form outlines the Applicant intends on surface water being disposed of in the main sewer.

6.52 Anglian Water have been consulted on this application. No objection has been raised. The advice received outlined that their preferred method of surface water disposal would be to a Sustainable Drainage System (SuDS) with connection to the main sewer as a last resort. In this case, it is suggested that appropriate conditions should be applied in the event that Outline Planning Permission is granted in order to ensure an appropriate method of surface water drainage can be achieved.

6.53 The Leicestershire County Council Lead Local Flood Authority have also been consulted on this application. The advice received outlined that the Lead Local Flood Authority would expect the method of surface water disposal would be to a Sustainable Drainage System (SuDS) and discharging as close to the greenfield runoff rate as is practicably possible and should not exceed the brownfield runoff rate. Thought should also be given to the treatment train to ensure maximum water quality benefits.

6.54 The Lead Local Flood Authority outline that the application documentation is insufficient to provide acceptance to the proposed scheme of surface water drainage. It is advised that a suitable drainage strategy employing the use of SuDS devices

and discharging as close to the greenfield runoff rate as is reasonably practical would be required in order to provide a positive response.

- 6.55 In view of the suggested condition by Anglian Water, it is considered that this matter can be controlled by way of condition in the event that Outline Planning Permission is granted. Furthermore, given that this application is in Outline form with all matters reserved, it is considered that it would be appropriate to deal with the proposed method of surface water drainage at the Reserved Matters stage.

- Proposed Foul Water Drainage

- 6.56 No details regarding foul water drainage have been submitted in support of this application. Notwithstanding this, Anglian Water have confirmed that the foul sewerage system has available capacity at present to accommodate the proposed development should the Applicant wish to connect to this network. In this case, it is suggested that appropriate conditions should be applied in the event that Outline Planning Permission is granted in order to ensure an appropriate method of foul water drainage can be achieved.

### *Conclusion*

- 6.57 In view of the above, and subject to planning conditions, it is considered that the proposed development would be in accordance with the relevant provisions of Policy CS10 of the Harborough District Core Strategy in respect of flood risk and drainage considerations.

## 8. Land Contamination

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- 6.58 Harborough District Council's Environmental Health team were consulted on this application. The consultation response advises that further information is required in order to ensure that the introduction of more sensitive receptors does not cause unacceptable risk to human health from potential land contamination, by virtue of the potential for made ground to exist on site. It is considered that this can be controlled by way of condition(s) should Outline Planning Permission be granted.

## 9. Planning Obligations

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- 6.59 Whilst Policy CS3 of the Harborough District Core Strategy states "*All residential developments within Harborough District will be required to contribute towards meeting affordable housing needs*", following a change to Government planning policy as expressed in the NPPF (May 2016) which seeks to incentivise smaller housing developments, affordable housing is no longer requested where development involves less than 11 dwellings and which have a maximum combined gross floorspace of no more than 1000 sq.m. This is reflected within the Council's Planning Obligations SPD (January 2017).
- 6.60 In this case, the proposed development includes 10 no. dwellings with a combined gross floorspace of 866 sq.m. Therefore, no affordable housing provision and/or contribution is to be requested in this case.
- 6.61 Notwithstanding the above, as a result of consultation responses received from Statutory Consultees, no contributions will be sought in respect of Community Facilities, Open Space, Education, Health Care, Libraries and Waste.

## **c) Sustainable Development**

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

## **7. Conclusion/The Planning Balance**

- 7.1 It is considered that the proposed development would be in accordance with Policies CS1, CS2, CS3, CS9, CS10, CS11 and CS13 of the Harborough District Core Strategy and “saved” Policy HS/8 of the Harborough District Local Plan and no material considerations indicate that the policies of the Development Plan should not prevail.
- 7.2 When assessed against the NPPF, Paragraph 14 (presumption in favour of sustainable development), as well as the NPPF taken as a whole, no significant and demonstrable harm is identified and thus the proposal should be approved without delay.
- 7.3 The recommendation has been made taking into account Paragraphs 186 and 187 of the NPPF, as well as National Planning Practice Guidance.
- 7.4 In view of the above, and subject to conditions (those listed within Section 8), it is considered that the proposal would meet the relevant national and local policies. Therefore, this application is recommended for approval subject to conditions.

## **8. Planning Conditions & Informatives**

### **8.1 Planning Conditions:**

#### **Reserved Matters**

- 1) No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;
- (e) The means of access to the site.

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

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

- 2) **Time Limits**

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

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

- 3) **Reserved Matters to be submitted**

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

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

- 4) **Levels**

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

Reason: To ensure that the work is carried out at suitable levels in relation to adjoining properties and the wider surroundings, having regard to amenity, landscape, biodiversity, access, highway and drainage requirements and to



accord with Policies CS1, CS8, CS11 and CS17c of the Harborough District Core Strategy.

5) **Boundary and Surface Treatments**

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

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

6) **Materials Details**

The external appearance details to be submitted in accordance with Condition 1 shall include details of the materials to be used externally in the construction of dwellings and other buildings (all bricks, including brick bond style, tiles, including ridge tiles, render types and colours, any date stones, garage door and other doors, windows, sills and lintels, corbel/dentil/string course brickwork, rainwater goods, porch canopies, bargeboards, fascias, soffits, finials and other external materials). Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

Reason: In the interest of visual amenity, to ensure that the materials are appropriate to the character and appearance of the development and the surrounding area (including the setting of the Market Harborough Conservation Area) and to accord with Policies CS1, CS2, CS11 and CS17 of the Harborough District Core Strategy.

7) **Landscape**

The landscaping details to be submitted in accordance with Condition 1 shall include:

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

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with Policy CS8 and CS11 of the Harborough District Core Strategy.

8) **Landscape Management Plan**

No development shall commence on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area and to accord with Policy CS8 and CS11 of the Harborough District Core Strategy.

9) **Car Parking Provision**

Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling in accordance with Leicestershire County Council 6 'C's Design Guide. The parking spaces so provided shall thereafter be permanently so maintained.

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

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

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

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

11) **Construction Method Statement**

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;

- c) storage of oils, fuels, chemicals, plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities and road cleaning arrangements;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
- h) measures for the protection of the natural environment;
- i) hours of work on site, including deliveries and removal of materials;
- j) full details of any piling technique to be employed, if relevant;
- k) location of temporary buildings and associated generators, compounds, structures and enclosures;
- l) details of the routing of construction traffic.

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

12) **Foul Water Drainage Details**

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

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

13) **Surface Water Drainage Details**

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

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

14) **Risk Based Land Contamination Assessment**

No development (except any demolition permitted by this permission) shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The

Risk Based Land Contamination Assessment shall be carried out in accordance with:

- BS10175:2011+A1:2013 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.

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 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings

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 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

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

Reason: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 120 of the NPPF and to accord Policy CS11 of the Harborough District Core Strategy.

15) **Completion/Verification Investigation Report**

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

1) If no remediation was required by Condition 14 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 120 of the NPPF and to accord Policy CS11 of the Harborough District Core Strategy.

## 8.2 Recommended Informative Notes:

### 1) **Building Regulations**

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

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

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

### 3) **Wildlife and Countryside Act**

The applicant is reminded that bats and owls may be using the buildings as a nesting place. Both species are protected under the Wildlife and Countryside

Act 1981. Should bats or owls, or evidence of them be present or be suspected in the buildings the applicant should contact Natural England.

**4) Burning of Construction Waste**

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) Land Drainage Consent**

You are advised that this proposal may require separate consent under Section 23 of the Land Drainage Act 1991 in the event that the proposed development will impact upon water flows in a watercourse or ditch.

## Planning Committee Report

**Applicant:** William Davis Ltd And The Trustees Of The Late Jessie Dixon

**Application Ref:** 17/00212/OUT

**Location:** Land off Winckley Close, Houghton on the Hill, Leicestershire

**Proposal:** Outline application for residential development of up to 48 dwellings with associated infrastructure and public open space (means of access to be considered).

**Application Validated:** 06.03.2017

**Target Date:** 05.06.2017 (Extension of time agreed until 15<sup>th</sup> June 2017).

**Consultation Expiry Date:** 20.04.2017

**Site Visit Date:** 27.03.2017

**Case Officer:** Jeremy Eaton

## Recommendation

Planning Permission is **APPROVED** for the reasons set out within this report, and subject to a S106 Agreement (see Appendix A) and Planning Conditions and Informative Notes (see Appendix B).

### Recommended Justification Statement:

The development hereby approved is contrary to the Development Plan as it proposes housing development in the open countryside; however, the policies of the Development Plan are out-of-date, by virtue of the Council not being able to demonstrate a 5-year supply of deliverable housing sites, in which case the presumption in favour of sustainable development, as per Paragraph 14 of the NPPF, should be applied.

The development would, through the loss of this greenfield land, result in limited and localised harm to the intrinsic character and beauty of the countryside. However, this harm can be reduced in the longer-term through robust landscape mitigation. Furthermore, in respect of non-designated archaeological assets, ridge and furrow, the scale of harm resulting from the proposed development is limited as the available evidence suggests any likely remains won't be of such significance as to represent an obstacle to development. The identified harm to the countryside and non-designated archaeological assets has been weighed against the public benefits of the proposal in accordance with Paragraph 134 of the NPPF. The public benefits include social benefits of market and affordable housing, economic investment in the local area and improvements to biodiversity. In addition, there are no technical reasons, for example highway safety, heritage assets, ecological, flood risk/drainage and residential amenity, to withhold planning permission. On balance, the adverse impacts of the development are not considered to significantly and demonstrably outweigh the benefits.

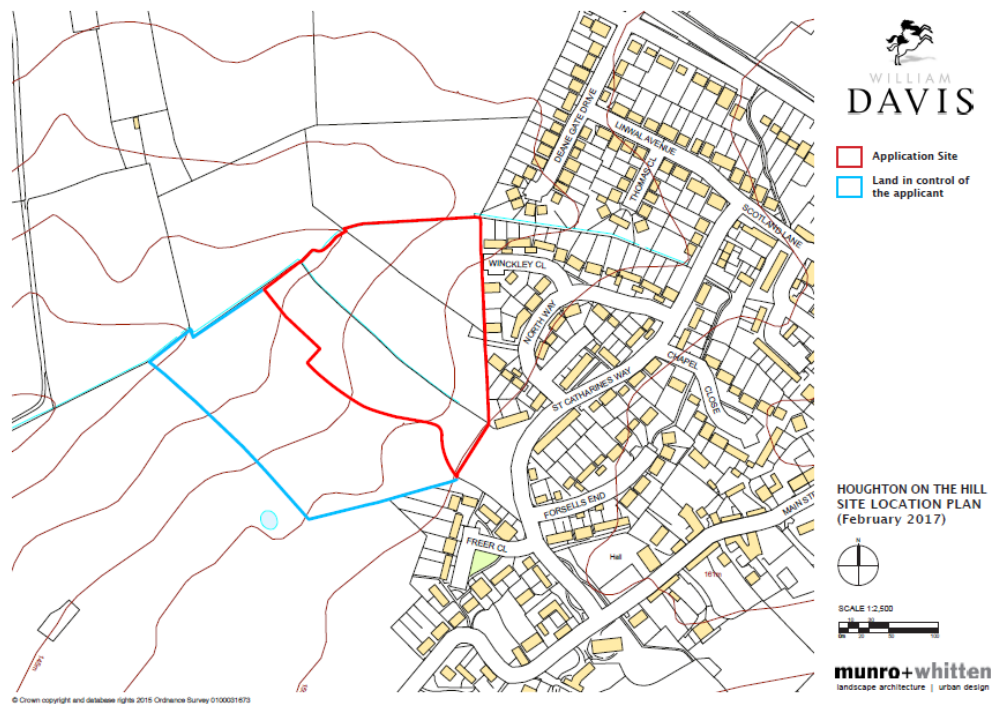
Despite the conflict with "saved" policy HS/8 of the Harborough District Local Plan and Policies CS2(a) and CS17(a) of the Harborough District Core Strategy, with appropriate mitigation where required, it is considered that the proposed development would be in accordance with the up-to-date elements of Policies CS1, CS2, CS3, CS5, CS8, CS9, CS10,



CS11 and CS17 of the Harborough District Core Strategy and “saved” Policy HS/8 of the Harborough District Local Plan. The proposal represents sustainable development which accords with the NPPF, and the decision has been reached taking into account Paragraphs 186 and 187 of the NPPF.

## **1. Site & Surroundings**

- 1.6 The application site comprises three field parcels, approximately 3.55 Ha in extent, on a north-west facing slope located to the north-west of the settlement of Houghton on the Hill, Leicestershire. The application site is located outwith, but adjoining the Development Limits of Houghton on the Hill.
- 1.7 The site is currently occupied for the purposes of agriculture, and is is predominately managed agricultural grassland.
- 1.8 The appication site is defined to the north, west and south-east by hedgerows containing trees. A mix of agricultural land borders the site to the north, west and south; whilst existing residential properties border the site to the east on Winckley Close and North Way. Further residential properties lie to the south of the site on Freer Close, which is located beyond a small area of public open space off St Catharine’s Way. The wider village settlement lies to the east and north of the site.
- 1.9 The site ranges in height from circa 140m above ordnance datum (AOD) on its the western boundary to circa 150m AOD on its eastern and southern boundaries. The central part of the site lies at circa 145m AOD. The prevailing topography across the site falls from east to the west.
- 1.10 A Public Right of Way (PROW) (PROW No. D11) passes the application site to the south and joins the surrounding highway network at Freer Close. This route connects the village with the A47 highway to the west.
- 1.11 There is a strategic gas main (Stretton Lane to Potter Hill) crossing the site from north-east to south-west.
- 1.12 Bushby Brook is located along the application site’s north and north-west boundaries. Bushby Brook is an ordinary watercourse which flows from north-east to south-west. Chalybeate Spring is located on the site. The spring issues near the top of the field and forms a watercourse along the southern field boundary which crosses the site. Chalybeate Spring outfalls into Bushby Brook.



**Figure 1: Site Location Plan**

## **2. Site History**

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

- 16/00037/OUT - Outline application for residential development of up to 48 units dwellings with associated infrastructure and public open space (means of access to be considered) – Refused (06.07.2016);
- 16/01547/OUT - Outline application for residential development of up to 44 dwellings with associated infrastructure and public open space (means of access to be considered) (revised scheme of 16/00037/OUT) – Refused (08.12.2016);
- APP/F2415/W/16/3155037 – Planning Appeal in connection with refusal of planning application reference 16/00037/OUT – Appeal Dismissed (22.12.2016) although it has returned to the Planning Inspectorate for re-determination; and
- APP/F2415/W/17/3167822 – Planning Appeal in connection with refusal of planning application reference 16/01547/OUT – Appeal on-going.

2.2 In respect of Planning Application reference 16/00037/OUT, which is materially relevant to this planning application given the nature of the similarities between the two development proposals, this was refused by Members at Planning Committee for the following reason:

*“The proposal by introducing significant built development will have a harmful impact upon the countryside, that potential landscaping will not satisfactorily*

*mitigate, detracting from its intrinsic character and beauty. This harm will significantly and demonstrably outweigh proposal benefits of delivering housing and affordable housing and the proposal is contrary to Core Strategy policies CS11, CS17 and the Framework.”*

- 2.3 The decision taken in connection with Planning Application reference 16/00037/OUT was subsequently taken to Planning Appeal. In respect of Planning Appeal reference APP/F2415/W/16/3155037, this was dismissed on the following ground(s):

*“... I find the Obligation is inadequate and unlikely to fund the necessary requirement for local services and facilities made necessary by the proposed development, thus placing considerable additional pressures on them. I find this would amount to the circumstances where the harm caused by this would significantly and demonstrably outweigh the benefits of the scheme ... This is sufficient for me to find against the proposed development.*

*For the reasons given above I conclude that the appeal should be dismissed.”*

- 2.4 Accordingly, whilst the Appeal was dismissed, the Council's previous ground for refusal was not upheld.
- 2.5 Notwithstanding the above, this Planning Appeal has since been returned to the Planning Inspectorate for re-determination following a successful High Court Challenge, under Section 288 of the Town and Country Planning Act 1990, against the decision taken in connection with Planning Appeal reference APP/F2415/W/16/3155037. This Appeal is still pending consideration at this time.
- 2.6 In respect of Planning Application reference 16/01547/OUT, this was refused by Members at Planning Committee for the following reason:
- “The development through loss of greenfield land will result in harm to the intrinsic character and beauty of the countryside. The harm identified significantly and demonstrably outweighs the benefit of providing housing and affordable housing. On balance, therefore, the development does not represent sustainable development in the context of paragraph 14 of the Framework and is contrary of Core Strategy policies CS11 and CS17 and permission should be refused.”*
- 2.7 The decision taken in connection with Planning Application reference 16/01547/OUT was subsequently taken to Planning Appeal. Planning Appeal reference APP/F2415/W/17/3167822 is still pending consideration at this time.

### **3. The Application Submission**

#### **a) Summary of Proposals**

- 3.1 This application seeks outline planning permission for a residential development of up to 48 no. dwellings with associated infrastructure and open space, including means of access which is proposed via an extension of Winckley Close.
- 3.2 With the exception of the means of access, matters of Access, Layout, Scale, Appearance and Landscaping are reserved for later consideration.
- 3.3 This application is accompanied by an Illustrative Masterplan (see Figure 2, below).



**Figure 2: Illustrative Masterplan**

## b) Documents submitted

### i. Plans

3.4 The application has been accompanied by the following plans:

- Site Location Plan;
- Drawing No. 005 (Means of Access);
- Drawing No. V6d Rev C (February 2017) (Illustrative Masterplan);
- Drawing No. SK01 (Sketch Part Site);
- Drawing No. BT04 Rev B (House Type Blyth – BT, Ground and First Floor Plans Setting Out);
- Drawing No. BT06 (House Type Blyth – BT, Front and Side Elevations);
- Drawing No. BT07 (House Type Blyth – BT, Rear and Side Elevations); and
- Viewpoint 5: Visual impression 10 years after planting, Rev B (2<sup>nd</sup> June 2016).

### i. Documents

3.5 The application has been accompanied by the following documentation:

- Planning Statement;
- Design & Access Statement;
- Landscape & Visual Assessment;
- Statement of Community Involvement;
- Transport Assessment;

- Tree Assessment Report;
- Flood Risk Assessment;
- Ecology Verification Report;
- Great Crested Newt Mitigation Strategy;
- Geophysical Survey Report;
- Archaeological Field Evaluation Report;
- Phase 1 Environmental and Geotechnical Engineering Report; and
- Agricultural Land Classification Report.

#### **c) Pre-application Engagement**

- Local Planning Authority
- 3.6 Prior to submitting this planning application, the proposed development was not subject to a pre-application enquiry.
- 3.7 Notwithstanding the above, prior to the submission of planning application references 16/00037/OUT and 16/01547/OUT, a pre-application enquiry was submitted to the Local Planning Authority on 16<sup>th</sup> June 2015, with a meeting held with Offices thereafter. Written Officer advice was received on 3<sup>rd</sup> August 2015. The Officer made a series of comments in relation to the principle of development and on the design and layout of the proposed development.
- 3.8 Furthermore, some discussions have taken place with the Applicants in respect of the recent and on-going Planning Appeals for the same site.
- Local Community
- 3.9 The Applicant engaged with the local community of Houghton on the Hill prior to the submission of planning application references 16/00037/OUT and 16/01547/OUT. This engagement is explained in more detail within the Statement of Community Involvement that accompanies this application. A summary of the engagement is outlined below.
- 3.10 A public consultation event was held on 12<sup>th</sup> October 2015 at Houghton Sports Pavilion from 15:00 to 19:30 hours. The event was well attended, with 73 no. people viewing the proposals and making comments.
- 3.11 Notwithstanding this, in light of the significant extent of public consultation undertaken historically, the Applicant decided not to undertake any further pre-application community consultation prior to the submission of this planning application.

#### **4. Consultations and Representations**

- 4.1 Consultation with technical consultees and the local community were carried out on the application.
- 4.2 A Site Notice was displayed outside the application site on Winckley Close on 27<sup>th</sup> March 2017, and a Press Notice was published in the Leicester Mercury on 30<sup>th</sup> March 2017.

- 4.3 A summary of the technical consultee responses received is set out below. Comments which relate to developer contributions are set out in **Appendix A**. If you wish to view the comments in full, please go to: [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)

#### **a) Statutory & Non-Statutory Consultees**

##### ***Houghton on the Hill Parish Council***

- 4.4 The Parish Council's observations remain substantially similar to those submitted following its February, May, June and November 2016 meetings and it fully supports HDC's refusal of the application. It was therefore resolved to submit the following additional comments:

- i) Since the application was submitted the regular bus service has been reduced and depleted to such an extent that it will be inadequate for people travelling to work. Additionally, the Neighbourhood Plan Questionnaire showed that some residents feel isolated and lonely. By reducing the bus service this problem is exacerbated. People occupying homes on the proposed new housing estates will need their own private transport to alleviate both isolation and access to work difficulties. Therefore the proposed development is not able to promote sustainable transport in accordance with the National Planning Policy Framework.
- ii) Comprehensive reports have been prepared by the JNP Group which carried out a review of the transport reports submitted by the developer and Landmark Planning had reviewed the application generally. Both of these reports were submitted to HDC in response to the initial application for 71 homes. These reports remain valid even though the proposed number of homes has been reduced.

During 2017 two other developers, Davidsons and Hazletons are commencing building operations on their sites north of the A47 (NDP Sites 1 and 2) for a total of 89 dwellings. Each site has a separate access junction to the A47 including ghost-lanes. There will also be a light-controlled pedestrian crossing. These developments will inevitably adversely impact on traffic movements at the nearby Deane Gate Drive junction, which is the main access to the A47 for the proposed development on Winckley Close.

- iii) The Houghton Neighbourhood Development Plan is now in final draft form and is expected to be submitted to HDC during April 2017, potentially pre-dating the appeal decision. In response to well-documented community opinion it allocates development sites sufficient for the HDC Local Plan in locations north of the A47, two of which are referred to above, and exclude development at Winckley Close.

As the HDC Local Plan evolves with a major development area at Scraptoft, adjacent to Houghton NDP area, maintaining a separation zone between the expanding Leicester city urban area and the High Leicestershire villages, of which Houghton is nominated as a Rural Centre in the HDC Local Plan, becomes ever more important. Development on the western side of Houghton infringes on this separation zone.

iv) The Houghton Neighbourhood Plan Pre-application consultation responses (August 2016) supported the questionnaire responses from earlier in the year, and clearly show the preferences of the community for locations of development sites. Winckley Close has not been, and is still not, a preferred site. With a 68% response rate to the questionnaire there is a very clear preference from within the community for sites north of the A47. Although the Houghton Neighbourhood Plan is immature, the results of the questionnaire are in the public domain, and the responses to the pre-application consultation and the NP working party response to them will also soon be in the public domain. These expressions of the opinion of the community should inform planning decisions.

v) The site lies within the High Leicestershire National Character Area 93. It is clearly visible, especially from the A47 to the west of the village. The applicants admit that of the 12 examined viewpoints, 7 will suffer moderate or substantial visual impact from the development. It should be noted that 7 out of 12 is almost 60%, and should not be dismissed as is stated in the original application. One of the viewpoints registered as substantial/moderate visual impact is across the public open space on St Catharine's Way (known as St Catharine's Green) which is highlighted in the Parish Plan as being one of the views most valued by the community. This is referred to as Viewpoint 2 Public open space off North Way in the Landscape and Visual Impact Appraisal Document.

The location of the attenuation basin/SUDS (sustainable urban drainage system) in the north west corner of one of the current green fields of this site will mean it will be visible from St Catharine's Green, as will rooftops of proposed new residential plots on the edge of the proposed scheme. The view across green fields from St Catharine's Green is a view greatly appreciated by villagers, as confirmed in the Parish Plan and evidence obtained in the Neighbourhood Plan questionnaire.

vi) The Parish Council notes that the footpath referred to in the Design and Access Statement 7.2.1 is not shown on the Masterplan V6D RevC (Feb 2017).

7.2.1 Additional to the pedestrian access from Winckley Close, it is proposed that there will be a pedestrian access route from the south of the site connecting to St. Catharine's Way (via the existing public open space), to the south of the North Way / St. Catharines Way priority T-junction is not shown on the Masterplan V6D RevC (Feb 2017).

vii) The Parish Council notes that 2 ponds have been shown on plans for the previous developments but in this application there is only one.

viii) The proposed homes will impact on the view from St Catharine's Green, a view greatly appreciated by villagers

ix) Concerns remained in respect of the high pressure gas main that runs through the site and has not been addressed by the developer.



- 4.5 **Harborough District Council (Planning Policy)**  
No comments received.

- 4.6 **Harborough District Council (Environmental Health)**  
No comments concerning land contamination.  
In respect of other matters; owing to the close proximity to neighbouring residents, I would request that a construction method statement is attached to any approval granted. In terms of wording, I believe the following condition (see Condition 13, Appendix B) is appropriate.

- 4.7 **Harborough District Council (Waste Management)**  
No comments received.

- 4.8 **Harborough District Council (Technical Services – Drainage)**  
No comments received.

- 4.9 **Harborough District Council (Neighbourhood and Green Spaces Officer)**  
The site is considered to be in a rural location for semi natural greenspace. All typologies are required on site, unless agreement is reached by the LPA to accept off site contributions. Agreement must be in writing and after consultation with the community.

The provision for Children and Young People amounts to a LEAP, the design of which should fit the surroundings and use natural play structures. Any SUDS structures should provide additional habitat and biodiversity. An off site contribution will be required for additional burial spaces to be spent in the accessibility threshold of 2km.

It is unlikely that the District Council would accept the Public Open Space for adoption. If the Parish Council accept responsibility for management of the open space it will be with a commuted sum for maintenance as set out below. Alternatively the developer can make provision to maintain the site through a management company.

A landscape management plan should be provided to give assurance that the maintenance will be undertaken in perpetuity.

The provision of on site Outdoor Sports facilities and allotments may not be suitable on site, and an off site contribution can be discussed with the Local Authority to provide additional or upgraded facilities within the accessibility threshold for the typologies.(at Houghton recreation ground and allotments respectively). A contribution is required for enhancement of the sustainable travel network as identified in the Provision for Open Space Sport and Recreation 2015 – adopted in 2016. This can be on site links to the village with additional signage to the existing networks within the village of Houghton on the Hill.

The Officer has calculated the required provision in terms of open space, sport and recreation, with required financial sums required under a S106 Agreement for off-site provision, and maintenance where/if. This information can be found within Appendix A.

- 4.10 **Harborough District Council (Parish Liaison and Engagement Officer)**  
Developer contribution sought to be used to improve community facilities in the locality as detailed within Appendix A.

**Harborough District Council (Housing Enabling and Community Infrastructure Officer)**

- 4.11 Our Affordable Housing requirement will be to seek 40% Affordable Housing of the total site yield in accordance with Policy CS3. On a site proposal of 48 units, this will equal 19.2 AH units rounded down to 19 AH units as our requirement. Our current tenure split requirements are for the affordable requirement to be provided as 60% rented and 40% to be provided as intermediate or shared ownership. However we will be flexible in our approach to tenures.

We will not stipulate our specific unit mix and tenure split for the affordable house types at this point in time.

We will provide our exacting requirements if and when a full application is submitted or at Reserved Matters Stage. This ensures greater accuracy in our request for specific unit types and accords more accurately with our housing need profile at a point when the scheme is more likely to be progress.

A wider strategic assessment for delivering AH is currently under review. We may as a result consider other options / ways for delivering AH. Please make the applicant aware of our AH requirements.

The applicant has submitted a Planning statement which appears to commit to Policy CS3 AH.

The applicant is advised to consult with our RP Partner and the Council's HCI Officer to discuss the AH requirements at the earliest stage possible. RP list is attached for the applicant.

**Leicestershire County Council (Highways)**

- 4.12 The County Highway Authority provides this advice in line with previous formal responses on this site.

Further to previous correspondence with the applicant concerning the scope required for the transport assessment of the above development proposal the CHA is content that, subject to the conditions and contributions outlined within this report, the application for outline planning permission for 48 dwellings and proposed means of access as shown off Winckley Close is generally acceptable in highway terms.

Whilst it is accepted that the development proposal will lead to a significant increase in vehicular trips on local roads, especially routeing towards the A47, Uppingham Road, the impact of this would not lead to demonstrable severe harm as defined and necessitated within the National Planning Policy Framework (NPPF) such that the development proposal could be resisted on highway grounds.

Review of personal injury collision data on the local highway network demonstrates that there have been zero recorded incidents on the local network surrounding the proposed site. As such it could not be argued that the development proposal could lead to any degree of exacerbation of existing highway safety trends.

A robust assessment of the developments' impact in vehicular trips has been undertaken and demonstrated that the key junctions identified operate within capacity.

A variety of local amenities are available within walking distance from the proposed

development and an hourly bus service is available as a genuine alternative to the private motor car for trips into Leicester City or east towards Uppingham.

Consequently, and in accordance with the parameters set out in the National Planning Policy Framework, an argument of demonstrable severe harm caused by the development proposal could not be substantiated.

#### Site Access

The site access shown in drawing number 005 would appear generally acceptable to the CHA but it should be noted that a full design submission will still be required before the relevant agreement (S278 / S184 etc) can be entered into for construction and following detailed design, amendments to the design submitted may still be required.

#### Internal Layout

No assessment has been made regarding the suitability of the layout for adoption as the application is outline all matters reserved save access.

The Local Highway Authority have requested conditions be attached in the event that Outline Planning Permission is granted (see Conditions 10-13, Appendix B), as well as Informatives (see Informatives 4-6, Appendix B).

#### **Leicestershire County Council (Principal Ecologist)**

- 4.13 I have no objections to this proposal, as long as the great crested mitigation strategy (Feb-17, REC) is a condition. There is a known GCN pond to the SW of the site. Buffer zones are created to most of the hedges, including a connecting corridor to another known GCN pond in the village, and an ecological enhancement are is proposed, plus the planting of new hedgerows.

Potential conditions and informatives have been suggested in the event that Outline Planning Permission is granted (see Conditions 23-25 and Informatives 8-10, Appendix B).

#### **Leicestershire County Council (Senior Forestry Team Leader)**

- 4.14 The FPCR arboricultural report is professional and detailed, and provides all the necessary data in accordance with BS5837:2012 to inform a development layout.

It appears that most of the 'internal' trees and hedgerows can be retained in 'greenways' between the housing plots defined by their access roads, and the housing areas themselves are within the open paddocks devoid of trees. I note a particularly potentially uncomfortable relationship, that between T12 (cat. B) and the adjacent plots 23 and 24. The rear gardens are relatively small and I expect there could be subsequent concerns about overbearing, falling detritus, shade, etc. The tree is currently recorded as 16m in height and with a southerly crown-spread of 8m – I suspect that's the entire garden areas of those plots.

#### **Leicestershire County Council (Archaeologist)**

- 4.15 Following detailed archaeological assessment (Desk-based Assessment (CGMS ref.: PGC/PG/18899/01); Geophysical Survey (MOLA ref.: 15/201) and Trial Trenching (TPA ref.: 037/2016) of the above proposals it is possible to conclude that the application area possesses a low to negligible archaeological interest for the survival of significant buried archaeological remains. Whilst the submitted geophysical survey postulated the presence of archaeological features/deposits, subsequent trial

trenching has demonstrated that the anomalies identified could be attributed to a combination of field drains and geological changes. On that basis, in respect of the potential for significant subsurface archaeological remains, we are now in a position to withdraw our previous concerns and do not wish to comment further. The remaining heritage issue is limited to the presence of ridge and furrow earthworks, surviving elements of the medieval and post-medieval openfield system. The latter are described and assessed in the applicant's submitted desk-based assessment (CGMS 2015 Sections 4.8.5; 4.10.3-5; 5.1.2; 5.3.2; 6.4; 6.6; Plate 3, 4-6). Broadly the DBA suggests the earthwork remains are of 'local importance' and that the impact of the proposals, thought likely to destroy evidence of the ridge and furrow earthworks within the footprint of the application, can be addressed by the completion of a topographic survey of the remains prior to the start of development works.

The ridge and furrow remains survive as well preserved earthworks located in the central and southwestern fields. In both cases they consist of approximately SE to NW aligned lands (ridges) of varying widths and length, with the wider form tending to be located to the south-west of the development area. Given the varying character of the observable remains, it is likely the surviving remains represent parts of more than one furlong, the latter representing separate coherent groups of lands, located within the wider open field landscape. A curious feature of the surviving remains is an apparent gap in the system located within the southern field, this appears to be located in a seam between two separate furlongs. Modern mapping indicates the presence of a chalybeate spring in the immediate area, which might be associated with the feature. However earlier mapping marks a spring to the northeast. An alternate explanation might rest with either a former area of trees subsequently removed, or a backfilled quarry, or similar feature. In any event the ridge and furrow earthworks appear to respect the area suggesting a medieval date for the definition of the area.

Documentary evidence for the evolution of the historic landscape is sparse with the enclosure Act dated to 1765, and the Award held by the Leicester Record Office. There is some evidence of early enclosure taking place at Houghton in the 16th century, and two closes Hall Close and Horn's Close are noted in the Inclosure Award. It seems likely however that much of the manor remained unenclosed until the 18th century.

The development currently proposed represents a reorganisation of the proposed housing in comparison with that refused under the previous application (16/00037/OUT), notably a reduction in the extent of development affecting the southwestern field. The decision to refuse the latter application in part due to its landscape impacts was subsequently considered at appeal. The identified landscape impacts of the former scheme were deemed 'not sufficient to outweigh the considerable economic and social benefits identified by the main parties that the proposed development would bring in sustaining local services and facilities, providing construction employment opportunities as well as providing much needed housing and affordable housing while contributing to the Council's five year housing land supply.' On that basis it is considered the reduced impact of the current scheme cannot be deemed to result in a level of harm to the historic landscape, as detailed in CS11 (b), such that it would justify a reason for refusal of the current scheme. It is sufficient however, to merit appropriate archaeological topographic survey of the effected and immediately associated earthwork remains. As such it is recommended that the applicant is required to make provision for an appropriate topographic survey, to be undertaken in advance of development, in accordance with a written

scheme of investigation submitted to and agreed with the planning authority prior to its implementation.

The WSI should comply with relevant Chartered Institute for Archaeologists' "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

We therefore recommend that any planning permission be granted subject to the following planning conditions, to safeguard any important archaeological remains potentially present (see Conditions 20-22, Appendix B).

**Leicestershire County Council (Lead Local Flood Authority (LLFA))**

- 4.16 The site is located within Flood Zone 1 and is therefore the most appropriate location for development. The submitted FRA (Flood Risk Assessment) states the risk to the site from surface water flooding is low to very low however from review of the Environment Agency's Flood Risk from Surface Water maps, the site is at high risk of surface water flooding associated with the adjacent Bushby Brook ordinary watercourse.

The submitted outline masterplan shows plots 3-7 in close proximity to this watercourse and as such further assessment should be conducted to ascertain the risk of flooding to the development. Given the submitted application is for outline permission with layout reserved for later approval, the LLFA is minded to accept this watercourse will be investigated further subject to the below conditions (see Conditions 16-19, Appendix B).

**Leicestershire County Council (Developer Contributions Officer)**

- 4.17
- Education: Developer Contributions are sought towards Primary and Secondary School Sectors. The site falls within the catchment area of Houghton on the Hill Primary School. The School has a net capacity of 180 no. and 234 no. pupils are projected on the roll in the event that this development were to proceed, a deficit of 54 no. pupils. A total of 7 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and have to be discounted. This reduces the total deficit for this school to 47 no. pupil places.

The site falls within the catchment area of The Beauchamp College and Oadby Gartree High School. The Schools have a joint net capacity of 3059 no. and 3386 no. pupils are projected on the roll in the event that this development were to proceed, a deficit of 327 no. pupils. A total of 178 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and have to be discounted. This reduces the total deficit for this school to 149 no. pupil places.

Suggested Developer Contributions are outlined within Appendix A.

- Libraries: No claim. Residents of this development would be more likely to use Leicester City Library.
- Civic Amenity (Waste): No claim. The nearest Civic Amenity Site to the proposed development is located at Oadby and residents of the proposed development are likely to use this site. The Civic Amenity Site at Oadby will be able to meet the demands of the proposed development within the current site thresholds without the

need for further development and therefore no contribution is required on this occasion.

**Severn Trent Water**

- 4.18 No objection to the proposal subject to condition requiring the submission of drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority (see Conditions 15-16, Appendix B).

**National Grid**

- 4.19 National Grid has identified that it has apparatus in the vicinity of proposed development which may be affected by the activities specified, this includes: a High Pressure Gas Pipelines and associated equipment; and a Low or Medium Pressure Gas Pipes and associated equipment.

The National Grid must be consulted before any works commence on site. A PADHI+ Assessment should be carried out to determine the suitability of any development near a High Pressure Gas Pipeline. National Grid has an easement on this pipeline and would object to any development within the vicinity until the developer engages in detail discussions. See Informative 11, Appendix B.

**Civil Aviation Authority (CAA)**

- 4.20 No comments received.

**The Air Ambulance Service**

- 4.21 No comments received

**Chief Fire Officer**

- 4.22 No comments received.

**East Leicestershire and Rutland CCG**

- 4.23 No comments received.

**b) Local Community**

- 4.24 This application has generated a significant level of objection from the local community. To date, 94 no. letters of objection have been received. The Case Officer acknowledges that the representations received are very detailed and whilst regard has been had to these in assessing this application, it is impractical to copy these verbatim and, therefore, a summary of the key points/concerns, in no particular order, is provided below:

- Harborough District Council have previously refused planning consent for residential development on this site (under planning application references 16/00037/OUT and 16/01547/OUT). Despite the reduction in numbers (now 48 no. dwellings proposed) and other minor amendments, little consideration has been had to previous objections raised in connection with the 2 no. prior applications;
- Harborough District Council has already granted planning permission for 86 no. dwellings in sites off Uppingham Road, representing a 14% expansion for Houghton on the Hill. For a village of this scale, there is no further need for residential development of this scale;
- Coalescence with Bushby/Leicester and loss of identity;
- Erosion of the village character of Houghton on the Hill;
- Visual impact on the village and landscape;

- Loss of open countryside, and development on greenfield land which is located outwith the village boundary;
  - Loss/impact on Green Belt land;
  - Loss of agricultural land;
  - Loss of wildlife generally, impact on protected species (notably badger and great crested newts);
  - Loss of ridge and furrow;
  - Location of the high pressure gas pipeline and the potential safety implications;
  - Aviation noise and safety (light aircrafts/helicopters from Leicester Airport);
  - Impact on neighbouring properties residential amenity (loss of privacy);
  - Proposed access off Winckley Close (a cul-de-sac) and the associated traffic implications and highway safety concerns this will have on the surrounding roads and the village itself;
  - Inadequate public transport services serve Houghton on the Hill;
  - Impact on local services (notably GP surgery and the primary school);
  - Pre-empting the outcome of the Neighbourhood Plan;
  - The proposal does not demonstrate how it fulfils the criterion for Sustainable Development as outlined in the National Planning Policy Framework and
  - Increase in village population.
- 4.25 Many of the comments received refer to the previous applications, which are subject to Planning Appeals, and reiterate the previous points made which they consider to still be valid despite the reduction in number of dwellings in this application.
- 4.26 Notwithstanding the above, an online petition via Change.org has been registered by the Houghton Residents Group. To date, 103 no. signatures have been registered to this petition. This petition seeks refusal of this planning application.

## **5. Planning Policy Considerations**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *“where in making any determination under the Planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.”*
- 5.2 Unless stated, an explanation of the development plan policies; material considerations, evidence base and other documents referred to can be found at the beginning of the Agenda under ‘All Agenda Items Common Planning Policy’.

### **a) Development Plan**

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

#### *Harborough District Core Strategy*

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

- Policy CS1 (Spatial Strategy);
- Policy CS2 (Delivering New Housing);
- Policy CS3 (Delivering Housing Choice and Affordability);
- Policy CS5 (Providing Sustainable Transport);



- Policy CS8 (Protecting and Enhancing Green Infrastructure);
- Policy CS9 (Addressing Climate Change);
- Policy CS10 (Addressing Flood Risk);
- Policy CS11 (Promoting Design and Built Heritage); and
- Policy CS17 (Countryside, Rural Centres and Rural Villages).

*Harborough District Local Plan ("saved policies")*

5.4 Of the limited policies which remain extant, the following policy is considered to be relevant to this application:

- Policy HS/8 (Limits to Development).

<b>b) Material Planning Considerations</b>
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5.5 Material Planning Considerations relevant to this application are:

- The National Planning Policy Framework (The Framework/NPPF);
- National Planning Practice Guidance (PPG);
- Supplementary Planning Guidance Notes 1, 2, 4, 9-11, 13, 16 and 19;
- Supplementary Planning Document – Planning Obligations (January 2017);
- Five-Year Housing Land Supply Statement;
- Houghton on the Hill Landscape Character Assessment and Landscape Capacity Study (April 2016) – Potential Rural Centre;

A total of 20 different land parcels were assessed at Houghton on the Hill. The Site is identified as Land Parcel No.'s 7 and 8, and is assessed as having 'Medium' landscape capacity.

- Parish Plan (2004) & Village Design Statement (2004);

From analysis of the consultation questionnaire 203 of the 348 respondents (58%) expressed appreciation of the beautiful countryside around the village. Specifically mentioned were the views across the fields from the back of the church, those from the Weir Lane Playing Field, the views towards Thurnby from St. Catharine's Green / Deane Gate Drive / Freer Close.

- Emerging Houghton on the Hill Neighbourhood Plan;

Houghton on the Hill Parish Council applied for the designation of a Neighbourhood Area on 21 May 2015 under the Neighbourhood Planning (General) Regulations 2012.

The Houghton Neighbourhood Plan Working Party has reached the stage of the draft Submission Version (April 2017) of the Neighbourhood Plan.

The Neighbourhood Plan provides quantitative measures of the preferences of the community for development in particular areas of the village, and the application site was not a preferred site.

- Emerging Local Plan;

The Council undertook an Options consultation on its emerging Local Plan which expired on 30 October 2015. The consultation document upgraded Houghton on the Hill from a Selected Rural Village to a Rural Centre in light of evidence published in a Settlement Profile (May 2015) which stated that the Village had at least 4 out of the 6 key services (and a daily scheduled bus service) required for such settlements.

The document included a series of growth options to meet the Council's housing need which showed Houghton on the Hill delivering as much as 172 new homes up to 2031.

- Settlement Profile (May 2015):

Houghton on the Hill has the services to support its continued designation as a Selected Rural Village. With 4 out of the 6 key services it has the level of services to become a Rural Centre. Whether Rural Centre status is appropriate given its location between Billesdon (a Rural Centre) and Thurnby and Bushby will need to be considered further. It has the capacity to accommodate growth but there are constraints which could impact on the delivery of sites. Development would need to be sympathetic to the village's numerous heritage assets, the High Leicestershire landscape setting, traffic concerns and to any specific housing needs of the village.

- Strategic Housing Land Availability Assessment

The site is identified in the SHLAA as being potentially suitable; available and potentially achievable for residential development (Ref: A/HH/HSG/01).

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

The Assessment concluded that Harborough's priority should be to ease its '*extreme market housing affordability*', support the provision of additional affordable housing and support growth in employment / labour supply. Its overall conclusions were that the highest demand in market housing was for 2/3 bed market houses and 1/2 bed affordable homes.

- HEDNA (2017).

#### c) **Other Relevant Documents**

5.6 The following documents should be noted:

- The Community Infrastructure Levy Regulations 2010, S.I. No. 948 (as amended);
- Circular 11/95 Annex A – Use of Conditions in Planning Permission;
- ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System);
- Building for Life 12 (BFL12) (2012);
- Leicestershire County Council Planning Obligations Policy (December 2014);
- Leicestershire County Council Local Transport Plan 3 (LTP3);
- Leicestershire County Council Highways Authority 6Cs (Highways) Design Guide;

- Harborough District Council's Provision for Open Space, Sport and Recreation (2009);
- Harborough District Council's Planning Obligations Supplementary Planning Document (January 2017); and
- Planning Appeal reference APP/F2415/W/16/3155037 Decision Notice.

#### d) Other Relevant Information

##### *Reason for Committee Decision*

- 5.7 This application is to be determined by Planning Committee because the proposal is for 48 no. dwellings, which falls within the definition of a "Major Application" Development Type.

### 6. Assessment

#### a) Principle of Development

- 6.1 The application site is located outwith the Development Limits of Houghton on the Hill (a Selected Rural Village) as established under "saved" Policy HS8 of the Harborough District Local Plan. For planning assessment purposes, the application site represents un-developed land (greenfield land) within the countryside.
- 6.2 Policy CS2 of the Harborough District Core Strategy states:
- "The overall housing provision of at least 7,700 dwellings between 2006-2028 will be distributed as follows:*
- ...
- *Rural Centres and selected rural villages at least 2,420 dwellings.*
- a) *Limits to Development boundaries around settlements will be used to shape their future development as follows:*
- ...
- *Housing development will not be permitted outside Limits to Development ... unless at any point there is less than a five year supply of deliverable housing sites and the proposal is in keeping with the scale and character of the settlement concerned."*
- 6.3 Policy CS17 of the Harborough District Core Strategy states:
- "Outside these rural settlements (which includes Houghton on the Hill), new development in the Countryside ... will be strictly controlled.*
- Only development required for the purposes of agriculture, woodland management, sport and recreation, local food initiatives, support visits to the District and renewable energy production will be appropriate in the Countryside subject to compliance with other relevant policies in this Strategy."*
- 6.4 Harborough District Council is unable to demonstrate a 5-year supply of deliverable housing sites. This is outlined within the Council's '5 Year Housing Land Supply Position Interim Update 2016/17', which indicates a supply of 4.88 years.

6.5 Paragraph 49 of the NPPF advises *“that housing applications should be considered in the context of sustainable development”*, and that the *“relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”* In this case, *“relevant policies”* would include Policies CS2 and CS17 of the Harborough District Core Strategy, as well as *“saved”* Policy HS8 of the Harborough District Local Plan.

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

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

6.7 Such restrictive policies may have the effect of constraining the supply of housing land, in which event if a Local Planning Authority is unable to demonstrate the requisite five-year supply of deliverable housing sites then relevant policies are liable to be regarded as not up-to-date for the purposes of Paragraph 49 of the NPPF, and so out-of-date for the purposes of Paragraph 14 of the NPPF (the presumption in favour of sustainable development).

6.8 Furthermore, the Supreme Court gave judgement on 10<sup>th</sup> May 2017 in connection with an appeal against the decision reached by The Court of Appeal dated 17<sup>th</sup> March 2016 in respect of the Suffolk Coastal District Council v. Hopkins Homes Limited and Secretary of State for Communities and Local Government appeal, further addressing the meaning and effect of Paragraph 49 of the NPPF. Among other things, it held that:

*“The important question is not to define individual policies, but whether the result is a five-year supply in accordance with the objectives set by paragraph 47. If there is a failure in that respect, it matters not whether the failure is because of the inadequacies of the policies specifically concerning with housing provision, or because of the over-restrictive nature of other non-housing policies. The shortfall is enough to trigger the operation of the second part of paragraph 14”*

6.9 Notwithstanding the above, that is not an end to the matter, because if a policy is caught by Paragraph 49 of the NPPF, that doesn’t render it meaningless; it still forms part of the Development Plan as the Judgment (17<sup>th</sup> March 2016) makes clear at Paragraph 42:

*“The NPPF is a policy document. It ought not to be treated as if it had the force of statute. It does not, and could not, displace the statutory “presumption in favour of the development plan”, as Lord Hope described it in City of Edinburgh Council v Secretary of State for Scotland [1997] 1 W.L.R. 1447 at 1450B-G). Under section 70(2) of the 1990 Act and section 38(6) of the 2004 Act, government policy in the NPPF is a material consideration external to the development plan. Policies in the*

*NPPF, including those relating to the “presumption in favour of sustainable development”, do not modify the statutory framework for the making of decisions on applications for planning permission. They operate within that framework...It is for the decision-maker to decide what weight should be given to NPPF policies in so far as they are relevant to the proposal”.*

- 6.10 Importantly, the Court said the weight to be given to ‘out-of-date’ development plan policy will vary according to the circumstances, *“including, for example, the extent to which relevant policies fall short of providing for the five-year supply of housing land, the action being taken by the local planning authority to address it, or the particular purpose of a restrictive policy”*. The Court emphasised that ‘weight’ is always a matter of planning judgment for the decision-maker.
- 6.11 Limits to Development were adopted some 16-years ago, in the context of different national planning policy and based on now out-of-date housing need evidence. “Saved” Policy HS/8 of the Harborough District Local Plan, as well as aspects of Development Plan policies which reference this policy (e.g. Policy CS2 (a) and elements of CS17 of the Harborough District Core Strategy), represent restrictive blanket policies on new housing development outside Limits; taken literally, such policies limit new housing development to within the 2001 defined Limits to Development of Houghton on the Hill. “Saved” Policy HS/8 is inconsistent with relevant policies on sustainable housing development contained in the NPPF. Moreover, the Council resolved (December 2012) that the Core Strategy was not compliant with the NPPF on several grounds and that it should prepare a new Local Plan to replace it. The emerging Local Plan puts forward a criteria-based policy in substitution of defined limits altogether.
- 6.12 Having full regard to the recent Judgements, Officers consider that limited weight should be given to “saved” Policy HS/8 of the Harborough District Local Plan, and Policy CS2 (a) and elements of Policy CS17 of the Harborough District Core Strategy.
- 6.13 In circumstances where relevant policies are out-of-date, Paragraph 14 of the NPPF is engaged. Paragraph 14 advises that the presumption in favour of sustainable development means that permission should be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.”* Nonetheless, in making any such assessment of adverse impacts and benefits, appropriate weight should be attached to all aspects of Development Plan policies which are not out-of-date and which remain in accordance with the NPPF.
- 6.14 At this moment in time, therefore, the principle of residential development in this location would be in accordance with the provisions of Policy CS2 (a) of the Harborough District Core Strategy. As per Paragraph 14 of the NPPF and in light of recent appeal decisions, the proposal is considered to be acceptable in principle.
- 6.15 Resisting the proposal on the sole ground of it being beyond the defined Limits to Development for Houghton on the Hill is not considered to be sustainable at appeal, nor a desirable approach if the Local Planning Authority is to seek to deliver the current and future housing needs of the District.

- 6.16 The emerging Local Plan has reached the stage of assessing options. The Council's Executive on 9<sup>th</sup> May 2016 agreed to narrow down the original 9 no. options proposed within the Local Plan Options Consultation (September/October 2015) to 4 no. options for further assessment. The Pre-Submission Local Plan is due for publication in Summer 2017, for consultation, with submission to the Secretary of State for examination expected in November 2017.
- 6.17 Under the 4 no. options being assessed, Houghton on the Hill is allocated a range of between 0-130 no. dwellings as at 30<sup>th</sup> March 2016. This is in addition to the committed and completed 86 no. dwellings (under application references 13/01641/OUT and 15/01975/OUT) within sites (to the north of the A47 Uppingham Road) adjacent to the settlement from April 2011 to 30<sup>th</sup> September 2016. This will be updated before the Pre-Submission Local Plan is published. It is considered that the emerging Local Plan, which has not been subject to consultation or examination, can be given little weight at this time.
- 6.18 "Saved" Policy HS/8 of the Harborough District Local Plan, Policy CS2(a) and elements of Policy CS17 of the Harborough District Core Strategy are out-of-date in light of the fact that the Council cannot currently demonstrate a five year supply of deliverable housing sites. The proposal is, therefore, to be considered in line with the presumption in favour of sustainable development, as per Paragraph 14 of the NPPF.
- 6.19 Paragraph 8 of the NPPF states that the three dimensions of sustainable development (economic, social and environmental) *"should not be undertaken in isolation, because they are mutually dependent."*
- 6.20 The conformity of the proposed development to the criteria for sustainability is considered throughout the remainder of this report.

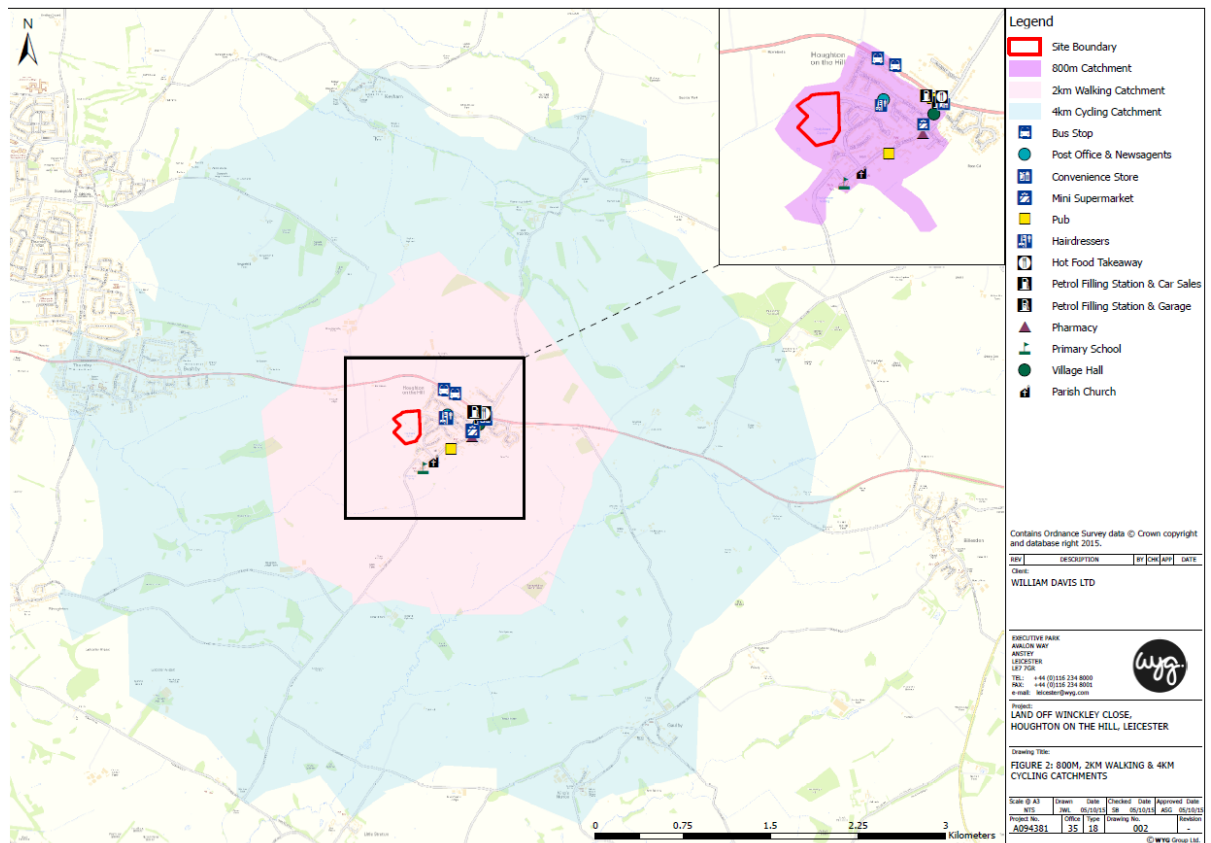
## **b) Locational Sustainability**

- 6.21 Houghton on the Hill is currently identified within the Harborough District Core Strategy as a Selected Rural Village. However, it is noted that the emerging Local Plan is likely to upgrade the village to a Rural Centre based on its available services and facilities.

### *Pedestrian & Cycle Accessibility*

- 6.22 The Chartered Institution of Highways and Transportation provides guidance on acceptable walking distances and suggests that a preferred maximum walking distance of 2.0km is applicable for commuting or school trips. The Department for Transport (DfT) in their 'Transport Statistics on Cycling in Great Britain' state that the average length of a cycle journey is 2.4 miles (3.84km). It can therefore be concluded that approximately 4km represents a reasonable average cycling distance. A distance of 4km from the centre of the proposed development incorporates all of Houghton-on-the-Hill.
- 6.23 In line with Figure 3, below, It is considered that the following available local amenities and facilities are within a reasonable walking and cycling distance of the proposed development:
- Houghton on the Hill C of E Primary School;
  - Village Hall;
  - Parish Church;

- Mini Supermarket;
- Post office and Newsagents;
- Pharmacy;
- Hairdressers;
- Petrol Station and Garage;
- Public houses;
- Hot food takeaway; and
- Bus stops.



**Figure 3: Map of Local Amenities and Facilities**

- 6.24 Policy CS5 of the Harborough District Core Strategy supports new development that is located in areas well served by local services which reduces the need to travel for occupants. The local amenities and facilities available within Houghton on the Hill, as illustrated within Figure 3, are within reasonable walking and/or cycling distances and would be sufficient to meet the day-to-day needs of a village community, and future residents of the proposed development will not be reliant upon travelling to other settlements to access basic amenities.
- 6.25 The Planning Practice Guidance (PPG) recognises that rural housing is essential to ensure the viable use of local services. The additional population associated within the proposal would be likely to increase custom for the shop and patronage of the services on offer, thus enhancing the prospects of the future retention of these services.
- 6.26 Please note that whilst previous proposals indicated the provision of a pedestrian footpath link connecting the proposed development to the public open space at St Catharine's Way, this is no longer proposed by the Applicant, as demonstrated on



the illustrative Masterplan. Notwithstanding this, the Case Officer sought clarification in respect of this matter from the Agent. In email correspondence received on 26<sup>th</sup> May 2017, the Agent states *“The footpath link is not considered to be necessary. Nevertheless, if the LPA considers that it is necessary then we would not object to a condition securing it. This is also our position at the appeal.”* Accordingly, this footpath link provision is not considered to be essential to the sustainability of this proposal, albeit would be a nice addition to the proposed development were it to be proposed by the Applicant.

#### *Public Transport*

- 6.27 Leicestershire County Council Highways' '6Cs Design Guide' states that *“in rural areas the walking distance (to bus stops) should not be more than 800m.”* The proposed development is within these walking distances, both during the peak and off-peak times of day.
- 6.28 The closest bus stops to the proposed development are located on St Catharine's Way, approximately 280m from the proposed site access, and Main Street, approximately 660m from the proposed site access. There are additional bus stops located on the A47 Uppingham Road, approximately 720m from the proposed site access. The St Catharine's Way and Main Street bus stops have timetable display cases only, whilst the A47 Uppingham Road bus stops incorporate timetable display cases, albeit the bus stops on the south side of the highway incorporate bus shelters.
- 6.28 These bus stops are served by the bus service 747, which up to December 2016 was operated and funded by Centrebus, although is now being funded by both Leicestershire and Rutland County Council's until at least January 2018. The existence and service level beyond January 2018 will be considered as part of Leicestershire County Council's countywide accessibility review in 2017/18.
- 6.29 Bus service 747, which runs between Leicester and Uppingham via Houghton on the Hill, Billesdon and Belton (Rutland), operates at approximately an hourly frequency (peak) and two-hourly frequency (off-peak) on Mondays – Fridays and a two-hourly frequency on Saturdays in the peak and off-peak times of day. No service is operated on Sundays and Bank Holidays. At peak times the bus route is along the A47 Uppingham Road, whilst at off-peak times the buses divert through the village via Main Street; see Figure 4, below.



**Figure 4: Bus Route (service 747) (Source: Houghton on Hill Neighbourhood Plan Draft Submission Version)**

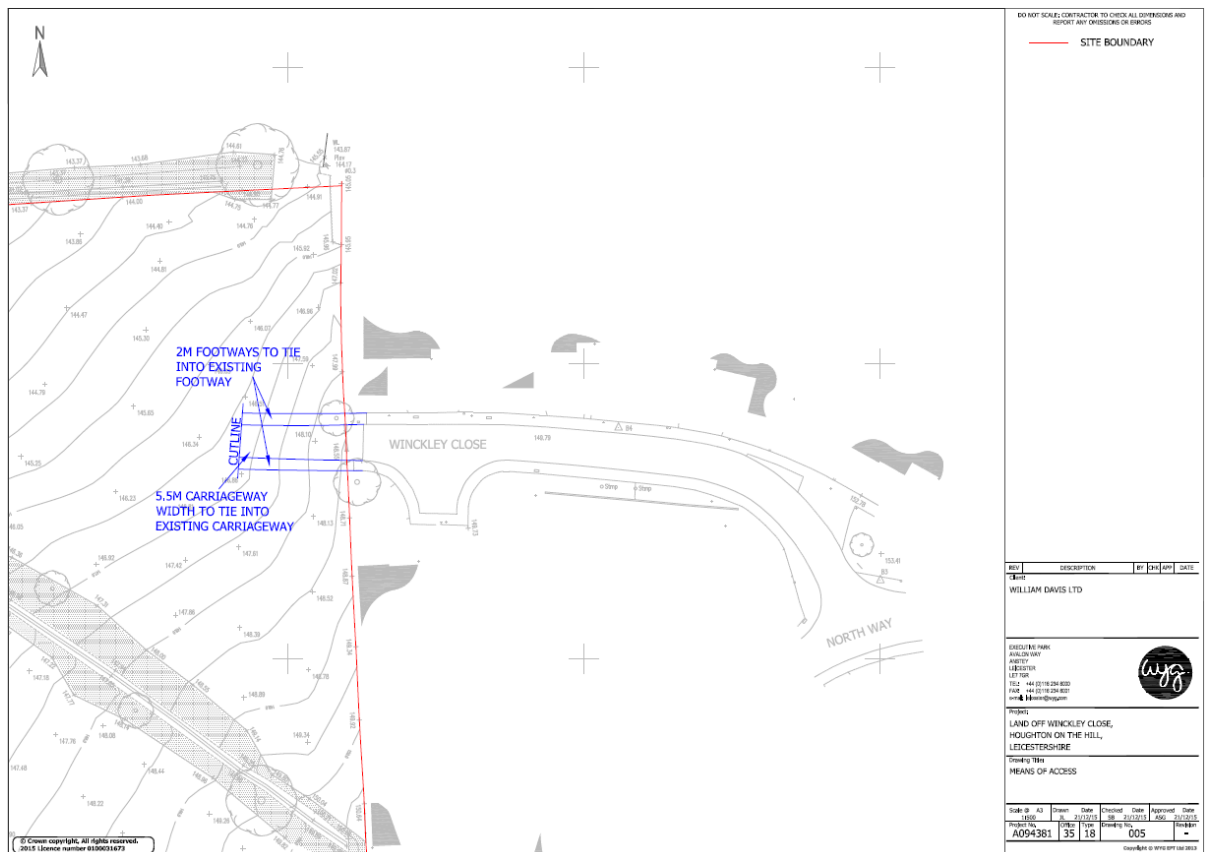
- 6.30 To encourage the use of sustainable modes of travel the Local Highway Authority are requesting that travel packs and 6-month bus passes (2 no. per dwelling) be provided by the developer, and contributions are sought in connection with improvements to the nearest bus stop(s), including real time information on bus times at an appropriate stop(s). This would be secured via aS106 Agreement.

#### *Locational Sustainability Conclusion*

- 6.31 In view of the above, it is considered that the application site is well situated to enable new residents to access local amenities and facilities within the village, by walking or cycling. Accordingly, the application site is considered to be sustainable in terms of its location.

### **c) Highway Matters**

- 6.32 Access is a matter for consideration as part of this planning application.
- 6.33 Vehicular and pedestrian access to the application site is proposed via an extension of Winckley Close, as indicated within Figure 4. It is proposed that the extended route to serve the new development would have a carriageway width of 5.5 metres with footways on either side of the carriageway having a width of 2m.



**Figure 4: Proposed Site Access**

### Existing Highway Network

- 6.34 Winckley Close is a residential estate road that connects to North Way via a simple priority T junction approximately 90m to the east of the proposed vehicular/pedestrian site access connection. Winckley Close is a single carriageway route with footways on either side of the carriageway and associated street lighting is present. It has a carriageway width of approximately six metres with footway widths of generally two metres.
- 6.35 Winckley Close is subject to a 30mph speed limit. There are no parking restrictions present and the route has frontage access to the majority of dwellings with off-street car parking provided for most dwellings through garages or private driveways. There are 11 no. dwellings served off Winckley Close.
- 6.36 To the east of Winckley Close, North Way continues as a single carriageway residential estate road connecting to St. Catharine's Way, providing access to the local trunk road A47 Uppingham Road via St. Catharine's Way, Linwal Avenue and finally Deane Gate Drive. In addition, St. Catharine's Way provides access to Main Street, leading to Stretton Lane, a local access road providing a route to locations south of Houghton-on-the-Hill.

### *Traffic Survey*

- 6.37 Classified junction turning counts were undertaken (by WYG Transport Planning on behalf of the Applicant) at the A47 Uppingham Road / Deane Gate Drive junction during the weekday morning and evening peak periods (08:00 – 09:00 and 17:00 – 18:00 hours) on Tuesday 29 September 2015.
- 6.38 This survey outlined that the main road is busy at peak times and that traffic volumes in and out of Deane Gate Drive are low. Vehicles exiting or entering the side road from the A47 Uppingham Road experienced little or no delay. Traffic volumes on the roads between the application site and A47 Uppingham Road are very low and there is no traffic congestion caused by the volume of traffic. There is some congestion on Main Street, particularly at school drop off time, caused by the number of vehicles, deliveries to businesses, the presence of on-street parking and the narrow roads and bends at the southern end of Main Street.

### *Proposed Trip Generation*

- 6.39 The Transport Assessment, prepared by WYG Transport Planning on behalf of the Applicant, submitted with this application indicates that average trip rates have been obtained for peak periods. The Local Highways Authority have requested the use of 85<sup>th</sup> percentile trip rates to provide the most robust assessment possible. This results in the following summary of weekday AM and PM peak hour 85<sup>th</sup> percentile trip rates as shown in Table 1, below.

Peak Hour	Trip Rate (per dwelling)		
	Arrivals	Departures	Total
AM (08:00 – 09:00)	0.321	0.405	0.726
PM (17:00 – 18:00)	0.353	0.412	0.765

**Table 1: Peak Hour 85<sup>th</sup> Percentile Trip Rates (Per Dwelling)**

- 6.40 Using these trip rates, the estimated trip generation for a 48 dwelling development is shown in Table 2, below.

Peak Hour	Trips (Vehicles)		
	Arrivals	Departures	Total
AM (08:00 – 09:00)	15	19	35
PM (17:00 – 18:00)	17	20	37

**Table 2: Peak Hour Trip Generation (48 no. Dwellings)**

- 6.41 The predicted vehicular trip generation associated with the proposed development would be 35 no. trips (two-way) during a typical weekday morning peak hour and 37 no. trips (two-way) during a typical weekday evening peak hour.

### *Trip Distribution*

- 6.42 The Transport Assessment indicates that the distribution pattern of the traffic generated by the proposed development suggests that the large majority of new vehicle trips (75.8%) are likely to travel to/from Leicester and the most likely route for that traffic will be via Winckley Close, North Way, St. Catharine's Way, Linwal

Avenue, Deane Gate Drive and the A47 Uppingham Road. Small proportions of traffic are expected to travel to/from other directions; 16.8% to the south via Stretton Lane, 4.8% to/from the east via the A47 Uppingham Road and 2.5% to the north via Ingarsby Lane.

- 6.43 This distribution pattern of traffic generation demonstrates that there will be very small volumes of traffic travelling through the village centre along Main Street. Trips within the village to Main Street and the primary school are well within easy walking/cycling distance of the proposed development and will not likely generate a significant number of vehicular trips for these purposes.

#### *Accident Analysis*

- 6.44 In relation to traffic accidents on the local highway network within the vicinity of the application site over the period 2011-16, WYG Transport Planning obtained personal injury collision (PIC) data from the Local Highways Authority. The Local Highways Authority identified that no collisions occurred within the study area over this period; however, one collision took place in 2016 on the A47 Uppingham Road, approximately 230m north-west of Dean Gate Drive. This was a “slight” collision that involved one vehicle.

#### *Highway Impact Assessment*

- 6.45 The trip distribution forecast shows that most of the generated traffic will travel through the A47 Uppingham Road / Deane Gate Drive T-junction. No other junctions within the village are likely to experience any capacity issues caused by existing or new traffic.
- 6.46 Table 3, below, outlines the predicted change in traffic flows at the A47 Uppingham Road/Deane Gate Drive T-junction and the percentage change when comparing ‘with’ and ‘without’ development flows. The small number of two-way development flows predicted during each peak hour will result in a small net change in total flows through the A47 Uppingham Road/Deane Gate Drive T-junction. A maximum increase of 2.5% during the PM peak is predicted.

Peak Hour	Total Junction Flow Base Without Development Flow (pcus)	Development Flows (pcus)	% Change
AM Peak (07:45 – 08:45)	1256	25	2.0%
PM Peak (17:00 – 18:00)	1042	26	2.5%

**Table 3: Highway Impact Assessment (A47 Uppingham Road/Deane Gate Drive T-Junction)**

- 6.47 WYG Transport Planning have undertaken a capacity assessment for the A47 Uppingham Road/Deane Gate Drive T-junction. Table 4, below, provides the summary of this assessment. The results indicate that the junction would continue to operate with spare capacity even with the additional traffic generated from the proposed development, and the impact of the proposal on the operation of the local highway network would be minimal.

Junction	AM Peak (8am to 9am)		PM Peak (5pm to 6pm)	
	Maximum RFC	Maximum Queue	Maximum RFC	Maximum Queue
A47 Uppingham Road / Deane Gate Drive Junction	0.14	0.1	0.11	0.1

**Table 4: Base with Proposed Development Junction Capacity Assessments**

- 6.48 Leicestershire County Council Highways were consulted on this application. Their advice states *“the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF”*. Accordingly, subject to conditions (see Conditions 10-13, Appendix B), the Local Highways Authority has raised no objection to the proposed development.
- 6.49 In view of the above, it is not considered that the proposal would give rise to any material harm in respect to matters of highway safety. Accordingly, it is considered that the proposed development would be in accordance with the relevant provisions of Policies CS5 and CS11 of the Harborough District Core Strategy, and Leicestershire County Council Highways’ ‘The 6Cs Design Guide’.

### **c) Landscape Character and Capacity**

- 6.50 Section 7 of the NPPF provides detailed policy regarding good design. Of particular note are Paragraphs 58, 60, 61 and 64. Section 11 of the NPPF also addresses ‘conserving and enhancing the natural environment’, and states at Paragraph 109 that:
- “The planning system should contribute to and enhance the natural and local environment by:*
- *Protecting and enhancing valued landscapes ...”*
- 6.51 Policy CS17 (c) of the Harborough District Core Strategy states that:
- “Rural development will be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape character area in which it is situated.”*
- 6.52 In order to determine the effect of the proposed development, it is important to fully understand the character of the application site. Once the landscape character has been established, its sensitivity can be determined which will inform the significance of any change that may occur.
- 6.53 There are no national (e.g. Green Belt, National Park, Area of Outstanding Natural Beauty (AONB), etc.) designated landscapes within or adjacent to the application site.
- 6.54 In respect of the national landscape character, Natural England’s National Character Areas (NCAs) identify broad, strategic character areas for the whole of England. The application site lies within the National Character Area 93: High Leicestershire. The NCA description of High Leicestershire, amongst other things, states:

*“Characteristic small historic villages, usually located on high ground, such as Kings Norton and Houghton on the Hill, comprise buildings clustered around prominent spired churches of limestone or ironstone...”*

- 6.55 Under Statements of Environmental Opportunity (SEO) which form part of the NCA profiles, only, SEO1 is relevant to the site. It states:

*“Protect and appropriately manage the strong visual and historic character of this varied and sparsely settled rural landscape of broad rolling ridges and wide secluded valleys – maintaining the settlement pattern and features of High Leicestershire, in particular its areas and features of archaeological and heritage interest, including the field patterns, ridge and furrow, ancient woodlands, country houses and village churches – to enhance sense of place and history so that the area can be enjoyed by all for its tranquillity.”*

- 6.56 In respect of the regional landscape character, Houghton on the Hill falls entirely within Landscape Character Type 5C: Undulating Mixed Farmlands.

- 6.57 In respect of the county and district landscape character, the Harborough District Landscape Character Assessment and Landscape Capacity Study (July 2014) identifies broad, strategic character areas, their sensitivity to change and landscape capacity. The application site lies within the High Leicestershire Landscape Character Area.

- 6.58 The key characteristics of the High Leicestershire Landscape Character Area include, but are not limited to, the following:

- *“Steep undulating hills;*
- *Rural area with a mix of arable farming on lowlands and pasture on hillsides;*
- *Scattering of traditional villages and hamlets through the area; and*
- *Encroachment of Leicester to the west of the area.”*

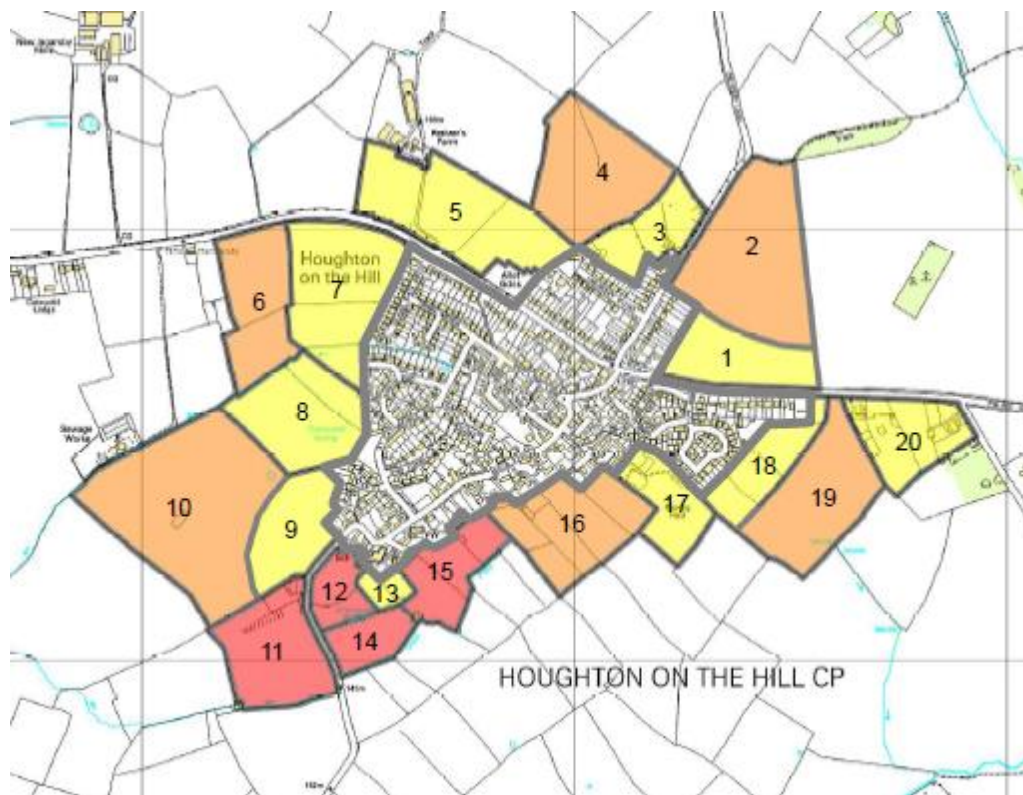
- 6.59 The study outlines that the sensitivity of the High Leicestershire Landscape Character Area has been assessed as being of medium to high sensitivity, with a low to medium capacity range for further development.

- 6.60 The commentary provided within the study provides the following assessment of Houghton on the Hill:

*“Houghton on the Hill is a village located within the western part of the characteristic High Leicestershire landscape. The village is approximately 8km from the centre of Leicester and 2km from the eastern edge of the associated built up area where the village of Thurnby and Bushby form the outer extents. The historic core of Houghton on the Hill is centred on Main Street which includes a number of vernacular buildings. St Catharine’s church is the most notable landmark in the village and from the surrounding landscape being most readily seen from the west, south and east. The core of the village together with the pattern of small scale fields to the south-east are designated as a Conservation Area. In the early/mid 20th century, the village grew along the A47 corridor including a number of larger detached houses set back from the main road that links Leicester to Peterborough. In the late 1960’s and 1970’s two areas of estate development, typical of that period, were established to the north-west and east of the village. Since this time there has been relatively limited development.”*



- 6.61 The application site is, in part, located within Land Parcel No.'s 7 and 8, of which the capacity for development has been assessed as being within the medium capacity range. See Figure 5, below.



**Figure 5: Landscape Capacity Study Land Parcels (Houghton on the Hill)**

- 6.62 In respect of Land Parcel No. 7, the parcel is assessed as:

*“... having a Medium capacity for development because of its close association with the existing urban built form and potential access links. Given the residential context of the Parcel to the east commercial development would not be suitable. The Parcel does have some open views from the rear of existing residential properties that would look out onto the development. However, views of development from the A47 would largely be seen as a continuation of the existing settlement. The existing vegetation and landform of the Parcel provide moderate scope to provide mitigation features that would broadly be in keeping with the characteristics of the area.”*

- 6.63 Potential mitigation measures would be expected to include; the retention and enhancement of existing landscape features and vegetation (including Busby Brook and its associated shrub and tree vegetation); ground modelling; additional landscape planting (along western and northern boundary hedgerows); maximising building heights (to two-stories in height); development layout; building materials (which are consistent with the surrounding development); and the provision of open space and green infrastructure.

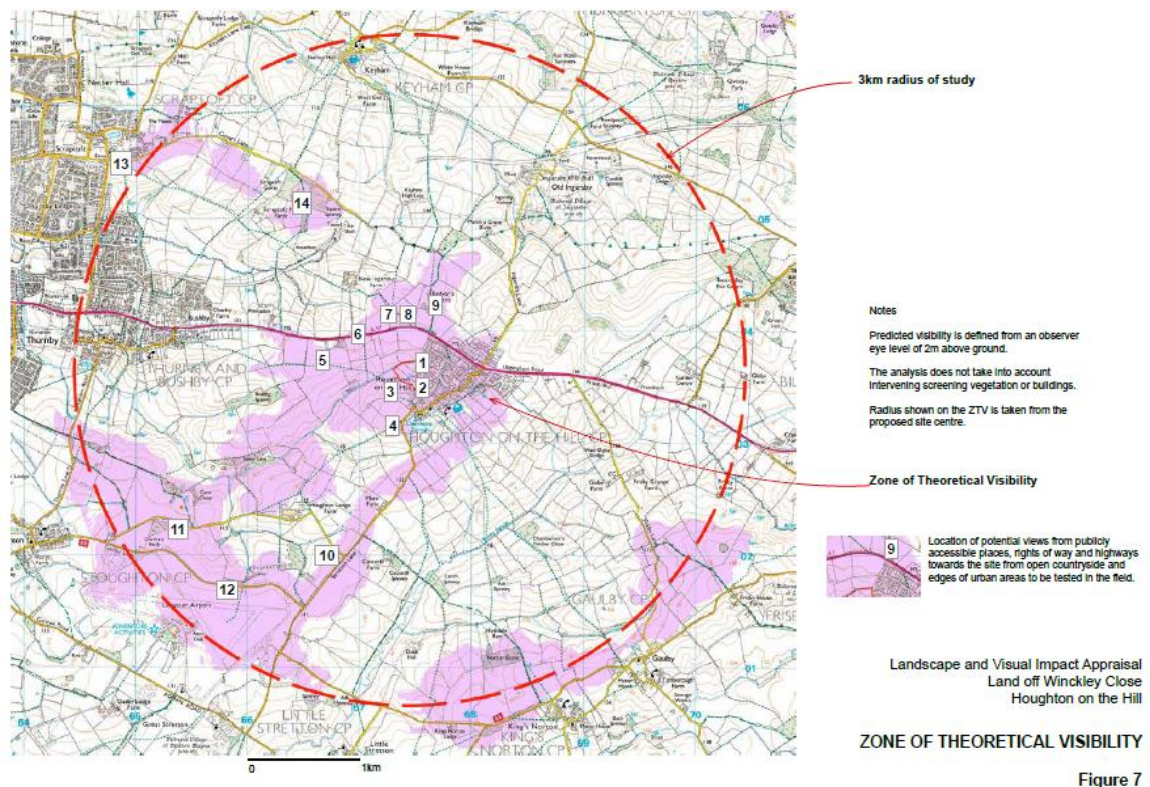


6.64 In respect of Land Parcel No. 8, the parcel is assessed as:

*“... having a Medium capacity for development. The Parcel contains some existing landscape features and characteristics that would make the area suitable for development, most notably the level of vegetation enclosure. The Parcel is partially contained from both private and public views and the eastern part has a moderate association with the existing settlement. However, the site is relatively steeply sloping and extends down to the Bushby Brook. The most accessible public views of the Parcel are from the existing area open land south-east of the Parcel, the public footpaths further to the west and in views from the A47 road to the north. The view from the open space is important as it provides one of few visual links from within the village to the wider rural landscape. Access to the Parcel could potentially be provided through the open space but this would be harmful to the character of the open space. There is a potential minor access off North Way. Access could also be achieved via Winckley Close, leading to Parcel 7. Given the residential context of the Parcel, commercial development would not be suitable.”*

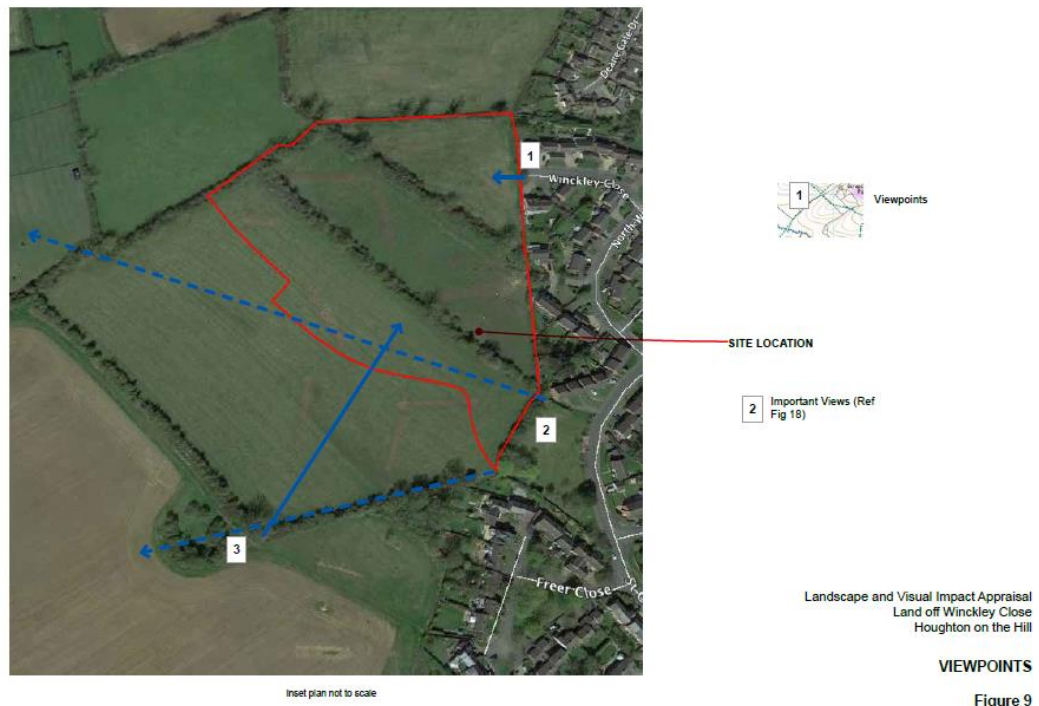
- 6.65 Potential mitigation measures would be expected to include; the retention and enhancement of existing landscape features and vegetation (including the ridge and furrow features if only the eastern part of the site were to be developed); retention of important views (including the local view from the open land on St Catharine's Way into the surrounding countryside); ground modelling; additional landscape planting; maximising building heights (to two-stories in height); development layout; building materials (which are consistent with the surrounding development); and the provision of open space and green infrastructure.
- 6.66 In view of the Landscape Character Assessment and Landscape Capacity Study, it is considered that there is capacity for medium residential development at Houghton on the Hill (Land Parcel No.'s 7 and 8) subject to it being well designed, the incorporation of appropriate mitigation measures, maintaining existing important views in/out of the village and where there would be no significant adverse harm to the wider character of the landscape beyond.
- 6.67 The local landscape has a reasonable network of Public Rights of Way (PRoW) in the form of footpaths and bridleways. Generally they have a pattern of following the 'ridgelines', linking outlying settlements with one another and the edge of Leicester. These PRoW generally follow field boundaries that are defined by mature hedgerows. These hedgerows act as visual screens often containing views to the field or directing the eye along the right of way.
- 6.68 The closest PRoW to the application site is PROW No. D11 (a footpath), which leaves Freer Close in Houghton on the Hill towards Bushby and passes the southwestern part of the site. The mature hedgerow with trees restricts views to up or down the path with the occasional glimpses into the field to the right of the walker, with open views to the left. PROW No. D12 (again a footpath) spurs off PROW No. D11 after crossing Bushby Brook to join the A47 Uppingham Road with partial views into the central part of the application site.
- 6.69 Adjacent to the application site is St Catharine's public open space, an area designated as Important Open Land (as per the Local Plan Proposals Map, protected under "saved" Policy HS/9 of the Harborough District Local Plan) and is included as a site of sport, recreation and open space which Policy CS8 of the Harborough District Core Strategy specifically seeks to protect.

- 6.70 A Landscape and Visual Appraisal report, prepared by Munro + Whitten Ltd and dated 27<sup>th</sup> February 2017, and accompanying illustrative documentation, has been submitted in support of the application. This appraisal assesses the effects of the proposed development on the *“landscape character and landscape resources of the application site and its environs”*, and *“the visual amenity experienced by people in and surrounding the proposed development.”*
- 6.71 The visual assessment, within the Appraisal, adopted a 3km study area perimeter around the application site which in turn produced a ‘Zone of Theoretical Visibility’ (ZTV). From this, 14 no. viewpoints were initially identified where potential views of the application site (and proposed development) would be had from the public highway and PRowS. See Figure 6, below.



**Figure 6: Zone of Theoretical Visibility**

- 6.72 Of the 14 no. viewpoints initially identified, only 8 no. viewpoints (no.'s 1-8) were fully assessed against the effect of the proposed development. The other viewpoints (no.'s 9-14) were discounted following a site visit by the author of the report, which identified that no views of the application site were afforded from these locations.
- 6.73 Important viewpoints include No.'s 1-3, see Figures 7-11 below, which are taken very close to the application site, at Winckley Close (and North Way), St Catharine's Way and PRow No. D11 (a footpath). The sensitivity of the users of this footpath has been assessed as 'High', and the Appraisal outlines that the visual impact upon viewers in these locations will be 'Substantial', in which case mitigation measures would be required to address such impact.

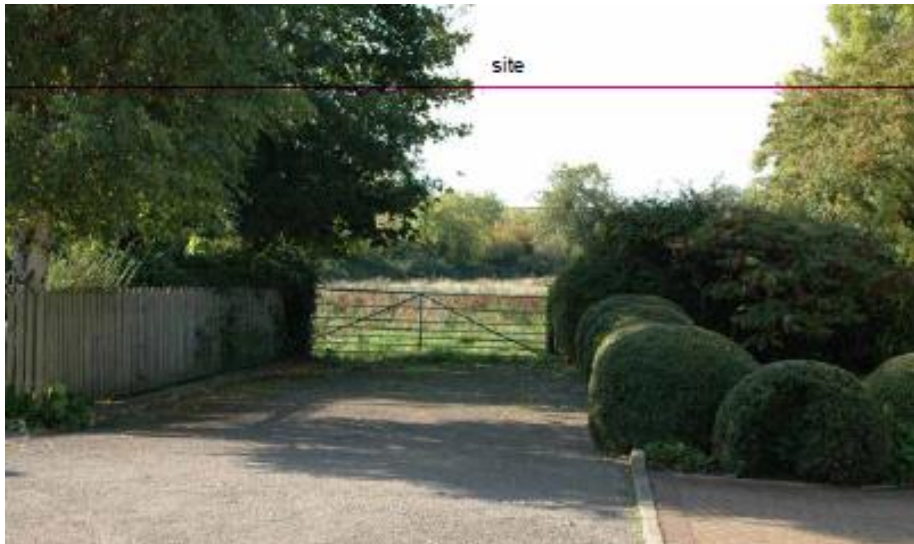


**Figure 7: Location of Viewpoints No.'s 1 -3 within close proximity of the Application Site**



**Figure 8: Viewpoint No. 1 (Winckley Close)**





**Figure 9: Viewpoint (Private Drive off North Way)**



**Figure 10: Viewpoint No. 2 (Public Open Space off St Catharine's Way)**



**Figure 11: Viewpoint No. 2 (Public Open Space off St Catharine's Way)**

- 6.74 PRoW No. D7 (a footpath) lies to the south-west of the application site. Viewpoint No. 4 was taken some 284m from the site. No view of the site is afforded from this location due to the nature of mature hedgerows and tree cover in the fore and background, which screens the site. Notwithstanding this, glimpse views of houses adjacent to the A47 Uppingham Road, on the horizon, are afforded.



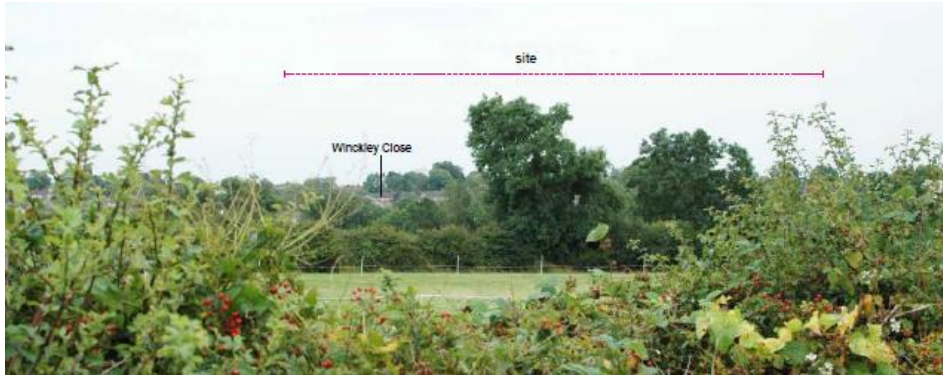
**Figure 12: Viewpoint No. 4 (PRoW No. D7)**

- 6.75 PRoW No. D11 (a footpath) lies to the west of the application site. Viewpoint No. 5 was taken some 395m from the site. There is a clear view into the south-eastern portion of the site as well as partial long distance views into the centre of the site through the mature screening vegetation. The sensitivity of the users of this footpath has been assessed as 'High', and the Appraisal outlines that the visual impact upon viewers in these locations will be 'Substantial/Moderate', in which case mitigation measures would be required to address such impact.



**Figure 13: Viewpoint No. 5 (PRoW No. D11)**

- 6.76 PRoW No. D12 (a footpath) lies to the north-west of the application site. Viewpoint No. 6 was taken some 530m from the site. No view of the site is afforded from this location due to the nature of mature hedgerows and tree cover along adjacent field boundaries, which screen the site. Notwithstanding this, glimpse views of the western edge of Houghton on the Hill, including the rooftops to houses located on Winckley Close and Dean Gate Drive, are afforded within the background context. The sensitivity of the users of this footpath has been assessed as 'High', and the Appraisal outlines that the visual impact upon viewers in these locations will be 'Moderate'.



**Figure 14: Viewpoint No. 6 (PRoW No. D12)**

- 6.77 Viewpoint No.'s 7 and 8 are taken from the A47 Uppingham Road, some 315m and 300m from the application site respectively. There are partial to medium distance views into parts of the site from these locations. The traffic along the A47 dominates the foreground. Beyond the hedge to the south of the roadside grass verge are glimpses of agricultural fields, mature trees and hedgerows. The village fringe is obvious in the view and the church spire on horizon. The site is open grassland defined by and seen through the tracery of hedges and mature trees. The sensitivity of the users of this footpath has been assessed as 'Medium', and the Appraisal outlines that the visual impact upon viewers in these locations will be 'Moderate' and 'Moderate/Slight' respectively.



**Figure 15: Viewpoint No. 7 (A47 Uppingham Road)**



**Figure 16: Viewpoint No. 8 (A47 Uppingham Road at start of PRoW A49)**

- 6.78 Notwithstanding the above, the Appraisal indicates that the sensitivity of private views from residential properties along the western edge of Houghton on the Hill, which will back on to the application site, has been assessed as 'High', and the Appraisal outlines that the significance of the change will be 'Substantial'.

- 6.79 The short-term landscape and visual impact during construction has been assessed as 'High'. In this case, this is considered to be an inevitable consequence associated with all new development, and one which would be unavoidable in this case.
- 6.80 Mitigation measures, outlined within the Appraisal, to minimise the impact of the proposed development on the landscape and its visual amenity appear to be in line with the Landscape Character Assessment and Landscape Capacity Study. Such include:

#### Built Form

- Aligning houses to follow the existing topography of the application site, and predominantly orientated so that rear gardens back on to existing dwellings along the western edge of Houghton on the Hill. In doing so, it is suggested that the proposal will seek to mitigate the impacts identified from any medium to long distance views by making the development read as a natural extension to the existing fringe of the village;
- Retention of the important view from St Catharine's Way public open space out towards the countryside, and from views towards the village; and
- Proposed material treatment and design of the dwellings will match local vernacular.

#### Landscape

- Retention of existing mature trees and hedgerows along the site boundaries and those that act as internal field divisions;
  - New native hedgerow planting along site boundaries and roadside tree planting;
  - Shrub and tree planting of front gardens will continue the roadside/back of pavement domestic landscape of the village, especially that found along Winckley Close.
- 6.81 A visual impression of the site, 10 no. years after planting, forms part of the Appraisal, see Figure 17 below. This indicates how the development may appear after that period of time.





Existing view towards the village from the public footpath west of the village



View towards the village from the public footpath 10 years after planting.

Open field retained to the south.

Based on a typical ridge height of 8.5m

Viewpoint 5

Visual impression 10 years after planting

6th February 2017

### Figure 17: Visual Impression 10 Years after Planting

6.82 It is considered that Figure 17 would demonstrate that, in the medium to longer-term, subject to the proposed mitigation measures, the proposed development would become well-integrated with the existing settlement, and the visual impact of the proposal in context of the character and appearance of Houghton on the Hill would not be significant in respect of medium to long distance views towards the village. In addition, it is considered that views of the wider countryside from the public open space along St Catharine's Way would be largely protected and remain uninterrupted.

6.83 In respect of the Planning Inspectorate's initial decision in connection with Planning Appeal reference APP/F2415/W/16/3155037, the Planning Inspector states in Paragraph 14:

*"... I do not find that the short-term landscape and visual harm caused by the construction activities weigh against the medium and longer-term effects which would be substantially less. I am satisfied for the reasons set out above that the proposed development itself would not, overall, cause a significant level harm to the character and appearance of the village, or to the landscape character or visual receptors. Conflict would occur with Core Strategy Policy CS11 (b) because it involves undeveloped land and would cause short-term landscape and visual harm. However, because I find that the policy is out-of-date, I attach only moderate weight to this conflict. As I find that the scheme would assimilate with its surroundings, I find that there would be no conflict with Core Strategy Policy CS17(c)..."*

6.84 In view of the above, notably the Planning Inspector's assessment in connection with planning application reference 16/00037/OUT, it is considered that the proposed development would on-balance be acceptable in terms of the impact on landscape character, in line with Policy CS17 (c) of the Harborough District Core Strategy.



#### d) Design

- 6.85 Although the matter of design (form/layout, mass, scale, proportions, style, materials) of the proposed development is not a matter which is currently for consideration at this time, and will be tested at the Reserved Matters stage in the event that Outline Planning Permission is granted, an illustrative masterplan (Figure 2) has been submitted in support of this application, which together with supporting information contained within the Design and Access Statement, demonstrates how the application site could be developed, taking into account the constraints of the application site. It should be noted; however, that it does not preclude alternative layouts as part of a subsequent Reserved Matters or detailed Planning Application, providing the underlying principles established in the Design and Access Statement are satisfied.
- 6.86 With regard to matters of design, the Government attaches great importance to the design of the built environment. Paragraph 56 of the NPPF states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 6.87 Paragraph 58 of the NPPF advises that planning decisions should aim to ensure that developments function well and add to the overall quality of the area, respond to local character and history and reflect the identity of local surroundings and materials and are visually attractive as a result of good architecture and appropriate landscaping. Paragraph 60 continues to state that planning decisions should *“seek to promote or reinforce local distinctiveness”*. Paragraph 61 of the NPPF states *“visual appearance and the architecture of individual buildings are very important factors.”*
- 6.88 With regard to determining applications, paragraph 63 of the NPPF states *“great weight should be given to outstanding or innovative designs which raise the standard of design more generally in the area”*. Paragraph 64 continues to state *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*
- 6.89 Policy CS2 of the Harborough District Core Strategy states:
- b) All housing developments should be of the highest design standard (in conformity with Policy CS11) and have a layout that makes the most efficient use of land and is compatible with the built form and character of the area in which it is situated. A mix of housing types will be required on sites of 10 or more dwellings, taking into account the type of provision that is likely to be required, informed by the most up to date Strategic Housing Market Assessment or other local evidence.*
- Proposals for sites of 0.3ha or above will be required to meet the following minimum net density standards:*
- 40 dwellings per ha - sites within and adjacent to the Principal Shopping and Business Area of Market Harborough and Lutterworth (ref. Policy CS6/Improving Town Centres);*
- 30 dwellings per ha - sites elsewhere in the District.*
- Higher densities are particularly encouraged in locations that offer, or have the potential to offer, a choice of transport options and are accessible to other services and facilities. Additional design and density guidance for large site allocations and the strategic development area will be provided in the Allocations DPD. In*

*circumstances where individual site characteristics dictate and are justified, a lower density may be appropriate.”*

- 6.90 Policy CS11 (Promoting Design and Built Heritage) of the Harborough District Core Strategy requires proposals for development to exhibit a high standard of design to *“create attractive places for people to live, work and visit.”* To meet these requirements, proposed development should *“be inspired by, respect and enhance local character, building materials and distinctiveness of the area in which it would be situated.”* In addition, development *“should respect the context in which it is taking place and respond to the unique characteristics of the individual site and wider local environment beyond the site’s boundaries to ensure that it is integrated as far as possible into the existing built form of the District.”*
- 6.91 The proposed illustrative masterplan (Figure 2) and supporting information demonstrate that a residential development comprising up to 48 no. dwellings could be accommodated on the application site. Furthermore, it demonstrates the following:
- The site will be accessed from one point, off Winckley Close, through the continuation of the existing highway network;
  - There would be three linear parcels of development within the application site, each separated by existing landscaping (mature trees and hedgerows) which are to be retained in the most part;
  - Areas of higher density development will be located to the north-eastern/eastern part of the application site within the internal edges, whilst the lower density development will be located towards the outer edges of the site in order to reduce the visual impact from the west;
  - Dwellings arranged in small groups, in pairs or individually;
  - Bungalows will adjoin, in part, the eastern boundary of the application site, adjoining existing residential development along North Way and Winckley Close;
  - Development would be restricted to a maximum of 2 no. storeys in height across the majority of the site but potentially with two and half storey feature buildings in the streetscene;
  - The Design and Access Statement identifies three different character types, Traditional, Modern and Traditional Interpretation. The Statement encourages future designers to look to the Traditional character of the settlement as seen around Main Street and Scotland Lane for inspiration in future style and built form – Planning Officers consider this to be an appropriate response for this site.
  - The proposed dwellings would be designed with privacy strips/gardens to the front (of various depths) with parking located to the side of the dwelling, and rear gardens of various sizes/depths;
  - The retention of existing trees and hedgerows, except where necessary to facilitate access through the site. This will be supported by new landscaping situated to the south-western boundary of the application site, and on adjoining land which is under the ownership of the Applicant;

- Public open space is to be provided adjacent to the public open space along St Catharine's Way, and to the north-west of the application site around the perimeter of the site;
- Views of the wider countryside from the public open space along St Catharine's Way would be largely protected and remain uninterrupted;
- Attenuation basin, with wetland meadow grass, located to the north-west of the application site working with the prevailing topography, as part of a strategy for a sustainable drainage system;
- A 12.2m wide 'easement' corridor along the alignment of the strategic gas main (Stretton Lane to Porter Hill). This will create an opportunity for a 'green' pedestrian/cycle route through the development.

- 6.92 The density of the proposed development would achieve 14 no. dwellings per hectare (dph), which is significantly below the 30 no. dph target set out in Policy CS2 of the Harborough District Core Strategy. Whilst a lower density is proposed, it is considered that illustrative masterplan seeks to make efficient and effective use of the land, and offers a design which has been driven by the characteristics of both the application site and the surrounding context (Houghton on the Hill village). Furthermore, this density would be compatible with the existing, adjoining residential development which was proposed at a density of approximately 17 no. dph. In view of this, it is considered that the proposed lower density would be appropriate for the application site.
- 6.93 The housing mix of the proposed development is currently unknown; however, it is anticipated to include a mixture of dwelling types and tenures in accordance with the Housing and Economic Needs Assessment (HEDNA).
- 6.94 In accordance with Policy CS3 of the Harborough District Core Strategy, 40% of the Dwellings proposed are to be offered as affordable housing. This equates to a yield of up to 19 no. dwellings based on a scheme of up to 48 no. dwellings. This requirement has been included within the suggested S106 obligations outlined in Appendix A.
- 6.95 Although the matter of landscaping is not a matter which is currently for consideration at this time, and will be tested at the Reserved Matters stage in the event that Outline Planning Permission is granted, the proposed illustrative masterplan (Figure 2) and supporting information indicates that open space provision has been integrated throughout the proposed development.
- 6.96 The overall amount of Public Open Space has been designed in accordance with Policy CS8 of the Harborough District Core Strategy, and suggested commuted sums relating to any shortfalls or off-site provision is identified within Appendix A.
- 6.97 In view of the above, it is considered that the illustrative masterplan and supporting Information, notably the Design and Access Statement, indicate that a high quality design could be achieved for the proposed development, in the event that Outline Planning Permission is granted, which would not cause a significant level harm to the character and appearance of the village, or to the landscape character or visual receptors.

#### **e) Residential Amenity**

- 6.98 Paragraph 17 of the National Planning Policy Framework “*seeks to secure a high quality design and good standard of amenity for all existing and future occupants of land and buildings*”.
- 6.99 Policy CS11 (Promoting Design and Built Heritage) of the Harborough District Core Strategy requires proposals for development to “*ensure that the amenities of existing and future neighbouring occupiers are safeguarded.*”
- 6.100 “Saved” Policy HS/8 of the Harborough District Local Plan requires proposals for development to protect the amenity of the occupants of neighbouring residential properties, and the wider local area.
- 6.101 As the matters of layout, scale and appearance of the proposed development is not a matter which is currently for consideration at this time, and will be tested at the Reserved Matters stage in the event that Outline Planning Permission is granted, it is not possible to provide a detailed assessment on whether or not the amenity of existing residential properties located adjacent to, or within close proximity of, will be adversely affected in terms of loss of light (overshadowing), loss of privacy (overlooking) or over dominant or overbearing structure (as outlined within the Council’s Supplementary Planning Guidance).
- 6.102 Notwithstanding the above, the Case Officer is satisfied that the proposed illustrative masterplan demonstrates that the proposal would protect the amenity of those neighbouring residential properties, notably those at Winckley Close and North Way, in relation to the above.
- 6.103 It is considered that during construction there could potentially be some adverse impacts on residential amenity. However, as advised by the Council’s Environmental Health Department, and the Local Highways Authority, a planning condition requiring a Construction Environmental Management Plan to be approved and implemented could be imposed upon any grant of planning permission in order to limit the disturbance and inconvenience that may arise when building works are undertaken. In addition to planning controls, the Environmental Protection Act provides a variety of safeguards in respect of noise, air and light pollution.
- 6.104 Accordingly, it is considered that the proposed development would be in accordance with the relevant provisions of Policy CS11 of the Harborough District Core Strategy and Policy HS/8 of the Harborough District Local Plan, and Paragraph 11 of the NPPF.

#### **f) Heritage Issues**

- 6.105 An Archaeological Desk-Based Assessment, prepared by CgMs, dated October 2015, was submitted in support of this planning application.
- 6.106 The Assessment report confirms that there are no designated heritage assets (e.g. Listed Buildings, Scheduled Monuments, Conservation Areas, Registered Battlefields or Parks and Gardens) located within the application site.
- 6.107 Notwithstanding the above, the report outlines that within a 1km search area of the application site, 21 no. Listed Buildings were identified, with all except one, a milestone on the A47 Uppingham Road, located within the Houghton on the Hill Conservation Area which is located approximately 200m to the south- east of the

application site at its closest point. The nearest Listed Buildings to the application site include Manor Farm and The Church of St Catharine on Main Street, Houghton on the Hill, they are located approximately 235m and 200ms from the site respectively. The Houghton on the Hill Conservation Area covers the older core of the village from the A47 Uppingham Road south along Main Street.

6.108 The site is detached from the designated Houghton on the Hill Conservation Area, and Listed Buildings, with an existing post-war residential estate development lying in between. Accordingly, it is considered that the proposed development will not have an impact upon these designated heritage assets.

6.109 With respect to non-designated heritage assets, the Assessment report outlined that the southern fields of the application site contain ridge and furrow earthworks. Paragraph 4.10.5 of the report states:

*“The ridge and furrow within the study site is not exceptionally well-preserved, does not form part of a more complex system of earthworks, nor is it complete. It is not an unusual survival in the locality and is part of once extensive and now eroded set of landscape features that has some visual appeal but which, unlike most significant earthworks, contains within its own matrix little or nothing of archaeological interest. As such it is difficult to assess it as being of anything other than of local importance. Furthermore, the study site does not form part of the setting of any designated heritage asset in the wider vicinity and therefore the ridge and furrow cannot be considered to contribute to the significance of any designated heritage assets”.*

6.110 The report outlines that the proposed development would likely destroy the evidence of the ridge and furrow earthworks. However, it is suggested that this could be mitigated by virtue of an archaeological topographic survey of the effected and immediately associated earthwork remains.

6.111 Furthermore, the Assessment report outlines that there was low to moderate potential for as yet to be discovered remains of pre-historic and Roman origin and low for all other periods.

6.112 An Archaeology Geophysical Survey, prepared by MOLA, dated October-November 2015, of the application site identified a number of possible anomalies of archaeological interest which may have represented elements of an Iron Age or Roman enclosure. However, interpretation of the results was hindered by intense magnetic interference from the strategic gas pipe which crosses the site from north-east to south-west.

6.113 Further archaeological investigation in the form of trial trenching has been undertaken. Ten trial trenches were excavated in accordance with an approved Written Scheme of Investigation. No features of archaeological significance were encountered during the course of the evaluation.

6.114 Leicestershire County Council's Archaeology department were consulted on this application. No objection has been raised. No comment has been provided in respect of potential archaeological interest; however, a condition requiring the archaeological topographic survey of the effected and immediately associated earthwork remains (ridge and furrow), in accordance with a written scheme of investigation has been requested (see Conditions 20-22, Appendix B) in the event that outline planning permission is granted by the Local Planning Authority.

## **g) Ecology**

- 6.115 An Extended Phase 1 Habitat Survey report, prepared by REC Ltd dated 8<sup>th</sup> January 2016, was submitted in support of the original application reference 16/00037/OUT. It has now been updated and is accompanied by a Further Information Statement, prepared by REC Ltd dated 8<sup>th</sup> April 2016, a Great Crested Newt Mitigation Strategy, prepared by REC Ltd dated February 2017, and an Ecological Verification Survey 2016, prepared by REC Ltd dated 14<sup>th</sup> February 2017.

### *Statutory and Non-Statutory Sites*

- 6.116 The Extended Phase 1 report concluded that there are no International, European, or National statutory designated sites for nature conservation within 1km of the application site.
- 6.117 Notwithstanding the above, one non-statutory designated site, Bushby Spinney (Local Wildlife Site), is located within approximately 1km of the application site, to the west. This local wildlife site is identified as an area of woodland with a spring fed flush. In this case, given the distances involved between the two sites, it is considered that the proposed development would not impact upon this non-statutory designated site. This is because the zone of influence of the likely construction and operation impacts of the proposed development is likely to be limited to the curtilage of the application site, or within close proximity to it.

### *Habitats*

- 6.118 The report outlines that the application site is dominated by managed agricultural grasslands, which is considered to be of low ecological value. Notwithstanding this, the site also supports existing mature landscaping (trees and hedgerows).
- 6.119 A pond lies outwith the application site, to the south-west of the application site. It is located approximately 130m from the site boundary at its closest point.

### *Protected and Notable Species*

#### Amphibians

- 6.120 The most recent survey data from 2015 indicates that the amphibian population size of the pond located to the south-west of the application site is small.
- 6.121 The Great Crested Newt Mitigation Strategy report outlines that the agricultural grasslands on site is considered to have limited value for amphibians; however, the hedgerows present on site could provide some terrestrial habitat for amphibians, and could be used as an overwintering habitat.
- 6.122 The proposed development will result in the loss of approximately 1.5 Ha of intermediate habitat and temporary loss (replaced with landscape and an attenuation basin) of approximately 0.6 Ha, and the loss of approximately 0.75 Ha of distant habitat and temporary loss (replaced with landscape and an attenuation basin) of approximately 0.2 Ha. The majority of this habitat is low ecological value grassland. There will be no permanent or temporary impact to core habitat, or aquatic habitat.
- 6.123 Construction activity, in the absence of appropriate mitigation, could have a moderate negative impact upon the small population of Great Crested Newts.

- 6.124 Notwithstanding the above, the long-term impact associated with the proposed development is that the loss of intermediate and distant habitat could be partially offset through the current indicative landscaping arrangement which would include a landscaped buffer along the south-western edge of the application site, which will introduce structured landscape planting. This landscaping would act as a natural dispersal feature for amphibians and would likely promote a north-south movement corridor between the existing pond and the proposed attenuation basin.
- 6.125 The potential for post-development interference impacts is considered to be moderate as the proposed development will result in an increase in human activity and the potential for introduction of pets in intermediate proximity to the amphibian population.
- 6.126 The mitigation strategy, based on the illustrative masterplan, to address the impact of the proposed development includes: buffer zones to retained hedgerows; creation of an ecological enhancement area to include terrestrial habitat enhancements for Great Crested Newts; a period of trapping and translocation in advance of construction activities; and a long-term scheme of management and maintenance of the ecological enhancement area.

#### Badgers

- 6.127 Records of badgers were returned within the study area; however, a high proportion of these were old records. A number of sett records were provided.
- 6.128 An active distant main badger sett remains present in the locality, approximately 150m to the south-west of the application site; however, due to the distance involved, this sett was considered to be located outwith the zone of influence of the proposed development.
- 6.129 The Extended Phase 1 report and Ecological Verification Survey statement confirms that no evidence of badgers were found within the application site; however, the site habitats were considered to continue to provide badger foraging opportunities.
- 6.130 In view of the above, the likelihood of badger presence is assessed as medium. However, given there are no setts within the site, and there are other foraging habitats available within the locality, the ecological value of the site for badgers are assessed as local, within the zone of influence only.
- 6.131 It is recommended that prior to commencement of any works on site; an updated survey of the site for badger setts is undertaken. In the event that an active sett is found to be present within or near to the site, an appropriate strategy will need to be prepared and implemented, which may include the closure of the sett(s). It is considered that this can be secured by condition in the event that Outline Planning Permission is granted, see Condition 26, Appendix B.

#### Bats

- 6.132 The Extended Phase 1 report and Ecological Verification Survey statement outline that there are no trees within the application site that were assessed as having Category 1 bat roosting potential. 11 no. trees were, however, assessed as having Category 2 bat roosting potential, whilst all other trees were assessed as having Category 3 bat roosting potential.



- 6.133 The majority of habitats within the application site were suboptimal in terms of foraging, whilst the hedgerow features were considered unlikely to support a high number of foraging bat species. It was considered more likely that the greater function of the site is to facilitate bats commuting along the hedgerows.
- 6.134 The likelihood of bat presence within the site, i.e. either roosting within the identified boundary trees, foraging along boundary hedgerows or commuting along the site boundaries, is assessed as medium. Furthermore, it was assessed that the combined ecological value of these habitats with regards to bats is potentially of local importance.
- 6.135 It is considered that the impact to bats can be avoided through the retention of the boundary trees and hedgerows; however, where this is not possible appropriate mitigation is proposed.

#### Birds

- 6.136 The Extended Phase 1 report outlines that the existing hedgerows to the application site boundaries could support a range of nesting species during the breeding season, as well as summer migrants; whilst the wider hedgerows on site have dense bases which would provide nesting opportunities for smaller passerines, and the mature ash tree on site may provide nesting opportunities for other species including cavity nesting species. However, it is concluded that ground nesting species are unlikely to be present on site by virtue of the grazing/cutting management regime of the agricultural land.
- 6.137 The presence of nesting birds was confirmed on site during the time of the site survey. However, based on the habitats present and the scale of the site, the site is considered to be of importance within the zone of influence only, with respect to birds.
- 6.138 It is recommended that any removal of vegetation (both hedgerows and trees) is undertaken outside of the bird breeding season, March to September inclusive; however, in the event that the works are to be undertaken during the bird breeding season, then checking for bird activity should be undertaken by a suitably qualified ecologist prior to commencement and in the event that a nest is found, a stand-off zone should be maintained until the young have fledged.

#### Invertebrates

- 6.139 The Extended Phase 1 report outlines that the existing habitats on site are managed and species poor, and thus unlikely to support a notable invertebrate assemblage. The boundary hedgerows and mature ash tree are considered to be the most important habitats for invertebrates; however, the site is considered to be of importance within the zone of influence only, with respect to invertebrates.

#### Other Species

- 6.140 No records of Reptiles were identified during the desk study. Due to the nature of the managed agricultural grassland on the application site, the likely presence of reptiles within the site is assessed as negligible. The ecological value of the site with regards to reptiles is assessed as negligible.

- 6.141 No records of water vole were identified during the desk study. Furthermore, no evidence of water vole was identified during the site survey. The ecological value of the site with regards to water vole is assessed as negligible.
- 6.142 The habitat features in the locality could potentially support other notable species such as European hedgehog and brown hare. Generally the application site lacks extension habitat suitable for the brown hare; however, the hedgerows on site could provide limited foraging, shelter and over-wintering opportunities for hedgehogs. It is considered that the impact to hedgehogs can be avoided through the retention and enhancement of the boundary trees and hedgerows.
- 6.143 Additional measures are outlined within the Extended Phase 1 report to encourage the enhancement of ecology. These include:
- Planting residential gardens with a range of native shrubs and trees, to increase opportunities for invertebrates, bats and birds;
  - The hedgerow features should be retained and enhance through management such as laying to promote bushy growth and manage uncontrolled outward growth;
  - The central hedgerow (H3) should be retained with any breach (e.g. for internal access) kept to a minimum to ensure its functionality as a habitat corridor is not impaired;
  - The provision of artificial bird boxes;
  - The provision of artificial bat boxes attached to tree features in the boundary vegetation;
  - The provision of ecology enhancements within the proposed attenuation basin, by the provision of varied levels to allow marginal habitat to develop, and also areas of permanent water where possible to increase species diversity in otherwise species-poor grassland; and
  - Providing gaps under residential gardens/gates/fences to facilitate the movement of small animals (e.g. hedgehogs) through the site.
- 6.144 Leicestershire County Council's Principal Ecologist has been consulted on this application. No objection has been raised to the proposal subject to suitable conditions being imposed (see Conditions 23-25, Appendix B).

#### **g) Arboriculture**

- 6.145 An Arboricultural Assessment report, prepared by FPCR Environment and Design Ltd, dated 9<sup>th</sup> February 2017, has been submitted in support of this application.
- 6.146 Tree surveys were undertaken on 21<sup>st</sup> January 2015 and 3<sup>rd</sup> September 2015 to assess the quality and value of the principal trees within or adjacent to the application site.
- 6.147 A total of 32 no. individual trees, 9 no. groups of trees and 3 no. hedgerows were surveyed as part of the arboricultural assessment. The species of individual trees identified were; Sycamore, Ash, Silver Birch and Whitebeam. The species of trees in

groups identified were; Ash, Hawthorn, Elder, Willow, Silver Birch, Crab Apple and Blackthorn. Hedgerow species identified were Ash, Hawthorn and Beech.

- 6.148 Of the individual trees surveyed 71% were in Category C (Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm); 24% were in Category B (Trees of moderate quality with an estimated remaining life expectancy of at least 20 years); 5% were Category U (Trees in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years); whilst a mature ash tree situated to the south of the site (T26) was considered to fall within Category A (Trees of High Quality / Value).
- 6.149 It is expected that no significant tree loss will be required to facilitate the proposed development. The removal of a low quality tree group (TG5) will be required to facilitate the access road. To facilitate the proposed primary access roads throughout the site will require the removal of small sections of tree cover within TG2 and TG4, generally considered low quality and the loss of this can be replaced with new tree planting as part of the supporting landscaping scheme for the development. The removal of T18 is required to facilitate plot 3 as the position of the residential plot significantly encroaches upon the RPA of this tree. An area of 'no dig' construction will need to be implemented to construct a private driveway and footpath adjacent to T3.
- 6.150 Notwithstanding the above, it will be necessary to pay close attention to the final layout, at the Reserved Matter stage in the event that Outline Planning Permission is granted, to ensure that the proposed dwellings and their rear gardens will not adversely affected by existing trees.
- 6.151 In addition, appropriate conditions should be applied in the event of approval of outline planning permission, to protect the roots of existing trees and hedgerows during the construction process (see Condition 8, Appendix B).
- 6.152 Leicestershire County Council Senior Forestry Team Leader has been consulted on this application. No objection has been raised to the proposal.
- 6.153 In view of the above, it is not considered that the proposal would give rise to any significant harm in respect to trees. Accordingly, it is considered that the proposed development would, subject to planning conditions, be in accordance with the relevant provisions of Policy CS11 of the Harborough District Core Strategy.

#### **h) Flood Risk/Drainage**

- 6.154 A Flood Risk Assessment report, prepared by JPP Consulting Civil & Structural Engineers, dated September 2016, has been submitted in support of this application.
- 6.155 Policy CS10 of the Harborough District Core Strategy states:
- “a) New development will be directed towards areas at the lowest risk of flooding within the District; with priority given to land within Flood Zone 1.”*
- 6.156 The Environment Agency Flood Map indicates that the application site is located outwith Flood Zones 2 and 3, within Flood Zone 1. In view of this, residential development within Flood Zone 1 is considered to be acceptable in principle in line with Policy CS10.

6.157 Notwithstanding the above, Policy CS10 continues to state:

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

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

...

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

- Proposed Surface Water Drainage

6.158 Surface water drainage is proposed to discharge into the Bushby Brook along the site's north western boundary and will be attenuated to a Qbar greenfield runoff rate of 3.7 l/s via a vortex flow control device. To achieve this surface water will be attenuated via a detention basin in the north-west corner to accommodate a 1 in 100 year event plus an allowance of 40% for climate change.

6.159 The Leicestershire County Council Lead Local Flood Authority (LLFA) has been consulted on this application. In view of the Environment Agency's advice within their document 'Rainfall Runoff Managements for Developments' (reference SC030219), the LLFA would expect greenfield runoff rate to be at a minimum of 5.0 l/s to mitigate the risk of blockage to the system.

6.160 Notwithstanding the above, the LLFA have advised that the proposed development would be considered to be acceptable subject to conditions being imposed in the event of outline planning permission being granted (see Conditions 16-19, Appendix B).

6.161 Severn Trent Water have also been consulted on this application. No objection has been raised to the proposal; however, they have suggested that appropriate conditions should be applied in the event of outline planning permission being granted (see Condition 16, Appendix B) in order to ensure an appropriate method of surface water drainage can be achieved.

- Proposed Foul Water Drainage

6.162 Foul water drainage is proposed to discharge into Severn Trent's existing sewer network.

6.163 Severn Trent Water have been consulted on this application. No objection has been raised to the proposal; however, they have suggested that appropriate conditions should be applied in the event of outline planning permission being granted (see Condition 15, Appendix B) in order to ensure an appropriate method of foul water drainage can be achieved.

6.164 In view of the above, and subject to planning conditions, it is considered that the proposed development would be in accordance with the relevant provisions of Policy CS10 of the Harborough District Core Strategy in respect of flood risk and drainage considerations.

## **i) Agricultural Land**

6.165 Paragraph 112 of the NPPF states:

*“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”*

6.166 The ALC of England and Wales 1988, prepared by the former Ministry of Agriculture, Fisheries and Food, grades and sub-grades are defined as below:

- Grade 1 – Excellent quality agricultural land;
- Grade 2 – Very good quality agricultural land;
- Grade 3 – Good to moderate quality agricultural land;
- Sub-grade 3a – Good quality agricultural land;
- Sub-grade 3b – Moderate quality agricultural land;
- Grade 4 – Poor quality agricultural land; and
- Grade 5 – Very poor quality agricultural land.

6.167 The Applicant commissioned Neo Environmental Ltd to investigate the Agricultural Land Classification (ALC) and soil resources to assess whether the site falls within ‘best and most versatile (Grade 3a or above).

6.168 The report concludes that the application site is within sub-grade 3b, thereby not best and most versatile; however, through long-term improvement, through the removal of the ridge and furrow, this could potentially produce 3a sub-grade grading.

6.169 In view of the above, it is considered that the proposed development would not result in the loss of best and most versatile agricultural land, and as such the proposed development would be in compliance with Paragraph 112 of the NPPF.

## **j) Other Matters**

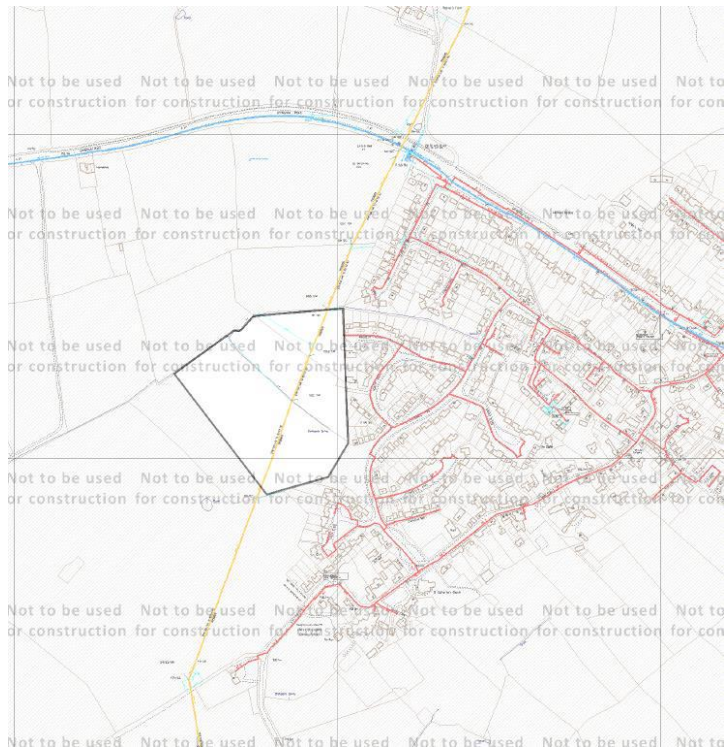
### **Gas Pipeline**

6.170 As is illustrated in Figure 18 below, a High-Pressure Gas Pipeline runs through the application site; north-east to south-west.

6.171 National Grid has been consulted on this application. National Grid has no objection to the principle of the proposal, but has advised that separate approval will be required from National Grid prior to the commencement of any development. It is suggested that an Informative Note be attached to any grant of planning permission in order to advise the Applicant of this requirement (see Informative 11, Appendix B).

6.172 In addition to National Grid, the Health and Safety Executive does not advise, on safety grounds, against the granting of planning permission. The Executive have developed PADHI+ (Planning Advisory for Developments near Hazardous Installations), an internet based standing advice tool for Local Planning Authorities for consultation on applications in the vicinity to hazardous installations. PADHI+ concludes:

*“HSE does not advise, on safety grounds, against the granting of planning permission in this case.”*



**Figure 18: Location of Gas Pipeline (Source: National Grid)**

### **Separation of Settlements**

- 6.173 Concerns have been raised, within the consultation responses received, that the proposed development would result in the coalescence of Houghton on the Hill with Bushby/Leicester. It should be noted the land situated between Houghton on the Hill and Bushby is not designated as an 'Area of Separation'. Notwithstanding this, Officers do not consider that the proposed development, which would be approximately 2km from the eastern edge of the associated built up area of Bushby, would result in a significant reduction in the land between Houghton on the Hill and Bushby.

### **Recent Housing Approvals**

- 6.174 Reference has been made, within the consultation responses received from the local community and Houghton on the Hill Parish Council, with regards to the recent approvals of residential development along the A47 Uppingham Road within Houghton on the Hill (planning application references 15/01975/OUT (70 dwellings) and 13/01641/OUT (16 dwellings)).
- 6.175 The Case Officer acknowledges these recent housing commitments for the village; however as previously referred to earlier within this report; the Council cannot demonstrate a five year land supply and in the absence of up to date housing polices, decision makers are required to determine the proposal in line with the presumption of sustainable development as per Paragraph 14 of the NPPF.

- 6.176 Furthermore, whilst the distribution of growth within the District and the level of that growth is a matter that will be determined through the emerging local plan, it is very clear that whatever growth strategy is adopted, Houghton on the Hill, as a sustainable settlement, (which is likely to be upgraded from a Selected Rural Village to a Rural Centre) will need to accommodate further housing growth beyond that already committed.

### **Houghton on the Hill Neighbourhood Plan**

- 6.177 Concerns have been raised, within the consultation responses received from the local community and Houghton on the Hill Parish Council, that this application is pre-empting the outcome of the Neighbourhood Plan. Whilst Officers acknowledge the work that the community has undertaken thus far, the Plan has not been 'made', nor has it been through Examination. Accordingly, limited weight can be attributed to this Plan at this stage.
- 6.178 Notwithstanding the above, I have considered the application against the key policies contained within the emerging Neighbourhood Plan, below. Issues relating to specific design features would be a matter for consideration at the Reserved Matters stage, and is not for consideration at this stage aside from the development parameters.
- 6.179 Policy H1 relating to Housing Provision outlines that planning permission will be granted, subject to compliance with the relevant criterion listed under the policy, for residential development within the limits to development of Houghton on the Hill. However, this policy would be affected by virtue of the current lack of a 5-year supply of deliverable housing land as discussed in detail above.
- 6.180 Policy H2 relates to the provision of accessible and affordable housing. It identifies that at least 7% of new dwellings should be Part M (accessibility standards) of the Building Regulations compliant, and affordable housing will be delivered through the planning process in such proportions as local needs dictate at a particular point in time. The proposed development would incorporate this affordable housing requirement, and would be required to be in compliance with the Building Regulations under a separate approval process.
- 6.181 Policy H3 outlines housing site allocations that will be taken forward under the Neighbourhood Plan. This excludes this application site. However, this policy would be affected by virtue of the current lack of a 5-year supply of deliverable housing land as discussed in detail above.
- 6.182 Policy S2 outlines the infrastructure requirements within the village. It advises that new and improved infrastructure together with financial contributions will be sought from new developments as appropriate for such infrastructure. Contributions will be sought towards community infrastructure, which is outlined within Appendix A.
- 6.183 Policy T1 relates to traffic management within the village. It outlines that development will only be permitted where it will not cause a significant increase in the volume of traffic using the local highway network in the village, including St Catharine's Way. The highway impact of the proposed development has been discussed in detail above.



## Noise & Aviation Safety (Leicester Airport)

- 6.184 Concerns have been raised, within the consultation responses received, that the proposed development would experience issues associated with aviation noise as a result of the site's relatively close proximity to Leicester Airport.
- 6.185 Whilst the application site is located within approximately 4.28km of Leicester Airport, the application site is not located within an area of land designated as an aerodrome, which would be identified on a safeguarding map. Accordingly, there was no formal requirement to consult the Civil Aviation Authority or the Aerodrome operator.
- 6.186 Leicester Airport is a privately run airport, operated by Leicestershire Aero Club. It does not operate public transport services; only private flying, lessons and training. Aircraft operating from the airport include light aircraft and helicopters. Noise abatement procedures have been put in place by Leicestershire Aero Club, which include, where possible, the avoidance of overflying Houghton on the Hill.
- 6.187 The Council's Environmental Health department have been consulted on this application. No objection has been raised, and no comment was made in connection with this particular concern.
- 6.188 Notwithstanding the above, in connection with Planning Appeal reference APP/F22415/W/15/3141322 (Planning Application reference 15/01067/OUT – land north of Stretton Lane, Houghton on the Hill), within Paragraph 34 of the Decision Notice, the Inspector concluded the following in connection with concerns raised in relation to the matter of noise:
- “It is also satisfied that adequate living conditions could be provided for the future occupiers of the proposed houses in relation to noise (from Leicester airport). I see no reason to come to a different view on these matters.”*
- 6.189 In view of the above, it is considered that the proposed development would not be adversely impacted by reason of noise.
- 6.190 Furthermore, concerns in respect to aviation safety have been raised within the consultation responses received.
- 6.191 Whilst strict flying regulations and standards to ensure flight safety is maintained, flying activity is an inherently dangerous activity and is not without risk.
- 6.192 Notwithstanding the above, in light of the noise abatement procedures that are in place, which include, where possible, the avoidance of overflying Houghton on the Hill, it would not be expected that the future occupants of the proposed development would be subject to a greater risk of incursion in the event of an aircraft emergency (e.g. in the case of an aircraft suffering a bird strike or a mechanical fault, etc.) than existing residents of Houghton on the Hill. Accordingly, the Case Officer is satisfied that this particular matter would not merit refusal of Outline Planning Permission in this case.
- 6.193 Despite the fact that there was no formal requirement for consultation, the Civil Aviation Authority were consulted on this application; however, no consultation response has been received.

## **Green Belt**

- 6.194 Concerns have been raised, within the consultation responses received, that the proposed development would result in the loss of Green Belt land. It should be noted that there is no 'Green Belt' designation within the District, in which case no such loss would arise.

### **k) Planning Obligations**

- 6.195 Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as S106 Agreements, are a mechanism for securing benefits to militate against the impacts of proposed development.
- 6.196 Those benefits can compromise, for example, monetary contributions (towards public open space or education, amongst others), the provision of affordable housing, on site provision of public open space / play area and other works or benefits that meet the three legal tests, below.
- 6.197 Planning obligations must be:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development.
- 6.198 These legal tests are also set out as policy tests within Paragraph 204 of the NPPF.
- 6.199 Policy CS12 of the Harborough District Core Strategy provides that new development will be required to provide the necessary infrastructure which will arise as a result of the proposal. More detailed guidance on the level of contributions is set out in The Planning Obligations Developer Guidance Note, 2009 and Leicestershire Developer Guidance Note 2014.
- 6.200 Appendix A identifies the developer contribution sought by consultees, an assessment as to whether the requests are CIL compliant and a suggested trigger point to advise when the contribution should be made.
- 6.201 Officers consider that all requests are CIL Regulation 122 and 123 compliant.

### **l) Sustainable Development**

- 6.202 The NPPF requires Local Planning Authorities to grant planning permission for sustainable development.
- 6.203 Paragraph 7 of the NPPF states: *"there are three dimensions to sustainable development: economic, social and environmental"*. Taking each of these in turn the following conclusions can be reached:
- Economic  
The development would contribute towards economic growth during the construction period in terms of employment. In the longer term, the additional population would be likely to increase spending, for instance in the local shops and help support the range of other local services, including the local bus service, which would help maintain their viability.

- Social  
The development would increase the supply and choice of housing, including affordable housing, in line with an Objectively Assessed Need in an area where there is no NPPF compliant supply of deliverable housing land. The development would contribute to evidence-based social and environmental infrastructure needs in the locality.
- Environmental  
In terms of environmental considerations, the application site is located on the edge of a sustainable settlement, within walking/cycling distance to a range of amenities and services located within the village centre.  
The development, through the loss of greenfield land, would result in limited and localised harm to the intrinsic character and beauty of the countryside. However, it is considered that this harm can be reduced in time through robust landscape mitigation and off-set by improvements to biodiversity.  
The development will result in less than substantial harm to a non-designated heritage asset, ridge and furrow; however, it is considered that this harm would be outweighed by the proposed mitigation, retention of some within open-space, and the public benefit of the proposal.  
Good design is a key aspect of sustainable development; whilst layout, scale, appearance and landscaping are reserved matters, the illustrative masterplan and supporting information indicate a high quality design could be achieved which would not cause a significant level harm to the character and appearance of the village, or to the landscape character or visual receptors, and will safeguard the amenity of existing residents.  
Statutory consultees are satisfied that the proposed development would not result in increased flood risk, adversely affect highway safety, ecological, arboricultural or archaeological interests.

6.204 In view of the above, it is considered that the proposal would represent sustainable development in accordance with the NPPF.

## **7. Conclusion/The Planning Balance**

- 7.1 With appropriate mitigation where required, it is considered that the proposed development would be in accordance with the up-to-date elements of Policies CS1, CS2, CS3, CS5, CS8, CS9, CS10, CS11 and CS17 of the Harborough District Core Strategy and “saved” Policy HS/8 of the Harborough District Local Plan and no material considerations indicate that the policies of the Development Plan should not prevail.
- 7.2 When assessed against the NPPF, Paragraph 14 (presumption in favour of sustainable development), as well as the NPPF taken as a whole, no significant and demonstrable harm is identified and thus the proposal should be approved without delay.
- 7.3 The recommendation has been made taking into account Paragraphs 186 and 187 of the NPPF, as well as National Planning Practice Guidance.
- 7.4 In view of the above, it is considered that the proposal would meet the relevant national and local policies. Therefore, this application is recommended for approval subject to conditions (see Appendix B) and the S106 Agreement (see Appendix A).

## **8. Planning Conditions & Informatives**

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

## Appendix A: S106 Contributions

Request by HDC	Obligation for Affordable Housing		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>40% affordable housing. On a site of up to 48 no. dwellings, this could yield up to 19 no. affordable units.</p> <p>Our tenure split requirements are for the affordable requirement to be provided as 60% rented and 40% to be provided as intermediate or shared ownership. However we can be flexible on tenure split requirements.</p>	To be agreed.	<p>We will not stipulate our specific unit mix and tenure split for the affordable house types at this point in time. We will provide our exacting requirements if and when a Full or Reserved Matters application is submitted.</p> <p>This ensures greater accuracy in our request for specific unity types and accords more accurately with our housing need profile at a point when the scheme is more likely to be progress.</p> <p>A wider strategic assessment for delivering AH is currently under review. We may as a result consider other options / ways for delivering AH. I am attaching our RP list and the applicant is advised to consult our Partners at the earliest opportunity to gauge interest in a potential AH scheme.</p>	<p>Harborough District Core Strategy Policy CS3.</p> <p>This policy aims to increase provision of affordable housing, particularly in rural areas, in order to meet the high need across the district as demonstrated in the Strategic Housing Market Assessment (SHMA).</p> <p>Planning Obligations SPD (Jan 2017).</p>
Request by HDC	Obligation for Community Facilities		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>Community Facilities</p> <p>£35,280.00</p>	<p>50 % to be paid prior to commencement of development and 50 % to be paid prior to the first occupation of any dwelling.</p>	<p>A development of this scale, a community facilities contribution is required to make this development acceptable in planning terms.</p> <p>The requested contribution would be allocated to a project delivering benefit to the Houghton on the Hill community, primarily the new residents of the development.</p> <p>Project's include the:</p> <p>Village Hall; Pavilion; Methodist meeting rooms; St Catharine's Church; and Village School.</p> <p>The calculation is based on the Planning Obligations SPD (Jan 2017).</p>	<p>Harborough District Core Strategy Policy CS12.</p> <p>Planning Obligations SPD (Jan 2017).</p>
Request by LCC	Obligation for Education		

Amount /Detail	Delivery	CIL Justification	Policy Basis
Primary School sector requirement £139,380.60	To be agreed.	<p>When calculating an education contribution we use the following figures based on DFE cost multipliers which were last updated January 2009 (see consultation response dated 23<sup>rd</sup> May 2017).</p> <p>The site falls within the catchment area of Houghton on the Hill C of E Primary School. The School has a net capacity of 180 and 237 pupils are projected on the roll should this development proceed; a deficit of 57 pupil places. A total of 9 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and have to be discounted. This reduces the total deficit for this school to 48 pupil places.</p> <p>There are no other primary schools within a two mile walking distance of the development. A claim for an education contribution is therefore justified.</p> <p>In order to provide the additional primary school places anticipated by the proposed development the County Council would request a contribution for the Primary School sector of £127,765.55. Based on the table above, this is calculated the number of deficit places created by the development (10.56) multiplied by the DFE cost multiplier in the table above (£12,099.01) which equals £127,765.55. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Houghton on the Hill C of E Primary School.</p> <p>The contribution would be spent within five years of receipt of final payment.</p>	<p>Harborough District Core Strategy CS12.</p> <p>Planning Obligations Supplementary Planning Document Jan 2017.</p> <p>Leicestershire Planning Obligations Policy Adopted 3rd December 2014.</p> <p>The NPPF (Paragraph 70).</p>
Secondary school sector requirement £173,934.00		<p>The site falls within the catchment area of The Beauchamp College and Oadby Gartree High School. The Schools have a joint net capacity of 2902 and 3329 pupils are projected on roll should this development proceed; a deficit of 427 pupil places. A total of 153 pupil places are included in the forecast for these schools from S106 agreements for other developments in this area and have to be discounted. This reduces the deficit at these schools to 274 pupil places.</p> <p>There are no other 11-18 schools within a three mile walking distance of the development. A claim for an education</p>	

		<p>contribution is therefore justified. In order to provide the additional secondary school places anticipated by the proposed development the County Council</p> <p>This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at The Beauchamp College and/or Oadby Gartree High School.</p> <p>The contribution would be spent within five years of receipt of final payment.</p>	
<b>Request by LCC</b>	<b>Obligation for Civic Amenity</b>		
<b>Amount/Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
Civic Amenity - £0	N/A	The nearest Civic Amenity Site to the proposed development is located at Oadby and residents are likely to use this site. The Civic Amenity Site at Oadby will be able to meet the demands of the proposed development within the current site thresholds without the need for further development and therefore no contribution is required on this occasion.	N/A
<b>Request by LCC</b>	<b>Obligation for Libraries</b>		
<b>Amount/Detail</b>	<b>Delivery</b>	<b>CIL justification</b>	<b>Policy basis</b>
Libraries - £0	N/A	No claim from Library Services. Residents of this development would be more likely to use a City Library.	N/A
<b>Request by NHS</b>	<b>Obligation for NHS</b>		
<b>Amount/Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
No request received.			
<b>Request by HDC</b>	<b>Obligation for Public Open Space</b>		
<b>Amount/Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
Outdoor Sports Facilities – On-site provision (0.17664ha), commuted sum if adopted by HDC/Parish £24,925.85; or possible off site contribution £78,384.00	To be agreed.	<p>The site generates the requirement for open space as indicated.</p> <p>The site is considered to be in a rural location for semi natural greenspace. All typologies are required on site, unless agreement is reached by the LPA to accept off site contributions. Agreement must be in writing and after consultation with the community. The provision for Children and Young People amounts to a LEAP, the</p>	<p><i>Provision for Open Space Sport and Recreation (HDC, 2015)</i></p> <p>Harborough District Core Strategy: Policy CS12, Appendix 2 (Infrastructure Schedule)</p> <p>The NPPF (Para 73)</p>



<p>Greenways – Off site contribution £13,137.60</p> <p>Cemeteries and burial grounds – off site contribution £8,721.60</p> <p>Amenity greenspace – On-site (0.09936ha), commuted sum if adopted by HDC/Parish £22,325.40</p> <p>Children and Young People's provision – (0.03312ha) on site, commuted sum for maintenance if adopted by HDC/parish £101,075.72</p> <p>Parks and gardens – On site (0.0552ha), commuted sum for maintenance if adopted by HDC/parish £31,726.59</p> <p>Allotments – on-site provision (0.03864 ha), commuted sum for maintenance if adopted by HDC/parish £2,327.02; or possible off site contribution £2,318.40</p> <p>Natural and Semi-Natural Greenspace – on-site provision (0.0.9384ha), commuted sum for</p>		<p>design of which should fit the surroundings and use natural play structures. Any SUDS structures should provide additional habitat and biodiversity. An off site contribution will be required for additional burial spaces to be spent in the accessibility threshold of 2km. It is unlikely that the District Council would accept the Public Open Space for adoption. If the Parish Council accept responsibility for management of the open space it will be with a commuted sum for maintenance as set out below. Alternatively the developer can make provision to maintain the site through a management company. A landscape management plan should be provided to give assurance that the maintenance will be undertaken in perpetuity. The provision of on site Outdoor Sports facilities and allotments may not be suitable on site, and an off site contribution can be discussed with the Local Authority to provide additional or upgraded facilities within the accessibility threshold for the typologies.(at Houghton recreation ground and allotments respectively) A contribution is required for enhancement of the sustainable travel network as identified in the Provision for Open Space Sport and Recreation 2015 – adopted in 2016. This can be on site links to the village with additional signage to the existing networks within the village of Houghton on the Hill.</p> <p>All POS to be provided on site, except Cemeteries and Burial Grounds contribution. Any off site contributions to be through negotiation of S106 with officers. If off site contributions are required this will either be for enhancement of existing facilities or provision of new facilities within the accessibility thresholds of the site for each typology. If more Open Space than the minimum provision for any typology is proposed by the developer, then commuted sums will be calculated on a pro rata basis.</p>	<p>Planning Obligations SPD (Jan 2017).</p>
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<p>maintenance if adopted by HDC/parish £244,093.79</p> <p>See detailed response below for further details.</p>			
<b>Request by LCC</b>	<b>LCC Highways</b>		
<b>Amount/Detail</b>	<b>Delivery</b>	<b>CIL justification</b>	
<p>Travel Packs (can be supplied by LCC at a cost of £52.85 per pack).</p> <p>6 month bus passes, two per dwelling (can be supplied by LCC at (average) £350.00 per pass.</p> <p>Improvements to nearest bus stop(s) to include provision of Real Time Information (RTI) system, at a total cost of £5,840.00</p>	To be agreed.	<p>To comply with Government guidance in the NPPF, the CIL Regulations 2011, and the County Council's Local Transport Plan 3, the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use:</p> <ul style="list-style-type: none"> <li>• Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area(LCC may be able to supply these at the developers' cost).</li> <li>• 6 month bus passes (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (LCC may be able to supply these at the developers' cost).</li> <li>• Contribution towards equipping the nearest bus stop(s) with Real Time Information (RTI) system; to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift. At a total of £5,840.</li> </ul>	The NPPF, Local Transport Plan (LTP) 3.
<b>Request by LCC</b>	<b>Obligation for legal/ monitoring costs</b>		
<b>Amount/detail</b>	<b>Delivery</b>	<b>CIL justification</b>	
2% or £300.00 of the total value of each contribution in		It is appropriate for the County Council to recover costs associated with the negotiating, production and subsequent monitoring of developer	Harborough District Core Strategy: Policy CS12, Appendix 2 (Infrastructure

favour of the County Council (whichever is the greater)		contributions. This covers any costs associated with obtaining independent or specialist advice to validate aspects of the contributions and the costs of monitoring the payment and implementation of schemes and funding.	Schedule).  Leicestershire Planning Obligations Policy Adopted 3rd December 2014.
<b>Request by HDC</b>	<b>Obligation for Monitoring Fee</b>		
<b>Amount /Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
TBC	TBC	To cover the costs of monitoring payments and implementation of the developer contributions and scheme.	Planning Obligations SPD (Jan 2017).
<b>Request by HDC</b>	<b>Obligation for legal costs</b>		
<b>Amount/Detail</b>	<b>Delivery</b>	<b>CIL Justification</b>	<b>Policy Basis</b>
Legal fees £975.00		It is appropriate for the Council to recover costs associated with the negotiating, production and subsequent monitoring of developer contributions. This covers the legal costs of creating agreements, any costs associated with obtaining independent or specialist advice to validate aspects of the contributions and the costs of monitoring.	Planning Obligations SPD (Jan 2017).
<table><tr><td>Natural and Semi Natural Greenspace*</td><td>rural areas 8.5ha per 1000 pop urban areas 1.5ha per 1000 pop</td></tr></table>	Natural and Semi Natural Greenspace*		
Natural and Semi Natural Greenspace*	rural areas 8.5ha per 1000 pop urban areas 1.5ha per 1000 pop		

<b>Site:</b>	Land off Winckley Close	notes; ; The site is considered to be in a rural location for semi natural greenspace. All typologies are required on site, unless agreement is reached by the LPA to accept off site contributions. Agreement must be in writing and after consultation with the community. The provision for Children and Young People amounts to a LEAP, the design of which should fit the surroundings and use natural play structures. Any SUDS structures should provide additional habitat and biodiversity. An off site contribution will be required for additional burial spaces to be spent in the accessibility threshold of 2km. It is unlikely that the District Council would accept the Public Open Space for adoption. If the Parish Council accept responsibility for management of the open space it will be with a commuted sum for maintenance as set out below. Alternatively the developer can make provision to maintain the site through a management company. A landscape management plan should be provided to give assurance that the maintenance will be undertaken in perpetuity. The provision of on site Outdoor Sports facilities and allotments may not be suitable on site, and an off site contribution can be discussed with the Local Authority to provide additional or upgraded facilities within the accessibility threshold for the typologies.(at Houghton recreation ground and allotments respectively) A contribution is required for enhancement of the sustainable travel network as identified in the Provision for Open Space Sport and Recreation 2015 – adopted in 2016. This can be on site links to the village with additional signage to the existing networks within the village of Houghton on the Hill			
<b>Ref</b>	Houghton on the Hill				
<b>Dwelling Number</b>	17/00212/OUT				
<b>Assumed Population</b>	48				
	110				
<i>All figures are from Provision for Open Space Sport and Recreation 2015</i>					
<b>POS type</b>		<b>Minimum Area (ha)</b>	<b>Commuted sum for maintenance per ha</b>	<b>Total commuted maintenance for minimum area of POS (payable only if the POS is adopted by DC or PC)</b>	<b>Off site contribution if required (i.e. only if not provided on site)</b>
Parks and Gardens 0.5ha per 1000 pop	On site	0.0552	£574,757.00	£31,726.59	£11,150.40
Outdoor Sports Facilities 1.6ha per 1000 pop	Possible off site contributions	0.17664	£141,111.00	£24,925.85	£78,384.00
Amenity Greenspace 0.9ha per 1000 pop	On site	0.09936	£224,692.00	£22,325.40	

## Appendix B: Conditions and notes

### Planning Conditions:

1) **Reserved Matters**

No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development; and
- (d) The landscaping of the site.

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

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

2) **Time Limits**

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

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

3) **Approved Plans**

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

Site Location Plan (February 2017); and  
Drawing No. 005 (Means of Access).

Reason: For the avoidance of doubt.

4) **Parameter Plans**

The details to be submitted in accordance with Condition 1 shall be in general accordance with the principles and parameters described and illustrated in the Design and Access Statement and Illustrative Masterplan V6d Revision C (February 2017).

Reason: To ensure the development results in a form of development which is appropriate to its context and safeguards existing residential amenity and to accord with Policies CS1, CS8, CS11 and CS17c of the Harborough District Core Strategy.

5)

**Levels**

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

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

6)

**Boundary and Surface Treatments**

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

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

7)

**Materials Details**

The external appearance details to be submitted in accordance with Condition 1 shall include details of the materials to be used externally in the construction of dwellings, garages and other structures (all bricks, including brick bond style, tiles, including ridge tiles, render types and colours, any date stones, garage door and other doors, windows, sills and lintels, corbel/dentil/string course brickwork, rainwater goods, porch canopies, bargeboards, fascias, soffits, finials and other external materials). Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

Reason: In the interest of visual amenity, to ensure that the materials are appropriate to the character and appearance of the development and the surrounding area (including the setting of the Market Harborough Conservation Area) and to accord with Policies CS1, CS2, CS11 and CS17 of the Harborough District Core Strategy.

8)

**Landscape**

The landscaping details to be submitted in accordance with Condition 1 shall include:

- (h) indications of all existing trees and hedgerows on the land;
- (i) details of any trees and hedgerows to be retained, together with measures for their protection in the course of development;
- (j) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;

- (k) finished levels and contours;
- (l) minor artefacts and structures (e.g. furniture, refuse and other storage units, signs, lighting etc);
- (m) retained historic landscape features and proposed restoration, where relevant.
- (n) programme of implementation.

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with Policy CS8 and CS11 of the Harborough District Core Strategy.

9) **Landscape Management Plan**

No development shall commence on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area and to accord with Policy CS8 and CS11 of the Harborough District Core Strategy.

10) **Highway Details**

All details of the proposed development shall comply with the design standards of Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining and visibility splays and shall be submitted to approved in writing by the Local Planning Authority prior to the commencement of development.

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

11) **Site Access**

Prior to first occupation of the development hereby permitted, the vehicular access to the site shall be provided in general accordance with Drawing No. 005 and constructed in accordance with the latest Leicestershire County Council design standards. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the Applicant, who shall first obtain the separate consent of the Highway Authority.

Reason: To provide access to the site for all modes of travel, including construction traffic and in the interests of highway safety, and to accord with Policies CS5 and CS11 of the Harborough District Core Strategy.

12) **Construction Management Plan**

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

- e) the parking of vehicles of site operatives and visitors;
- f) loading and unloading of plant and materials;
- g) storage of oils, fuels, chemicals, plant and materials used in constructing the development;
- h) the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities and road cleaning arrangements;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
- h) measures for the protection of the natural environment;
- i) hours of work on site, including deliveries and removal of materials;
- j) full details of any piling technique to be employed, if relevant;
- k) location of temporary buildings and associated generators, compounds, structures and enclosures;
- l) details of the routing of construction traffic; and
- m) measures to control and minimise noise from plant and machinery.

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

13) **Car Parking Provision**

Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling in accordance with Leicestershire County Council 6 'C's Design Guide. The parking spaces so provided shall thereafter be permanently so maintained.

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

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

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

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

15) **Foul Water Drainage Details**

Notwithstanding the details submitted with the Outline application, No development shall commence on site until full details, including the design, implementation and maintenance/management, of the means of foul water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity.

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

16) **Surface Water Drainage Details**

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity.

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

17) **Ordinary Watercourse**

No development shall commence on site until a detailed assessment or hydraulic model of the watercourse has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To assess the risk from the watercourse and ensure no properties are placed at risk of flooding from the watercourse, and to accord with Policy CS10 of the Harborough District Core Strategy.

18) **Construction Surface Water Management Plan**

No development shall commence on site until details in relation to the management of surface water on site during construction of the development hereby approved 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 system through the entire construction phase; and to accord with Policy CS10 of the Harborough District Core Strategy.

19) **SuDS Maintenance Plan & Schedule**

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



development hereby approved 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 sustainable drainage system within the development hereby permitted; and to accord with Policy CS10 of the Harborough District Core Strategy.

20) **Archaeology**

No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording;
- The programme for post investigation assessment;
- Provision to be made for analysis of the site investigation and recording;
- Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- Provision to be made for archive deposition of the analysis and records of the site investigation;
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Note: The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority.

Reason: To ensure satisfactory archaeological investigation and recording, and to accord with Policy CS11 of the Harborough District Council Core Strategy.

21) **Archaeology**

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under Condition 20.

Reason: To ensure satisfactory archaeological investigation and recording, and to accord with Policy CS11 of the Harborough District Council Core Strategy.

22) **Archaeology**

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 20 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure satisfactory archaeological investigation and recording, and to accord with Policy CS11 of the Harborough District Council Core Strategy.

23) **Ecological Appraisal**

The development hereby approved shall be carried out in accordance with the recommendations in section 6 of the Extended Phase 1 Habitat Survey (prepared by REC Ltd, dated 8<sup>th</sup> January 2016), the Further Information Statement (prepared by REC Ltd, dated 8<sup>th</sup> April 2016), the Great Crested Newt Mitigation Strategy (prepared by REC Ltd, dated February 2017), and the Ecological Verification Survey 2016 (prepared by REC Ltd dated 14<sup>th</sup> February 2017).

Reason: To ensure species identified are protected during the construction period and safeguarded following completion of the development.

24) **Biodiversity Management Plan**

No development shall commence on site until a Biodiversity Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the proper management and maintenance of biodiversity enhancements within the site in the interests of amenity and the character and appearance of the area and to accord with Policy CS8 and CS11 of the Harborough District Core Strategy.

25) **Updated Badger Survey**

An updated badger survey shall be carried out within 1 month prior to the start of the development and the results and mitigation measures shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity.

Reason: Badgers have been recorded close to the application site, and to ensure they are protected during the construction period and safeguarded following completion of the development.

Informative Notes:

1) **Building Regulations**

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

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

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

3) **Non-Approved Plans**

The following plans do not form part of the approved plans:

Drawing No. V6d Rev C (February 2017) (Illustrative Masterplan);  
Drawing No. SK01 (Sketch Part Site);  
Drawing No. BT04 Rev B (House Type Blyth – BT, Ground and First Floor Plans Setting Out);  
Drawing No. BT06 (House Type Blyth – BT, Front and Side Elevations);  
Drawing No. BT07 (House Type Blyth – BT, Rear and Side Elevations); and  
Viewpoint 5: Visual impression 10 years after planting, Rev B (2<sup>nd</sup> June 2016).

4) **Highways Act 1980**

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

5) **Off-Site Highway Works**

You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.

6) **Highway Adoption**

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

7) **Land Drainage Consent**

You are advised that this proposal may require separate consent under Section 23 of the Land Drainage Act 1991 in the event that the proposed development will impact upon water flows in a watercourse or ditch.

8) **SuDS and Biodiversity Enhancement**

SuDS features shall be designed to maximise opportunities for wildlife, for example, through the creation of wetland habitat features.

9) **Nesting Birds/Bats**

Nesting birds and bats, their roosts and their access to roosts, are protected under the Wildlife and Countryside Act 1981. It is recommended that any removal of vegetation (hedgerows and trees) is undertaken outside of the bird breeding season, March to September inclusive; however, in the event that

the works are to be undertaken during the bird breeding season, then checking for bird activity should be undertaken by a suitably qualified ecologist prior to commencement, and any works undertaken within 24-hours of being given the 'all-clear' by the ecologist. Should bats be present in the vegetation (hedgerows and trees) which is to be subject to removal, the applicant should contact Natural England, The Maltings, Wharf Road, Grantham, Lincs., NG31 6BH (tel. 01476 584800).

10) **Landscape Planting**

All landscape tree and shrub planting throughout the site shall be of local native species only.

11) **National Grid**

The Applicant is advised of the information contained within National Grid's consultation response to this planning application.

## Planning Committee Report

**Applicant:** Mr P Rivers

**Application Ref:** 17/00496/FUL

**Location:** 34 Coales Gardens, Market Harborough, Leicestershire, LE16 7NY

**Proposal:** Erection of mast with rotatable amateur radio antenna (revised scheme of 16/01490/FUL)

**Application Validated:** 27/03/2017

**Target Date:** Extension of time agreed.

**Consultation Expiry Date:** 04/05/2017

**Site Visit Date:** 12/06/2017

**Case Officer:** Joanne Roebuck

## Recommendation

Planning Permission is **REFUSED**, for the reasons set out below:

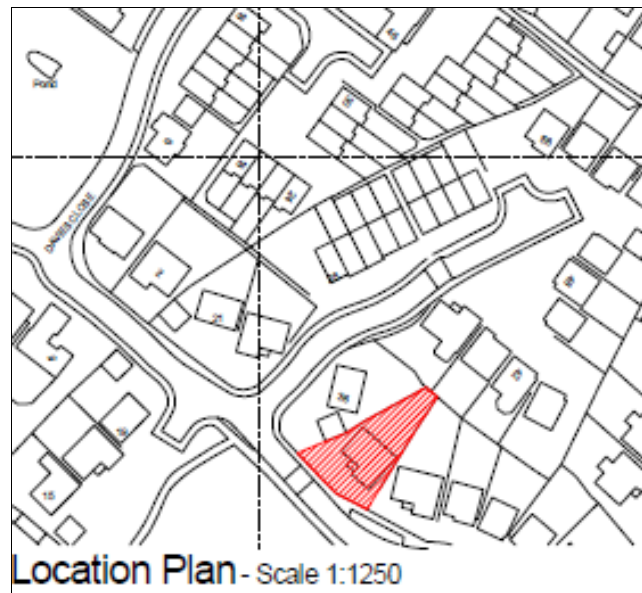
The proposed mast and antenna, as a result of their combined form and scale, will create an incongruous feature which, even at the lowest height, will appear unduly prominent and out of keeping in this residential area to the detriment of the character and appearance of this locality and the amenities of occupiers of neighbouring properties contrary to Harborough District Core Strategy Policy CS11 and the provisions of the National Planning Policy Framework (particularly Paragraphs 7, 8, 9, 12, 14 and 17, and Section 7).

### 1. Site & Surroundings

1.1 The application site is a modern two storey detached dwelling on an established residential estate at the northern end of Market Harborough.

1.2 The dwelling has common boundaries with four other dwellings to the north-west, north-east and south-east, but overlooks public open space on the opposite side of Coales Gardens to the south-west.

**Figure 1: Site Location and Block Plan**



**Figure 2: View of front of property from South-west**



**Figure 3: View of front of property from South-east**



**Figure 4: View of Side Elevation from North-west**



**Figure 5: View of Rear of Property from North**



## **2. Site History**

- 2.1 **16/00153/DEVS** – complaint about mast. Closed when planning application 16/01490/FUL received.
- 2.2 **16/01490/FUL** - Erection of mast with rotatable amateur radio antenna. Refused 01.12.2016.
- .

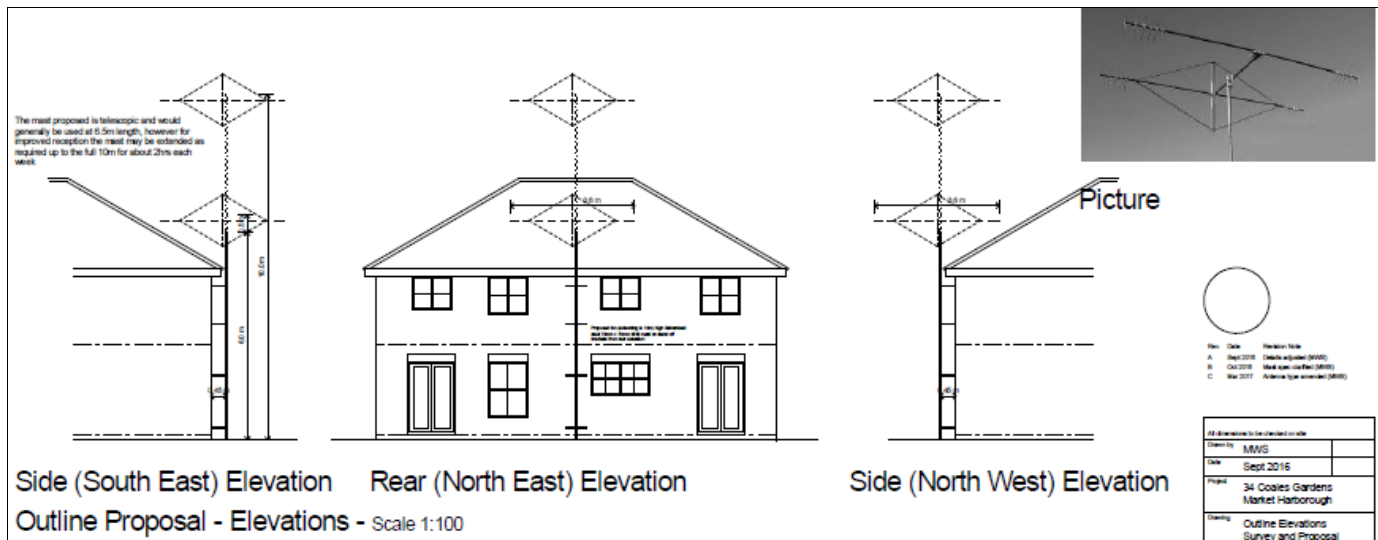
## **3. The Application Submission**

### **a) Summary of Proposals**

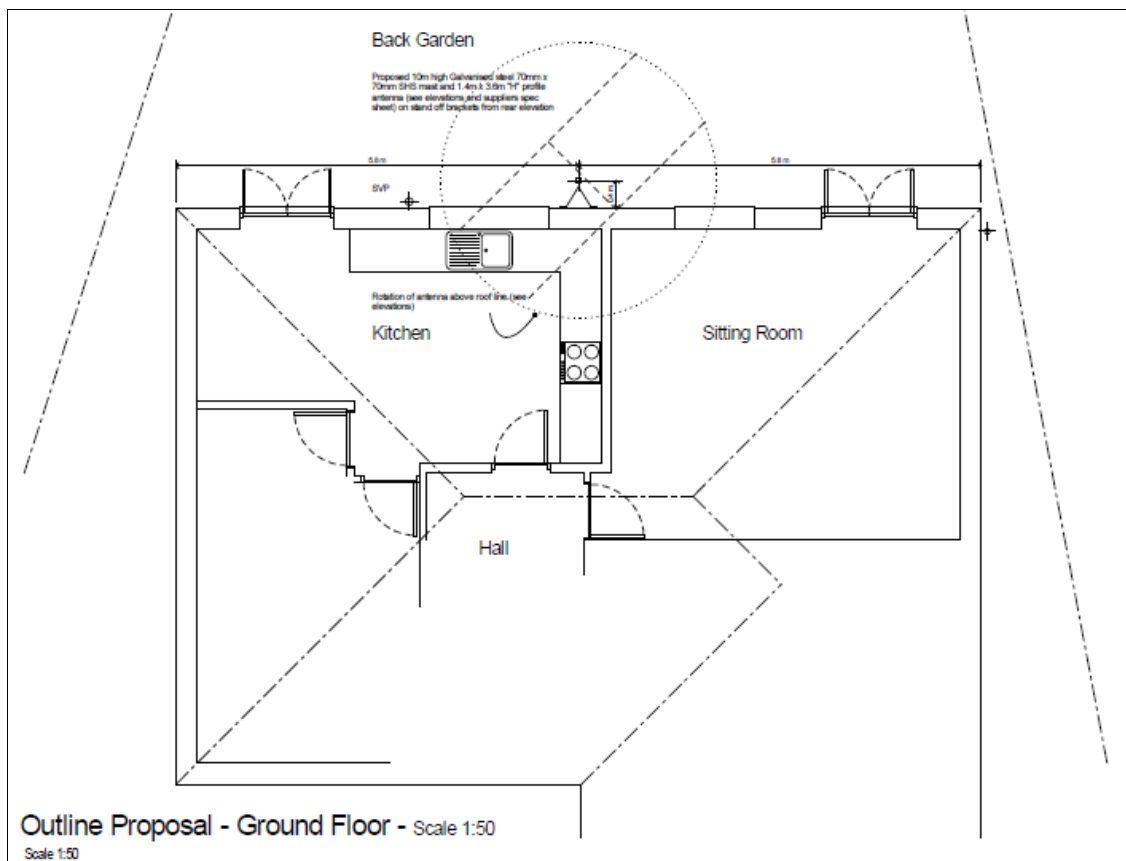
- 3.1 The proposal is for a mast and rotatable amateur radio antenna.
- 3.2 The specifications of the mast and antenna are as follows:
- Minimum 6.0m and maximum 10.0m high extendable galvanised steel mast (70mm x 70mm)
  - 1.4m x 3.6m “H” profile antenna (aluminium, fibreglass coils, stainless steel hardware)
  - Total unextended height to top of antenna of 7.1m
  - Total extended height to top of antenna of 10.6m
- 3.3 The mast would be fixed to the rear of the dwelling by metal brackets which would hold the mast at a distance of 0.45m from the rear elevation of the building. The mast would be positioned in the centre of the rear elevation.
- 3.4 The mast is telescopic and would generally be used at the lower height but for improved reception is likely to be extended to its maximum height for approximately two hours a week.
- 3.5 The applicant has stated that the mast would only tend to be raised to full height if needed for technical reasons, normally the early mornings or late evenings, or at night during sunspot maximum, and more so in the winter time when conditions are better in the Northern hemisphere and during the week rather than at weekends.

### **Figure 6: Proposed Elevations**





**Figure 7: Proposed Ground Floor Plan**



## b) Documents submitted

### i. Plans

3.6 The application has been accompanied by the following plans:

1:1250 Location Plan

1:500 Block Plan  
1:50 Proposed Ground Floor Plan  
1:100 Proposed Elevations

ii. Supporting Statements

- 3.7 A product specification has been submitted providing detailed information about the proposed mast including dimensions and materials.

**C) Pre-application Engagement**

- 3.8 No pre-application engagement was carried out prior to submission of the application.

**4. Consultations and Representations**

- 4.1 Consultations with technical consultees and the local community were carried out for the application. This occurred on 4th April 2017 and included a site notice put up on the 13th April 2017. This initial consultation period expired on 4<sup>th</sup> May 2017.
- 4.2 Firstly, a summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to:  
[www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning).

**a) Statutory & Non-Statutory Consultees**

**4.3 Market Harborough Civic Society**

The applicant has not addressed the objections raised by the Council in respect of the previous application.

**4.4 Environmental Services**

No response received.

**b) Local Community**

- 4.5 Objections from four neighbouring properties have been received for the following reasons:

**Visual Impact:**

- The amended mast is still 3.6m wide on one of the highest properties in the area. It will rise to 3.0m above the roofline and at 3.6m diameter will be wider than the roofline itself. It is therefore much larger than conventional aerials, not suited to a residential area and will be out of keeping with the locale.
- The catalogue details state a turning radius of more than 2.m which means the rotating diameter is huge (more than 4.0m). The form and scale would therefore be totally out of place in this area, with visual consequences affecting many properties.

**Loss of Residential Amenity:**

- Overbearing
- Visible from people's back rooms and gardens detracting from their outlook
- Inconsiderate to neighbours

N.B. The above comments in respect of residential amenity have not been specifically raised by objectors on this occasion, but have been included because some of the objectors stated that the amended scheme had not overcome their previous objections, and these included the issues cited above.

**Other:**

- Better suited to a countryside location
- Will make it more difficult to sell properties as no one will want to look at the mast.
- Limitations on the use of the mast will be impossible to police.
- In strong winds the structure could fall and damage garden fence.
- Supporting comments from miles away should not be taken into account.
- Supporting comments from non-residents make generalisations about the appearance of the aerial without supporting evidence and make spurious comparisons with the visual impact of children's trampolines which are irrelevant as these are not suspended several metres high on a mast visible to the surrounding neighbourhood.

4.6 Supporting comments have been received from five sources including the Radio Society of Great Britain, raising the following points:

- The applicant is properly licensed by OFCOM and has undertaken a technical training programme.
- If an amateur is to participate fully in the activities envisaged in their licence it is essential to have an efficient and properly sited aerial system.
- The former PPG8 stated that masts for amateur radio operators would not normally be of a scale to have a serious impact on local amenity and usually present few planning problems in terms of size and visual impact over a wide area. Whilst not repeated in the National Planning Practice Guidance these points are still relevant.
- Impact on the view/outlook of neighbours should not be given significant weight, particularly when assessed against the right of the applicant to carry out a hobby which is incidental to the enjoyment of their dwelling house.
- The revised proposal is more akin to a conventional aerial.
- There are huge analogue TV aerials in the vicinity which are more unsightly.
- Most of the time people don't notice such structures. Children's trampolines can be more of an eyesore.
- Amateur radio masts have value as life saving devices when other communication devices are down. They are also of importance in the development in radio technology and atmospheric conditions.
- The applicant is a fellow member of the Welland Valley Amateur Radio Society which does a lot of positive voluntary work with young people in bodies such as the Scouts and Air Cadets.
- As a registered member of OFCOM, there are penalties if there is any interference with local electronics.
- This is a standard mast already granted planning permission and installed in other parts of the District.
- International Radio Communications within the next five years will need such installations because the sunspot count, which determines effect on the atmosphere, is currently at its minimum in an 11 year cycle.

## **5. Planning Policy Considerations**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for development be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 Unless otherwise stated, an explanation of the development plan policies, material planning considerations, and other documents referred to can be found at the beginning of the Agenda under “All Agenda Items Common Planning Policy”.

### **a) Development Plan**

- 5.3 The current Local Development Plan consists of the Local Development Framework Core Strategy 2006-2028 (adopted November 2011) and saved policies of the Harborough District Local Plan (adopted 2001).
- *Harborough District Core Strategy (Adopted November 2011)*
- 5.4 Relevant policies to this application are:
- CS11 – Promoting Design and Built Heritage

### **b) Material Planning Considerations**

- 5.5 The following material planning considerations are relevant to this application:
- The National Planning Policy Framework (The Framework/NPPF), particularly Para.14 (presumption in favour of development), Para.17 (Core Planning Principles) and Section 7 (Requiring Good Design).
  - National Planning Practice Guidance

### **c) Other Relevant Information**

#### *Reason for Committee Decision*

- 5.6 The application is to be determined by Planning Committee because of the number of representations received.

## **6. Assessment**

### **a) Principle of Development**

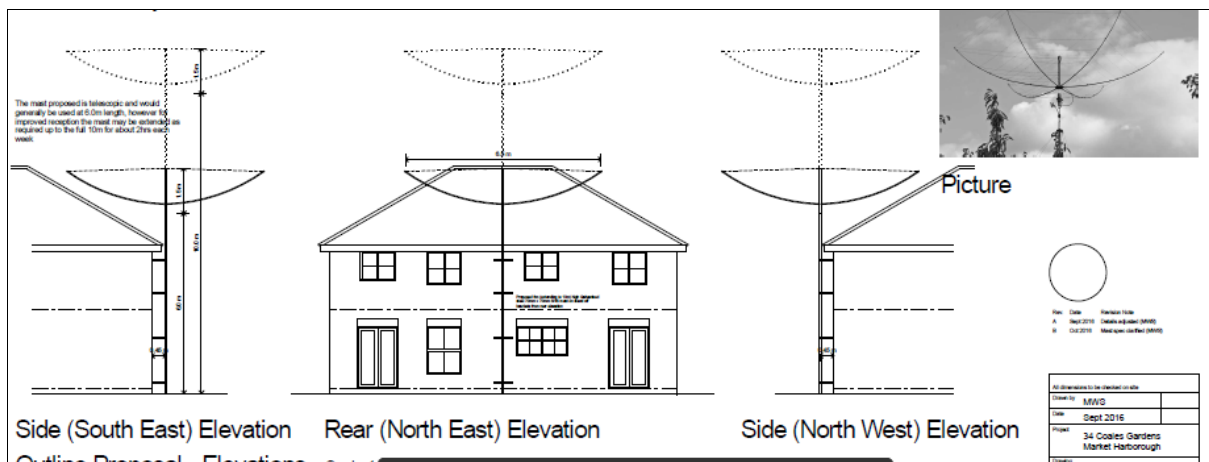
- 6.1 The mast and antenna are for domestic use and therefore appropriate in principle within the domestic curtilage of a dwelling.
- 6.2 The acceptability of the proposal as a whole therefore must be determined having regard to other material considerations, principally the visual impact of the proposed mast and its impact on residential amenity.

## b) Technical Considerations

### 1. Design and Visual Amenity

- 6.3 The dwelling is situated in a relatively elevated position on a sloping section of road. It is also in a row of dwellings that are curved in their alignment, which allows views from the south-east and north-west through to the area at the rear of the roof where the antenna would sit. A gap between two dwellings at the rear also allows views to the rear roof slope from the north, albeit partially screened by vegetation.
- 6.4 The previous antenna refused under delegated powers was shaped a little like a spider's web and was larger than the current proposal, having a diameter of 6.5m. It also had a maximum extended height of 11.5m and a minimum unextended height of 7.5m (See Figure 8 below).

**Figure 8: Mast and Antenna Refused under Reference 16/01490/FUL**



- 6.5 Whilst the scheme has been amended following the previous refusal, the scale, proportions and height of the combined mast and antenna remain out of keeping in this residential location where existing roof aerals and items of street furniture such as lamp posts are very much domestic in scale and character. The mast will be visible from public vantage points even at its lowest height and, given the relative height of surrounding buildings and lack of any backdrop features to disguise it, it will stand out as an incongruous feature. The visual impact will be exacerbated when the mast is raised above the highest point of the roof.
- 6.6 In line with best practice, consideration has been given to the possible use of conditions to overcome this issue. However, any condition which sought to limit the raising of the mast to a maximum of two hours a week would be impossible to police and enforce, making it an ultra vires and ineffective condition. In any case, this condition would not overcome the visual harm caused by the structure at its lowest operational height.
- 6.7 Objectors' comments relating to other permitted masts in the District have been investigated, but there are no recorded planning permissions for any such masts. Similarly, the size of this antenna, at 3.6m in length, is far greater than a standard television aerial and therefore its visual impact is much greater.

- 6.8 In light of the above, the visual impact of the mast is considered sufficient to warrant refusal of the application as it is not in accordance with Core Strategy Policy CS11.

## 2. Residential Amenity

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- 6.9 The mast will undoubtedly be visible from neighbouring properties and will change the outlook for residents. Whilst it will not cause loss of light or be overbearing in terms of its mass, it will be an unduly prominent feature and result in an unacceptable loss of outlook to the detriment of the amenities of neighbouring properties.
- 6.10 For this reason the proposal is considered to be contrary to Core Strategy Policy CS11 and of sufficient harm to residential amenity to warrant refusal of the application.

## 3. Other Matters

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- 6.11 There are no issues in respect of highway safety.
- 6.12 The supporting comments about the benefits of amateur radio installations, and the applicant's right to conduct his hobby, are noted but do not outweigh the harm that would be caused by the mast and antenna.
- 6.13 There are no other material considerations to influence the assessment of the application.
- 6.14 On the basis of the above the proposal is considered contrary to the provisions of the Framework and Harborough Core Strategy Policy CS11.

## 7. The Planning Balance / Conclusion

- 7.1 The proposed mast and antenna will have a materially adverse effect on the character and appearance of the area. On balance therefore it is considered that the proposed development does not comply with the Framework and relevant policies in the development plan.

- 7.2 It is therefore recommended that the application is refused for the following reason:

The proposed mast and antenna, as a result of their combined form and scale, will create an incongruous feature which, even at the lowest height, will appear unduly prominent and out of keeping in this residential area to the detriment of the character and appearance of this locality and the amenities of occupiers of neighbouring properties contrary to Harborough District Core Strategy Policy CS11 and the provisions of the National Planning Policy Framework (particularly Paragraphs 7, 8, 9, 12, 14 and 17, and Section 7).

**Applicant:** Mr and Mrs Clark

**Application Ref:** 17/00569/FUL

**Location:** Land At Ridley Lane, Kibworth Beauchamp

**Proposal:** Erection of a detached dwelling (revised scheme of 16/01198/FUL)

**Application Validated:** 06/04/2017

**Target Date:** 01/06/2017(Extension of Time agreed)

**Consultation Expiry Date:** 18/05/2017

**Case Officer:** Sarah Luckham

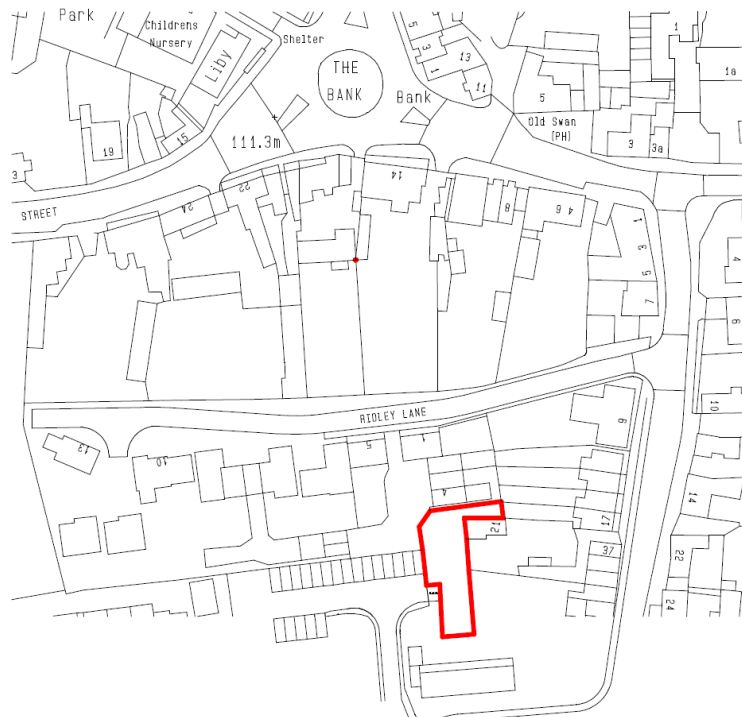
### **Recommendation**

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

The proposed new dwelling is considered to be of an acceptable scale, design, size and massing such that it will not harm the setting of the non designated Heritage asset and as a result will preserve the character of the Conservation Area in this location. The development respects the character of the surrounding settlement. Adequate parking is provided and residential amenity is safeguarded. The proposal is considered to be in accordance with Policies CS2, CS5, CS11 and CS17 of the Harborough District Core Strategy and with the principles of the Framework.

#### **1. Site & Surroundings**

- 1.1 The application site relates to a piece of garden land (A significantly larger part of which has been redeveloped for residential development). The site is contained by a 6ft fence, and would be accessed off Ridley Lane.

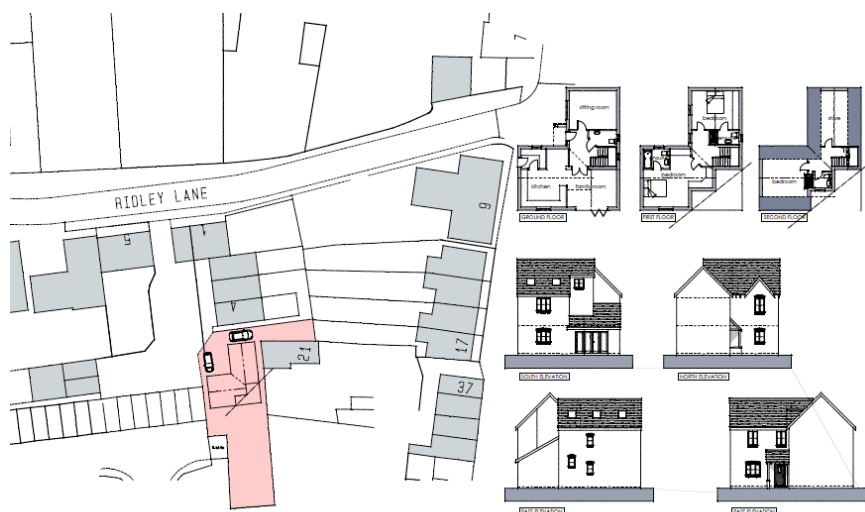


Location Plan

- 1.2 The site is located within the defined limits to development of Kibworth Beauchamp which is classed as a Rural Centre under Policy CS17 of the CS. It is also within the Kibworth Beauchamp Conservation Area.
- 1.3 Hidden Cottage (no. 21 Weir Road), to the immediate east of the site, whilst not listed is a 200 year old building and considered to be a non-designated heritage asset.
- 1.4 To the south of the site is a block of flats and garages.

## 2. Site History

- 15/00844/FUL -Erection of a detached dwelling (WITHDRAWN).

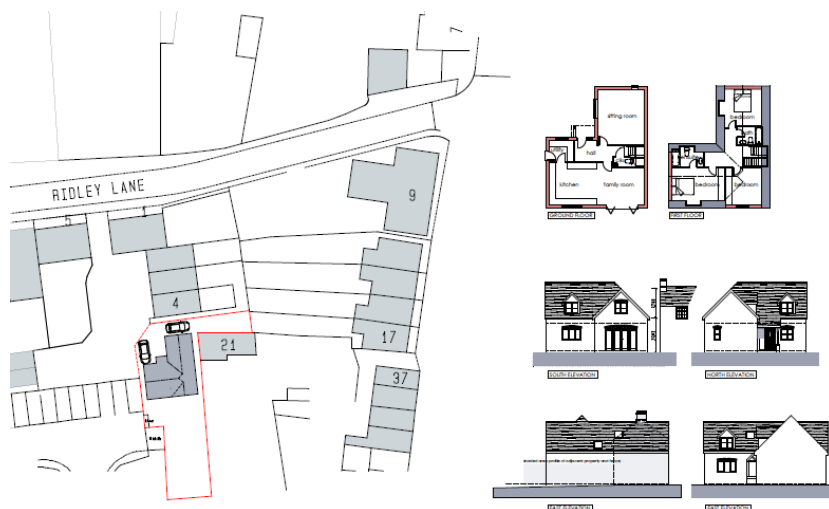


Layout of withdrawn 15/00844/FUL



- 16/01198/FUL - Erection of a detached dwelling (revised scheme of 15/00844/FUL) – Refused on the following grounds:

*'The proposed dwelling by virtue of its positioning and design, would not preserve the character and appearance of the Kibworth Beauchamp Conservation Area, and would harm the significance of Hidden Cottage, a non-designated heritage asset. Furthermore, the dwelling would overshadow and reduce the amount of sunlight into Hidden Cottage, to the detriment of residential amenity. The development is therefore contrary to Core Strategy Policy CS11, SPG Note 3 and The Framework'.*



Layout of 16/01198/FUL

### 3. The Application Submission

#### a) Summary of Proposals

- 3.1 The application seeks full planning approval for the erection of a 3 bedroom dwelling. The position of which is illustrated below:



**Block Plan – Position of Proposed Dwelling**

#### **b) Documents submitted**

- 3.2 The application is made on the basis of Drawing 16/023.3 b 24 February 2017, which was subsequently updated on the 24<sup>th</sup> May 2017 to remove the bedroom window on the east elevation. The most recent layout and elevational plan for consideration is therefore Drawing 16/023.3 C.
- 3.3 The application was also accompanied by a Location Plan and Design and Access Statement.
- 3.4 On 2<sup>nd</sup> June at Officer request a sectional drawing 16/023.12a was also submitted for clarity.

#### **c) Pre-application Engagement**

- 3.5 Although there have been discussions between the agent and previous case officer during the course of the previous applications there has been no formal pre-application given.

### **4. Consultations and Representations**

- 4.1 Consultations with technical consultees and the local community were carried out on the application.
- 4.2 A summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to: [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)

#### **a) Statutory & Non-Statutory Consultees**

- 4.3 **HDC Conservation Officer**

The proposed application site is within the Conservation Area and is adjacent to Hidden Cottage which is considered to be a non designated heritage asset. The proposal, in terms of the size and design of the dwelling I believe addresses concerns raised previously in relation to application 16/01198/FUL. In my opinion the new dwelling will not harm the setting of the non designated Heritage asset and as a result will preserve the character of the Conservation Area in this location. Consequently the proposals are in accordance with paragraphs 135 and 137 of the NPPF.

#### **4.4 County Ecology**

I have no comments on or objections to this application, which is wholly within a current garden. There is no requirement for ecology survey, and I have no recommendations for mitigation or planning condition.

#### **4.5 Highways Development Control**

Refer to Standing Advice provided by the Local Highway Authority September 2011.

### **b) Local Community**

#### **4.6 Kibworth Beauchamp Parish Council**

Kibworth Beauchamp Parish Council has considered objectively presentations by residents and parishioners who will be affected by this development. The Council now submits the following comments.

Scale and design capacity of the neighbouring area

Ridley Lane was designed as a unified development. The access road is therefore sufficient for the number of dwellings. Adding additional buildings will mean more vehicle movements along this lane and at the junction with Weir Road.

Access

The only access (vehicular and pedestrian) will be along a private road (Ridley Lane) and through an arched entrance to a private courtyard already shared by several dwellings. Although we accept that a planning application does not consider the present ownership of the land in question, we question whether the landowner and developer will have right of access through the courtyard or Ridley Lane. We also question whether construction traffic could negotiate the limited width and height of the arched entrance.

Scale and over-development

We previously opposed the earlier application because of its scale in relation to Hidden Cottage. This application has increased the height of the structure. In our view, it will dominate Hidden Cottage and its garden. We believe that Hidden Cottage is unique in our parish in that its character depends totally on the surrounding environment, being set aside from other buildings. To construct another dwelling so close will destroy its integrity as an important element of the parish's heritage. It will no longer be hidden.

Conclusions

The Parish Council has listened to the views and petitions of residents for whom this proposed development will have a lasting negative impact.

Although 'windfall' and infill development is welcomed by the emerging Kibworth Neighbourhood Plan, one must consider the effect on the integrity of an important heritage building within the Kibworth Beauchamp Conservation Area, and on its occupants who clearly chose to acquire the cottage because of its unique location and character.

Whilst not directly pertinent to this application, we believe that the landowner and developer may meet legal issues in terms of access to the site.

Consequently, at its meeting on Tuesday 25 April 2017, Kibworth Beauchamp Parish Council resolved unanimously to oppose this development and to request that the Planning Authority refuses this planning application.

#### **4.7 Neighbours**

14 letters of objection have been received which are briefly summarised below. Full comments can be found on the website.

- Development should be limited to a bungalow so that it doesn't overlook the 'hidden cottage' at no. 21 or any cottages and gardens of 37 – 47 Weir Rd
- Development at Ripley Lane already dense and this would add to traffic
- Home close garages are to the immediate west of the development. Our objection is with regard to the proximity to the east wall of garage No 1. This particular distance has not been given in the published plan and needs to be maintained for the purposes of future maintenance.
- Ground levels and damp-proof courses must be respected within the maintenance space to prevent possible rising damp.
- Overbearing impact from development
- The width and height of the arch is such that large construction vehicles simply would not be able to get onto the site.
- Safety during construction for children
- concerns about damaged being caused to property during construction
- Disruption during construction
- De value property
- Loss of daylight or sunlight (1 Ridley Lane)
- The proposed build is currently on a green field site.
- The trees on the proposed site are mature and a joy for everyone in the local neighbourhood to enjoy.
- The proposed development shows an upstairs room with views directly into our bedroom at No 4 Ridley Lane (please note that on the plans the numbers are incorrect and our property is showing as No1, when we are fact living at Number 4 Ridley Lane).
- The access to this property is, I presume via the courtyard on Ridley Lane. There simply is not enough room for access and parking to the proposed property.
- Over bearing impact on Weir Rd
- Detrimental effect on view of Hidden Cottage
- In a Conservation Area with a number of trees
- I think its quite ridiculous that someone is trying to build a dwelling on a very closed off and basically inaccessible piece of land.
- Our road has also just been laid and I am very worried about damage caused by a constant procession of lorries etc.
- The plans (Martin Jones 16/023.3b) have inaccuracies, omissions and insufficient information
- On the plans submitted there are no parking bays shown, the plans only show the houses.
- Inadequate information regarding drainage
- The position of the proposed two storey building is in line with the rear of Hidden Cottage and the garages. This would be a significant structure which is not design consistent with the other properties closing off the openness of the present area.

- It compromises a heritage site within the Kibworth Beauchamp and would set a precedent.
- No visitor parking
- Increased traffic along Weir Road
- Visual impact – not in keeping and would set a precedent.
- The addition of this proposed property, does not meet the design guidelines imposed on the approved Beauchamp Walk Ridley Lane site and therefore does not fit in or in anyway compliment the existing development, unfortunately, it is just another box, an obtrusive, unimaginable design.
- The privacy of local property also is to be questioned along with the loss of daylight and sunlight to neighbouring properties, particularly The Hidden Cottage and numbers 1 and 2 Ridley Lane, now that the proposed property has been moved closer to the boundaries of these homes.
- The privacy of neighbouring properties particularly 5 Ridley Lane is of concern from the second floor, which is directly in line of site to the garden and ground and upper floors such so that it is of detriment to the residential amenity of this property
- Request for delay in reviewing this application - Access is across privately owned land of Ridley Lane and a courtyard, for which an easement right of way is granted.
- No communal lighting increases chances of an accident
- Revised plans will have an even greater impact than previous proposals due to additional height
- Misrepresentation of Hidden Cottage's significance as part of Kibworth scenery, heritage, cultural significance (including tourism)
- Misrepresentation of NPPF guidelines/advice
- Misleading planning history
- Misleading information on trees and hedges
- Unclear pedestrian and vehicular access/rights of way
- Uncertain access to services
- Misleading language in relation to position/location
- Incorrect numbering of properties on Ridley Lane
- Would Council consider Local Green Space designation
- Ground stability and drainage
- Non compliance with government guidance
- The erection of the proposed new dwelling will impact the residents of Weir Road between numbers 13 and 43 who share the communal passageway with Hidden cottage, formerly known as Barrack Yard.

## **5. Planning Policy Considerations**

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

### **a) Development Plan**

*Harborough District Core Strategy (Adopted November 2011)*

- 5.2 Relevant policies to this application are, CS1, CS2, CS5 and CS11. These are detailed in the policy section at the start of the agenda.
- 5.3 Policy CS17: Countryside, Rural Centres and Rural Villages is also relevant. This states that new development in Rural Centres (which includes Kibworth) will be the focus for rural affordable and market housing, additional employment, retail and community uses to serve the settlement and its rural catchment area

## **b) Material Planning Considerations**

### *Supplementary Planning Guidance*

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

### *The Framework*

- 5.5 The National Planning Policy Framework states that there is a presumption in favour of sustainable development and that development should be approved without delay if they accord with the development plan. It states that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 5.6 The Framework states that the design of the built environment is of great importance and that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.
- 5.7 Section 12 (Conserving and enhancing the historic environment) of The Framework is the most relevant part in relation to this application.

### *Kibworth Beauchamp Conservation Statement*

- 5.8 The Statement defines the main attributes of the Conservation Area.

### *The Kibworth's Neighbourhood Plan*

- 5.9 Reg. 16 consultation for the Kibworths Neighbourhood Plan ended 17<sup>th</sup> May 2017 and an Examiner has been appointed.

## **c) Other Relevant Information**

### *Reason for Committee Decision*

- 5.10 Over 5 objections have been received in relation to the application.

## **6. Assessment**

### **a) Principle of Development**

- 6.1 The application site lies within the defined Limits to Development of a Rural Centre which is considered to have satisfactory public transport links and a reasonable range of amenities (Shops, Public House, Primary & Secondary School, Doctor's Surgery etc). The site is situated within satisfactory proximity to these amenities such as to reasonably enable future occupiers to use alternative modes of transport to the private motor vehicle, for example cycling and walking.
- 6.2 The proposal whilst representing small scale infill development is on garden land. Gardens are not included in the Framework's definition of previously developed land

but the erection of dwellings is not precluded subject to other policy considerations. One of those policy considerations is housing land supply. The Council currently does not have a 5YLS.

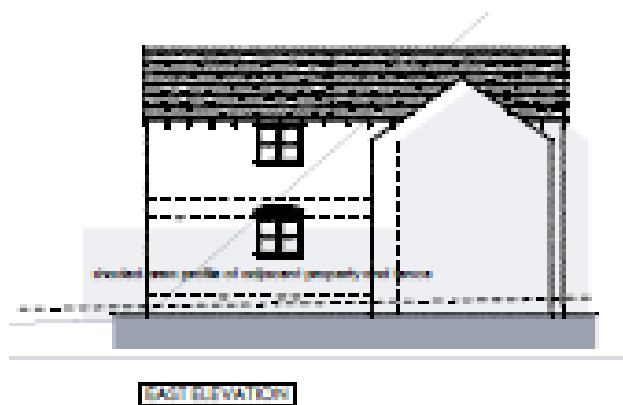
## **b) Housing Requirement and Housing Land Supply**

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

## **c) Technical Considerations**

### **1. Scale, appearance and landscaping**

- 6.4 The Drawings below illustrate the proposed design of the dwelling. During the course of the application a bedroom window was removed from the eastern elevation.





North Elevation

- 6.5 Within the Design and Access Statement submitted with the application, the agent advises that consideration has been given to the comments received from the previous case officer for the previous application.

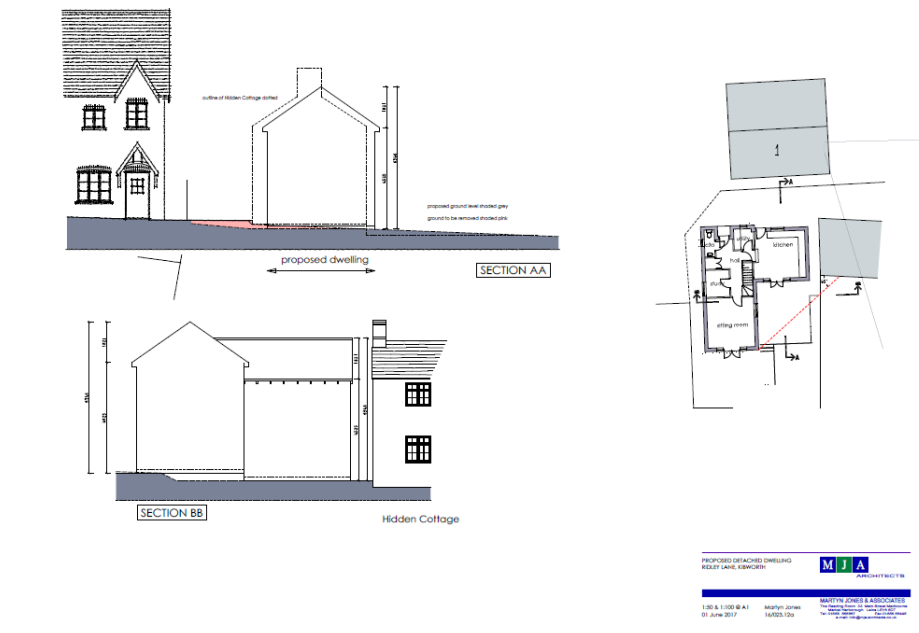
*'The design and positioning of the proposed dwelling has been revised to take into consideration the relationship with Hidden Cottage which has been designated as a heritage asset.*

*The proposed dwelling has been sited to the south of a terrace block of dwellings which have recently been constructed and is an L shape plan layout in line with the adjacent cottage to the east.*

*In order to assess the impact of the proposed dwelling on Hidden Cottage consideration has been given to the 45 deg guideline. An imaginary line has been drawn from the centre of the ground and first floor windows and any new construction has been restricted within this zone'*

- 6.6 The Design and Access Statement advises that it is proposed cut into the slight slope on site such that to level reduce the ground level adjacent to Hidden Cottage so that the scale of the proposed dwelling is of similar proportions. The eaves and ridge heights of the proposed dwelling have been reduced from the previous application.
- 6.7 The proposed dwelling would be split level with a reduced ground floor level to the kitchen bringing this in line with the cottage. The ridge height would therefore be 6.346 metres above ground floor level at this point, the same as Hidden Cottage that lies adjacent. The main bulk for the building that lies north/south would have a height of 6.746 to the ridge. This is illustrated on the drawing below.





Sectional Drawings

- 6.8 It is proposed to construct the dwelling with facing brickwork, with tiled roof to match those of the recent development. Brick arches and cills, exposed rafter feet and gable details would link in with this development.
- 6.9 The design of the dwelling itself reflects the adjacent housing development and is considered to be in keeping with the local area.

## 2. Heritage

- 6.10 Policy CS11 of the Harborough District Core Strategy states that heritage assets within the District and their setting, will be protected, conserved and enhanced. Paragraph 132 of The Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the assets conservation. The more important the asset the greater the weight should be. Paragraph 135 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account.
- 6.11 The LPA has a statutory duty under S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a designated conservation area. Recent appeal decisions have reaffirmed that preserving in this context means doing no harm and there is a strong statutory presumption against granting permission for any development that does not comply with this long standing obligation.
- 6.12 Hidden Cottage (to the east of the site) makes a positive contribution to the character and appearance of the conservation area; a designated heritage asset. It is of considerable heritage interest by virtue of its age and therefore meets the definition of a heritage asset as set out in the glossary to the Framework. As such it has a degree of significance meriting consideration in planning decisions and NPPF paragraph 135 requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account.

- 6.13 The HDC Conservation Officer has assessed the proposals currently under consideration and assessed that the new dwelling will not harm the setting of the non designated heritage asset and as a result will preserve the character of the Conservation Area in this location. Consequently the proposals are in accordance with paragraphs 135 and 137 of the NPPF.

### 3. Amenity

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- 6.14 Core Principle 4 of the Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings and this is also reflected in CS Policy CS11.
- 6.15 Concern has been raised that the proposed dwelling will result in overlooking/loss of privacy. The above plans show that there is a satisfactory 45% angle achieved by windows on the eastern elevation of the proposed dwelling, and windows on the southern elevation of Hidden Cottage.
- 6.16 The only window on the upper floor of the northern elevation relates to a bathroom which would be obscure glazing, for which an appropriate condition is suggested.
- 6.17 The west elevation will directly overlook the shared car parking area. An oblique view from the proposed 1<sup>st</sup> floor window could potentially overlook the end of the rear garden of No.5, but this would not be sufficient to warrant refusal. The south elevation will look directly over the garden area of the proposed dwelling. An oblique view over the garden area of Hidden Cottage will be possible but this would not overlook the immediate garden area (i.e. that directly to the south of Hidden Cottage, 3.5m) to warrant refusal. The north elevation, like the west elevation will look directly overlook the shared car parking area and again an oblique view over the rear garden area of no.1 Ridley Lane, but this would not overlook the immediate garden area and therefore would not warrant a refusal.
- 6.18 Overall it is considered that existing and future residential amenity will be safeguarded and the proposal will therefore comply with Policy CS11 of the Harborough District Core Strategy.

### 4. Highways

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- 6.19 The proposed 3-bedroom dwelling house should have two off street parking spaces. Access is not taken directly from a highway, but rather through the existing access off Ridley Lane. The Car parking is to be created within the curtilage, and highways have not raised any objections.
- 6.20 It is proposed that the frontage and parking area to the dwelling could reflect similar materials to the courtyard with pavers providing a hard standing for vehicles. The area to the north extends behind Hidden Cottage up to the existing boundary fence could provide an additional parking space or an area for a garden shed.
- 6.21 The area immediately to the south of the dwelling would be paved to form a patio area. The remainder of the garden would be laid to lawn with perimeter shrub beds up to the existing boundary fence.

## d) Sustainable Development

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

*Economic:* Direct economic benefits related to employment generation and investment.

*Social:* Provides 1 new dwelling, which contributes to housing need.

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

## **7. The Planning Balance / Conclusion**

- 7.1 The previous application (reference 16/01198/FUL) was refused on the grounds that its positioning and design would not preserve the character and appearance of the Conservation Area, and would harm the significance of a non designated heritage asset. In addition it was considered that the design would overshadow and reduce light into Hidden Cottage.
- 7.2 The proposals currently under consideration have overcome these concerns by altering the orientation of the proposed building, and reducing the scale. Additionally it would be the same height as Hidden Cottage, and a 45 degree angle is clearly shown as achievable on the submitted drawings.
- 7.3 The Conservation Officer has advised that the proposals are now acceptable in Conservation terms as discussed above, and the reorientation of the building would not unacceptably overshadow Hidden Cottage, thus overcoming the previous reasons for refusal
- 7.4 On balance therefore, the proposed new dwelling is considered to be of an acceptable scale, design, size and massing so as to enhance and respect the character of the Conservation Area. The development respects the character of the surrounding settlement, and would not have an unacceptable impact on residential amenity. Adequate parking and turning facilities are provided and residential amenity is safeguarded. The proposal is considered to be in accordance with Policies CS2, CS5, CS11 and CS17 of the Harborough District Core Strategy and with the principles of the Framework.

## **APPENDIX A – Planning Conditions**

### **1) Planning Permission Commencement**

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

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

### **2) Permitted Plans**

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

- 16/023.3 C

- 16/023.12 a

REASON: For the avoidance of doubt.

### **3) Materials Schedule**

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

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

### **4) Car Parking & Turning**

Access and car parking and any turning facilities relating to the new dwelling hereby approved shall be provided, hard surfaced and made available for use before the dwellings are occupied and shall thereafter be permanently so maintained.

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

### **5) Drainage**

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

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

### **6) Surface water/highways**

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

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

### **7) Landscaping**

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

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

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

## **8) Obscure Glazing**

The window at first floor level on the northern elevation shall be glazed with obscure glass (at least Level 3) only prior to first occupation of the development hereby permitted, and shall be permanently maintained as such at all times thereafter.

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

### **Notes to Applicant**

- 1) You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. Market Harborough 821090). As such please be aware that complying with building regulations does not mean that the planning conditions attached to this permission have been discharged and vice versa.
- 2) INF33 It is recommended that no burning of waste on site is undertaken unless an exemption is obtained from the Environment Agency. The production of dark smoke on site is an offence under the Clean Air Act 1993. Notwithstanding the above the emission of any smoke from site could constitute a Statutory Nuisance under section 79 of the Environmental Protection Act 1990.
- 3) Building works, deliveries, clearance or any works in connection with the development shall take place on site between 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.