

Planning Committee Report

Applicant: Avant Homes Limited

Application Reference: 17/02130/PCD

Location: Land Off Farndon Road Market Harborough

Proposal: Discharge of condition 17 (construction traffic routing via Burton Street, Angell Drive and Charley Close) of 15/00746/OUT

Application Validated: 15.12.2017

Target Date: 09.02.2018

Consultation Expiry Date: 25.01.2018

Case Officer: Mark Patterson

Recommendation

Condition 17 is **DISCHARGED** as set out in **Section 8** of this Report and in accordance with Plan reference "FARN3-CTP-01 – Construction Traffic Routing Plan".

1. Additional Information submitted by Applicants in response to reasons for deferral

- 1.1 The application was deferred from the February meeting of the Planning Committee to allow the applicants the opportunity to further investigate the issues around landownership of the alternative construction traffic access routes.
- 1.2 In response to this, on the 14th February, the applicants issued a letter stating that it is their belief that, under the provisions of Section 27 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, Condition 17 is now deemed to be approved (see **Appendix D**). HDC have obtained a Legal Opinion to assess the validity of this claim.
- 1.3 The response to this request is that the applicant has made an error in interpreting parts 28 and Part 29 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Discharge Notice as served states that the effective date for the Discharge Notice is 9th February 2018, a date which is at least six weeks from the date that the LPA acknowledged that the application was valid that date being 15th December 2017. If the applicant had continued to read through part 29 to the end, it would have been noted that 29 (a) and (b) of the Order state the following :-

- (4) The date specified under paragraph (3)(c) must be no earlier than—
 - (a) the date the period referred to in article 27 elapses, or
 - (b) 14 days after the day immediately following that on which the deemed discharge notice is received by the local planning authority, **whichever is later.**

The applicant waited until six weeks had elapsed before serving the Discharge Notice on HDC, which to that point was correct however the Discharge Notice was served on HDC on 14th February 2018 making the date of 9th February 2018, given as the effective date of discharge invalid. The date which should have been entered on to the Discharge Notice is Monday 12th March 2018 as this is the later of the two dates and 14 working days after the day immediately following the day on which the Discharge Notice was received by HDC. The applicant served the Deemed Discharge Notice on HDC in an attempt to finalise the matter, unfortunately an

error on the face of the Notice made it invalid and will mean that any further Notice served will place the effective date beyond the date for the March Planning Committee.

- 1.4 Furthermore, on the 15th February, the applicants supplied the following:
*“Further to my emails earlier this week, please find attached a plan showing the ownerships of the surrounding parcels of land around our development at Market Harborough (see **Figure 1**).*



Figure 1: Plan indicating landownership of alternative access routes

I will address what we have done in respect of each of these areas:

- **Route A**, this road is owned by both Northamptonshire County Council and Daventry District Council. Having liaised with Northamptonshire regarding the upgrade works required, they have stated “ the carriageway would have to be widened to 5m, with a full carriageway construction thickness applied throughout, appropriate verges and a highway drainage system would also be required, plus the junction with Harborough Road would have to be modified. The width of highway land may not be available throughout the required length of the works; consistency of such width would be required, which would mean that third party land negotiations might have to take place. The financial total of all of this would be considerable for Avant Homes to bear... .. undertaking site investigations and producing an accurate topographical survey to ascertain if the full width of land for the widened full construction carriageway etc is

available within publically maintained highway land. Bearing in mind that the required realigned road junction with Harborough Road is also possible within the confines of highway land. If it is required to acquire land for this improvement then planning permission is required, the costs of acquiring both land and again the planning consent would add further to the project cost."

In addition to this, Northamptonshire County Council Highway Network Manager has notified us that residents of East Farndon are stating that they are very unhappy with the suggestion of proposed development traffic and want a HGV prohibition on the The Lealand / Lubenham Road due to its unsuitability.

Having looked at the proposed upgrade costs it is estimated that this would be a completely unviable cost to the company of in excess of a £950,000 plus associated legal costs, highway fees and moreover third party land consent and associated fee (this could be in the region of £200K on its own).

With experience of dealing with Northamptonshire Highways authority the mere process of approval would take at least a year with construction a further 3 to 4 months

- **Route B**, this is land that is owned by the Pilkington Trust, but is leased on a long term agricultural tenancy, and we have approached both tenant and owners.

This would also require access via land that is owned by the Northamptonshire County Council and Daventry District Council and as such would require land acquisition either side of the road to facilitate any highway access, plus associated significant road upgrades. Similar costs and timescales to Route A

- **Route C**, this is via Nigel Haines land, we have approached Mr Haines, the cost of approvals, third party ransom payment and the cost of the road would be significant.
- **Route D**, this is via existing residential development and across land owned by the Gardiners. We have not approached these land owners due the extreme difficulties in crossing the River Welland, as a licence from the Environment Agency is required due to the River being a main watercourse. This would also involve structural calculations in the type of crossing suitable, depth and height of the proposed crossing, weight restrictions, and any adverse impacts upon the local wildlife, which includes but is not exclusive to, otters and badgers. The route also traverses via a flood zone. The timescale would take over a year and costs would be unviable, more so than route A
- **Route E**, this would track through some of the already proposed routing path, but would then enter Pilkington Land, and Gardner land before again trying to cross the River Welland. The route also traverses via a flood zone. The timescale would take over a year and costs would be unviable, more so than route A

As you will appreciate, it is our view, and that of our legal advisors, that this ongoing delay is completely unreasonable behaviour by the Council, which will result in an award of costs against the Council should an appeal be made against the refusal or non-determination of our application.

This matter must be approved at the next committee on 6th March for construction access to be approved via the development. We will be left with no choice but to proceed with appeal, as the ongoing delay cannot be allowed to continue.

We would like it iterated at the next committee that contrary to some of the statements made at the February committee, Avant Homes has been actively researching and reviewing alternative routes since the December referral and not

48 hours before the February committee. Since February we have had further engagement with the third party landowners.

Should access via the development be granted via the development on 6th March 2018 for immediate use, as a gesture of goodwill and partnership with the councils and resident group, we would be willing to pursue Route C as a future access subject to agreement with third party land owners, highways and council approval plus a revised viability assessment to accommodate the associated costs for this Route by way of the removal of affordable housing on the development. We stress that we must be able to commence development from March 6th 2018 via the existing development whilst Route C is pursued as an option. Route C is dependent on third parties and the success of a viability assessment. We will not accept committee refusing access in the hope of Route C. We will not pursue this option without condition 17 being discharged on March 6th for development access via the existing development. If this is refused or deferred Avant Homes will not delay the appeal route any longer.”

- 1.5 Whilst the above is appreciated, Officers remain concerned that Route C is very uncertain. Amongst other things it relies on third party land in Northamptonshire probably necessitating a planning application. It has not been tested (eg by the submission of a planning application) and could result in objections being raised by other existing residents. Furthermore, HDC are not able to impose conditions on the discharge of a planning condition, and as such, there would be no way to secure this. HDC can ask for a unilateral undertaking from the Applicant stating that they will secure a right of access to the site via route C, however it should be borne in mind that the land over which route C is located, (a) does not belong to the Applicant; (b) the controlling authority is Daventry so the goodwill and intention may be there but there is no guarantee that this option will prove to be the solution as the proposed alternative route may not gain Planning approval from Daventry District Council.
- 1.6 As a result of the above, it is Officers consideration that the only viable option is as set out in the recommendation in that Condition 17 is discharged in accordance with Plan reference “FARN3-CTP-01 – Construction Traffic Routing Plan”.

2. Site and Surroundings

- 2.1 The application site forms the phase 2 of an established residential area, of which phase 1 was granted back in 2007, and is nearing build completion. Phase 1 has been completed by a number of different residential builders, including Barratt Homes, David Wilson Homes, and Avant Homes.
- 2.2 The development site is approximately 10.5 ha in size, located off Farndon Road. It is roughly triangular in shape and slopes slightly from south west to north east. The northern boundary of the development is constrained by the River Welland, the eastern boundary relates directly to the existing housing development, with open land to the south and west (see **Figure 2**). Whilst the application site is described as “Land off Farndon Road”, there is no shared boundary between the site and Farndon Road, with the Farndon Fields residential development being located between the site and Farndon Road.
- 2.3 The development site is approximately 10.5 ha in size, located off Farndon Road. It is roughly triangular in shape and slopes slightly from south west to north east. The northern boundary of the development is constrained by the River Welland, the eastern boundary relates directly to the existing housing development, with open land to the south and west (see **Figure 2**). Whilst the application site is described as

“Land off Farndon Road”, there is no shared boundary between the site and Farndon Road, with the Farndon Fields residential development being located between the site and Farndon Road.



Figure 2: Application site (Source: Google Maps)

- 2.4 The eastern boundary is defined by an existing brook that runs in a south-north direction and an existing row of trees and hedgerow that effectively screens the neighbouring residential development. The site is bisected by a public bridleway, which is bounded by existing mature hedgerows with similar established planting to the west and eastern boundaries. There is a man-made irrigation lagoon on the site which is related to the agricultural use of the site. A portion of the northern parcel of the site lies within Flood Zone 3, however, this was considered in detail during the Outline application.

3. Site History

- 3.1 The site has Outline Planning Permission, for the erection of up to 230 residential dwellings and associated works - application reference number 15/00746/OUT (See **Appendix A**). The application was granted on the 6th April 2016 with all matters reserved, including access.
- 3.2 Notwithstanding this, Condition 25 of the Outline consent (15/00746/OUT – see **Appendix A**) states that any subsequent Reserved Matters submissions shall be in accordance with the principles and parameters described and illustrate on the Site Layout Masterplan (see **Figure 3**). As can be seen, this plan clearly indicates that access to the site would be gained via Charley Close and Measham Close.
- 3.3 The Reserved Matters application (17/01108/REM) was presented to Planning Committee on the 5th December 2017. Following a public speakers session and a brief debate by Members, the application was deferred to allow the applicants the opportunity to investigate alternative routes of access for construction traffic. The applicants subsequently submitted the current Discharge of Condition application requesting consent for construction traffic routing through the adjoining development having investigated alternative options including a route to the south.



Figure 2: 15/00746/OUT Indicative Site Layout Masterplan

- 3.4 The applicants have also submitted a Counsel Opinion from Andrew Fraser-Urquhart QC of the Francis Taylor Buildings regarding the deferral, stating that “...it is difficult to see any proper basis upon which the application should have been deferred at the December committee meeting or upon which there could be any further grounds to delay a grant of permission on this basis. In the event that such further delay does occur, the developer might be well advised to consider making an appeal for non-determination. In my view, such an appeal would be overwhelmingly likely to succeed and it would also be overwhelmingly likely that the costs of such an appeal would be awarded against the Council...” A full copy of the Counsel opinion is appended for the Committee’s information at **Appendix B**.

4. Conditions to be Discharged

- 4.1 17. Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

REASON: To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.

5. The Application Submission

- 5.1 This application relates to the discharge of Condition 17 which is set out above and requires the submission of details of the construction traffic routing to be submitted and agreed by the LPA. The applicants have submitted a Construction Traffic Routing Plan (see **Figure 4**) and a Construction Route Assessment document in support of the application.

a) Summary of Proposals

- *Proposed Construction Traffic Route*
- 5.2 The proposed Construction Traffic Route would leave Farndon Road at Burton Street, and travel through the existing development along Burton Street, Angell Drive and Charley Close before accessing the site. The Construction Traffic Route would be a two way route and would avoid the more arduous route initially proposed along Freshman Way



Figure 4: Construction Traffic Routing Plan

- *Other Construction Traffic Routes Considered*
- 5.3 As part of the applicants submission, they have also investigated two other alternative routes. Route 1 would leave the A4304 in Lubenham, and travel along Rushes Lane, travelling through the village and along the Lubenham to East Farndon road. Route 3 would continue along Farndon Road out of Market Harborough to East Farndon. It would then turn right at The Lealands, and continue along the East Farndon to Lubenham road and then turn towards the site and travel along the line of the Bridleway to the site.

c) Pre-application Engagement

- 5.4 Prior to submitting the planning application, the applicant held pre-application discussions with Officers of Northamptonshire County Council. These discussions informed the submission

6. Consultations and Representations

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

a) Statutory & Non-Statutory Consultees

- 6.2 *LCC Highways*
I can confirm that the submitted document / drawing titled Construction Traffic Route Plan FARN3-CTP-01: is deemed satisfactory to discharge Condition 17 of application 15/00746/OUT.
- 6.3 *LCC Highways (Further comments in response to correspondence from Cllr Bremner)*
Before issuing the comments in the email dated 10 January below I looked in depth at the submitted documents on Harborough District Council's website. Whilst the Local Highway Authority [LHA] acknowledge that there will be some inconvenience to existing residents construction traffic (and routing) is a temporary situation and as such cannot be considered as a material Planning consideration. The landownership / right of access over the strip of land between Charley Close and the new site may have an impact, but land ownership is not a consideration for the LHA when giving our statutory consultation technical response. It is the responsibility of the applicant to ensure they have the land available to implement their permission.
- 6.4 Looking at the route that has been proposed on the Construction Traffic Route Plan drawing FARN3-CTP-01: I can see that the proposed route uses roads that are, or will be, built to an adoptable standard, this means that the road geometry and construction is suitable for the construction use as proposed, and indeed these roads have been used as such to build the existing homes from Burton Street through to Charley Close. Albeit that the route is not yet adopted, it is being built to this standard. There are two alternative routes discussed in Bryan G Hall Construction Route Assessment; from the north via Rushes Lane; and from the south via The Lealand, Lubenham Road and Public Bridleway CP1. The route via Rushes Lane is stated as being unsuitable for large construction traffic due to the low bridge, the LHA agrees with this assessment. The route via The Lealand is considered unsuitable due to its narrowness/general geometry, being already designated as unsuitable for HGV's and to convert the final stretch of bridleway into a haulage route would be both unsuitable and undesirable from an environmental perspective. In addition to the Bryan G Hall assessment, Northamptonshire County Council Highways Department, Development Management Department, and Public Rights of Way officer have written in strong opposition against the use of The Lealand route and the conversion of the bridleway to a haul road. Looking at the site location it would therefore appear that there are no alternative / suitable road routes from the north, west or south.
- 6.5 As you state, there may be some ambiguity in the earlier application with regards to the access. However Condition 25 of approved permission 15/00746/OUT states

'The reserved matters submitted under Condition 1 shall be in accordance with the principles and parameters described and illustrated in the Amended Design and Access Statement (September 2015); the Site Layout Masterplan and Landscape Masterplan and Habitat Creation Plan all received via email 19th October 2015.'

When looking at the published 'Amended Illustrative Masterplan' [published 30 October 2015] titled Proposed Site Plan, and also sections 4.3 and 5.3 of the Amended Design and Access Statement, it can be seen the access points are clearly marked as being through-routes from Charley Close and Measham Close. Therefore it is the assertion of the Local Highway Authority that these routes are clearly what is intended as access routes, and determined as so from the planning permission given for the 230 dwellings.

- 6.6 We acknowledge that HDC are seeking legal opinion, and this may put a different perspective on the outcome, but given the submitted information that we have on which to provide our advice, the LHA advice is that the construction route as proposed is acceptable.
- 6.7 *NCC Highways*
The local highway authority; Northamptonshire County Council in this instance, would not support the Construction Traffic Management Plan Routing proposed by Market Harborough District Council which uses the Lealand & Lubenham Road, East Farndon, for the construction traffic associated with this 200 dwelling development. This authority objects to that proposed routing of construction traffic for the build out of this consented Outline development.
- 6.8 The Lealand and Lubenham Road are narrow in width with sharp bends, and height restrictions at the northern end of Lubenham Road, which would result in all construction traffic routing through East Farndon and the Lealand, causing damage to this narrow road and verges by the large heavy vehicles necessary for, and associated with the construction of this development.
- 6.9 As Lubenham Road does not directly access the development site a haul road would be required across agricultural land to access the site; which would require a planning consent, with the most likely route chosen being Bridleway No CP1; this bridleway would require upgrading to accommodate construction traffic vehicles, with a suitable route also providing segregating equine traffic from construction traffic. From a Public Rights of Way perspective, the LHA would be very much opposed to any suggestion that Public Bridleway CP1 be used as a haul road to serve the build out of this consented development.
- 6.10 Public Bridleway CP1 is specifically provided for use by the public on horseback, on bicycle and on foot. This class of public traffic on the bridleway requires no 'upgrading' and any use of the bridleway by construction traffic would severely compromise the utility and public enjoyment of this route by the traffic that it is intended for, Northamptonshire County Council object to such a proposal, should it be forthcoming.
- 6.11 The only proposed construction traffic routing that Northamptonshire County Council consider suitable and would be supportive of is the routing through Market Harborough town and the existing Farndon Fields development site. The adopted highway within Market Harborough which directly accesses the consented development site is of suitable width and construction to facilitate this traffic. However this authority must stipulate that the journey along Farndon Road, within Market

Harborough must be made approaching the roundabout into the site coming south through Market Harborough and not from the south, travelling north through East Farndon village on Farndon Road to reach the consented development site.

b) Local Community

- 6.12 *Cllr Paul Bremner CC (Market Harborough West and Foxton)*
I support the objectors, all resident on Farndon road, who will have their amenity negatively impacted by developer traffic. developer traffic will wind through the estate and filter through two closes 7.3m wide. This is a vibrant community of 500 homes with many resident and guest parked cars.
- 6.13 The 2016 Outline planning consent states that access is yet to be determined. Therefore the Planning Committee may have an opportunity to scrutinise this before arriving at their considered decision.
- 6.14 *Harborough Civic Society*
There is a lesson to be learnt from the handling of this application. Routes for construction traffic should be considered at the time the principle of development is being considered. The situation is very unsatisfactory
- 6.15 *Farndon Fields Residents Group*
*(The Farndon Fields Residents Group have submitted a lengthy and detailed objection containing a number of photo's. The conclusion of the representation is reported below, and the full statement is included at **Appendix C** of this report.)*
- 6.16 The Farndon Fields Residents Group, on behalf of all residents, strongly oppose the access arrangements proposed by Avant Homes on the grounds that they are unsafe and unsustainable for the 3-4-year development period. Residents have posted over 50 objections, all with the same objection and voiced from their personal experience.
- 6.17 As our access maps demonstrate, there are alternative access routes, and these should be utilised for Health and Safety reasons. Agencies such as Planning and Highways are viewing each planning application as a separate entity and using "short term inconvenience" as a reason to approve them. This is not a short-term inconvenience. Burton Street and the entire Farndon Fields development has already endured over five years of construction traffic, despite the builders promises of two years. Adding on the 100-house development, then the 215-house development and the current application for another 57-house development would take this total construction access to 9-10 years, detrimentally affecting the living standards and Health and Safety of a development of 600 families for a decade. Ten years CANNOT be deemed to be a SHORT-TERM inconvenience. A decade is the playground lifetime of a child (from age 4-14)
- 6.18 Should the current access proposals be refused, Avant will certainly come up with feasible alternatives in record time. They won't volunteer it as we have seen from their shoddy attempt so far, designed only to get a negative reaction. Their use of the bridleway to ensure a negative response was highly underhand. Going down the bridleway is simply not necessary. Once they access down the farm road as they have been doing with their current heavy equipment on site, they can construct any roads they wish as they are immediately on the Phase 3 land. Highways have never actually visited the development and have not taken any account of the "living roads", parked cars and children's movements. They are going against 2015 legislation. This is pertinent in the wake of the "Grenfell Tragedy". Government departments can no longer wave things through rather than paying due diligence. This is an excerpt from the Highways revised consultation response on the 20 Oct 2015:- *"The level of*

information provided to conduct highway observations isn't sufficient enough to provide a substantive response." "The level of information provided to conduct highway observations isn't sufficient enough to provide a substantive response."

6.19 *Householder Representations*

56 letters of objection have been received from the local community raising the following issues:

- It would seem that Northants County Council consider that Lubbenham road would be unsuitable for heavy vehicles to access the building site, even though it was, presumably, built to "adoptable standards". However, the developer feels that it will be perfectly ok to take all of this traffic through a housing estate for the next 4 or 5 years, past a children's playground and along roads that were built for a few cars to use.
- They wish to have 2-way traffic of heavy vehicles inside a built up zone with many parked cars, including on Charley Close which was built to be used by 8 houses, not 218 houses plus 2-way construction traffic.
- Avant Homes cannot keep the roads clean now on their existing building site, why would they make any extra effort if they get approval for the new site and traffic flow?
- It is bad enough to consider using Burton Street and Angell Drive for 2-way construction traffic, but it is a sick joke to consider using Charley Close for the same.
- Cars are stagger parked to allow others access i.e. you cannot park cars opposite each other, otherwise the road would be blocked to all other users.
- Strong chance of reduction in value of property.
- Low loaders would have great difficulty manoeuvring some of the narrow streets.
- It would appear from these documents that Avant have made only a very cursory attempt to try and comply with the planning committee's request to find an alternative route. The fact remains that the proposed access route is completely unacceptable. The roads were not built for the proposed volume of traffic. I would hope that the planning committee will stand their ground and insist that the developer make serious investigations into an alternative route, perhaps spend a little more time and effort than is displayed here.
- I have lived on Angell Drive for approximately two and a half years now, I am a lorry driver working permanent night shifts, I arrive Home around 7:30 am, the route planned for the heavy construction traffic would have a major impact on my ability to sleep,
- It is very disappointing to see such a feeble attempt to address alternative options for routing of the construction traffic. It might not be ideal to route traffic down a country lane and via a bridle way but neither is it appropriate to have construction traffic passing through narrow residential streets and past children's parks.
- I have lived on Angell Drive for 3 1/2 years, being one of the first houses built at the end neighbouring Northamptonshire. I make multiple journeys throughout the day along Angell Drive and Freshman Way and hardly a day goes by when I don't meet on coming traffic on the same side as me due to the roads being narrow and parked vehicles. On a couple of occasions due to the way residents have parked I have had to knock on peoples doors to get them to move as the road has been completely blocked (I only drive a Ford S-Max, so imagine the situation with a HGV on the same stretch of road).
- I have witnessed construction vehicles attempting to turn on to Charley Close, that have ended up cutting across the grass tearing it up. This was on a quiet day, imagine the situation with daily multiple HGV movements on this road. It is of concern that Avant Homes have disregarded the outcome of the last

council meeting regarding access for this site. Their new proposal simply moves the access to this site to pass directly in front of a large children's play area. The objections as itemized at the council meeting are:

- Real risk to life for children, adults and animals through routine movement of heavy site traffic every working day for next 5 years through a populous housing estate.
- Streets in Farndon Fields site are too narrow and corners too sharp to allow large plant and other heavy traffic to manoeuvre safely, if at all (Clearly presented at meeting).
- A clear precedent has been set when the large plant traffic to clear the trees on this site gained access to the site via Lubenham lane in November 2017.
- Lubenham lane is also used routinely by Farm and plant traffic and is only "Unsuitable for large vehicles" by virtue of the low bridge at one end - the other end is clearly accessible by large plant as evidenced by the point above.
- These points are well made and on record. If the council and Avant homes choose to ignore them they will be jointly liable for any injury or death which occurs as a result of their neglect.
- Ref letter to. BBC from Andrew Fraser-Urquhart QC dated 21st December 2017. My comments: 5. ...the reason for such condition was expressed to be "to ensure that construction traffic associated with the development does not use unsatisfactory roads to and from site...." Who makes the decision as to satisfactory or non -satisfactory? 6.14. What is considered as "temporary impact upon residential amenity" The first occupiers of phase 1 have already endured 5 years. Now we are looking at a possible further 5 years! How can this be considered as "temporary"! Paras 12 & 15 sound like threats to me! 13. 187economic, social and environmental conditions of the area..." This clause also applies to existing residents. Construction Route Assessment report by Bryan G Hall 2.4. Height restriction. Why cannot this redundant bridge be demolished? Para 2.8. Photograph shown is looking right at the junction of Burton Street with Angell Drive, which is where Avant are currently developing. Photo should have been taken looking left at junction. Then you would see cars parked either side of Angell Drive, including construction workers vehicles.
- I have lived on this estate for 4 years now, this is twice as long as we were told we would have to live with construction traffic.
- My wife is on maternity leave and on her daily walks with the pushchair she has to step onto the road due to lorries parked on the pavements putting her and our baby at risk, this would intensify if the planning was approved with further construction traffic.
- I already worry due to the bad parking that already exists how the emergency services would get through if they were needed, we have already had a couple of serious fires on the estate and daily there are instances where a fire engine would never be able to get through.
- Charlie Close is not wide enough for those lorries, they will have to mount the kerb on occasions and again that adds to the danger. I cannot believe Avant would want their construction traffic to go down a Close (which means no through traffic by the way) putting the families at risk that live there meaning children will no longer be safe to play.
- The gravel path the loops the estate is used by lots of people to run, walk dogs and is a safe way for families to access the park. To have this path broken at the end of Charley Close by becoming an access for construction traffic would be very dangerous for the people that use it. Its not only residents of the Farndon Fields estate that visit the parks here many of my children's friends ride their bikes along this path to go to the park as its a safe route for children.

- I urge Harborough planning to examine this latest unacceptable proposal very carefully and approach Avant Homes to find a fresh, new alternative access route to the proposed site. I wish to reiterate my previous comments that Charley Close was built as a narrow, dead-end close to serve a handful of homes. It is most certainly not able to safely sustain the extra vehicular traffic to 215 homes, including emergency, wide delivery and refuse vehicles.
- The response from Avant has been to gather evidence that the original proposal is sound as it can't be challenged in law. Andrew Fraser-Urquhart QC states that: "The acceptability of the access through the existing phase 1 development is, therefore, settled as a matter of law" This is not true, because if it was, it would be possible for untenable access routes to be proposed (which hadn't been submitted at initial application and only raised in the reserved matters submission) and not be able to be defended. While the case law mentioned by the QC is clearly relevant, in two important cases, Cases C290-03 Barker and C-508/03 Commission v UK [2006] 3 WLR 4921, it was judged an Environmental Impact Assessment could be required at the reserved matters stage even though the decision in principle had already been made on the issue of the outline permission. Therefore while the planning committee may feel they might lose a legal challenge brought by Avant they would also be subject to litigation that relevant detail at the reserved matters stage had been ignored (further legal opinion in this regard has been convened pending the planning committee's decision)
- It is also a point of fact that on the day of the visit by Bryan G Hall Transport engineers there is not one photograph of the estate (not even the road where access will be from) but multiple photographs of East Farndon and Lubenham. The engineers make an entirely sound argument for defending the alternative routes but there is no evidence presented for the contrasting views. It would seem impossible for parties to commission other reviews in the time available to submit a testament against this.
- The arguments against the proposed route are no different from the those presented at the planning committee meeting in December, that is the junctions of these roads are not designed for construction traffic for 215 houses. This is nothing in the evidence provided that refutes this assertion - just that the alternative routes are not suitable. This does not constitute a good argument to proceed with the application.
- WHY do the developers not look at alternative access, they certainly managed to find it when they sneaked in the tree choppers and whenever else they choose. In my opinion, they flout every rule in the book. They lied to us, and probably everyone else, when they sold us our place. They told us building of Phase 2 would be complete within 2 years - I have been living here 5 years! Please, please, make the developers find an alternative route into the proposed next phase and make the children safe.
- The developer has consistently failed in its LEGAL obligation for the past few years to carry out WHEEL WASHING on all vehicles. This was a planning CONDITION that the developer and Council have failed to enforce despite repeated photographs and emails to the enforcement officer.
- AVANT have requested outline planning permission for another 52 homes off Angell drive (Ref 17/01269/OUT). This will mean Burton Street and Angell Drive will then be subject to not just one but TWO lots of TWO WAY HGV construction traffic that will be routed round a large popular children's play area that also regularly has parked cars blocking visibility and making it difficult for children / pedestrians to see and large vehicles to pass. You don't have to be an H&S Expert to realise this poses an unacceptable risk.

- Under the CDM (Construction Design and Management) Regulations 2015, it is LAW that the involved organisations carry out their projects in a way that secures the Health and Safety of ALL involved. This includes routing of traffic that is covered under Part 4 Regulation 27. It is clear that the proposed routing VIOLATES a number of points on Regulation 27, including 'pedestrians and vehicles can move without risk to Health and Safety' and 'No construction traffic is to be driven on a route unless it is free from obstruction and permits sufficient clearance'. It is quite clear that due to width restrictions of the roads, parked cars and risks to children at the play area it is IMPOSSIBLE for these conditions to meet the CDM Requirements that are LAW.
- It is also clear that there are alternative access routes that the developer has ALREADY USED and is still USING to gain access with HGV's to the new site in order to carry out preparation work. Why can't they continue to use the same access route that doesn't put current residents at risk? Other route options include from The Lealand/Lubenham Road or, Farndale View off of A4304.
- Another possibility - consider using the proposed access route for 17/01269/OUT (52 houses off Angell) to gain access to build the 215 site first, then the 52. This would be a joined up approach that lessens the risk, and affects residents least. These other options need to be fully explored and ARE POSSIBLE as the developer is currently using at least one of them!
- If Avant do get planning permission I suggest we all (600+) households put 'For Sale' signs outside our properties. If the developers don't play fair why should we!
- It appears that the applicant is stating that The Lealands/Lubenham Road is not suitable for construction traffic AT PRESENT. Then money will need to be spent to make it suitable/acceptable for Avant Homes use. Just as a previous developer, spent money, to put in suitable access for Freshman Way by installing a roundabout a number years back. Avant Homes are more than capable of building new houses but seem unable to improve The Lealands/Lubenham Road considered suitable for construction traffic, surely they have the required building skills!
- Avant Homes have completely missed the point of the objection by local residents, our objection stands on local road safety and the associated dust, mid, noise etc.. All that has happened since the Planning Committee "hold" on this application is that Avant have written to Northamptonshire County Council Highways in a very negative manner to get them to agree that an alternate route for construction traffic is unacceptable. At no point have Avant and NCC Highways had meaningful discussions as to the costs and times associated with a temporary upgrading of Lubenham Rd to support construction traffic only. This route along Lubenham Rd is already being used for construction traffic delivered for the construction of the wildlife alternate living habitats. At least 1 x long arm excavator has been delivered to site along with a number of rough terrain high capacity dump trucks.
- Re-routing the construction traffic away from Freshman-Angell-Charley to Burton-Angell-Charley now actually makes matters worse! The new route will pass more homes, a children's play park, will be 2 way traffic rather than a 1 way flow and will conflict with the construction traffic associated with the proposed development of 57 properties submitted by CJC in outline.
- We propose that Avant find a safer temporary route across the adjoining farmland or as we have already suggested, use Lubenham Rd and install mitigating physical measures in East Farndon (road widening etc..). An alternate route for construction traffic could we across the field on the Northants / Leicestershire border using a temporary trackway if Avant can negotiate a land rental with the land owner?

- As a resident of the Farndon Fields Estate for the last 3½ years I have no right to object to the further development on adjacent land and no one can doubt that further housebuilding is urgently needed. However, I find it essential to object to the proposed access to the new phase of development.
- Homeowners in Charley Close will have bought their houses in good faith expecting the benefits for their families of living on a quiet, no through road with minimal traffic. Instead they will have large vehicles passing in both directions (if they can pass) during the building phase and increased traffic permanently once the new houses are completed and occupied.
- The rejection of alternative access routes for construction traffic on the Northamptonshire side does not imply that the proposed route via Charley Close must be approved.
- The QC's legal opinion points to construction traffic access through the existing development as being already approved in the outline planning permission but fails to address the fact that the developer did not install roads with appropriate corner width for construction access to this new phase.
- An alternative route for construction traffic must be found or the development must not be allowed to continue.
- The cost to Avant to develop a suitable access route is minor compared to the profit they will make from this new development and nothing at all compared to preventing one innocent child getting hurt or worse.
- Lubenham Lane is also used routinely by Farm and plant traffic and is only "unsuitable for large vehicles" by virtue of the low bridge at one end - the other end is clearly accessible by large plant as evidenced by the point above.
- The Council must balance its obligations towards ensuring new homes are appropriately constructed with its duties towards existing residents both in terms of the disruption caused by significant traffic movements of heavy lorries and the risk to young families, in particular, of routing traffic around a popular local park on residential roads.
- The Council would rightly reject several years worth of construction traffic alongside other popular in-use parks.
- The developer has had legal advice since 21 December which it has only submitted these last few days. The timing seems to be a deliberate attempt to subvert the council planning process - why was this response not submitted earlier and local residents given the chance to respond?
- The council planning team are surely within their rights to call in the developer on this point and the fact that a general point was made in the application about access from the east is moot. The planning condition required the access to be satisfactory and it is not. The legal advice is surely unnecessarily threatening to councillors? They should not be brow-beaten into submission.
- At the very least the council should allow time for both the councillors and residents to seek legal opinion to verify or otherwise that submitted and paid for by the developer.
- The council is not required to make alternative proposals - that is for the developer to initiate.
- I have also taken a look at the new planning and it does leave roads open for more development so the traffic will go on for more than five years which will then leave the roads in disrepair and then there is the issue of the wheel wash with all the good will in the world the developer will never get all the trucks to wash before leaving site which then puts mud on the roads and path ways and then in to the home of people living on the estate we brought our house on charley close because it was a close not a road so we will suffer loss if ever we are to sell and this is looking like more of an option with the way planning is being handed out like sweets in a play ground.

- Outline planning was passed in November 2015 to CJC, before Avant ever laid a brick on this development and prior to planning permission for the 100 houses that they are currently building. Situations and the populations of developments change and grow which is surely one of the reasons why town planners use "reserved matters" and do not agree on areas such as construction access until nearer the commencement of a build. The relevant clauses which clearly show this are set out below:-

"Appendix C - Recommended Planning Conditions 15/00746/OUT
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 access to the site;
- (c) The layout of the development;
- (d) The external appearance of the development; and
- (e) 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.

18. Routing of construction traffic.

Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

Reason: To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site."

For health and safety reasons, alternative access arrangements must be made, either via the Lubenham Road or as a last resort, across the land earmarked for the 57-house build, presently waiting for Outline approval. Once the current access proposals are refused, Avant will certainly come up with feasible alternatives in record time. They won't volunteer it as we have seen from their shoddy attempt so far, designed only to get a negative reaction. Their use of the bridleway to ensure a negative response was highly underhand. Going down the bridleway is simply not necessary. Once they access down the farm road as they have been doing with their current heavy equipment on site, they can construct any roads they wish as they are immediately on the Phase 3 land.

- The roads are currently over congested with parked cars, this is appalling for an estate that is less than 6 years old. The best decision cannot be one that will result in the traffic situation being further exasperated.
- As the new houses are constructed, it is unlikely that the developer will wait until all properties are constructed before starting to sell properties. This means that there will be a significant period of time where there is increase in both residential traffic and construction traffic.
- An access road could be constructed around the northern perimeter of the existing estate, on land where construction has not started. This could give access to Farndon Road via Rugby Close or a better option may be to access Welland Park Road via land adjacent to Willow Crescent. This is a much safer option and would remove the increased pressure on existing roads. It would

require some compromise from the construction companies as some planned properties could not be built.

- Daily the drivers connected to the construction of the site are committing minor RTA offences including use of mobile phones, excessive speed, not wearing seatbelts. This includes large construction vehicles, contractors vehicles, private vehicles, delivery drivers depositing on site and the actual vehicles utilised for construction. The use of the car as a racetrack by certain members of staff and how loud they can rev their engines is also commonplace.
- I appreciate Harborough District Council have an obligation to meet Government targets for building new homes. However, more importantly, the Council has an obligation and duty of care to its homeowners and residents
- I am delighted that Avant have shown their true intentions and instructed a QC in an attempt to panic the Council into making a swift decision. This is par for the course with Avant should the Council wish to check recent planning applications across both UK & Ireland.
- When did the Council last reject a major development application due to public demands or strong local objections as set out in its own core policy strategy, CS2: Delivering New Housing?
- The hope, I assume is that the residents will become weary of continuous objecting and accept the bully boy tactics of a large organisation. The Council should show some backbone for the contempt they have been treated by Avant with the revised request and reject completely the application.
- The hurried Bryan G Hall Consulting Civil and Transportation Planning Engineers report (completed in 8 working days, really?) covering all alternative options needs to be challenged. Presenting a review of all alternatives we have less than one full page relating to the Farndon Fields estate route. We also have two contemptible photographs, one of which is misinformation. It does however cover in-depth the options to dismiss all alternate routes. This document is an embarrassment with a disgraceful disregard for those people who will be majorly affected if this development and route is given the go ahead.
- To offer a true and honest appraisal I have submitted photographs to the planning office that offer a real perspective of the access from Burton Street onto Angel Drive. To ensure transparency I took the accompanying photographs at 8.45am on 8th January 2018. The date of 08/01/2018 was chosen as most people would have returned to work following the holiday period. The time of 8.45am was selected as most people would have left to travel to work and the time when parents transporting children to school by would also be off the development. Finally it is 45 minutes after the set time when contractors can start work on site. Each photograph submitted counters the insipid claims set out in the insubstantial Bryan G Hall document.
- Abundant evidence is put forward by the Bryan G Hall Civil Engineer on damage to kerbs, grass verges and the impact to the environment in using the rural alternative options. It is a shame the same effort wasn't put into addressing the concerns of the existing residents. What it does not mention is that these vehicles will need to pass by a children's play and park area, how this is not relevant when damage to kerb stones warrants two pages and a diagram? The document can evidence over 8 pages of insubstantial reasons why other routes cannot be used. If the residents of Farndon Fields had funds to engage their own competent, independent Civil Engineer all of the inadequate points could be challenged. If the Council choose to allow this document to support the application then they should be held accountable for any accidents or worse in approving this application. The Council has a duty to step up and undertake their responsibilities with regard to existing citizens.

- Perhaps a better use of the councillor's time over and above endorsing flimsy planning applications could be used to undertake some checks on recent submissions across the UK made by Avant Homes. Verbatim applications and approaches have been made in almost every recent Avant request. They quote the National Planning Policy Framework; they use the claim that their homes will offer a significant contribution towards the housing provision, including affordable, in the district. The Council do realise that Avant are not a housing association but a major developer with an aspiration to become one of the UK's largest house builders?
 - Avant Homes has set out in its only goals in its latest company trading statement "it seeks to fast-track its expansion plans to become a £500m turnover, 2,000 unit developers" No mentions of affordable housing, no lip service to the environment just a fast track to a £500m turnover business. Is this what the Council want to support?
- Councillors of Harborough take some responsibility for the existing residents of Farndon Fields, show the Citizens of Market Harborough that you care and will not lie down and have your beliefs tickled by a corporate bully. Tell Avant Homes that they can go and use other regions to achieve their financial objectives. Reject this application completely.
- Tymecrosse Gardens has a development taking place after appeal, however the appropriate Government body has insisted construction access has had to be created from a main road requiring a road to be provided across a field. This development is worth in excess of £65 million in revenue to Avant and I would strongly suggest if they want to realise this cash cow then they need to invest in suitable alternative access to the estate for their construction traffic and just as importantly future home owners. Breaking through 2 existing cul-de-sacs is unfair and disrespectful to the residents on these closes and should be treated with contempt by Market Harborough Planning.
- With many parked cars along Angell Drive, often obstructing clear access, together with many young children who use these roadways (having young children playgrounds at each end of Angell Drive) the enhanced risk to public safety is totally unacceptable when an alternative route directly off Farndon Road is a logically more sensible solution.
- Under the CDM Regs. 2015, each organisation is considered as a duty holder that must comply with the law and ensure projects are carried out in a way that secures health and safety for all those involved. They cover:
 - a). The law that applies to the whole construction process on all construction projects, from concept to completion;
 - b). What each duty holder must or should do to comply with the law to ensure projects are carried out in a way that secures health and safety.

The routing of construction traffic is covered by Part 4, Regulation 27. It is quite clear that both the previous and current routing plans do not satisfy the various points in the above regulations. Specifically:

A construction site must be organised in such a way that, so far as is reasonably practicable, pedestrians and vehicles can move without risks to health or safety.

(2) Traffic routes must be suitable for the persons or vehicles using them, sufficient in number, in suitable positions and of sufficient size.

(3) A traffic route does not satisfy paragraph (2) unless suitable and sufficient steps are taken to ensure that—

(a) pedestrians or vehicles may use it without causing danger to the health or safety of persons near it;

(5) No vehicle is to be driven on a traffic route unless, so far as is reasonably practicable, that traffic route is free from obstruction and permits sufficient clearance.

- Their proposed route to come through Burton Street turning left into Angell Drive will create certain danger to mothers, toddlers and children using the children's play park on this corner. An accident waiting to happen? Has Britain not lost enough young lives recently. Councillors are elected by the people not the building companies when will you start listening to your constituents.

6.20 Further to the above, the LPA has also received a copy of the photograph referred to by Mr Alan Good during his speech to the Planning Committee (see **Figure 5**); a copy of a letter received by Mr Alan Good from the onsite contractors regarding construction routing for the current development, the details of which Mr Good states have never been implemented (see **Figure 8**); and photographs supplied by Mr Darren Williamson indicating the conflict between parked vehicles and construction traffic (see **Figures 6 & 7**). Representations have also been received raising concerns related to Ecology and Flooding. These are not relevant to this application, and as such, have been reported as part of the reserved Matters application.



Figure 5: Photo supplied by Mr Alan Good in support of his presentation to December Planning Committee



Figure 6: Photo supplied by Mr Darren Williamson in support of his objection



Figure 7: Photo supplied by Mr Darren Williamson in support of his objection

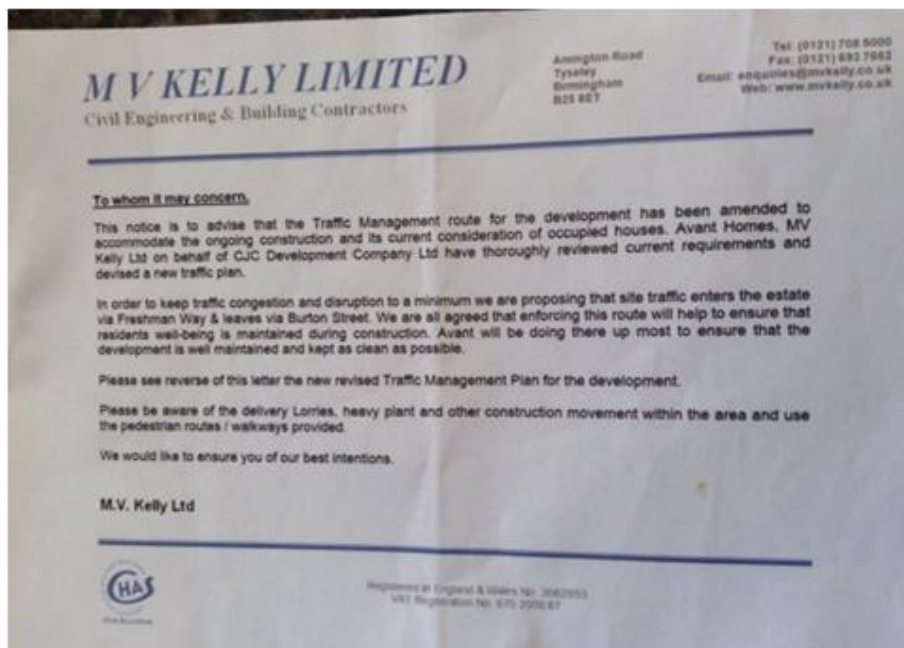


Figure 8: Photo of correspondence from contractors supplied by Mr Alan Good



Figure 9: Photo of plan attached to letter from contractors supplied by Mr Alan Good

6.20 *Householder Representations*

A further 8 letters of objection have been received from the local community raising the following additional issues:

- May I be the first to object to Avant's proposed optional access via the farmer's field. Firstly the field is in Northamptonshire so how can HDC make a deal with Avant over financing possible future access by giving way on the affordable housing when they have no local authority statutory powers over the land. Secondly have Avant taken into account the overhead Electricity cables - on wooden poles -that run along the edge of the field. They are old, the bottom of the field is very wet and usually in the winter under water. Will they survive the vibration. The brook that drains the field is immediately beyond the hedge, so how could it continue to drain the field. Where is the water going to go? Thirdly as I live within 3 metres of this proposed access you can imagine my horror that my view, peace and quiet and air quality will be ruined together with the noise pollution, this would be hell.
- Statement was made by Avant Homes at last Planning Committee Meeting that "ALL alternative routes had been looked at, and ALL found unsuitable. It now appears that there is a suitable alternative route. Can we believe any statement made by Avant Homes, in the past or in the future.
- Avant Homes are still using aggressive and threatening language. Are Avant Homes already preparing planning proposal for Route C. If applied for, could this application be fast tracked. What guarantee would the Council and Residents have from Avant Homes that if given temporary access thru current proposed route, they would apply for Planning Permission and if approved, carry out construction of Route C. By giving Avant Homes this temporary access, the Council would be weakening the residents reasons for objection, and the same objections still apply.
- Interesting that Avant Homes Amy Gilliver email of 15 Feb quote "the carriageway would have to be widened to 5m..... unquote. This width of road would not make two way construction traffic. Angell Drive is 5.5m in places! It also appears from same email that Avant Homes are more willing to listen to Northamptonshire Council and East Farndon residents, than the are to Harborough Council and Farndon Fields Residents. If Harborough Council should go ahead and approve latest proposal from Avant Homes, can we ask that they first put in place guarantees from Avant Homes as to carrying out their proposal in full.
- Could we also have a "no heavy goods vehicle" signs erected at both ends of Freshman Way, before this is used as a rat run by construction traffic. This route has already been declared unsuitable for such use, by both Harborough Council and M Y Kelly.
- The Construction route assessment by Bryan G Hall which is listed as supporting information on 19/12/2017 is no longer accurate, it states on page 4 that the roads are at pre-completion stage, and the surface course is still yet to be applied. This work was already planned for completion by the date the assessment was provided, and had only been delayed due to the heavy snowfall in December, and has now been completed.
- Burton Street and Angell Drive both now have finished roads, with no raised metalworks, and there are brick built raised traffic calming measures in place which are not suitable for continued heavy construction traffic. If the construction traffic was to use Burton Street / Angell Drive for the access to the building plot, then there would need to be a contingency in place for repairs to the road, both the tarmac areas and the brick laid ones.

- It seems to me that Avant Homes and their QC have made a very cursory attempt to threaten Market Harborough Council and even have their facts wrong in the middle of their threat. The QC states that because the estate roads have been made to adoptable standard therefore they must be fit and able to take Heavy Vehicles. In a subsequent paragraph he also states that those roads around the estate which have long been adopted in Northamptonshire are obviously unsuitable for Heavy Vehicles.
- To whom should we send the bills for bodywork repairs and such like when our cars are damaged due to the poor state of the roads? In fact the brick speed humps have been in place for 2 to 3 weeks now and I can already see wear and tear on the sloped sections that interface between the normal tarmac road and the raised portion. If the existing number of trucks have damaged these structures in less than 3 weeks what will happen with more trucks over 4 years?
- If the developers wanted to build on the land where the lagoon is then they should have done so first and then built closer to Farndon Road afterwards. The first thing you are told when painting a floor is "do not paint from the door into the corner".
- I have concerns over how this new road will affect Lubenham Road and The Lealand in East Farndon. Neither can cope with additional heavy flows of traffic, or being used as a rat run.
- To continue my previous comments and offer a solution. ,With regard to the position of the proposed road 'C' which runs alongside the Overhead Power Cables the Health & Safety Executive recommends a minimum of 10m horizontal distance from OHPLs. The distance should be measured from the line of the nearest conductor to the passage of vehicles/machinery projected vertically downwards onto the floor and perpendicular to the route of the line. As the current plan shows the road immediately adjacent to the OHPL and on exiting the first field into the second field, actually passes through the pole of the 33kv distribution line, onto a public footpath adjacent to the NEAP which is not enclosed.
- When passing underneath overhead lines (which is not recommended by the HSE) it would be necessary moving from field 1 to field 2 to create a passageway through barriers. It would be necessary to define the route of the passageway using fences and erect goalposts at each end using a rigid non conducting material. These should be highlighted and capable of being lit in poor weather conditions.
- I suggest that to keep contractors safe and East Farndon/ Marmion Close/Angell Drive residents safe & happy, Avant actually visit the site, take note of the position of the OHPLs and redraw their Plan C to move the 'temporary' road away from the power lines. 10m would take the road out of the dipped flooded zone at the bottom of the field onto more level ground, give access to field 2 without knocking down the 33kv post, reduce the nuisance of vibration, noise and dust (some people work from home) to the Marmion Close/Angell Drive residents. This would also give better sight of the footpath to the contractors.
- Of course if I was planning this, the most sensible place to put the road would be roughly in the middle of the field at the top of the orchard as there is already access to Farndon Road and where Nigel normally splits his harvesting. It is the narrowest part of Nigel's field, no problem with parallel OHPL and only one overhead power line to negotiate. There would also be a good view of the public footpath before crossing it.
- My last point is that you will need to warn your contractors that this field is used by the MOD to train in low level flying. The Hercules aircraft are the most

worrying especially when flying low across the field and then having to fight to gain altitude to clear the rooftops. This is usually only in summer months the wind gusts across the exposed field probably put them off in the winter.

- I write in connection with the above planning application. I have examined the plans for the proposal to route construction traffic to the proposed Avant development of 215 homes. I have noted with some alarm that one of the proposed routes (route C) would route traffic directly behind our homes.
- The supporting documentation from Avant provides no information on what this road would look like, permanent tarmac or temporary track, nor is it clear if this proposed route would be directly behind the current hedge line and therefore in Northamptonshire. Either way, years of construction traffic and the accompanying noise, dust and fumes would have a detrimental effect on our quality of life, and given that this would be a private road, it would not be subject to the usual road traffic laws. I do not want HGV's thundering past my house at excessive speed, notwithstanding Avant over the past few years have demonstrated a clear disregard for Farndon Fields resident and their responsibilities as an ethical builder.
- I have also noted that Pilkington own the land to the south west and I believe any temporary road would become permanent, either route A,B or C when Pilkington decide to develop this land has they have done with Farndon Fields 2, and therefore I believe Pilkington and CJC are likely attempting to deceive HDC and local residents as they have repeatedly now done in the past

6.21 *Householder Representations*

One letter of support has been received.

7. Planning Policy Considerations

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

a) Development Plan

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

- CS5- Providing Sustainable transport
- CS11- Promoting Design and built heritage

b) Material Planning Considerations

7.2 Material Planning Considerations relevant to this application:

- National Planning Policy Framework (Sections 4 (Transport), 7 (Good design)
- National Planning Practice Guidance
- Supplementary Planning Guidance Notes 2 (Major Housing Sites),

8. Assessment

a) Principle of Development

8.1 The principle of residential development on the application site has already been established by virtue of the outline consent for up to 230 dwellings granted on 6th April 2016.

b) Technical Considerations

Access, Highway safety and parking

8.2 Access into the site is in accordance with the parameters set within the outline approval with access to the site being gained via Charley Close and Measham Close (see **Figures 10 & 11**).



Figure 10: View of access point from Charley Close

- 8.3 A significant proportion of the concerns raised by the local community against the Reserved Matters application related to proposed construction traffic route to the site, and in particular, the proposal for it to be routed through the existing development. It was initially proposed that construction Traffic would leave Farndon Road at the Freshman Way roundabout and travel through the existing development along Freshman Way, Angell Drive and Charley Close before accessing the site.
- 8.4 Officers raised this issue with the applicant during early discussions on the application, and share the concerns of local residents. To this end, the applicants were requested to investigate the option of gaining access to the site via the East Farndon – Lubenham road (as indicated by the yellow line on **Figure 12**).



Figure 11: View of access point from Measham Close

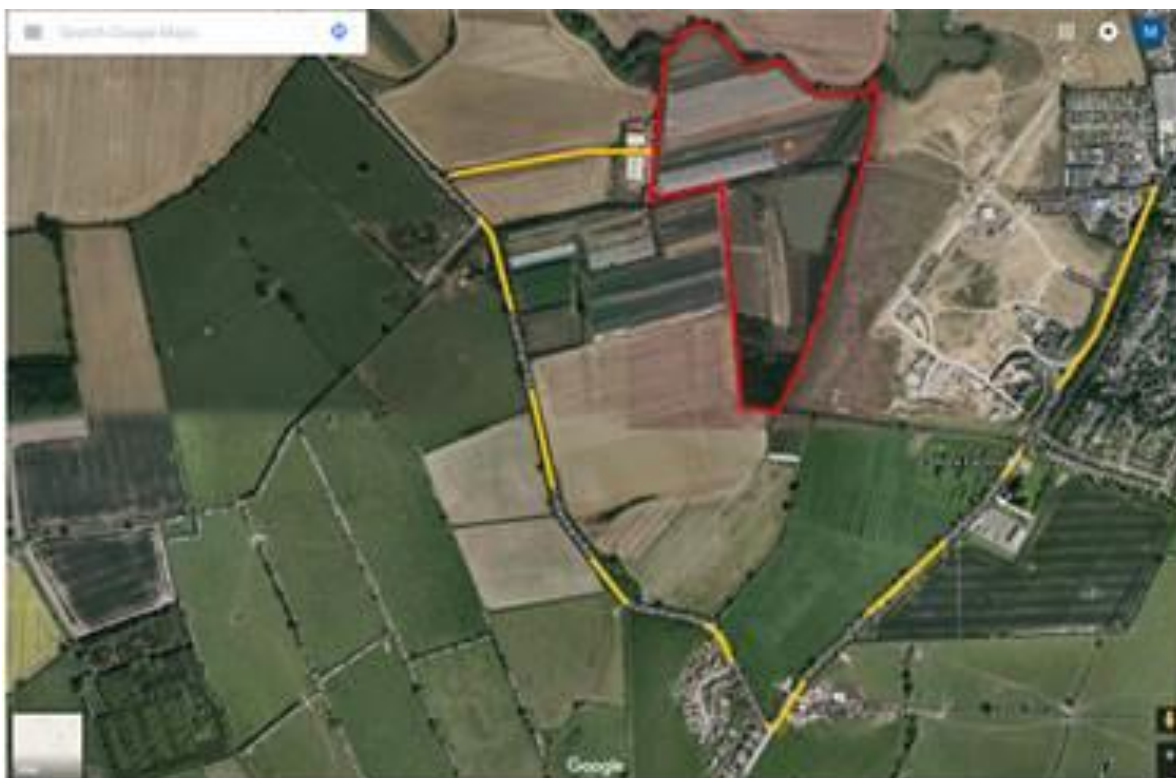


Figure 12: Potential Alternative construction traffic access

- 8.5 As part of this submission, the applicants have investigated this option, however, the route would involve the use of a narrow single track road which is clearly advised as being “unsuitable for heavy vehicles” (see **Figure 13**) with no kerb or edging (see **Figure 14**).



Figure 13: View of “The Lealand” leading to Lubenham Road



Figure 14: View of Lubenham Road

- 8.6 The route through the existing site is along roads which are designed to an adoptable standard, and as such, are sufficient to accommodate the level and type of traffic expected for the construction phase of the development. Whilst it is acknowledged that the roads are not yet adopted, this is not because of the design of the road, and as such it would be unreasonable to refuse this detail on the basis that the access route would be unsuitable. Furthermore, whilst local residents concerns are appreciated and understood, to refuse this detail due to the temporary impact upon residential amenity during the course of construction would also be unreasonable.
- 8.7 As discussed in **Section 2** of this report, the Reserved Matters application was deferred from the December meeting of the Planning Committee in order to allow Officers to request that the Applicants formally investigate alternative construction traffic access arrangements. In response to this, the applicants consulted with Northamptonshire County Council as the responsible highways Authority for roads within Daventry District, and as such, the alternative routes suggested by Members.
- 8.8 As a result of this consultation with NCC the Applicants have submitted this discharge of condition application to the Council for consideration relating to the agreement for the construction traffic routing. The submission includes an assessment of alternative access routes, and concludes that the suggested alternative route along The Lealand, Lubenham Road and then access the site via the existing Bridleway would be unacceptable. Furthermore, it also concludes that the route through Lubenham and travelling south towards East Farndon would also be unacceptable. As detailed in **Para's 6.7 – 6.11**, NCC agree with this assessment. The applicants have suggested an alternative route to that initial proposed as part of the Reserved Matters application. The currently proposed access route for Construction Traffic is to leave Farndon Road at Burton Street, and travel through the existing development along Burton Street, Angell Drive and Charley Close before accessing the site (see **Figure 15**).



Figure 15: Proposed Construction Traffic Routing Plan

- 8.9 Leicestershire County Council have been consulted on this application and have confirmed that this route would be acceptable. Following discussions with the Residents Group, Cllr Brodrick requested that Officers explore the potential to access the site via The Lealands along the public highway before entering land under the ownership of CJC and using the specifically constructed haul route across the field to the application site (see **Figure 16**). Prior to discussing this potential route with the applicants, Officers raised it with Northamptonshire County Council Highways to establish whether or not it was a feasible option. The response from the NCC Highways Officer stated “

“I revisited the area yesterday afternoon, and have discussed the proposal with Northamptonshire County Council’s Highway Network Manager; we both agree that The Lealand is unsuitable for usage by construction traffic over a build out of approximately 200 dwellings. The Lealand is narrow and over the initial section is parked up by residents on one side of the carriageway making passage past difficult for a passing private motor vehicle, let alone the size and type of vehicle used for delivery and construction purposes over a prolonged period. The edges of the carriageway are already damaged; this damage would be made worse by the passing of the traffic proposed, it is also likely that damage to the integrity of the highway verge would result if this proposed usage were to take place.

Northamptonshire County Council continue to maintain an objection to the use of The Lealand by the construction traffic of the further development build out of the Farndon Fields residential site. The roads within that site are wide and of adoptable standard, we also understand that the wearing course is not yet in place, all of which confirms to us that the construction traffic necessary for the further build out of development at this site should be routed through the first phase of the Farndon Fields development.

If The Lealand were to be used by any of the construction traffic associated with this development Northamptonshire County Council would require the developer to enter into a Section 59 Agreement with this authority; this Agreement requires both a pre commencement video survey of the highway; carriageway and verge, and also a post development survey of the same; the damage recorded by the two survey is then compared with the developer picking up the full cost of all of the remediation works required.”



Figure 16: Potential Alternative construction traffic access

- 8.10 On the basis of this response, no further request has been made to the applicant to investigate this option. Comments have also been made through representations suggesting that alternative routes of access should be investigated via the site of 17/01269/OUT to the north of the existing Farndon Fields site, or via Farndale View, a development to the south of Lubenham Hill (see **Appendix C**). Both of these proposed accesses would involve third party land and would necessitate the crossing of the River Welland. On the basis of these issues, no further request has been made to the applicant to investigate this option.
- 8.11 Representations have raised the fact that an appeal decision on an application to the north of Market Harborough (Appeal Ref: APP/F2415/W/17/3174755) required a separate construction traffic access point to the site in order to minimise the impact on residents. The application at land off Tymecrosse Gardens proposed the erection of 16 dwellings. At Para 20 of his report, the Inspector states “...*The Council have suggested conditions to deal with construction traffic access and management in response to issues raised by Leicestershire County Council as the Highways Authority. Ostensibly this would be to look at the construction access coming into the site directly off the main road to the southwest rather than going through Tymecrosse*

Gardens. To my mind this seems eminently sensible in the interests of minimising the effect on residents' living conditions..." To this end, the Inspector imposed condition 7 on the Outline consent which reads as follows:

"7 No development (including site clearance works or deliveries) shall take place until a construction phase traffic management plan has been submitted to and approved in writing by the local planning authority. The management plan shall include the following details:

- Construction and delivery vehicles shall use the existing gated field access onto the B6047 only and there will be no access to the site by any construction or delivery traffic via Tymecrosse Gardens;.....*

The approved traffic management plan shall be adhered to throughout the construction period in accordance with the approved details."

Whilst it is acknowledged that the disruption caused to the residents of Tymecrosse Gardens from construction traffic related to 16 dwellings will be considerably less than that which will be caused to residents of the Farndon Fields estate from the construction of 215 dwellings, it should also be noted that the duration of the requirement of the temporary access for 16 dwellings would be considerably less than that for 215 dwellings; the Tymecrosse Gardens site appears to share a contiguous boundary with the highway (B6047) and there is an existing field gate in situ; and, the issue of disruption to the residents was considered at Outline stage and the Outline permission was conditioned to require this additional measure, no such additional was imposed on the Outline consent for the current application.

9. The Planning Balance / Conclusion

- 9.1 On the basis of advice received from Statutory Consultees, and notwithstanding the substantial level of opposition to the proposal from local residents, the LPA consider that the details submitted pursuant to condition 17 of 15/00746/OUT are sufficient to enable a full consideration of the detail, and as such, it is recommended that these conditions are discharged in accordance with Plan reference "FARN3-CTP-01 – Construction Traffic Routing Plan".

APPENDIX A: 15/00746/OUT Decision Notice

Town and Country Planning Act 1990

Date: 6th April 2016

PLANNING PERMISSION

Name and address of applicant:	Name and address of agent (if any):
CJC Development Co Ltd, The Pilkington Trust 4 Merus Court Meridian Business Park Leicester Leicestershire LE19 1RJ	BM3 Architecture Ltd 28 Pickford Street Digbeth Birmingham West Midlands (Met County) B5 5QH

Part I - Particulars of application

Date of application: 21st May 2015 Application number: 15/00746/OUT

Particulars and location of development:

Erection of upto 230 dwellings and associated works, Land Off, Farndon Road, Market Harborough, Leicestershire.

Part II - Particulars of decision

In pursuance of its powers under the Town and Country Planning Act 1990, the Harborough District Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:

Statement of reason for grant of Planning Permission

The proposal would; deliver a significant amount of residential dwellings including affordable housing on a site which is adjacent to and well related to a sustainable settlement, and make a significant contribution to the Council's Five Year Housing Land Supply (5YS), which is a consideration in favour of the proposal as the Council cannot currently demonstrate a 5YS.

The proposal can be delivered in a manner which is satisfactorily in keeping with the character and appearance of the site and its surroundings and would not lead to unacceptable amenity relationships for proposed residents or surrounding residents, would not harm general amenities in the area, would not adversely affect ecological, archaeological, or arboricultural interests, and would not cause significant detriment to highway safety.

The impacts of the development on existing community infrastructure provisions and requirements would be mitigated by a range of infrastructure contributions.

The proposal accords with the up-to-date elements of Policies CS1, CS2, CS3, CS5, CS8, CS9, CS10, CS11, CS12 and CS17 of the Harborough District Core Strategy and no other

material considerations indicate that the policies of the Development Plan should not prevail. When assessed against the National Planning Policy Framework Paragraph 14 (presumption in favour of sustainable development), as well as the Framework taken as a whole, no significant and demonstrable harm is identified and thus the proposal should be approved without delay. The decision has been reached taking into account Paragraphs 186 and 187 of the Framework, as well as the national Planning Practice Guidance.

Conditions and Reasons

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 access to the site
 - (c) The layout of the development;
 - (d) The external appearance of the development; and
 - (e) 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. The development hereby approved shall begin 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. The landscape details to be submitted in accordance with Condition 1 shall include details of all existing trees and hedgerows on the site, and shall confirm which are to be retained and which are to be removed. No hedgerows or trees shown to be retained shall be felled, pollarded or otherwise removed during or after the construction period.

REASON: To protect existing important landscape features and ensure a satisfactorily landscaped setting for the development, to protect arboricultural and ecological interests and to accord with Policies CS1, CS8, CS11 and CS17 of the Harborough District Core Strategy.

4. The landscape 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.

5. The layout details to be submitted in accordance with Condition 1 shall include open space, amenity areas and play areas, the defined boundaries for these areas, their proposed uses, the age groups for which they are intended and the items of equipment, means of enclosure and all other structures to be installed, together with a programme for their provision and a phasing plan for the development as a whole. The development shall be carried out in accordance with the approved programme and phasing.

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

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

7. 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;
- 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; and
- j) full details of any piling technique to be employed, if relevant.

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.

8. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to help improve water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. The detailed design should include assessments of any alterations to the adjoining ditch running along the eastern site boundary and the irrigation lagoon within the site as well as expected discharge rates from the site to ensure there is no increase in flood risk from the proposed surface water drainage scheme. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

9. Notwithstanding the details submitted with the Outline application, no development shall commence on site until full details of the design, implementation and maintenance/management of the foul water drainage for the development, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and timetable and shall be retained as such in perpetuity.
REASON: To ensure the satisfactory drainage of the site/development and, to minimise the risk of pollution and to accord with Policy CS10 of the Harborough District Core Strategy.
10. No development shall commence on site until representative samples and/or satisfactory details of the materials to be used externally in the construction of dwellings and other buildings have been deposited with and approved in writing by the Local Planning Authority (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 nearby Conservation Area and Listed heritage assets) and to accord with Policies CS1, CS2, CS11 and CS17 of the Harborough District Core Strategy.
11. No development shall commence on site until plans of the existing and proposed ground levels of the site and the finished ground floor levels of dwellings, garages and other structures have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.
REASON: In the interest of visual amenity, to safeguard the character and appearance of the development and the surrounding area (including the setting of the nearby Conservation Area and Listed heritage assets) and to accord with Policies CS1, CS2, CS11 and CS17 of the Harborough District Core Strategy.
12. No more than 150 dwellings shall be occupied until both proposed access roads from Measham Close and Charley Close are completed and open for use.
REASON: In the interests of highway capacity, safety and to ensure a satisfactory form of development
13. No dwelling within the site north the access from Measham Close shall be occupied until the north-easterly access point to Limner Street from Angell Drive is constructed and open for use.
REASON: In the interests of highway capacity and to ensure a satisfactory form of development
14. Prior to the occupation of the first dwelling on the site the applicants shall construct and complete a 2.0metre wide footway along the western side of Farndon Road between the existing footway at the Pelican Crossing and the access to Farndon Fields Farm Shop.
REASON: In the interests of pedestrian safety and sustainability
15. All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients,

surfacing, signing and lining (including that for cycleways and shared use footway/cycleways) and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences. Note: Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.

REASON: To ensure a satisfactory form of development and in the interests of highway safety.

16. 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 to 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.

17. Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

REASON: To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.

18. No part of the development as approved shall be brought into use until details of an updated Residential Travel Plan has been submitted to and agreed in writing by the Local Planning Authority. The Plan shall address the travel implications of the use of the whole site as if the development approved were to have been fully completed and occupied. The Plan shall specify facilities and measures with measurable output and outcome targets designed to:

- Reduce single occupancy vehicle use, reduce vehicular travel at peak traffic times and reduce vehicle emissions for journeys made for all purposes to and from the developed site,
- Increase the choice and use of alternative transport modes for any journeys likely to be made to and from the developed site and, in particular, to secure increases in the proportion of travel by car sharing, public transport use, cycling and walking modes and the use of IT substitutes for real travel,
- Manage the demand by all users of the developed site for vehicle parking within and in the vicinity of the developed site.

The Plan shall also specify:

- The on-site Plan implementation and management responsibilities, including the identification of a Travel Plan Co-ordinator,
- The arrangements for regular travel behaviour and impact monitoring surveys and Plan reviews covering a period extending to at least one year after the last unit of development is occupied or a minimum of 5 years from first occupation, whichever will be the longer.
- The timescales or phasing programmes for delivery of the Plan's proposals and for the achievement of the specified output and outcome targets, and
- Additional facilities and measures to be implemented if monitoring shows that the Plan's targets are not likely to be met, together with clear trigger dates, events or threshold levels for invoking these measures.

The Plan, once agreed, shall be implemented in accordance with the approved details, and thereafter, the implementation of the proposals and the achievement of targets of the Plan shall be subject to regular monitoring and review reports to the LPA and, if invoked, to the implementation of the specified additional measures.

REASON: To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety, improve air quality or increase accessibility in accord with Section 4: 'Promoting Sustainable Transport' of the NPPF 2012.

19. No development except any demolition permitted by this permission shall commence on site until a Further Risk Based Land Contamination Assessment to further assess sources identified in MEC report June 2015 REF 21387 06 15 3925 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 plus A1 2013 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS8576 2013 Guidance on Investigations for Ground Gas and Permanent Gases and Volatile Organic Compounds VOCs
- BS8485 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

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

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

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

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

REASON: To ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 120 of the NPPF

20. 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 the aims and objectives of Paragraph 120 of the NPPF

21. The first reserved matters application submitted pursuant to this permission (or, in the case of phased development, the first reserved matters application in respect of the relevant phase) shall include a detailed Archaeological Mitigation Strategy for the respective area(s). The Strategy shall be based upon the results of a programme of exploratory archaeological geophysical survey, trial trenching and palaeo-environmental assessment undertaken within the relevant area(s) in accordance with Written Scheme(s) of Investigation (WSI) first submitted to and agreed in writing by the Local Planning Authority. Both the WSIs and final Strategy shall include an assessment of significance and research questions, and:
- The programme and methodology of site investigation, recording and post-investigation assessment (including the initial geophysical survey, trial trenching and palaeo-environmental assessment, assessment of results and preparation of an appropriate mitigation scheme);
 - 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; and
 - A detailed timetable for the implementation of all such works / measures

REASON: To ensure satisfactory archaeological investigation and recording

22. No development shall take place other than in accordance with the Written Schemes of Investigation approved under condition 21.

REASON: To ensure satisfactory archaeological investigation and recording

23. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Schemes of Investigation approved under condition 21 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

24. The development hereby permitted shall be carried out in accordance with Drawing no:
- Site Location Plan.

REASON: To ensure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development and for the avoidance of doubt.

25. The reserved matters submitted under Condition 1 shall be in accordance with the principles and parameters described and illustrated in the Amended Design and Access Statement (September 2015); the Site Layout Masterplan and Landscape Masterplan and Habitat Creation Plan all received via email 19th October 2015.
REASON: To make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development and to ensure appropriate mitigation for protected species.
26. Notwithstanding the details submitted, full details of the proposed badger and otter mitigation works, including suitable buffer zones and habitat/biodiversity creation/management areas identified in the submitted Habitat Creation Plan (19th Oct 2015) shall be submitted to and approved by the Local Planning Authority before the commencement of development.
REASON: To ensure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development in relation to protected species and for the avoidance of doubt.
27. Details of the proposed lighting scheme for the site, which is designed to prevent light spillage over areas of semi natural open space within and around the development, shall be submitted to and approved by the Local Planning Authority before the commencement of development.
REASON: To ensure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development in relation to protected species and for the avoidance of doubt.

Notes to Applicant

1. Building Regulations
The Applicant is advised that this proposal will require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section, Harborough District Council (Tel. 01858 821090). As such, please be aware that complying with Building Regulations does not mean that the Planning Conditions attached to this Permission have been discharged and vice versa.
2. Highways Informative
The Applicant's attention is drawn to Highway Notes to Applicant and Public Rights of Way comments outlined within their detailed response to the application dated 8th October 2015, which has been provided to the Applicant.
3. Hedgerow Protection Measures
Any proposed development layout shall ensure that private plots are not delineated by the site's external boundary hedgerows. Such a set-away will protect the long-term retention of hedgerows, for visual amenity and ecological interests.
4. Landscaping Planting
All landscape tree and shrub planting throughout the site shall be of local native species only.
5. SUDS and Biodiversity Enhancement
SUDS features shall be designed to maximise opportunities for wildlife, for example, through the creation of wetland habitat features.
6. Flood Risk

In connection with condition 8 above, the applicant's should refer to the consultation response from Leicestershire County Council as Lead Local Flood Authority dated 8th June 2015 relating to advice regarding separate consents required to drain the existing Irrigation Lagoon and the need to provide appropriate discharge rates for surface water draining from the site.

7. Habitat Creation/Management

Habitat creation should be in accordance with the 'Indicative Habitat Creation Proposals' (FPCR, Figure 7, Rev B, attached).

- The proposed open space within the north of the site (adjacent to the River Welland in the flood zone) should be managed as informal semi-natural open space.
- The proposed 'woodland walk' should be planted with locally native species.
- The area surrounding the lagoon should be planted and managed in such a way to discourage public access. This is discussed in the letter from FPCR, but further detail will be required in support of the reserved matters application.
- A biodiversity management plan will be required for the site.
- The lighting scheme for the site should be sensitively designed in a way to prevent light spill to the areas semi-natural open space. This includes the River corridor, the northern area of semi-natural open space (including the badger sett) and the woodland walk to the west of the site. This will enable these features to remain dark for protected species, such as otters and bats.
- Any site clearance should be outside of the bird breeding season.

Otter

- Mitigation for otters must be in accordance with the latest letter from FPCR and the masterplan/Indicative Habitat Creation Proposals. This includes the creation of the new lagoon, details of fish stocking and details of associated planting and methods for minimising the public impact on the site. The new lagoon should be created prior to the existing being removed.
- There should be an on-going programme for the monitoring of otters on the site. Should the use of the site by otters increase, additional mitigation and compensation is likely to be required.

Bats

Further bat surveys will be required if the trees identified in Table 3 of the report are proposed to be removed.

8. Updated Protected Species Surveys

Protected Species surveys are only considered valid for 2 years. Updated surveys should therefore be required in 2017, submitted in support of either the reserved matters application or prior to commencement, whichever is soonest. Should the status of protected species on or adjacent to the site change, updated mitigation plans will be required.

Development Control Manager

APPENDIX B: Counsel Opinion on deferral of 17/01108/REM on behalf of Applicant

IN THE MATTER OF:

AVANT HOMES LIMITED

-and-

LAND OFF FARNDON ROAD, MARKET HARBOROUGH, LEICESTERSHIRE

-and-

APPLICATION FOR RESERVED MATTERS APPROVAL

ADVICE

Introduction

1. I am asked to advise Avant Homes Ltd (“the developer”) as to the correct legal approach to the assessment of access issues in a reserved matters application made in respect of land at Farndon Road, Market Harborough, Leicestershire (“the site”). The site is in the area for which Market Harborough District Council (“the Council”) has responsibility as local planning authority.
2. The background to this matter will now be set out.
3. By permission dated 6 April 2016 addressed to the then-applicant CJC Development Co Ltd, outline permission was granted for the development of the site for up to 230 dwellings and associated works.
4. All matters were reserved but, in accordance with normal practice, the outline application was accompanied by certain parameters against which it was assessed and in respect of which the development as brought forward through the reserved matters

process must be compliant. Amongst these was a Proposed Site Plan 52852/D02. This illustrated at point No. 6: *“Site Access (off Phase 1)”* the main access to the site as being drawn from the East and thus via the existing phase 1 of the wider redevelopment of this area.

5. Condition 17 to the outline planning permission required the submission and approval of details of the routing of construction traffic, to be approved by the Council in consultation with the Highway Authority. The reason for such condition was expressed to be: *“To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.”*
6. Rights to develop the site have thereafter been transferred to the developer. An application has now been made for reserved matters. In accordance with the approved parameters Proposed Site Plan the access for the development for both the final layout of the development and for the construction traffic is taken from the east of the development by the existing phase 1.
7. The Reserved Matters application and the associated discharge of the construction routing condition of were reported to the Council’s Planning Committee by officers report which dealt with these matters in the following terms:

“6.12 A significant proportion of the concerns raised by the local community relates to proposed construction traffic routes to the site and in particular, the proposal for it to be routed to the existing development. ... Construction traffic would leave Farndon Road at the Freshman Way roundabout and travel through the existing development along Freshman Way, Angell Drive and Charley Close before accessing the site.

6.13 *Officers raised this issue with the applicant, and share the concerns of local residents. To this end, the applicants were requested to investigate the option of gaining access to the site by the East Farndon – Lubenham road ..*

6.14 *The applicants have investigated this option, however, the route would involve the use of narrow single track roads with no curb or edging... and a route which is clearly advised as being “unsuitable for heavy vehicles”. Furthermore, whilst condition 16 and 17 of the outline consent required details of the construction traffic management and routing to be agreed, this only relates to the route to the approved site access and does not allow for alternative routes. Any alternative route to the site would require separate planning permission could not be approved as part of this application or as part of the discharge condition 16 and 17. The route through the existing site is along roads which are designed to lead to an adoptable standard and, as such, are sufficient to accommodate the level and type of traffic expected the construction phase of the development. Whilst it is acknowledged that the roads are not yet adopted, it is not because of the design of the road, and as such it would be unreasonable to refuse this detail on the basis that the access route would be unsuitable. Furthermore, whilst local residents’ concerns are appreciated and understood, to refuse this detail due to the temporary impact upon residential amenity during the course of construction would also be unreasonable. As such, it is recommended that Members agree the detail of construction routing as proposed.”*

8. The application was considered at planning committee on 5 December 2017. The recommendation was for approval. However, Members decided to defer consideration of the application for a further Committee cycle in order to secure further information relating to the Construction Traffic Routing condition. The Members were concerned to secure further information as to the possibility of using the East Farndon – Lubenham road referred to in paragraph 6.13 and 6.14 of the Officers Report.

Analysis

9. I am asked to consider the legal and policy aspects relating to this decision.
10. In my view, the legal position is clear. A grant of outline permission is regarded as settling those matters which are not reserved or which have been set out within the parameters under which the outline application has been considered. Those matters cannot be revisited as part of the consideration of a reserved matters application. In like manner, the reserved matters application must fall within the boundaries of the outline permission, and the reserved matters stage cannot be used to bring in matters completely outside the scope of the original permission. Thus in *Calcaria Construction Co. (York) v Secretary of State for the Environment* (1974) 27 P. & C.R. 435, where outline permission had been granted for a warehouse, the court had little hesitation in upholding the Secretary of State's rejection of detailed proposals in which the development had become an out-of-town supermarket surrounded by a car-park for 992 cars.
11. With specific reference to access routes, if a new means of access, not sought at outline stage, is proposed in detailed plans, this would be a departure from the outline permission (see *Chalgray v Secretary of State for the Environment* (1976) 33 P. & C.R. 10).
12. The application of these principles to the instant case is clear. The means of access was included within the parameters plan. The consideration of the principles of development the outline plan necessarily, therefore, included a consideration of the

acceptability of that access route for both development traffic and the end users of the development. The acceptability of the access through the existing phase 1 development is, therefore, settled as a matter of law. It could not lawfully form the basis for a refusal of a reserved matters approval which provided access (as the existing application does) through that route. Were such a refusal to be made, thus necessitating an appeal by the developer, it is my clear view that the developer would inevitably win the appeal and would equally inevitably be awarded its costs of doing so.

13. It is against that legal background that the decision of the Planning Committee to defer the application for consideration of an alternative route must be considered. Given that the acceptability of the proposed access route should as a matter of law be regarded as settled, I see little justification for their decision. Furthermore, that decision, and the Council's future conduct of the determination of the application, must be considered within the context of national planning guidance as set out in paragraphs 186-187 of the National Planning Policy Framework as follows:

“186. Local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high-quality development on the ground.

187. Local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should

work proactively with applicants to secure development that improves the economic, social and environmental conditions of the area."

14. These comments are all the more pertinent when the facts relating to the suggested alternative access are considered. In my view, those matters which are recorded in the existing Officers' Report are more than sufficient to make plain that the alternative possible access route is unsuitable and that it was not appropriate even to consider it. Hence, and as already made plain to Members (and is readily apparent from an examination of the photographs with which I have been provided):

- a. The road is a narrow single track road.
- b. It is through a quiet rural area
- c. It has been specifically identified by the Highways Authority as being unsuitable for heavy vehicles, and signage to this effect has already been provided.
- d. Use of that road would be outside the scope of the outline permission.
- e. The access proposed had already be considered through the vehicle of the outline permission and found to be appropriate.

15. Accordingly, it is difficult to see any proper basis upon which the application should have been deferred at the December committee meeting or upon which there could be

any further grounds to delay a grant of permission on this basis. In the event that such further delay does occur, the developer might be well advised to consider making an appeal for non-determination. In my view, such an appeal would be overwhelmingly likely to succeed and it would also be overwhelmingly likely that the costs of such an appeal would be awarded against the Council.

16. I will happily advise on any further matter arising.

Francis Taylor Building
Inner Temple
LONDON EC4Y 7BY

ANDREW FRASER-URQUHART QC

21st December 2017

APPENDIX C: Farndon Fields Residents Group representations

Farndon Fields Residents Group Objection to 17/02130/PCD & 17/01269/OUT

12 January 2018

The Farndon Fields Residents Group, on behalf of all residents, strongly oppose the access arrangements proposed by Avant Homes on the grounds that they are unsafe and unsustainable for the 3-4-year development period. Residents have posted over 50 objections, all with the same objection and voiced from their personal experience.

Legal Responsibility and Action

Avant are claiming that construction vehicle access was granted with Outline Planning Permission. We therefore argue that if that were the case, the Outline Planning decision would need to be revoked as it would be null and void. The Planning Committee voted in good faith, on resident access going through Measham and Charley Close. They were guided by the planning report that clearly made provision for construction access in reserved matters, to be put forward and approved at a later stage. This understanding has been demonstrated in the meeting of 5 December 17, in which the matter was deferred for further investigation into alternative routes. Outline planning was voted on, over two years ago, in November 2015, and prior to planning permission for the 100 houses that Avant are currently building. Situations and the populations of developments change and grow which is surely one of the reasons why town planners use "reserved matters" and do not agree on areas such as construction access until nearer the commencement of a build.

"Appendix C – Recommended Planning Conditions 15/00746/OUT

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 access to the site*
- (c) The layout of the development;*
- (d) The external appearance of the development; and*
- (e) 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.

18. Routing of construction traffic

Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times. Reason: To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site."

<https://uk.practicallaw.thomsonreuters.com>

"Planning permission granted by a local planning authority (LPA) for the erection of a building (and any ancillary development) following the submission of an outline planning application. The outline planning permission will be subject to a condition requiring the subsequent approval by the LPA of one or more reserved matters."

We would request that you question the aggressive stance that Avant have taken towards HDC and Farndon Fields Residents, both in the threatened legal action should their unfettered access not go ahead as they wish it to be and to their day-to-day refusal to comply with their legal commitments. This does demonstrate a pattern of behaviour whereby no attention is made to Health and Safety or to the living conditions of the residents of Farndon Fields who are also the previous buyers of their properties. After one full year of flagrant abuse of the Avant commitments and the ignoring of resident complaints in regard to wheel washing, action has finally been taken. Please see the recent email below from Harborough Planning to Avant Homes: -



Corner of Burton St and Angell Drive

From: Christine Zacharia (Planning Enforcement)
Sent: 20 December 2017 11:04
To: 'Chay Walker' Avant Homes
Cc: 'Luke Simmons' Avant Home 'Amy Gilliver' Avant Homes
Subject: RE: [EXTERNAL] URGENT: Planning enforcement reference : 17/00338/COM5 - Farndon Fields Development, non-compliance with Construction Method Statement (Wheel wash facilities)
Importance: High

Dear Mr Walker

It is with regret that I am having to contact Avant Homes again as a result of complaints received of mud on roads deposited from traffic leaving this development site. Whilst the wheel wash facilities appear to be in situ, enforcement officers witnessed yesterday afternoon that these were not being used, with construction traffic leaving the site and flagrantly ignoring wheel wash signs. The Council's enforcement officer quotes "In my opinion the roads are dangerous and slippery".

Just as a reminder of the planning requirement regarding 'mud on roads' I attach the email I sent to Avant Homes on the 28 September 2017; all of para 10 is relevant.

I attach photographs taken of the site yesterday by way of demonstrating the seriousness of the situation. I will also be forwarding this email to the County's Highway enforcement officer for any action they consider expedient to take under the Highways Act.

I look forward to compliance with immediate effect, failing which I shall be proceeding to formal enforcement action without further notice.

Regards

Christine Zacharia BTP MRTPI
Planning Enforcement Team Leader

However, this hasn't been adhered to by Avant despite their assurances.
Here we have an email from a resident to Jo Broderick, local councillor:-

"From: Clare Farquhar [...]
Date: 13 January 2018 at 10:33:01 GMT
To: Jo Broderick [...]
Subject: Limner Street - Mud etc

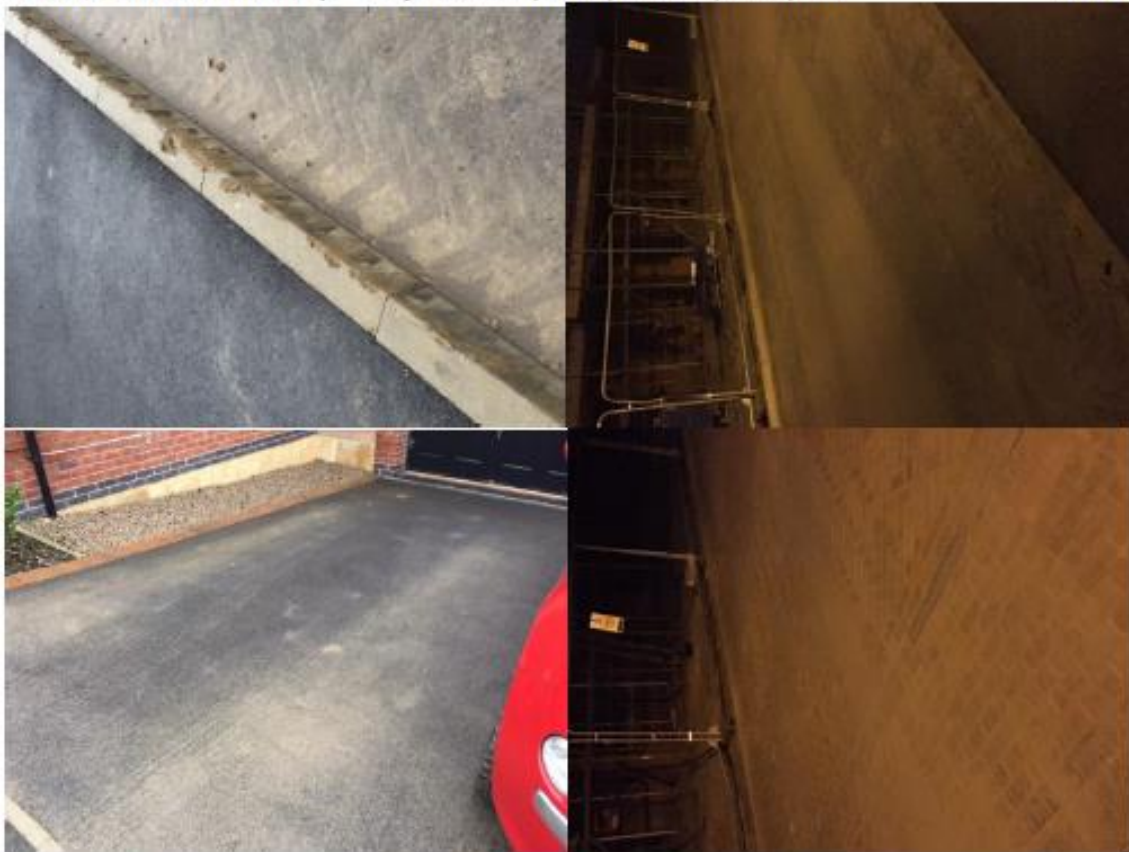
Hi Jo

This was Tuesday during the day. The night pics are after the cleaner has been through. Our drive and cars are a mess. There's mud on the footpath and the mud gets walked into our home. The mud on the kerb doesn't get removed by the cleaner. It's particularly bad outside our house as we are right next to the entrance of the compound.



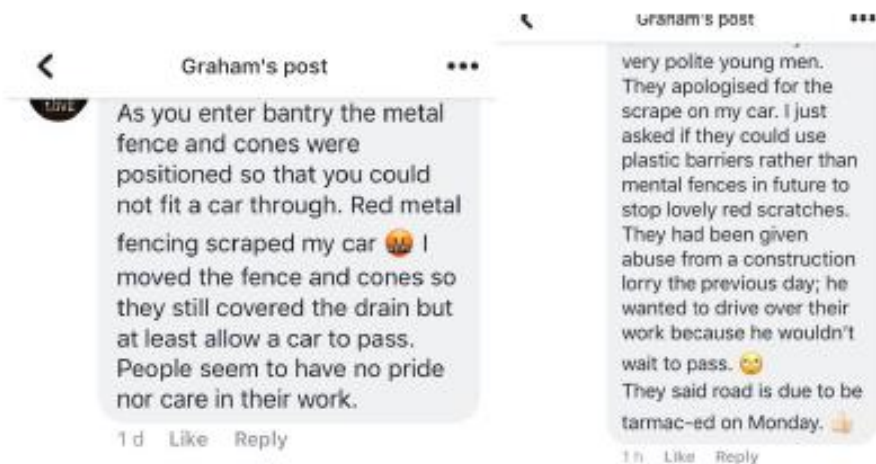
Limner Street





This week with the roads also being done it has been a nightmare to negotiate raised ironwork and fenced off areas. On Thursday night on the Limner Street and Bantry Close corner they didn't leave enough room to get around. There was damage to cars, people had to move the fencing to get by. Don't know if this is Avant or roadway people, but it's all very inconsiderate and not very well thought through.

See comment on FB from residents.



And just to show that there is no way that two-way traffic can pass through Charley Close, a pic from Bantry Close this week.



Sorry for the tirade, but it really is ridiculous and there is no consideration being shown to residents at all.

Regards Clare"

Construction Vehicle Safety

How can it be physically possible for large (3m wide) two-way HGV traffic to pass each other on roads (Charley Close and Angell Drive) that are only 5.5m in width.



In addition, these roads have staggered cars parked on them and at their junctions meaning it will be impossible for one-way construction traffic to pass, let alone two way as has been evidenced by HGV's getting stuck at the Charley Close, Angell Drive junction. Many accidents occur because these large vehicles are not just the width of their axle but can be much wider due to the overhangs and trailers which swing onto the pavements of narrow roads when turning, causing them to be highly dangerous when turning into roads of insufficient width. In addition, the road at the Angell Drive / Charley Close junction suffered from subsidence and had to be re-surfaced a few months ago. It is already showing signs of subsidence again. Two-way HGV traffic will only make this much worse.

Construction vehicle having to mount the pavements on both sides, exiting Charlie to Angell Drive

Construction Traffic Law <http://www.legislation.gov.uk/ukxi/2015/51/contents/made>

Under the CDM (Construction Design and Management) Statutory Instruments 2015, it is the law that the involved organisations carry out their projects in a way that secures the Health and Safety of all involved. This includes routing of traffic that is covered under Part 4 Regulation 27. It is clear that the proposed routing violates a number of points on Regulation 27, including 'pedestrians and vehicles can move without risk to Health and Safety' and 'No construction traffic is to be driven on a route unless it is free from obstruction and permits sufficient clearance'. It is quite clear that due to width restrictions of the roads, parked cars and risks to children at the play areas, it is impossible for these conditions to meet the CDM Requirements. (see attachment).

"Part4, Regulation 27

A construction site must be organised in such a way that, so far as is reasonably practicable, pedestrians and vehicles can move without risks to health or safety.

(2) Traffic routes must be suitable for the persons or vehicles using them, sufficient in number, in suitable positions and of sufficient size.

(3) A traffic route does not satisfy paragraph (2) unless suitable and sufficient steps are taken to ensure that—

(a) pedestrians or vehicles may use it without causing danger to the health or safety of persons near it;

(5) No vehicle is to be driven on a traffic route unless, so far as is reasonably practicable, that traffic route is free from obstruction and permits sufficient clearance."

Childrens Safety

These images are typical of the parking and movements on Burton Street. Note the cars parked alongside the play area, both images are from the same stretch of road (see the positioning of the white van). A child stepping out from between these parked cars would not stand a chance against a large construction vehicle. Please note resident objections quoting construction drivers speeding, texting whilst driving and generally not paying due care and attention.



Burton Street, 8 January am



Submitted by Dr. Damian Roland BMedSci BMBS MRCPCH PhD
Honorary Associate Professor in Paediatric Emergency Medicine
College of Life Sciences*

"Road traffic collisions and resulting head injuries predominate as the major causes of severe injury and mortality in children stem from road accidents.

TARN report [ps://www.farn.ac.uk/Content/ChildrensReport/files/assets/common/downloads/TARN%20document.pdf](https://www.farn.ac.uk/Content/ChildrensReport/files/assets/common/downloads/TARN%20document.pdf)). While fortunately over time road safety has improved, population growth means that infants and adolescents (the former don't understand risk and the latter take too much risk) are always vulnerable.

The proposed construction traffic route, and resulting increase in traffic when the development opens, will put the public at risk in the same way as any increase in traffic density would do so. However, in the case of the proposal it has already been identified that traffic will be above capacity (via a report commissioned by CJC and endorsed by the council)

Table 12 demonstrates that the junction is over capacity in the '2020 do minimum' scenario and the addition of the proposed development has an impact on the operation of this roundabout, specifically the Lubenham Hill approach to the junction. (Section 8.22 p.24)

The proposed residential development will result in an increase in the number of vehicle movements on the local highway network. however, based on the results of appropriate capacity assessments for the 'without development' and 'with development' scenarios... (section 9.5 p. 25)

from BWB Consultancy report: https://pa2.harborough.gov.uk/online-applications/files/9BBAB29956408F241696202A7AF241FD/pdf/15_00746_OUT-TRANSPORT_ASSESSMENT-548670.pdf

Therefore, the chance of a potential accident is increased. This is a risk that must be balanced above the challenges caused by lack of housing. However, we must recognise that other routes are available that would mitigate this risk and in particular photographic evidence provided by the resident's association has already demonstrated a discrepancy between the 'on paper' adequacy of the roads and the real-life inadequacy of the access.

The proposed construction route, and subsequent traffic flow rise, will increase the risk of accidents involving the residents of the site. This is a risk that is predictable and therefore avoidable".

A quote from a resident objection

"The vehicle access route runs along two sides of the children's play park and also along the main access and in close proximity to a second play park. This must be a risk for young residents. In particular the 'safe' gravel path that runs around the perimeter of the estate - designed to allow safe use for children, giving access to the 'older' park - would be broken with the introduction of both an access point to the new development and crossed through by many heavy construction vehicles. The proposed access route is neither safe nor ethical to run alongside areas designated and designed to give children the freedom and play they require."

Legal Precedents in Market Harborough

No other developments in town have been routed through existing developments. The Shelland Close development running from Alvington Way was accessed from Kettering Road across a purpose-built construction road across a field and into the back of the development. The Tymecrosse Gardens development is also being accessed across a field. This was a condition of development from the Secretary of State at appeal (see attachment):-

"7) No development (including site clearance works or deliveries) shall take place until a construction phase traffic management plan has been submitted to and approved in writing by the local planning authority. The management plan shall include the following details:

- Construction and delivery vehicles shall use the existing gated field access onto the B6047 only and there will be no access to the site by any construction or delivery traffic via Tymecrosse Gardens."

Access

CJC have requested outline planning permission for another 57 houses off Angell drive (Ref 17/01269/OUT). This will mean Burton Street and Angell Drive will then be subject to not just one but TWO lots of TWO WAY HGV construction traffic that would be routed round a large popular children's play area that also regularly has parked cars blocking visibility and making it difficult for children / pedestrians to see and large vehicles to pass. You don't have to be an H&S Expert to realise that this poses an unacceptable risk.



Heavy equipment on Phase 3 land (8 Jan 2018) accessed from Lubenham Rd

Our option 5 access route below proposed crossing the land in 17/01269/OUT (57 houses off Angell) to gain access to build the 215 houses. This would be a joined-up approach that lessens the risk, and affects residents least. All other options need to be fully explored and are possible as the developer is currently using at least one of them!

The options are laid out on the attached maps. Please note that all the options, except option 2, go across land already owned by the Pilkington Trust, who own the Phase 3 land.

1. Short access (185m or 0.11 of a mile) down the Lealand on Lubenham Road and across the Pilkington Trust Field into Phase 3
2. Access across a field currently owned by others (this land is very rarely used by the farmer)
3. Access down Lubenham Road and into the Phase 3 land, through the Farm entrance road (as currently used by Avant for construction access.) Please note that there is no reason for any new road to run along the bridleway. This was a ruse created by Avant to get a negative response from Northamptonshire. The bridleway is currently a metre-wide track from Lubenham Road and was never the route proposed by the FFRG. Conversely, the Farm road leads directly onto the Phase 3 land at the north and from there, construction roads can be built as required by Avant.
4. Access from Farndale View, an existing wide road, affecting less than ten households and accessing Phase 3 from the north.
5. Access using the existing Avant Road and compound site and accessing Phase 3 from the north. This route would need to go up Burton Street but would only compromise one side of the play area and not two. This is very much a compromise solution as it still poses an enormous Health and Safety Risk. In this case, we would want the builders to have restricted timed access avoiding the school runs. Eg access to construction vehicles only between 11 and 2pm, Monday to Friday, to allow residents time to use the play park without a safety risk from vehicles, a 10 mile speed limit and a restriction on vehicle size.

Below is the email that we received from Verity Chilver of Northamptonshire Highways, demonstrating that the use of the access route along Lubenham Road is still open for discussion.

From: Chilver, Verity
Sent: 28 December 2017 10:03
To: James BOLTER
Cc: [...]
Subject: RE: Avant Homes Farndon Fields Phase 2 - enquiry East Farndon access

Dear James

Thank you for your email of the 27th December; the matters you have raised have been noted.

Northamptonshire County Council; acting as the neighbouring local highway authority consultee, in respect of this planning application has yet to make a formal consultation response to this Planning Condition application to Market Harborough District Council.

This response will be made in due course after full consideration of all matters has taken place.

With kind regards

Verity Chilver

Development Management Engineer

Northamptonshire Highways

One Angel Square

Angel Street

NORTHAMPTON NN1 1ED

Summary

As our access maps demonstrate, there are alternative access routes, and these should be utilised for Health and Safety reasons. Agencies such as Planning and Highways are viewing each planning application as a separate entity and using "short term inconvenience" as a reason to approve them. This is not a short-term inconvenience. Burton Street and the entire Farndon Fields development has already endured over five years of construction traffic, despite the builders promises of two years. Adding on the 100-house development, then the 215-house development and the current application for another 57-house development would take this total construction access to 9-10 years, detrimentally affecting the living standards and Health and Safety of a development of 800 families for a decade. Ten years CANNOT be deemed to be a SHORT-TERM inconvenience. A decade is the playground lifetime of a child (from age 4-14)

Should the current access proposals be refused, Avant will certainly come up with feasible alternatives in record time. They won't volunteer it as we have seen from their shoddy attempt so far, designed only to get a negative reaction. Their use of the bridleway to ensure a negative response was highly underhand. Going down the bridleway is simply not necessary. Once they access down the farm road as they have been doing with their current heavy equipment on site, they can construct any roads they wish as they are immediately on the Phase 3 land. Highways have never actually visited the development and have not taken any account of the "living roads", parked cars and children's movements. They are going against 2015 legislation. This is pertinent in the wake of the "Grenfell Tragedy". Government departments can no longer wave things through rather than paying due diligence. This is an exert from the Highways revised consultation response on the 20 Oct 2015:-

"The level of information provided to conduct highway observations isn't sufficient enough to provide a substantive response."

legislation.gov.uk

STATUTORY INSTRUMENTS

2015 No. 51

The Construction (Design and Management) Regulations 2015

PART 4

General requirements for all construction sites

Traffic routes

27.—(1) A construction site must be organised in such a way that, so far as is reasonably practicable, pedestrians and vehicles can move without risks to health or safety.

(2) Traffic routes must be suitable for the persons or vehicles using them, sufficient in number, in suitable positions and of sufficient size.

(3) A traffic route does not satisfy paragraph (2) unless suitable and sufficient steps are taken to ensure that—

- (a) pedestrians or vehicles may use it without causing danger to the health or safety of persons near it;
- (b) any door or gate for pedestrians which leads onto a traffic route is sufficiently separated from that traffic route to enable pedestrians to see any approaching vehicle or plant from a place of safety;
- (c) there is sufficient separation between vehicles and pedestrians to ensure safety or, where this is not reasonably practicable—
 - (i) other means for the protection of pedestrians are provided; and
 - (ii) effective arrangements are used for warning any person liable to be crushed or trapped by any vehicle of its approach;
- (d) any loading bay has at least one exit for the exclusive use of pedestrians; and
- (e) where it is unsafe for pedestrians to use a gate intended primarily for vehicles, at least one door for pedestrians is provided in the immediate vicinity of the gate, is clearly marked and is kept free from obstruction.

(4) Each traffic route must be—

- (a) indicated by suitable signs where necessary for reasons of health or safety;
- (b) regularly checked; and
- (c) properly maintained.

(5) No vehicle is to be driven on a traffic route unless, so far as is reasonably practicable, that traffic route is free from obstruction and permits sufficient clearance.



Appeal Decision

Site visit made on 13 September 2017

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 October 2017

Appeal Ref: APP/F2415/W/17/3174755

Land north of Tymecrosse Gardens, Market Harborough

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Parkers of Leicester Limited against the decision of Harborough District Council.
 - The application Ref 16/00741/OUT, dated 27 April 2016, was refused by notice dated 8 December 2016.
 - The development proposed is 16 new dwellings with five split level houses and eleven bungalows. Details of layout, scale and means of access from the public highway.
-

Decision

1. The appeal is allowed and planning permission is granted for 16 new dwellings with five split level houses and eleven bungalows. Details of layout, scale and means of access from the public highway at land north of Tymecrosse Gardens, Market Harborough in accordance with the terms of the application, Ref 16/00741/OUT, dated 27 April 2016, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Parkers of Leicester Limited against Harborough District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council's evidence sets out that, following independent advice, they are no longer seeking to defend their second reason for refusal. This stated that the proposed development had not adequately demonstrated that it would not increase the risk of flooding. This remains a concern for a number of local residents and I shall come back to this in more detail in my findings.
4. There is a completed planning obligation before me as part of the appeal documentation. The obligation seeks to provide developer contributions towards affordable housing, open space, community facilities, libraries and secondary education. The agreement is bilateral, the appellant and the council are signatories. Both parties are content with the provisions of the agreement. I have reviewed the agreement as well as the requests for contributions made by the relevant bodies. I am satisfied that they are justified and related in scale and kind to the proposed development and together they would mitigate

SCHEDULE OF CONDITIONS

- 1) Details of the appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. The landscaping reserved matter shall also set out trees and hedges that are to be retained and measures for their protection during any works and storage of materials on the site.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 03-031 revision D; 03-032, 03-033 revision B; 03-034 revision A; 03-036; 03-038; 03-051 revision B; 03-052 revision B; 03-053 revision B; 03-054 revision B and 03-055 revision A.
- 5) No development shall take place until details of the individual plot accesses, parking and turning facilities, gradients, surfacing and visibility splays have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until a scheme for the storage and collection of refuse has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development (including site clearance works or deliveries) shall take place until a construction phase traffic management plan has been submitted to and approved in writing by the local planning authority. The management plan shall include the following details:
 - Construction and delivery vehicles shall use the existing gated field access onto the B6047 only and there will be no access to the site by any construction or delivery traffic via Tymecrosse Gardens;
 - Use of the construction access by light goods vehicles shall be restricted to between the hours of 09:00 and 15:30 Mondays to Fridays, 09:00 to 13:00 on Saturdays and not at all on Sundays;
 - The surfacing, length, width and turning radii for the temporary construction access;
 - A scheme for the removal of the temporary construction access at the end of the construction period and the instatement of a footpath/cycle link in accordance with condition 8.

The approved traffic management plan shall be adhered to throughout the construction period in accordance with the approved details.
- 8) No development shall take place until details of a scheme to provide for a footpath/cycle link between the site and the B6047 have been submitted

APPENDIX D: Copy of correspondence from applicants dated 14th February



Mr Mark Patterson
Senior Planning Officer

Via E-mail
Our reference: FARN3/3/Planning/006
Your Reference: 17/02130/PCD

14th February 2018

Dear Mr Patterson,

**Re: Application ref: 17/02130/PCD to Discharge Condition 17
(Construction Traffic Access) relating to Outline Planning Approval
15/00746/OUT, Land Off Farndon Road, Market Harborough,
Leicestershire.**

Avant Homes- Midlands do hereby give Harborough District Council notice that within the provisions of Part 5, sections 27, 28, 29 and 30 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, that we seeking Deemed Planning Consent and to accept this letter as the DEEMED DISCHARGE NOTICE as required within the provision of the Order mentioned above.

The development hereby deemed to be approved by condition is outlined as follows:

Condition 17:

*'Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.
Reason: To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.*

The application before Harborough District Council is referenced 17/02130/PCD and dated valid on Friday 15th December 2017.

In line with the provision of section 29 of the above mentioned Order, over 6 weeks has now lapsed since the acknowledgment from Harborough District Council that the application was valid – this date being 15th December 2017.

I am also able to confirm that no appeal has been made under section 78 of the 1990 Act (b) and thus, as stated within section 29 of the above mentioned Order, Deemed Discharge is considered to take effect on 9th February 2018.

The planning condition sought to be discharged, is not bound by any of the exemptions outlined in Schedule 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

1 Phoenix Place, Phoenix Centre, Nottingham NG8 6BA

T: 0115 979 6800
avanthomes.co.uk

GOOD. BETTER. DIFFERENT

Avant Homes (Holdings) Limited Registered in England & Wales. Registered No. 08114578. Registered office: Avant House, 6 and 9 Talley End, Barlborough, Chesterfield S43 4WP



The discharge of condition application has been submitted fully in accordance with section 27 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and it is therefore concluded that the details hereby submitted under application ref 17/02130/PCD are thus deemed to be approved.

Yours sincerely

A handwritten signature in black ink that reads "Agilliver".

Amy Gilliver
Planning Manager
Avant Homes Midlands

1 Phoenix Place, Phoenix Centre, Nottingham NG8 6BA

T: 0115 979 6800
avanthomes.co.uk

GOOD. BETTER. DIFFERENT

Avant Homes (Holdings) Limited Registered in England & Wales. Registered No. 08114678. Registered office: Avant House, 6 and 9 Tallys End, Barborough, Chesterfield S43 4NP

Planning Committee Report

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

Application Ref: 17/01484/REM

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

Proposal: Residential development of up to 48 dwellings with associated infrastructure and public open space (reserved matters of 17/00212/OUT)

Application Validated: 07.09.2017

Target Date: 07.12.2017 (Extension of time agreed until 16.03.2018).

Consultation Expiry Date: 15.02.2018

Site Visit Date: 20.09.2017

Case Officer: Jeremy Eaton

Recommendation

Planning Permission is **APPROVED** for the reasons set out within this report, subject to the completion of a satisfactory Deed of Variation, and subject to Planning Conditions and Informative Notes (see Appendix A).

Recommended Justification Statement:

The development is considered consistent with the Outline Planning Permission. The development would bring forward additional residential development, including affordable housing, which in turn would make a significant contribution to the Council's Five Year Housing Land Supply (5YS).

The proposal can be delivered in a manner which is satisfactorily in keeping with the character and appearance of the site and its surroundings. The proposal would not lead to unacceptable amenity relationships for proposed residents or existing neighbouring residents, would not harm general amenities in the area, would not adversely affect ecological, archaeological, flood risk/drainage, or arboricultural interests, and would not adversely affect local highway safety.

The proposal accords 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 no material considerations indicate that the policies of the Development Plan should not prevail.

Note: the decision has been reached taking into account Paragraphs 186 and 187 of the NPPF.

1. Site & Surroundings

- 1.1 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.

- 1.2 The site is currently occupied for the purposes of agriculture, and is is predominately managed agricultural grassland.
- 1.3 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.
- 1.4 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.
- 1.5 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.
- 1.6 There is a strategic high-pressure gas main (Stretton Lane to Potter Hill) crossing the site from north-east to south-west.
- 1.7 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, or is currently, 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 had returned to the Planning Inspectorate for re-determination; however, it has since been withdrawn;
 - APP/F2415/W/17/3167822 – Planning Appeal in connection with refusal of planning application reference 16/01547/OUT – Appeal withdrawn;
 - 17/00212/OUT - Outline application for residential development of up to 48 dwellings with associated infrastructure and public open space (means of access to be considered) – Approved (26.07.2017);
 - 17/02113/VAC - Variation of condition 23 (ecological documentation) of 17/00212/OUT to update with an amended study – Pending consideration; and
 - 18/00238/PCD - Discharge of conditions 9 (landscape management plan), 12 (construction method statement), 17 (watercourse) and 20 (written scheme of investigation) of 17/00212/OUT - Pending consideration.
- 2.2 As outlined above, the application site benefits from an extant Outline Planning Permission (reference 17/00212/OUT) for a residential development of up to 48 dwellings with associated infrastructure and public open space. The application was granted with all matters reserved except for the means of access.
- 2.3 Notwithstanding the above, planning application reference 17/02113/VAC relates to the proposed variation of Condition 23 of the Outline Planning Permission reference 17/00212/OUT (see Appendix C of the Committee Report for further details of this Condition). This application is still pending consideration, yet is considered to be materially relevant to this particular application.
- 2.4 Furthermore, land adjacent to the southern boundary of the application site is currently the subject of the following planning application:
- 17/02112/FUL - Creation of an ecological enhancement area comprising of a pond, marsh, species rich grassland and native scrub planting – Pending consideration.

This application is still pending consideration, yet is considered to be materially relevant to this particular application.

3. The Application Submission

- 3.1 In accordance with Condition 1 of the Outline Planning Permission (reference 17/00212/OUT), this application is for the approval of the Reserved Matters of this Outline Permission. In this case the Reserved Matters for which permission is sought include the following matters: scale, layout, appearance and landscaping.

a) Summary of Proposals

- 3.2 This application seeks planning permission for a residential development of 48 no. dwellings with associated infrastructure and open space.

- 3.3 The 48 no. dwellings proposed would comprise of the following mix:

Private:

- 6 no. 2-bed dwellinghouses;
- 10 no. 3-bed dwellinghouses;
- 16 no. 4-bed dwellinghouses; and
- 3 no. 5-bed dwellinghouses.

Affordable:

- 4 no. 1-bed dwellings (4 no. bungalows);
- 6 no. 2-bed dwellings (2 no. bungalows and 4 no. dwellinghouses); and
- 3 no. 3-bed dwellinghouses.

Total:

- 4 no. 1-bed dwellings;
- 12 no. 2-bed dwellings;
- 13 no. 3-bed dwellinghouses;
- 16 no. 4-bed dwellinghouses; and
- 3 no. 5-bed dwellinghouses.

- 3.4 The affordable housing contribution, which is to be provided on-site, in line with the Section 106 Agreement (Unilateral Undertaking) under Outline planning permission reference 17/00212/OUT, is identified at 40% of the total number of dwellings proposed, which would equate to 19 no. dwellings. Notwithstanding this requirement, the Applicant is now proposing 13 no. affordable dwellings (27%), inclusive of 6 no. bungalows in line with an identified need for the District, as part of this Reserved Matters application. This will form the subject of a Deed of Variation of the Unilateral Undertaking. A draft Deed of Variation has been submitted by the Applicant in support of this planning application.
- 3.5 The overall development scheme proposed has been designed to fit within the constraints of the application site and its surrounding context, and generally the wider local area.

- 3.6 The layout of the proposed development, and how this sits in context of the neighbouring existing residential development to the east of the application site, can be viewed in Figure 2, below. Notwithstanding this, for information purposes only, the previous submitted version of the proposed site layout plan is provided in Figure 2a, below.

Figure 2: Proposed Site Layout Plan



Figure 2a: Previous Proposed Site Layout Plan



3.7 The main changes between the previous Site Layout Plan, in Figure 2a, and the latest Site Layout Plan, in Figure 2, are outlined below:

- Plot 39 (formerly Plot 38): Replacement of a double-storey dwellinghouse to a single-storey bungalow. In addition, the dwellinghouse has been sited further away from the eastern boundary of the application site;
- Plot 40 (formerly Plot 39): Alteration to house type to replace a dual-pitched roof with a hipped roof;
- Plots 42-48 (formerly Plots 41-48): Reduction in 1 no. unit (which is now relocated elsewhere within the scheme), with further space provided between the proposed dwellings. In addition, the dwellings have been sited further away from the eastern boundary of the application site.
- Eastern site boundary: Proposed 3.0m wide landscape buffer along this boundary. This will be in addition to any existing landscaping along this boundary which is to be retained.

These changes have been made by the Applicant following the concerns raised by local residents, as well as by Members when this planning application went to Planning Committee on 16th January 2018, in respect of the matter of residential amenity. Further assessment of this matter, and these changes, is provided in Section 6 c) of this Officer Committee Report.

3.8 Primary means of vehicular and pedestrian access to the application site is to be achieved via the extension of Winckley Close, to the north of the site. This means of access was agreed at the Outline stage. From the access, a central access road leads into the site, off which other access roads will branch off of to provide access to the dwellings. Secondary means of pedestrian access to the application site is proposed via the creation of a footpath link from the development across the adjoining area of public open space, located to the east of the application site, to connect with St Catharines Way. This provision is in line with Condition 26 of the Outline planning permission (reference 17/00212/OUT).

3.9 Areas of public open space will be located throughout the development, albeit the focus of its location is to the outer edges of the development in order to provide a softer edge to the open countryside, to the south/west of the application site, and to the existing public open space adjacent St Catharines Way, to the east of the application site, and within the corridor of the strategic high-pressure gas main, which runs from north-east to south-west within a central position within the site. Such areas include amenity green space, parks and garden space, natural and semi-natural green space and a children's Local Equipped Area for Play (LEAP) space. The proposed provision of public open space is in accordance with the minimum level of provision outlined within the Section 106 Agreement (Unilateral Undertaking) under Outline planning permission reference 17/00212/OUT. Figure 3, below, provides a breakdown of the areas of public open space, and their location. The development will, where possible, face out onto the areas of public open space, and open countryside. Existing landscaping to the western boundary of the application site and between land parcels will, in the most part, be retained, except where

necessary to facilitate access through the site, and will be supplemented with additional landscape planting throughout the development.

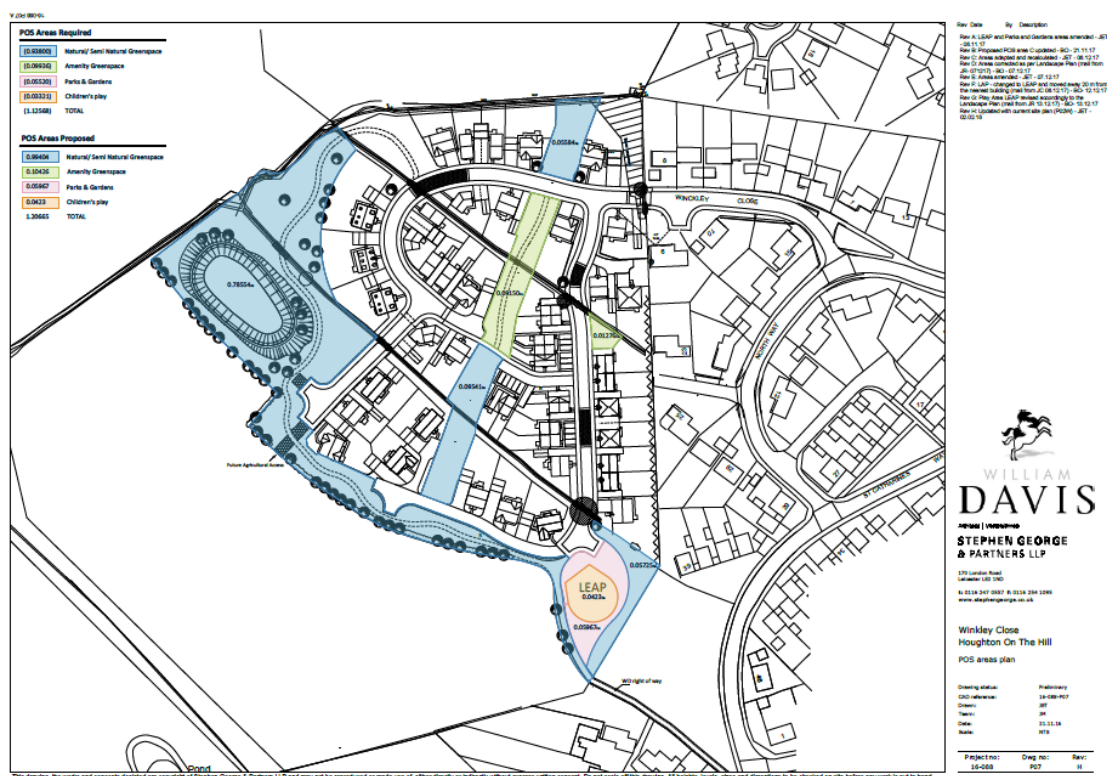


Figure 3: Areas of Public Open Space

- 3.10 A new sustainable drainage pond is proposed to the north-western corner of the site, within a proposed area of public open space, which will also provide additional opportunities for biodiversity enhancement.
- 3.11 The proposed layout plan indicates that the majority of the dwellings are either detached or semi-detached properties, albeit the scheme does include some terraced dwelling houses. The dwellings would primarily face onto the roads, shared driveways and areas of public open space to form well-defined frontages. The proposed dwellings would be designed with privacy strips/gardens to the front (of various depths) and gardens of various sizes/depths to the rear. Where proposed, garages have, for the most part, been set back and located to the side of the dwellings, although there is some integral garaging to dwellings. Driveway parking spaces are to be provided either to the front or the side of the dwellings proposed.
- 3.12 For the most part, the dwellings proposed are to be a maximum of 2-storeys in height; however, a small number of 2.5-storey dwellings are proposed within the scheme, which will comprise feature buildings within the streetscene. The application proposes a mix of house types as set out in Paragraph 3.3 above, of which 17 no. different house type designs are proposed throughout the development. Of the 17 no. different house type designs proposed, there are a number of different design versions proposed. A selection of the house types proposed are provided in Figures 4 to 10, below, whilst a selection of the (single and double) garage types proposed are provided in Figures 11 to 12, below. At street corner locations or where adjoining areas of public open space/public footpaths, dwellings have generally either been designed to offer dual frontage or side/end elevations have been designed to include windows and detailing in order to add interest.



Figure 4: Hetton House Type – Typical 1-Bedroom Bungalow



Figure 5: Glaven House Type – Typical 2-Bedroom Bungalow



Figure 6: Kildale House Type – Typical 2-Bedroom Dwellinghouse



Figure 7: Douglas House Type – Typical 3-Bedroom Dwellinghouse



Figure 8: Lea House Type – Typical 3-Bedroom Dwellinghouse



Figure 9: Denwick House Type – Typical 4-Bedroom Dwellinghouse



Figure 10: Lambourn House Type – Typical 5-Bedroom Dwellinghouse

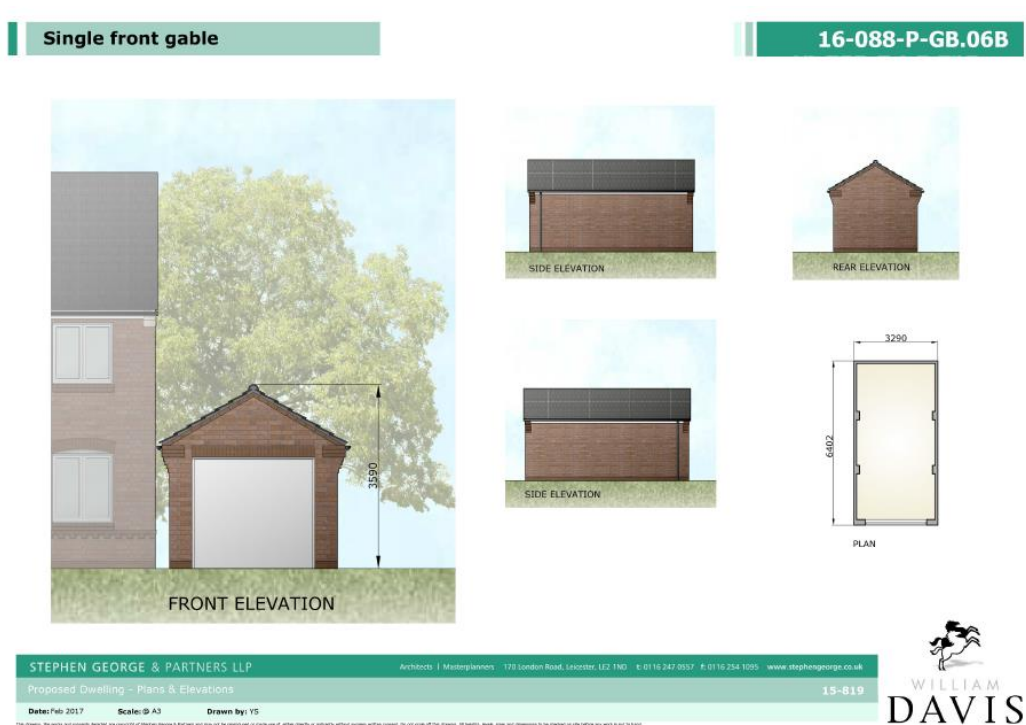


Figure 11: Single Garage Type GB06 - Typical Single Garage Design



Figure 12: Double Garage Type GB10 - Typical Double Garage Design

3.13 Material treatments to the proposed dwellings are indicated in Drawing No. P05 Rev N, see Figure 13, below. The selection of materials proposed includes the following:

- Brick Type 1: Terca Westcliffe Red Multi;
- Brick Type 2: Terca Oakwood Multi;
- Brick Type 3: Terca Sunset Red Multi;
- Rendered Features: colour Ivory;
- Roof Tile Type 1: Forticrete SL8 Slate Grey;
- Roof Tile Type 2: Forticrete SL8 Sunset Blend;

Samples of the proposed materials have been submitted in support of this application.

-
- Architectural site plan for the 'Houghton on the Hill' development. The plan shows a large, irregularly shaped site with various building footprints, parking areas, and landscaping. A central road, 'Houghton Road', runs through the site. The plan is divided into numbered sections (1-42) and includes a legend with symbols for different types of buildings, parking, and landscaping. A title block in the bottom right corner identifies the project as 'Houghton on the Hill' and lists the architects as 'muno + whitton'.

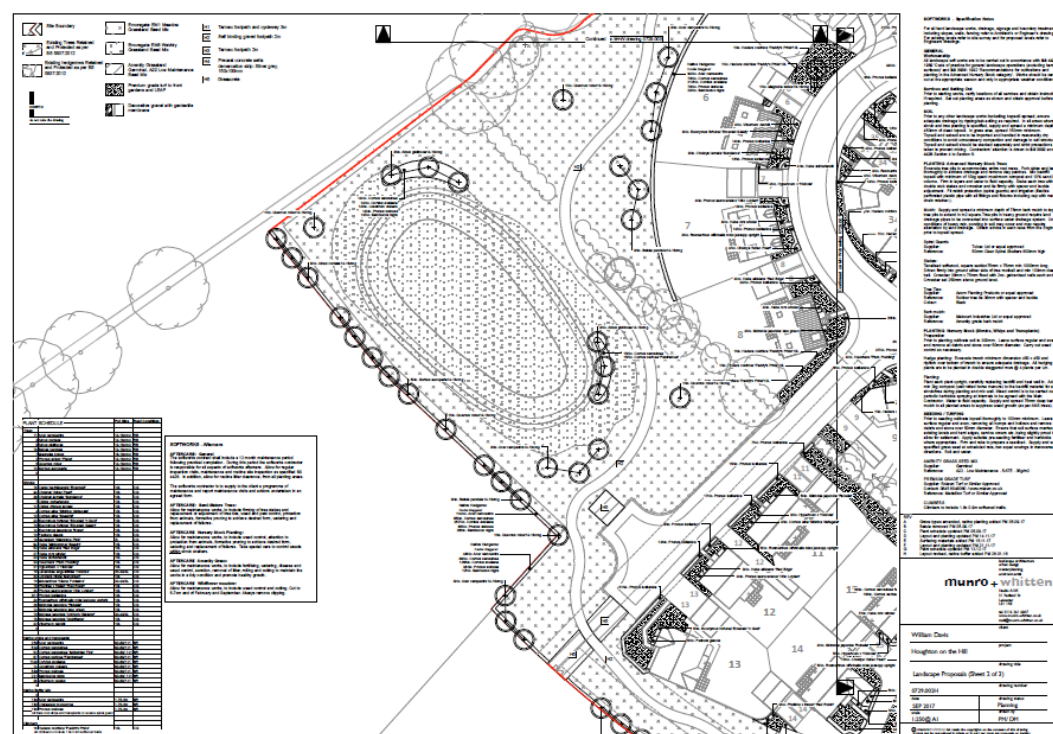




Figure 17: Proposed Elevational Sections/Streetscene Views

b) Documents submitted

i. Plans

3.19 The application has been accompanied by the following plans:

- Site Location Plan;
- Drawing No. P02 Rev B (Proposed Site Layout) (now superseded);
- Drawing No. P02 Rev S (Proposed Site Layout) (now superseded);
- Drawing No. P02 Rev T (Proposed Site Layout) (now superseded);
- Drawing No. P02 Rev U (Proposed Site Layout) (now superseded);
- Drawing No. P02 Rev V (Proposed Site Layout) (now superseded);
- Drawing No. P02 Rev W (Proposed Site Layout);
- Drawing No. L44 Rev D (1800mm Timber Screen Fence);
- Drawing No. L56 Rev C (1800mm Timber Palisade Fence);
- Drawing No. L57 Rev A (1100mm Post & Rail Fence);
- Drawing No. L59 Rev B (Timber Knee Rail);
- Drawing No. L62 Rev B (1800mm Waney Edged Panel Fencing);
- Drawing No. L83 Rev D (Metal Boundary Railing);
- Drawing No. L89 Rev – (Brick Screen Wall Detail);
- Drawing No. P03 Rev B (Proposed Hard Landscaping) (now superseded);
- Drawing No. P03 Rev K (Proposed Hard Landscaping) (now superseded);
- Drawing No. P03 Rev L (Proposed Hard Landscaping) (now superseded);
- Drawing No. P03 Rev M (Proposed Hard Landscaping);
- Drawing No. P04 Rev E (Proposed Boundary Treatments) (now superseded);
- Drawing No. P04 Rev P (Proposed Boundary Treatments) (now superseded);
- Drawing No. P04 Rev R (Proposed Boundary Treatments) (now superseded);

- Drawing No. P04 Rev S (Proposed Boundary Treatments);
- Drawing No. P05 Rev B (Proposed Materials) (now superseded);
- Drawing No. P05 Rev K (Proposed Materials) (now superseded);
- Drawing No. P05 Rev M (Proposed Materials) (now superseded);
- Drawing No. P05 Rev N (Proposed Materials);
- Drawing No. 16-088-AB-1 (Ashburn House Type) (now superseded);
- Drawing No. 16-088-AB-1 (Ashburn House Type - Plot 7);
- Drawing No. 16-088-BD-1 (Bedale House Type) (now superseded);
- Drawing No. 16-088-BD-1 (Bedale House Type – Plots 47 and 48);
- Drawing No. 16-088-BD-S (Bedale (S) House Type);
- Drawing No. 16-135-DK-1(S) (Denwick with Additional Window House Type – Plot 10);
- Drawing No. 16-135-DK-1 (Denwick House Type – Plots 16 and 19);
- Drawing No. 16-088-DK-2 (Denwick – Render Option House Type) (now superseded);
- Drawing No. 16-088-DK-2 (Denwick – Render Option House Type – Plots 12 and 20);
- Drawing No. 16-088-DK-6 (Denwick – Double Gablette House Type) (now superseded);
- Drawing No. 16-088-DK-6(S) (Denwick – Double Gablette with Additional Window House Type – Plot 36);
- Drawing No. 16-088-DS-1 (Douglas House Type) (now superseded);
- Drawing No. 16-088-DS-1 (Douglas House Type – Plot 35) (now superseded);
- Drawing No. 16-088-DS(PC) (Douglas House Type – Plot 35);
- Drawing No. 16-088-DS-2 (Douglas – Render Option House Type) (now superseded);
- Drawing No. 16-088-DS-2 (Douglas – Render Option House Type – Plots 9 and 33);
- Drawing No. 16-088-GV-1 (Glaven House Type) (now superseded);
- Drawing No. 16-088-GV-1 (Glaven House Type – Plot 40);
- Drawing No. 16-088-GW-1 (S2) (Gown with Additional Window House Type – Plot 37);
- Drawing No. 16-088-GW-1 (S) (Gown with Additional Window House Type – Plot 5);
- Drawing No. 16-088-HT-1 (Hetton House Type) (now superseded);
- Drawing No. 16-088-HT-1 (Hetton House Type – Plots 43-46);
- Drawing No. 16-088-KD-1 (Kildale House Type) (now superseded);
- Drawing No. 16-088-KD-1 (Kildale House Type – Plots 21, 23, 26 and 27);
- Drawing No. 16-088-LA-1 (Lea House Type) (now superseded);
- Drawing No. 16-088-LA-1 (Lea House Type – Plots 3, 32 and 34);
- Drawing No. 16-088-LA-2 (Lea – Render Option House Type) (now superseded);
- Drawing No. 16-088-LA-2 (Lea – Render Option House Type – Plots 4 and 31);
- Drawing No. 16-088-LB-1 (Lambourn House Type) (now superseded);
- Drawing No. 16-088-LB-1 (Lambourn House Type - Plots 6 and 8);
- Drawing No. 16-088-LN-1 (Lydden House Type – Plots 11 and 15);
- Drawing No. 16-135-MD-1 (Meden House Type);
- Drawing No. 16-088-ME-1 (Medway House Type) (now superseded);
- Drawing No. 16-088-ME-2 (Medway – Render Option House Type) (now superseded);
- Drawing No. 16-135-ME(PC)-1 (Medway –Projecting Chimney Option House Type – Plot 18);
- Drawing No. 16-088-ME(PC)-2 (Medway – Render & Projecting Chimney Option House Type) (now superseded);

- Drawing No. 16-088-ME(PC)-2 (Medway – Render & Projecting Chimney Option House Type – Plots 14 and 38);
- Drawing No. 16-088-LA-1 (Lea House Type) (now superseded);
- Drawing No. 16-088-RR-1 (Rother House Type) (now superseded);
- Drawing No. 16-088-RR-1 (Rother House Type – Plots 28 and 29);
- Drawing No. 16-088-RW-1 (Rowan House Type – Plots 39, 41 and 42);
- Drawing No. 16-088-RW(S) (Rowan House Type);
- Drawing No. 16-088-SN-1 (Seaton House Type) (now superseded);
- Drawing No. 16-088-SN-1(S) (Seaton with Additional Window House Type – Plot 30);
- Drawing No. 16-088-SN-2 (Seaton – Render Option House Type) (now superseded);
- Drawing No. 16-088-SN-2 (Seaton – Render Option House Type – Plot 17);
- Drawing No. 16-088-SN-2(S) (Seaton – Render Option House Type – Plot 1);
- Drawing No. 16-088-SN-3 (Seaton – Tile Option House Type) (now superseded);
- Drawing No. 16-088-SN-3 (Seaton – Tile Option with Additional Window House Type – Plots 2 and 13);
- Drawing No. 16-088-TS-1 (Thirsk House Type) (now superseded);
- Drawing No. 16-088-TS-1 (Thirsk House Type – Plots 22, 24 and 25);
- Drawing No. 16-088-P-GB.02B (Double Side Gable Garage Type);
- Drawing No. 16-088-P-GB.03B (Semi Side Gable Garage Type);
- Drawing No. 16-088-P-GB.04B (Tandem Front Gable Garage Type) (now superseded);
- Drawing No. 16-088-P-GB.06B (Single Front Gable Garage Type);
- Drawing No. 16-088-P-GB.08B (Double Front Gable Garage Type) (now superseded);
- Drawing No. 16-088-P-GB.10 (Sales Garage Semi Side Gable Garage Type);
- Drawing No. P06 Rev A (Proposed Street Elevations) (now superseded);
- Drawing No. P06 Rev D (Proposed Street Elevations) (now superseded);
- Drawing No. P06 Rev E (Proposed Street Elevations);
- Drawing No. 0729.001 (Landscape Proposals (Sheet 1 of 3)) (now superseded);
- Drawing No. 0729.001 Rev E (Landscape Proposals (Sheet 1 of 3)) (now superseded);
- Drawing No. 0729.001 Rev F (Landscape Proposals (Sheet 1 of 3)) (now superseded);
- Drawing No. 0729.001 Rev G (Landscape Proposals (Sheet 1 of 3)) (now superseded);
- Drawing No. 0729.001 Rev H (Landscape Proposals (Sheet 1 of 3));
- Drawing No. 0729.002 (Landscape Proposals (Sheet 2 of 3)) (now superseded);
- Drawing No. 0729.002 Rev F (Landscape Proposals (Sheet 2 of 3) (now superseded));
- Drawing No. 0729.002 Rev G (Landscape Proposals (Sheet 2 of 3)) (now superseded);
- Drawing No. 0729.002 Rev H (Landscape Proposals (Sheet 2 of 3));
- Drawing No. 0729.003 (Landscape Proposals (Sheet 3 of 3)) (now superseded);
- Drawing No. 0729.003 Rev E (Landscape Proposals (Sheet 3 of 3)) (now superseded);
- Drawing No. 0729.003 Rev F (Landscape Proposals (Sheet 3 of 3));
- Drawing No. 0729.004 (LAP Design Details) (now superseded);
- Drawing No. 0729/005 (LEAP Proposals);
- Drawing No. L76 (Private Drives Demarcation Lines);
- Drawing No. L11 Rev D (Private Tarmac Drive Detail PCC Flat Edging);
- Drawing No. L14 Rev C (Shared Tarmac Drive Detail PCC Flat Edging);
- Drawing No. L15 Rev D (Shared Block Pavior Drive Detail);

- Drawing No. L16 Rev A (Fire Access Drive Detail Edging to Drives);
- Drawing No. SK01 (Proposed Finished Floor Levels);
- Drawing No. P07 Rev B (POS Areas Plan) (now superseded);
- Drawing No. P07 Rev E (POS Areas Plan) (now superseded);
- Drawing No. P07 Rev G (POS Areas Plan) (now superseded); and
- Drawing No. P07 Rev H (POS Areas Plan).

i. Documents

3.20 The application has been accompanied by the following documentation:

- Application Form;
- Supporting Statement Rev B; and
- Ecological Mitigation Strategy.

c) Pre-application Engagement

- Local Planning Authority

3.21 Prior to submitting this Reserved Matters planning application, the proposed development was not subject to a pre-application enquiry.

- Local Community

3.22 Prior to submitting this Reserved Matters planning application, the proposed development was subject to consultation with the Houghton on the Hill Parish Council. This is explored in further detail within Section 2.1 of the Supporting Statement, which was submitted in support 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 Site Notices were displayed outside the application site on Winckley Close, North Way and St Catherine's Way on 20th September 2017, and a Press Notice was published in the Leicester Mercury on 28th September 2017.

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

a) Statutory & Non-Statutory Consultees

Houghton on the Hill Parish Council

4.4 Previous consultation response received, see overleaf:

Houghton on the Hill Parish Council

17/01484/REM - Residential development of up to 48 dwellings with associated infrastructure and public open space (reserved matters of 17/00212/OUT) (Land off Winckley Closes, Houghton).

The Parish Council considered the advice of the Houghton Neighbourhood Plan Working Party (NPWP).

It was **resolved** to submit the following comments:-

When consulting with developers the NPWP has compared the designs produced by developers with the Village Design Statement (VDS) included in the submission draft of the Houghton Neighbourhood Development Plan (April 2017). The following comments are framed by comparing the application to the requirements of the VDS.

1. General points

- a) The main and particularly serious issue is that the distribution of house types takes no note of the needs of the village. 44% of the houses in the development have 4 or 5 bedrooms which is considerably higher than the Harborough District Council (HDC) HEDNA (Housing and Economic Development Needs Assessment) figures and significantly higher than the proportions which came from the village wide consultations (4-bed dwellings 14%). The scheme also takes no note of the needs of residents in the village for dwellings suitable for downsizing by an elderly demographic, such as single-level living options in 3 and 4 bedroom dwellings, building a proportion of dwellings to Section M accessibility regulations, or to "whole-life" dwellings.
- b) Policy S5 in the Neighbourhood Plan deals with the provision of high-speed broadband at 30Mbps or better. No information has been provided in the plan on the provision of broadband in the new development.
- c) The problems of residential and service traffic access to this site have been extensively debated. The problem of construction access has never yet been addressed but since the only access is via a single steep road through existing housing, and this can only be reached via narrow roads in adjoining housing (Linwal Avenue and Deane Gate Drive) the detailed control of vehicle routing, access times and size of vehicles is critical to both traffic management and quality of life in a considerable portion of the village.
- d) Similarly the site directly adjoins existing dwellings. The Parish Council expects HDC to invoke appropriate regulations to control noise, dust and other environmental problems during construction.

Houghton on the Hill Parish Council

- e) There is still considerable concern for residents concerning the proximity of development in relation to existing dwellings. A clear statement from either HDC or the National Grid concerning safety regulations relating to building should be sought.

2. Compliance with the Building for Life Guidelines.

1. Connections

The VDS adopts and exemplifies the approach of *Building for Life 12: the sign of a good place to live*. In the table below the Parish Council has examined the application with respect to each of the guidelines.

There is only one road access into the site; two vehicle routes are preferable.

- a) The Parish Council is pleased to see a combined path and cycleway to connect through St Catharine's Green to St Catharine's Way.
- b) The NPWP has previously asked Davis's to investigate the creation of a second pathway between plots 41 and 42 to join to the existing roadway between numbers 23 and 25 North Way. It has received no response on this matter but considers it as important.
- c) The Parish Council would like to see a path and cycleway along the full length of the Gas Pipeline corridor through the site creating a useful connecting and social space. Current plans show a path only along the northern half of this line.
- d) The Parish Council would also like to see a further path from the road hammerhead adjacent to St Catharine's Green along the northern side of the green to St Catharine's Way.
- e) Since these pathways up the hill away from the site will be steep, the Parish Council would like to see some park-bench type seats along these paths.

2. Facilities and Services

No facilities are provided on this 48 house development. The open green space on the development which adjoins St Catharine's Green would be an ideal location for a small children's play area for pre-school ages.

Houghton on the Hill Parish Council

3. Public Transport

There is public transport if the bus service continues to run. The bus service is poor. There are currently each weekday only 4 buses to Leicester at two-hour intervals which pass through St Catharine's Way. The service is under threat of closure in January 2018.

4. Meeting local housing requirements

As mentioned in Section 1a (of General Points) the pattern of housing does not meet local housing requirements. Specifically, there are too many large houses and no whole-life dwellings or dwellings built for accessibility under Regulation M.

5. Character

- a) The dwellings are standard Davis's designs which have no connection to the architecture of the village. Could Davis's explain how they have incorporated local features into their design as per Para 1.6 of the VDS?
- b) Brick types and paving colours are varied, but grouped across the site. This grouping should be abandoned and the brick and paving colours varied across the site. It is particularly important NOT to demarcate the affordable housing area with its own distinctive colour scheme, as is currently the situation on the submitted plan.
- c) There is an opportunity for developing social space on the exclusion zone above the gas pipeline. This could be augmented with seating areas, large paved draughts/chess boards/ outdoor table-tennis tables etc.

6. Working with the site and its context

- a) Generally acceptable. Addition of a small play area with appropriate equipment (swings, climbing frame, etc) and safe surface for pre-school children should be incorporated in the layout since the distance to the only other facility at Houghton Field is significant (See also point 2 – Facilities and Services). It is noted that the William Davis Supporting Statement (17_01484_REM-SUPPORTING_STATEMENT-742292) mentions a play area but does not specify if equipment is to be provided.
- b) It is assumed that the hedge between the site open space and St Catharine's Green will be removed to link the development into the existing village thereby creating a more attractive and useful recreational area for young residents.

Houghton on the Hill Parish Council

- c) Many dwelling ridgelines are oriented close to north-south thus making them less suitable for solar PV (Photovoltaics) or thermal uses. While the Parish Council appreciates the difficulties in rotating buildings it may be possible to change the ridgelines on some to east-west rather than north-south.

7. Creating well-defined streets and spaces

The layout is acceptable.

8. Easy to find your way around

Layout logical. Subject to appropriate signage no further comment. The provision of foot/cycle paths within the site and linking through to the existing village is considered to be very important (See point 1 - Connections).

9. Streets for all

Looks satisfactory. (But See point 11 - Public spaces)

10. Car parking

- a) Private parking for each dwelling seems to meet minimum requirements but there are only two communal visitor parking spaces in the development. The Parish Council queries the width of roadways, since it is critical to avoid cars habitually parking partly on the pavement and obstructing child buggies, wheelchairs and mobility scooters.
- b) The Parish Council assumes there will be dropped kerbs for wheeled crossing at road junctions but would like confirmation of this. Retro-fitting is inefficient, expensive and visually unattractive.
- c) The restricted parking for affordable homes is likely to be a problem. Even the existing bus service (under threat) is insufficient for working people in areas other than Leicester city centre, hence each worker needs to have a car to hold a job.
- d) In addition, the parking space for Plot 21 is difficult to access both by foot from the dwelling and by vehicle.

11. Public and private spaces

Satisfactory in general.

The Parish Council is concerned that the open space above the gas pipeline can become a linking social space for the development and a decided asset, rather than a linear fenced-in corridor. The landscaping detail shows varied fence types and planted areas but the Parish Council would be grateful to see scene views along the corridor. (Also see comments in section 5c - Character)

Houghton on the Hill Parish Council

12. External storage and amenity space

The Parish Council cannot see any information on storage for waste bins or cycles. Some explanation should be provided. Ref. Para 1.5 of VDS (C12 in Table 1)

3. Detailed design of houses relative to the Houghton VDS

Design of houses for new developments is described in detail in section 1.6.1 of the Houghton VDS.

- | | |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.6.1 (g) | Featureless and window-less walls on many buildings – VDS points to selective and sympathetic use of bricks to form a pattern making such walls more attractive. Chimneys are mostly internal whilst it would be more attractive to have them external to break blank walls. Meter boxes should be positioned so as to minimise the unattractiveness of these necessary items. One design has a white meter box on each side of the front which is particularly offensive to the eye contrasting starkly with the brown brickwork. More detailed information for each design is provided in the table which follows. |
| 1.6.1. (i) | Many garages will be located entirely in back gardens so detracting from social space. This is contrary to the VDS. |
| 1.6.1 (j) | Harvesting surface water – no information. |

The following comments in Table 1 indicate that further considerations need to be given to design features on many properties, as the assertion in the William Davis Supporting Statement (17_01484_REM-SUPPORTING_STATEMENT-742292) does not satisfy the HNDF VDS requirements regarding blank, featureless walls (unless there are more recent designs than those presented).

Table 1 Critique of Building design types in terms of external view features

House Type	Comments
Glaven	2 blank side elevations, but optional window indicated on site layout, so OK
Rowan	Blank side elevations, but not exposed on this site.
Rother	Two very nearly blank side elevations. Plot 29 needs relief on the gable end.

Lea	Side elevations poorly featured, but not exposed prominently on this site.
Douglas	Has blank elevations, generally not exposed. Plot 35 needs some relief on visible elevations.
Derwick	Nearly blank side elevation. Plot 4 needs relief as for Plot 35
Medway	Blank side elevation; especially exposed on Plot 14, needs relief.
Seaton	Side elevation with door needs some additional balance. Plots 13, 15, 30 and 37 have no pathway to their back doors.
Ashburn	Blank side elevations, both sides. Plot 9 needs relief (chimney/window/brickwork)
Lambourn	Poorly featured side elevations both sides. Plot 6 need relief on North elevation, suggest chimney.
Bedale	Two blank side elevations, but not exposed on this site.
Hetton	Two blank side elevations, but not exposed on this site.
Kildale	Side elevations completely blank, but not exposed in layout for this site so OK.
Thirsk(S) 8(ET)	Poorly featured side elevation (both sides). Plots 22, 24 and 25 need pattern in brickwork to relieve this in the exposed elevations

Additional consultation response received:

17/01484/REM - Residential development of up to 48 dwellings with associated infrastructure and public open space (reserved matters of 17/00212/OUT) - Land off Winckley Close, Houghton) (amended plans reconsultation).

The Parish Council considered the advice of the Houghton Neighbourhood Clerk Plan Working Party (NPWP).

It was **resolved** to submit the following comments:-

When consulting with developers the NPWP had compared the designs produced by developers with the Village Design Statement (VDS) included in the submission draft of the Houghton Neighbourhood Development Plan (April 2017). The following comments are framed by comparing the application to the requirements of the VDS.

1. General points

- a) The main and particularly serious issue is that the distribution of house types takes no note of the needs of the village. Many of the houses in the development have 4 or 5 bedrooms which is considerably higher than the Harborough District Council (HDC) HEDNA (Housing and Economic Development Needs Assessment) figures and significantly higher than the proportions which came from the village wide consultations (4-bed dwellings 14%). The scheme also takes no note of the needs of residents in the village for dwellings suitable for downsizing by an elderly demographic, such as single-level living options in 3 and 4 bedroom dwellings, building a proportion of dwellings to Section M accessibility regulations, or to "whole-life" dwellings.
- b) Policy S2 in the Neighbourhood Plan deals with the provision of high-speed broadband at 30Mbps or better. No information has been provided in the plan on the provision of broadband in the new development.
- c) The problems of residential and service traffic access to this site have been extensively debated. The problem of construction access has never yet been addressed but since the only access is via a single steep road through existing housing, and this can only be reached via narrow roads in adjoining housing (Linwal Avenue and Deane Gate Drive) the detailed control of vehicle routing, access times and size of vehicles is critical to both traffic management and quality of life in a considerable portion of the village.
- d) Similarly, the site directly adjoins existing dwellings. The Parish Council expects HDC to invoke appropriate regulations to control noise, dust and other environmental problems during construction.

- e) There is still considerable concern for residents regarding the proximity of development in relation to the high-pressure gas main. A clear statement from either HDC or the National Grid concerning safety regulations relating to building should be sought.

2. Compliance with the Building for Life Guidelines.

1. Connections

The VDS adopts and exemplifies the approach of Building for Life 12: the sign of a good place to live.

There is only one road access into the site; two vehicle routes are preferable.

- a) The Parish Council is pleased to see a combined path and cycleway to connect through St Catharine's Green to St Catharine's Way. The comments made by HDC are noted and the Parish Council supports the requirement for 3 metre wide paths.
- b) The NPWP has previously asked Davis's to investigate the creation of a second pathway between plots 41 and 42 to join to the existing roadway between numbers 23 and 25 North Way. It has received no response on this matter but considers it as important. The Parish Council notes that a footpath is not shown on the revised plans.
- c) The Parish Council would like to see a path, cycleway and amenity green space along the full length of the Gas Pipeline corridor through the site creating a useful connecting and social space. Current plans show a path only along the northern half of this line.
- d) The Parish Council would also like to see a further path from the road hammerhead adjacent to St Catharine's Green along the northern side of the green to St Catharine's Way. The Parish Council notes that the additional footpath is not shown on the revised plans.
- e) Since these pathways up the hill away from the site will be steep, the Parish Council would like to see some park-bench type seats along these paths. The Parish Council would appreciate confirmation that seats will be installed.

2. Facilities and Services

- a) The open green space on the development which adjoins St. Catharine's Green would be an ideal location for a play area for pre-school ages. The Parish Council notes the comments made by HDC concerning the requirement for at least 5 pieces of play equipment and is pleased to see the recently submitted plan for the LEAP, showing the equipment that will be provided.
- b) The Parish Council supports the comments made by HDC concerning the soft landscaping and land management plan.

3. Public Transport

There is public transport if the bus service continues to run. The bus service is poor. There are currently each weekday only 4 buses to Leicester at two-hour intervals which pass through St Catharine's Way. The service is under threat of closure in January 2019.

4. Meeting local housing requirements

As mentioned in Section 1a (of General Points) the pattern of housing does not meet local housing requirements. Specifically, there are too many large houses and no whole-life dwellings or dwellings built for accessibility under Regulation M.

5. Character

- a) The dwellings are standard Davis's designs which have no connection to the architecture of the village. Could Davis's explain how they have incorporated local features into their design as per Para 1.6 of the VDS?
- b) Brick types, and paving colours are varied, but grouped across the site. This grouping should be abandoned and the brick and paving colours varied across the site. It is particularly important NOT to demarcate the affordable housing area with its own distinctive colour scheme.

The Parish Council is pleased to note that the comments made about brick types and grouping have been addressed.

- c) There is an opportunity for developing social space on the exclusion zone above the gas pipeline. This could be augmented with seating areas, large paved draughts/chess boards/ outdoor table-tennis tables etc. See also 1c.

6. Working with the site and its context

It is requested that the hedge between the site open space and St Catharine's Green be removed to link the development into the existing village thereby creating a more attractive and useful recreational area for young residents.

7. Creating well-defined streets and spaces

The layout is acceptable.

8. Easy to find your way around

Layout logical. Subject to appropriate signage no further comment. The provision of foot/cycle paths within the site and linking through to the existing village is considered to be very important (See point 1 - Connections).

9. Streets for all

Looks satisfactory. (But See point 11 - Public spaces)

10. Car parking

- a) Private parking for each dwelling seems to meet minimum requirements but there are only three communal visitor parking spaces in the development. The Parish Council notes the comments made by LCC Highways but queries point 7 which refers to plots 56-52 when there are only 48 plots on the development.
- b) The Parish Council assumes there will be dropped kerbs for wheeled crossing at road junctions but would like confirmation of this. Retro-fitting is inefficient, expensive and visually unattractive.
- c) The restricted parking for affordable homes is likely to be a problem. Even the existing bus service (under threat) is insufficient for working people in areas other than Leicester city centre, hence each worker needs to have a car to hold a job. The Parish Council notes that additional parking has not been provided.

11. Public and private spaces

Satisfactory in general

The Parish Council is concerned that the open space above the gas pipeline can become a linking social space for the development and a decided asset, rather than a linear fenced-in corridor. The landscaping detail shows varied fence types and planted areas but the Parish Council would be grateful to see scene views along the corridor. (Also see comments in section 5c - Character)

12. External storage and amenity space

The Parish Council cannot see any information on storage for waste bins or cycles. Some explanation should be provided. Ref. Para 1.5 of VDS (C12 in Table 1). The Parish Council notes the bin collection points and asks if the areas are to be marked out and hard-surfaced.

3. Detailed design of houses relative to the Houghton VDS

Design of houses for new developments is described in detail in section 1.6.1 of the Houghton VDS.

- 1.6.1 (e) Featureless and window-less walls on many buildings – VDS points to selective and sympathetic use of bricks to form a pattern making such walls more attractive. Chimneys are mostly internal whilst it would be more attractive to have them external to break blank walls. Meter boxes should be positioned to minimise the unattractiveness of these necessary items.
- 1.6.1. (i) Many garages will be located entirely in back gardens so detracting from social space. This is contrary to the VDS.

Additional consultation response received:

The reconsultation was considered by the Parish Council at its meeting last night and it decided upon the following:-

Resolved to comment to the effect that the Parish Council was pleased that its previous observations had been substantially considered favourably and no major concerns remained.

Harborough District Council (Environmental Health)

4.5 No representation received.

Harborough District Council (Waste Management)

4.6 No representation received.

Harborough District Council (Technical Services – Drainage)

4.7 No representation received.

Harborough District Council (Neighbourhood and Green Spaces Officer)

4.8 Play Area:

The site generates a requirement for a Local Equipped Area for Play (LEAP). The proposal is for a LAP. The developer must provide a proposal that has sufficient play value. There are currently only two play elements (Balance and spinning). A LEAP should provide a minimum of 5 elements. The current proposal is unacceptable.

Soft Landscaping:

The remainder of the POS including the areas provided is satisfactory.

Plant species used are satisfactory and the planting specification and plant supply details are in accordance with industry standards.

Landscape Management Plan:

I note there is no landscape management plan. This should be provided prior to commencement of development to ensure the POS is maintained to an acceptable standard in perpetuity. (See comments of 2nd May 2017).

Harborough District Council (Housing Enabling and Community Infrastructure Officer)

4.9 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.

Further: We have now agreed the AH Unit Mix which comprises as Follows:

4x1 bed bungalows, 2x2 bed bungalows, 4x2 bed houses and 3x3 bed houses= 13 AH units. The inclusion of 6 bungalows reduces our requirement down from 19 to 13 as we accept much needed bungalow provision on a 1 for 2 basis.

The applicant is advised to consult with our RP Partners at the earliest stage possible. RP list is attached for the applicant.

Leicestershire County Council (Highways)

4.10 Previous consultation response received:

The Local Highway Authority informs the Local Planning Authority that additional information outlined in this response is required, and the Local Highway Authority is unable to provide a detailed response in accordance with article 20(4) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 until after the information requested has been received and considered.

Site Access

The principle of vehicular access was previously established at outline planning stage and is shown on the proposed site layout plan to be an extension to Winckley Close. However, as part of this reserved matters application and to negate the need for a separate discharge of condition application in relation to Condition 21 of the outline planning permission, a pedestrian and cycle access is also shown on St Catharine's Way opposite the junction with Forsells End.

Unfortunately at the point where the access would adjoin St Catharine's Way, it does not appear that the applicant has accounted for an existing street lighting column (USRN 16401331), bench or bin. The street lighting column would need to be relocated at the appellant's expense subject to the permission of the Highway Authority. The bin and bench however are not within the extent of the public highway; the applicant would be advised to identify whose responsibility they are to discuss their relocation. Notwithstanding the above, the width of the pedestrian/cycle access is only 2 metres; such a shared facility should be a minimum of 3 metres wide.

Internal Layout

Road Layout

The width of the pedestrian/cycle route which runs north to south from between plots 36 and 37, and east to west between plots 25 and 9 is only 2 metres; such a shared facility should be a minimum of 3 metres wide.

The width of the access way carriageway which commences opposite Plot 1 only measures 4.75m; it should be a minimum of 4.8m.

Comments have been sought from colleagues in road adoptions as to the future adoptability of the internal road layout and for the following reasons the current layout would not be considered for future adoption and maintenance by the Highway Authority:-

1. The speed control bend is located approximately 95 metres into the development from its connection with Winckley Close. To ensure a 20mph design speed is maintained within the development, a raised table at the junction, upon entry into the development is considered necessary;
2. The ramps to speed tables are positioned too close to the vehicular access points at plot 43. Instead the speed table should be extended to ensure the ramp is located away from vehicular accesses;

3. The speed table tops do not comply with the design guidance set out in Part 3, Section DG5 of the 6Cs Design Guide¹ because the plateau is too short;
4. The current design layout fails to provide sufficient bend widening. Please refer to Paragraph 3.33 of Part 3 of the 6C's Design Guide for more information;
5. The current design layout details vehicular accesses that join the carriageway within the development at the radii of junctions which is unacceptable. Please refer to Paragraph 3.3 of Part 3 of the 6C's Design Guide for more information;
6. The site layout plan details land reserved for an agricultural access. What types of vehicles are intended to use this, and how frequently?
7. The access to the private drive leading to plots 56 to 52 currently does not line up with the carriageway within the turning head. It should instead mirror the design of private drive access opposite;
8. There are watercourses which could run through the development site and therefore in the event planning permission is forthcoming the developer will need to apply for Ordinary Water Course Consent from the Lead Local Flooding Authority. Please refer to the Council website for more information;
9. The site plan details a number of public green areas of land and footway/cycleway links within the development. Due to budgetary constraints and long term maintenance costs, LCC will no longer consider adopting these areas in new developments. Who will be responsible for their future maintenance?; and
10. Gradients should conform to the standards set out in Table DG1: General geometry of residential roads (internal) in the 6C's Design Guide.

Parking Provision

Whilst each of the plots has a sufficient number of parking spaces, it is noted that some of on plot parking spaces are the minimum dimensions (4.8m x 2.4m); the Highway Authority advocate a 5.5m length dimension.

There are two styles of garages which do not meet the standards set out in the 6Cs Design Guide²; GB02 and GB06. It is important that garages have the minimum dimensions to ensure that they are useable, and that each property has sufficient parking provision.

The relationship between the front door and the parking provision for plots 21 and 37 is considered to be awkward and should be reviewed to identify whether a better relationship can be achieved. Remote parking provision is less likely to be used than when it is in sight of the front door.

Private Drives

The private drive serving plots 39 and 40 is too narrow; for private drives serving between 2 and 5 properties it should have a width of 4.25m for at least the first 5 metres.

Additional consultation response received:

The CHA has checked the parking being provided within the development and consider it to be compliant with the 6Cs Design Guide. There is one plot (number 21) where the parking is remote from the dwelling however we would not seek to resist the Application on that basis.

The internal dimensions of the garages should be 3 metres x 6 metres to count as a parking space in accordance with the 6Cs Design Guide. However the CHA understands the position of the pillars does not obstruct the driver or passenger from exiting the vehicle once parked in the garage and because of this the CHA considers the garages will be usable as parking spaces by residents.

I will send the comments regarding the design of the internal layout and whether its suitable to be adopted when I receive them from colleagues in Road Adoptions.

Additional consultation response received:

No objection has been raised. The following represents the advice received by LCC Highways;

Background

In October 2017 the CHA provided initial comments on this reserved matters application for up to 48 dwellings. As a result of these comments the Applicant submitted a revised site layout drawing number 16-088 P02 Rev T to the LPA on 7 December 2017. The Applicant has since submitted drawing number 16-088 P02 Rev U which the LPA has confirmed only relates to the location of the children's play space and therefore the highway comments are still relevant.

Internal Layout

Whilst the proposed layout is considered acceptable in planning terms the issues raised below mean the site is not currently to an adoptable standard and will not be maintained by the CHA:

1. The width of the access way carriageway from plot 1 to plot 30 has been designed as 5.5m wide. In accordance with table DG1 (6C's DG, part 3), only a 4.8m carriageway is required for the proposed number of dwellings on the development not the 5.5m shown.
2. The turning head fronting plot 31 is not required for the safe and satisfactory of the highway; the area will function as a through road/ bend as oppose to a junction or cul-de-sac. Consideration should be given to designing the area as a speed control bend to aid the narrowing of the carriageway from 5.5m to 4.8m; with the area not required as highway forming part of the private drive (starting outside plot 31, off the bend).
3. The plateau of the speed table at the entrance of the development does not comply with the design guidance set out in part 3 of the 6C's Design Guide. Please revise and ensure it does not clash with vehicular accesses.
4. The bin store on the private drive to plots 14-18 should be located adjacent to the highway in accordance with the guidance set out in para 3.219, 6C's Design Guide, part 3.

The CHA considers the site has been over-designed and provides extra over areas (points 1 and 2) which will incur commuted sums at the Section 38 stage. Therefore the Applicant may wish to consider points 1 and 2 at the planning stage to avoid

these costs. The CHA is satisfied that points 3 and 4 can be revised as part of the Section 38 technical approval process.

Parking

The parking being provided within the development is considered to be compliant with the 6Cs Design Guide. There is one plot (number 21) where the parking is remote from the dwelling however we would not seek to resist the Application on that basis.

The internal dimensions of the garages should be 3 metres x 6 metres to count as a parking space in accordance with the 6Cs Design Guide. However the CHA understands the position of the pillars does not obstruct the driver or passenger from exiting the vehicle once parked in the garage and because of this the CHA considers the garages will be usable as parking spaces by residents.

Private Drives

The width of the private access drives is consistent for the number of dwellings being served in accordance with the 6Cs Design Guide.

Condition

1. The car parking and any garages or turning facilities shown within the curtilage of each dwelling as shown on drawing number: 16-088 P02 Rev T shall be provided hard surfaced and made available for use before each dwelling is occupied and shall thereafter be permanently so maintained. No walls, planting or fences shall be erected or allowed to grow on the highway boundary exceeding 0.6 metres in height above the level of the adjacent carriageway.

Reason: To reduce the possibilities of the proposed development leading to on-street parking problems in the area and to afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network.

Informative

1. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.

Leicestershire County Council (Public Rights of Way Officer)

4.11 Initial consultation response:

As there are no public rights of way affected by this proposed development I have no observations to make.

I do note that on several of the plans a linear feature is shown and labelled as “WD Right of Way”. This is not a recorded public footpath. I think it is an open access/public open space pathway and therefore does not fall within the remit of the Highway Authority’s Rights of Way remit. I understand that the land over which it runs is owned by Harborough District Council and managed as public open space.

Additional consultation response:

Further to my email below, having looked at the proposal plan might I advise the district Council that if they are seeking or agreeing to the creation of a formal surfaced pathway linking to the proposed new development, that they consider re-aligning the pathway several metres out into the open access area. Where it runs now would, I think lead to complaints from the adjacent householders who might fear anti-social behaviour, vandalism and reduction of privacy. Moving the path away from the fences would reduce the potential impact on these householders.

As I mentioned before this is not a recorded public footpath and therefore the above is merely offered as informal advice rather than as formal comment on the application.

Leicestershire County Council (Landscape Officer)

4.12 No representation received.

Leicestershire County Council (Principal Ecologist)

4.13 Previous consultation response received:

I have now received landscape plans for this site, and can comment fully. I am satisfied that the plan are reasonably in accordance with the outline application, and will allow implementation of the great crested newt mitigation strategy (REC Feb17), which was agreed at the outline stage and needs to be the subject of a planning condition to this application.

I have a minor comment on the landscape plans, concerning locally native tree species, which are required along the edges of the development to south and west, adjoining open countryside. *Sorbus aria* and *Carpinus betulus* are not locally native; I recommend replacement with *Sorbus aucuparia* and *Quercus robur*. If this can be arranged, I will be happy to accept the landscape plans.

Additional consultation response received:

I have no further comments on this application; the amendments are minor.

In my previous response I recommended minor changes to the landscape plans; has this happened?

Additional consultation response received:

I have no objections to these minor amendments. Please see my previous e-mail for a minor comments on the landscape species-mix - I am not sure if this has been addressed.

Leicestershire County Council (Senior Forestry Team Leader)

- 4.14 I've looked at the proposed landscaping plans. I note that the tree planting is generally on open spaces and none is proposed for adoptable highway verges.

I have no problems with the landscapers' choices, and it is not for me to impose on another's design. I would say however on environmental/sustainability grounds that my preference is for longer-lived and larger-growing species where space permits, for all the environmental services that such species provide over a long period. I would have specified (for example) species such as lime (*Tilia cordata/platyphyllos*), oak (*Quercus robur*), hornbeam (*Carpinus betulus*) in preference to some of the rowan (*Sorbus aucuparia*), birch (*Betula pendula*) and whitebeam (*Sorbus aria*).

Leicestershire County Council (Archaeologist)

- 4.15 The submitted details indicate no new archaeological implications, other than those considered at under the outline scheme (17/00212/OUT), on that basis we recommend the applicant should ensure full compliance with the requirements of Conditions 20-22, as secured on the outline planning permission.

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

- 4.16 Initial consultation response received:

Leicestershire County Council as LLFA advises the Local Planning Authority that:

The proposed reserved matters are considered acceptable to Leicestershire County Council as the LLFA.

An Informative Note has been suggested (see Informative Note 7, Appendix A).

Additional consultation response received:

When determining planning applications, Harborough District Council as the local planning authority 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 (FRA) confirming it will not put the users of the development at risk. Where an FRA is applicable this should be undertaken in accordance with the requirements of the National Planning Policy Framework (NPPF) and accompanying Planning Practice Guidance (PPG).

The application is for a residential development of up to 48 dwellings with associated infrastructure and public open space (reserved matters of 17/00212/OUT).

We previously responded to this consultation in relation to appearance, landscaping, layout and scale advising we would offer no objection.

Subsequently, revised plans have been submitted, which on review do not impact on our previous consultation response.

Leicestershire County Council as LLFA advises the Local Planning Authority that the proposed reserved matters details in relation to appearance, landscaping, layout and scale are considered acceptable to Leicestershire County Council as the LLFA.

Additional consultation response received:

When determining planning applications, Harborough District Council as the local planning authority 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 (FRA) confirming it will not put the users of the development at risk. Where an FRA is applicable this should be undertaken in accordance with the requirements of the National Planning Policy Framework (NPPF) and accompanying Planning Practice Guidance (PPG).

The application is for a residential development of up to 48 dwellings with associated infrastructure and public open space (reserved matters of 17/00212/OUT).

A revised site layout plan has been provided in support of the application, which after a review does not impact on our previous consultation response.

Leicestershire County Council as LLFA advises the Local Planning Authority that the proposed reserved matters are considered acceptable to Leicestershire County Council as the LLFA.

Severn Trent Water

- 4.17 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 of Outline Planning Permission reference 17/00212/OUT) and an Informative Note (see Informative Note 9, Appendix A).

Cadent Gas (Formally National Grid)

- 4.18 Cadent Gas has identified that it has apparatus in the vicinity of proposed development which may be affected by the activities specified, this includes: a High or Intermediate Pressure (above 2 Bar) Gas Pipelines and associated equipment; and a Low or Medium Pressure (below 2 Bar) Gas Pipes and associated equipment.

Cadent Gas have outlined a number of requirements that the Applicant will have to undertake before any works commence on site. This includes the formal requirement to consult Cadent Gas, read the requirements outlined within their consultation response, contact the landowner to ensure that any works won't infringe on Cadent Gas and/or the National Grid's legal rights, all persons must comply with the requirements of HS Guidance Notes HSG47- 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines', and to verify and establish the position of the apparatus on-site.

Health and Safety Executive (HSE)

- 4.19 HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Pipelines

6931_1205 Cadent Gas Ltd

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.

- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

Environment Agency

- 4.20 The Environment Agency are not required to formally comment on the above application for the following reason(s):

We did not comment on the original application.

Natural England

- 4.21 No comments.

b) Local Community

- 4.22 This application has generated a significant level of objection from the local community. To date, 86 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 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;
- Design (the layout appears cramped, the design of the dwellings fail to respect the character and appearance of existing residential development adjoining the application site, and the wider village, and concerns regarding the height of the proposed dwellings);
- 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 and impact on food production;
- Concerns that allowing planning permission on the application site will result in further development on adjoining agricultural land;
- Loss of habitat and wildlife generally, impact on protected species (notably great crested newts);
- Flood risk/drainage;
- Location of the high-pressure gas pipeline and the potential health and safety implications;
- Aviation noise and safety (light aircrafts/helicopters from Leicester Airport);
- Impact on neighbouring properties residential amenity;
- 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;

- The proposed access and internal roads within the development scheme would be unsuitable during times whereby snowfall or severe icy conditions are encountered, by reason of the gradient of Winckley Close and the proposed land levels within the application site;
- The design of the scheme in respect of highway design and adoption matters;
- Inadequate parking provision within the development, and the wider village;
- Inadequate public transport services serve Houghton on the Hill;
- Impact on residential amenity of neighbouring properties/the village during the construction process;
- Impact on residential amenity of the occupants to neighbouring properties, by reason of noise, disturbance, overlooking and consequent loss of privacy and loss of sun/day light.
- Impact on local services/infrastructure (notably GP surgery and the primary school);
- Contrary to, and pre-empting the outcome of, the emerging Neighbourhood Plan;
- The proposal does not demonstrate how it fulfils the criterion for Sustainable Development as outlined in the National Planning Policy Framework and Local Planning Policy;
- No employment opportunities available locally to provide jobs for the future inhabitants of the proposed development;
- Affordable housing provision (46% of affordable units comprise of bungalows). By reason of design, concerns raised in respect of whether or not these dwellings will meet the needs of elderly people; and
- Reduction in the number of affordable housing units (from 19 no. to 13 no.), which is less than that previously required in line with the S106 Agreement under the Outline Planning Permission.

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 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) 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 1, 2, 4, 9-11, 13, 16 and 19;
- Supplementary Planning Document – Planning Obligations (January 2017);
- Five-Year Housing Land Supply Statement;
- Strategic Housing Market Assessment (SHMA) (2014);
- HEDNA (2017);
- Settlement Profile (May 2015);
- Parish Plan (2004) & Village Design Statement (2004);
- Harborough District Landscape Character Assessment (September 2007);
- Houghton on the Hill Landscape Character Assessment and Landscape Capacity Study (April 2016);

- 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).

- Emerging Houghton on the Hill Neighbourhood Plan;

The Neighbourhood Plan has now been through Examination. It is now in the form of 'Post-Examination Version December 2017'. The Neighbourhood Plan is expected to be presented to the Council's Executive on 15th February 2018 prior to proceeding to Referendum, which is envisaged on 29th March 2018.

- Emerging Local Plan;

Consultation on the Harborough Local Plan 2011 to 2031 Proposed Submission ran until 17th November 2017. The consultation period originally ran for a period of 6-weeks, from 22nd September 2017 to 3rd November 2017, however, this period of consultation was extended for a further 2-weeks.

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 principle of residential development on the application site has already been established by virtue of the extant Outline Planning Permission for 48 no. dwellings and associated infrastructure and public open space, which was granted consent by the Local Planning Authority on 26th July 2017.

b) Design

- 6.2 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."*
- 6.3 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 identify 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."*
- 6.4 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."*
- 6.5 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.”

- 6.6 Policy CS11 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.*”

- 6.7 Policy CS17 of the Harborough District Core Strategy advises that “*Rural development will be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape character area in which it is situated.*” Furthermore, development will be required to:

“i) Protecting and, where possible, enhancing the character and quality of the landscape in which it would be situated;
ii) Conserving and, where possible, enhancing local landscape and settlement distinctiveness;
iii) Protecting and, where possible, enhancing local character through appropriate design and management which is sensitive to the landscape setting;
iv) Avoiding the loss of features and habitats of landscape, historic, wildlife or geological importance, whether of national or local significance;
v) Safeguarding important views and landmarks;
vi) Protecting the landscape setting of individual settlements;
vii) Restoring, or providing mitigation proportionate in scale for, damaged features/landscapes in poor condition; and
viii) Improving the green infrastructure network including increased opportunities for public access to the countryside and open space assets.”

- 6.8 “*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.

- 6.9 The proposed layout for the residential development is considered to be broadly in line with the principles and parameters described and illustrated within the illustrative masterplan (Drawing No. V6d Rev C (February 2017), see Appendix B) and Design and Access Statement that was submitted in support of the Outline planning application; however, the layout of the development has been driven by the characteristics/constraints of both the application site and the surrounding context.
- 6.10 In this case, the proposed Site Layout Plan (see Figure 2, above) and supporting information demonstrates that the residential development comprising 48 no. dwellings could be accommodated on the application site. Furthermore, it demonstrates the following:
- The primary means of vehicular and pedestrian access to the application site is to be achieved through the continuation of the existing highway network, i.e. via the extension of Winckley Close. This was confirmed at the Outline stage, as this formed part of the matters for consideration at that time. Drawing No. 005 (Means of Access), see Figure 26, below, which relates to the design of this access, forms an Approved Plan under Condition 3 of the Outline Planning Permission.
 - From the access point, a central access road leads into the site, off which other access roads will branch off of to provide access to the dwellings.
 - Secondary means of pedestrian access to the application site is proposed via the formation of an access to the south-eastern corner of the site. A public footpath within the public open space adjacent to St Catharines Way will assist in connecting the development scheme with the adjacent residential development, to the east and south of the application site, and the wider village.
 - 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 north-west, west and south-west, and to assist in providing a smoother transition between the development and the surrounding open countryside, in what is considered to be a visually sensitive, edge of settlement location. The net density of the proposed development would achieve circa 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; however, this was accepted at Outline stage. Notwithstanding this, 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. Furthermore, this density would be compatible with the existing, adjoining residential development which was proposed at a density of approximately 17 no. dph.
 - The dwellings proposed include a mixture of detached, semi-detached and terraced properties. 17 no. different house type designs are proposed throughout the development. These house types are of different sizes and designs, including a mix of dwellinghouses and bungalows. Notwithstanding this, of the 17 no. different house type designs proposed, there are a number of different design versions proposed. A selection of the house types proposed are provided in Figures 4 to 10, above. The design of the proposed dwellings are considered to be acceptable.

- Bungalows will adjoin, in part, the eastern boundary of the application site, adjoining existing residential development along North Way, St Catharines Way and Winckley Close. In addition, a 3.0m landscaping buffer (details of which are to be secured by Condition 6, see Appendix A, in the event that the Local Planning Authority are minded to grant Reserved Matters planning permission) is proposed along the eastern boundary of the application site. These measures will ensure that the residential amenity of the occupants of neighbouring properties will be preserved.
- The housing mix proposed includes 4 no. 1-bedroom (100% affordable), 12 no. 2-bedroom (50% affordable), 13 no. 3-bedroom (27% affordable), 16 no. 4-bedroom and 3 no. 5-bedroom dwelling houses. Harborough District Council's Housing Enabling and Community Infrastructure Officer has been consulted on this application. No objection has been raised, and no concerns have been raised in respect of this proposed housing mix, in which case it is considered that this housing mix would be acceptable.
- Development would be restricted to a maximum of 2-storeys in height across the majority of the site but with 2.5-storey feature buildings in the streetscene. This would respect local character.
- With regard to the material treatment of the proposed dwellings, the schedule of materials and samples submitted in support of the application are considered to be acceptable, and would respect local character.
- The proposed dwellings would be designed with privacy strips/gardens to the front (of various depths) with parking (provided within garages/driveways/mix of the two) largely located to the side of the dwelling, and gardens (of various sizes/depths) to the rear.
- Boundary treatments to the southern and northern/western boundaries of the application site will comprise 1.1m high timber post and rail fences. Boundary treatments to the public areas within the development would include a mix of 1.8m high brick walls, 1.0m high metal railings, 0.45m high timber knee-high post and rail fences and 1.8m high timber hit and miss fencing. Boundary treatments to private areas include 1.8m high timber screen and 1.8m high timber hit and miss fencing.
- Public open space is proposed across the application site and will include the following: an area of parks and gardens and children's Local Equipped Area for Play (LEAP) space located to the south-east corner of the application, amenity green space in more central areas of the site, and natural and semi-natural green spaces located adjacent to the southern/western boundaries of the site, and some adjacent to the northern boundary of the site and in central areas. The proposed provision of public open space is in accordance with the minimum level of provision outlined within the Section 106 Agreement (Unilateral Undertaking) under Outline planning permission reference 17/00212/OUT.
- The retention of existing trees and hedgerows, except where necessary to facilitate access through the site or the proposed development. This will be supported by new landscape planting across the application site. Harborough District Council's Neighbourhood & Green Spaces Officer and Leicestershire County Council's Forestry Team Leader were consulted on the landscaping

scheme proposed and raised no objection. In this case, it is considered that the proposed landscaping scheme is acceptable.

- Attenuation basin, with wetland meadow grass, located to the west of the application site working with the prevailing topography, as part of a strategy for a sustainable drainage system.
- A minimum 12.2m wide 'easement' corridor along the alignment of the strategic high-pressure gas main (Stretton Lane to Porter Hill). Whilst this will form a 'no-build' zone, it will provide areas of public open space and a pedestrian route (footpath) through the development.
- Views of the wider countryside from the public open space along St Catharine's Way would be largely protected and remain uninterrupted.

- Bin collection points are to be provided to those dwellings which are accessed off of shared driveways. Further details concerning this and bin storage points for the individual dwellings are unavailable at this time; however, this will be controlled by way of Planning Condition 14 of the Outline Planning Permission.
- 27% affordable housing (13 no. dwellings) to be provided on-site, provided within 1 no. cluster.

6.11 In view of the above, and subject to conditions, it is considered that the Site Layout Plan and supporting information indicate that a high quality design will be achieved for the proposed development, in the event that Reserved Matters Planning Permission is granted, which would meet the relevant policies outlined above.

c) Residential Amenity

6.12 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*".

6.13 Policy CS11 of the Harborough District Core Strategy requires proposals for development to "*ensure that the amenities of existing and future neighbouring occupiers are safeguarded.*"

6.14 "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.

6.15 In order to objectively assess the impact of the proposed development upon existing residential amenity, the Council has adopted Supplementary Planning Guidance (SPG), which relate to matters of design.

6.16 The guidance states that there are three main ways in which development can impact upon residential amenity:

- Loss of light (overshadowing);
- Loss of privacy (overlooking); and
- The erection of an over dominant or overbearing structure (outlook).

- 6.17 In order to ensure an acceptable amenity relationship between existing and proposed development, the Local Planning Authority has adopted minimum separation distances, as outlined within SPG Notes 2 and 5, in respect of two-storey or more dwelling houses. This SPG requires a level of separation of a minimum of 21.0m between facing elevations containing principal windows and a minimum of 14.0m between a blank elevation and a principal window in the case of two-storey development, and a minimum of 18.0m in the case of three-storey; however, these standards will be applied flexibly depending on the individual merits of each site.
- 6.18 With regard to No. 8 Winckley Close, the proposed garage and dwellinghouse to Plot No. 1 would be sited approximately 13.5m - 14.0m and 21.0m respectively from the side elevation of this neighbouring property, and approximately 10.0m and 17.0m respectively from the eastern boundary of the application site, which is defined by an existing mature hedgerow (to be retained as part of the proposed landscaping strategy), orientated approximately to the west. The design of the eastern elevations of the proposed garage and dwellinghouse to Plot No. 1 is such that no fenestrations are proposed. Whilst the side elevation of No. 8 is fenestrated, it is understood that the windows in question, with the exception of the window at first-floor level are not principal habitable room windows. Notwithstanding this, in light of this arrangement, notably the level of separation proposed, it is considered that the proposal would not be unacceptably overbearing upon the side elevation of the neighbouring property, and in turn would not result in any unacceptable impact upon the neighbouring property's access to natural day and/or sun light. Furthermore, there are no concerns in respect of the potential for overlooking of the neighbouring property, and subsequent loss of privacy.



Figure 18: View of the Eastern Site Boundary & Side Elevation of No. 8 Winckley Close

- 6.19 With regard to No. 9 Winckley Close, the proposed single-storey garage and single-storey bungalow to Plot No. 39 would be sited approximately 4.15m and 11.7m respectively from the side elevation of this neighbouring property at its closest point, and approximately 2.5m and 9.8m respectively from the eastern boundary of the application site, which is defined by an existing hedgerow (to be retained as part of the proposed landscaping strategy), orientated approximately to the north-west. The design of the eastern elevations of the proposed garage and dwellinghouse to Plot No. 38 is such that no fenestrations are proposed. In this case, Plot No. 39 has been designed so as to preserve the outlook of No. 9 Winckley Close across the application site (which will largely overlook the front garden and driveway to Plot 40), given that the side elevation of No. 9 incorporates large secondary habitable room windows at both ground and first-floor levels, and also includes a balcony at first floor level. In achieving this, the proposed garage and bungalow to Plot No. 39 are sited forward of the front building line of No. 9; however, based on the guidance contained in the SPG, whereby a 45 degree line is drawn from the centre of the closest habitable room windows to the front elevation of the neighbouring property, the proposal in its entirety would not cross this 45 degree line. In light of this arrangement, it is considered that the proposal would not be unacceptably overbearing upon the side or front elevations of the neighbouring property, and in turn would not result in any unacceptable impact upon the neighbouring property's access to natural day and/or sun light. Furthermore, there are no concerns in respect of the potential for overlooking of the neighbouring property, and subsequent loss of privacy.



Figure 19: View of the Eastern Site Boundary & Side Elevation of No. 9 Winckley Close

- 6.20 In respect of Plot No. 40, a proposed single-storey bungalow, it would be sited approximately 3.3m from the eastern boundary of the application site, which is

defined by an existing hedgerow (to be retained as part of the proposed landscaping strategy) and post and rail fence, which is to be further enhanced by virtue of a proposed 3.0m wide landscape buffer and 1.8m high fence along the eastern boundary of the application site. In addition, the proposed bungalow would be sited approximately 10.0m from the rear and side elevations to No. 9 Winckley Close at its closest point, and approximately 14.0m to the rear and side elevations to No. 23 North Way at its closest point. The eastern elevation of this proposed bungalow would be un-fenestrated, and roof design incorporates a hipped roof. In light of the nature of that proposed, its proposed siting and orientation in respect of the two neighbouring properties, it is considered that an acceptable relationship would be provided. Accordingly, it is considered that the proposal would not be unacceptably overbearing upon the side or rear elevations of the neighbouring properties, No. 9 Winckley Close and No. 23 North Way, and in turn would not result in any unacceptable impact upon the neighbouring properties' access to natural day and/or sun light. Furthermore, there are no concerns in respect of the potential for overlooking of the neighbouring properties, and subsequent loss of privacy.



Figure 20: View of the Eastern Site Boundary & Side/Rear Elevations of No. 9 Winckley Close



Figure 21: View of the Eastern Site Boundary & Side/Rear Elevations of No. 23 North Way



Figure 22: View of the Eastern Site Boundary & Side/Rear Elevations of No. 23 North Way, and Southern Boundary to the Northern Field.



Figure 23: View of the Eastern Site Boundary & Side Elevation of No. 25 North Way, and Northern Boundary to the Central Field.

- 6.21 In respect of Plot No. 42, a proposed single-storey bungalow, it would be sited approximately 17.0m from the eastern boundary of the application site, which is defined by an existing hedgerow and a mature tree (to be retained as part of the proposed landscaping strategy), which is to be further enhanced by virtue of a proposed 3.0m wide landscape buffer and 1.8m high fence along the eastern boundary of the application site, and sit adjacent to the existing field boundary between the northern and central field parcels, which is defined by an existing mature hedgerow (again, to be largely retained as part of the proposed landscaping strategy). In addition, the proposed bungalow would be sited approximately 18.3m from the front and side elevations to No. 23 North Way at its closest point, orientated to the west. In this case, it is considered that the existing and proposed landscaping and means of enclosure would provide a good level of screening between No. 23 North Way and the proposed dwelling. In light of the nature of that proposed, its proposed siting and orientation in respect of the neighbouring property, and the level of screening afforded by the existing (and proposed) landscaping along the site/field parcel boundaries, it is considered that an acceptable relationship would be provided. Accordingly, it is considered that the proposal would not be unacceptably overbearing upon the side or rear elevations of the neighbouring property, No. 23 North Way, and in turn would not result in any unacceptable impact upon the neighbouring properties' access to natural day and/or sun light. Furthermore, there are no concerns in respect of the potential for overlooking of the neighbouring properties, and subsequent loss of privacy.
- 6.22 With regard to No. 25 North Way, the proposed bungalows to Plots 43-47, would be sited between approximately 15.4m and 17.0m from the eastern boundary of the application site, which is to be further enhanced by virtue of a proposed 3.0m wide

landscape buffer and 1.8m high fence along the eastern boundary of the application site. The proximity of the dwellings proposed to the existing side/rear elevations to No. 25 North Way is as follows: 24.0m (Plot 43), 18.0m (Plot 44), 18.2m (Plot 45), 23.3m (Plot 46) and 28.0m (Plot 47), at their closest point. In light of the nature of that proposed, their proposed siting and orientation in respect of the neighbouring property, and the by virtue of the proposed landscape buffer and means of enclosure along the eastern boundary of the application site, it is considered that an acceptable relationship would be provided. Accordingly, it is considered that the proposal would not be unacceptably overbearing upon the side or rear elevations of the neighbouring property, No. 25 North Way, and in turn would not result in any unacceptable impact upon the neighbouring properties' access to natural day and/or sun light. Furthermore, there are no concerns in respect of the potential for overlooking of the neighbouring properties, and subsequent loss of privacy.



Figure 24: View of the Eastern Site Boundary & Side/Rear Elevations of No. 25 North Way

- 6.23 With regard to No. 39 St Catharines Way, the proposed bungalow to Plot 48, would be sited approximately 11.0m from the eastern boundary of the application site, which is to be further enhanced by virtue of a proposed 3.0m wide landscape buffer and 1.8m high fence along the eastern boundary of the application site. The proximity of the dwelling proposed to the existing rear elevation to No. 39 St Catharines Way is approximately 24.0m at its closest point. In light of the nature of that proposed, its proposed siting and orientation in respect of the neighbouring property, and the by virtue of the proposed landscape buffer and means of enclosure along the eastern boundary of the application site, it is considered that an acceptable relationship would be provided. Accordingly, it is considered that the proposal would not be unacceptably overbearing upon the rear elevation of the neighbouring property, No. 39 St Catharines Way, and in turn would not result in any unacceptable impact upon the neighbouring properties' access to natural day and/or sun light. Furthermore,

there are no concerns in respect of the potential for overlooking of the neighbouring properties, and subsequent loss of privacy.



Figure 25: View of the Eastern Site Boundary & Side/Rear Elevations of No. 39 St Catharines Way

- 6.24 In view of the above, the Case Officer is satisfied that the proposed Site Layout Plan and supporting information demonstrates that the proposed development would protect the residential amenity of the neighbouring residential properties in relation to the above matters.
- 6.25 Notwithstanding the above, it is considered that during construction there could potentially be some adverse impacts on residential amenity. Condition 12 of the Outline Planning Permission requires a Construction Management Plan to be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. By virtue of this condition, it is expected that this would 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.
- 6.26 With regard to the residential amenity of the future residents of the proposed development, it is considered that the proposed Site Layout Plan would provide for adequate internal relationships between dwellings, and each of the proposed dwellings would be afforded adequate outdoor private amenity space.
- 6.27 Accordingly, it is considered that the proposed development would be in accordance with the relevant policies identified above.

d) Highway Matters

6.28 Paragraph 32 of the NPPF states:

“... Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

6.29 Policy CS5 of the Harborough District Core Strategy states:

“...Proposals for assessing traffic impact, highway design and parking provision associated with new development should accord with the guidance ... published by Leicestershire County Council.”

In this case the guidance is contained within Leicestershire County Council Highways' 'The 6Cs Design Guide'.

6.30 Policy CS11 of the Harborough District Core Strategy states:

“c) Development should be well planned to:

i) Incorporate safe and inclusive design, suitable for all to access;

...

viii) Where appropriate, encourage travel by a variety of modes of transport;

...”

6.31 With regard to highway matters, Condition 10 of the Outline Planning Permission requires the proposed development to be in accordance with the design standards set out within the guidance published by Leicestershire County Council Highways.

6.32 Access is a matter which was previously considered at Outline stage.

6.33 The primary means of vehicular and pedestrian access to the application site is to be achieved via the extension of Winckley Close, in accordance with approved Drawing No. 005 (Means of Access), see Figure 26, below. This provision is in accordance with Condition 11 of the Outline Planning Permission.

6.34 Secondary means of pedestrian access to the application site is proposed via the formation of an access to the south-eastern corner of the site. A public footpath within the public open space adjacent to St Catharines Way will connect the development scheme with the adjacent residential development, to the east and south of the application site, and the wider village. See Figure 2, above. This provision is in accordance with Condition 26 of the Outline Planning Permission.

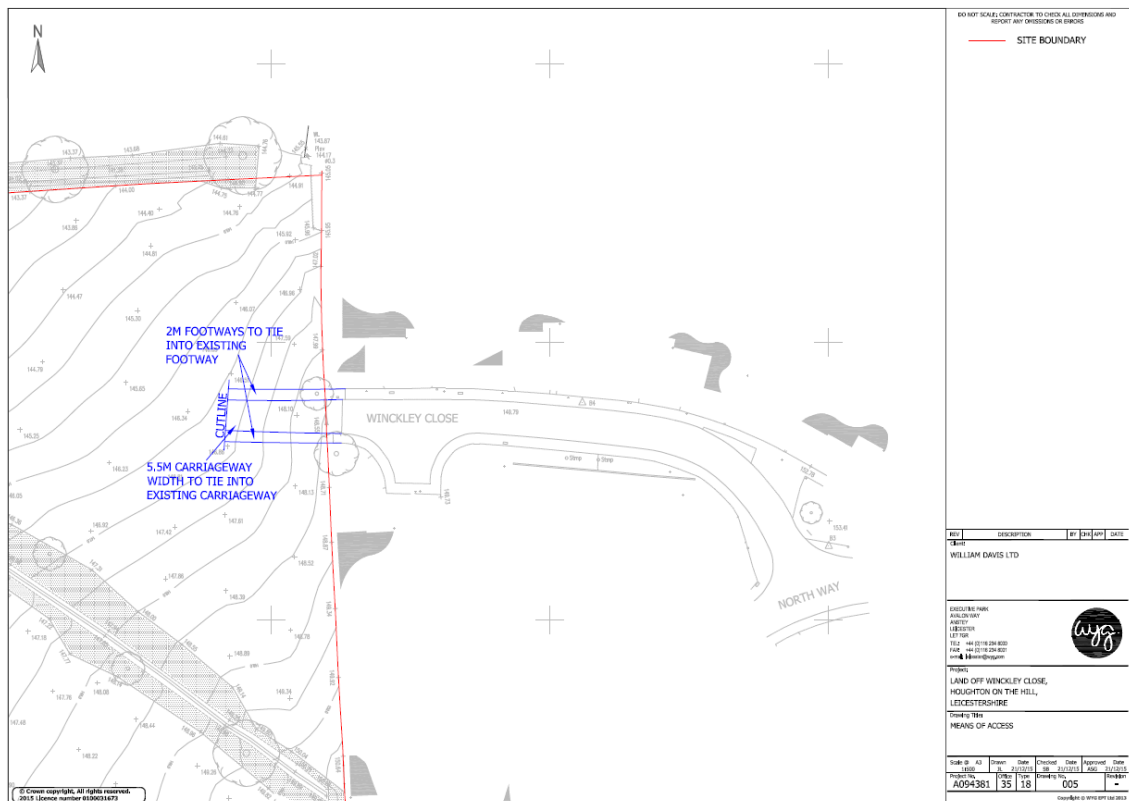


Figure 26: Proposed Site Access – Approved Drawing No. 005 (Means of Access)

- 6.35 The width of the proposed main access road into the application site would have a carriageway width of approximately 5.5 metres with footways on either side of the carriageway having a width of approximately 2.0m. Other access roads within the development serving the proposed dwellings would have a carriageway width of 5.0m with footways on either side of the carriageway having a width of approximately 2.0m.
- 6.36 Internally within the site, footpaths proposed will have a minimum width of 2.0m; albeit in some cases will be 3.0m in width.
- 6.37 With regard to off-street vehicular parking provision, a minimum of 2 no. spaces are to be provided for the 1-bedroom dwellings, a minimum of 2 no. spaces are provided for the 2-bedroom and 3-bedroom dwellings, whilst a minimum of 3 no. spaces are provided for the 4-bedroom or more dwellings in line with the requirements outlined within 'The 6Cs Design Guide'. This provision will be achieved either through private driveway spaces only, or by a mixture of private driveway spaces and garage spaces.
- 6.38 'The 6Cs Design Guide' outlines that parking spaces should be 2.4m wide x 5.5m depth as a minimum. In addition, if the parking space is to be bounded by wall/fence/hedge/trees or similar obstruction on one side, the width of the parking space should be 2.9m as a minimum. In the case that the parking space is bounded on both sides the parking space should be 3.4m wide. In the case of parking spaces to be provided internally within a garage, where a single garage is proposed, its minimum internal measurements should preferably be 6.0m x 3.0m with a minimum door width of 2.3m, and where a double garage is proposed, its minimum internal measurements should preferably be 6.0m x 6.0m with a minimum door width of 4.2m.

- 6.39 The integral, single and double garages proposed all comply with the design standards set out within 'The 6Cs Design Guide', with the exception of garage design GB.02B (a double garage), as do the vehicular parking spaces provided within private driveways.
- 6.40 Leicestershire County Council Highways were consulted on this application.
- 6.41 In the case of garage design GB.02B, the garage would internally measure approximately 5.404m width x 5.185m depth/length with individual garage door openings of 2.257m. Whilst this would not meet the 'preferred' standard outlined with the guidance document, the Local Highways Authority considers that that such a discrepancy would not restrict the parking of vehicles within this garage design type, in which case they would represent usable vehicular parking spaces. Accordingly, it is considered that this discrepancy would not justify the refusal of this application in this case.
- 6.42 Technical amendments to the development scheme have previously been requested by the Local Highway Authority in order to seek an adoptable highways layout. Extensive dialogue has occurred between the Applicants, Planning Officer and Leicestershire County Council Highways with regards the adoptability of the roads through the development. The most recent position of the Local Highway Authority in this regard is set out in Paragraph 4.10, above.
- 6.43 Notwithstanding the above, highway adoption is not a planning consideration, and these issues can be resolved at detailed highway design stage subsequent to the approval of this Reserved Matters planning application. LCC highways have raised no highway safety concerns relating to the proposed layout of the development and therefore the proposal is not considered to be contrary to Planning Policy.
- 6.44 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 the policies outlined above.

e) Archaeology

- 6.45 An Archaeological Desk-Based Assessment, prepared by CgMs, dated October 2015 and an Archaeology Geophysical Survey, prepared by MOLA, dated October-November 2015, were submitted in support of the Outline planning application.
- 6.46 The Archaeological Desk-Based Assessment report confirmed that the southern fields of the application site contains ridge and furrow earthworks (non-designated heritage assets), and that the proposed development would likely destroy the evidence of the ridge and furrow earthworks.
- 6.47 The Archaeology Geophysical Survey report 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 high-pressure gas main which crosses the application site. As a result, further archaeological investigation in the form of trial trenching was 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.

- 6.48 Leicestershire County Council's Archaeology department was consulted on the Outline planning application. No objection was raised; however, Conditions 20-22 of the Outline Planning Permission were suggested.
- 6.49 No further supporting information has been submitted in support of this Reserved Matters planning application to address Conditions 20-22 of the Outline Planning Permission.
- 6.50 Leicestershire County Council's Archaeology department were consulted on this Reserved Matters planning application. No objection was raised. The advice received outlines that Conditions 20-22 of the Outline Planning Permission are still applicable in respect of this matter.
- 6.51 In view of the above, and subject to planning conditions imposed on the Outline planning permission, it is considered that the proposed development would be acceptable in this regard.

f) Ecology

- 6.52 Paragraph 118 of the NPPF states:
- *"if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
 - ...
 - *development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;*
 - *opportunities to incorporate biodiversity in and around developments should be encouraged;*
 - ..."
- 6.53 Policy CS8 of the Harborough District Core Strategy states:
- "Through the systems of development control, ... , the Council ... will:*
- ...
- vi) Avoid demonstrable harm to habitats or species which are protected or which are of importance to biodiversity;*
- ...
- viii) Require proposed new development to incorporate beneficial features for biodiversity as part of good design and sustainable development;*
- ..."
- 6.54 The Outline planning application was supported by the following ecological reports: an Extended Phase 1 Habitat Survey report, prepared by REC Ltd dated 8th January 2016 (which was submitted in support of the original application reference 16/00037/OUT); a Further Information Statement, prepared by REC Ltd dated 8th 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 14th February 2017.
- 6.55 Within these reports, a number of mitigation and enhancement measures were identified to mitigate any significant effect on protected species.

- 6.56 Leicestershire County Council's Principal Ecologist was consulted on the Outline planning application. No objection was raised; however, Conditions 23-25 of the Outline Planning Permission were suggested.
- 6.57 No further supporting information has been submitted in support of this Reserved Matters planning application to address Conditions 23-25 of the Outline Planning Permission.
- 6.58 Leicestershire County Council's Principal Ecologist was consulted on this Reserved Matters planning application. No objection was raised. The advice received outlines that Condition 23 of the Outline Planning Permission is still applicable in respect of this Reserved Matters application.
- 6.59 Natural England was consulted on this Reserved Matters planning application. They had no comments to make in connection with that proposed.
- 6.60 In view of the above, and subject to planning conditions imposed on the Outline planning permission, it is considered that the proposed development would be in accordance with the relevant provisions of the policies identified above.

g) Flood Risk/Drainage

- 6.61 Paragraph 100 of the NPPF states:

"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. ..."

- 6.62 Paragraph 103 of the NPPF states:

"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 following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems."*

- 6.63 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.

b) The use of Flood Zones 2 and 3a for recreation, amenity and environmental purposes will be supported; where an effective means of flood risk management is evident, and considerable green space is provided.

c) Land within Flood Zone 3b will be safeguarded, to ensure that the functional floodplain is protected from development. The Council will also support proposals which reinstate the functional floodplain, where possible.

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.

h) The Environment Agency will be closely consulted in the management of flood risk at a local level. This will ensure that development is directed away from areas which are at risk of flooding from either fluvial overflow or surface water run-off. Local management of flood risk will also take into account any future updates relating to climate change modelling information."

- 6.64 The Environment Agency Flood Map for Planning (Rivers and Sea) indicates that the application site is located outwith Flood Zones 2 and 3, within Flood Zone 1, in which case would have a low probability of flooding (i.e. 0.1% annual probability – 1 in 1000 year). Residential development within Flood Zone 1 is considered to be acceptable in principle in line with Policy CS10 of the Harborough District Core Strategy.
- 6.65 Notwithstanding the above, the Environment Agency Map 'Risk of Flooding from Surface Water' indicates that the application site is largely located within an area that is predominantly of very low (less than 1 in 1000) or low (between 1 in 1000 and 1 in 100) risk of flooding. An area of medium and high risk flooding, associated with the watercourse (Bushby Brook), is identified to the north of the application site.
- Proposed Surface Water Drainage
- 6.66 The Outline Planning Application was supported by a full Flood Risk Assessment. The proposed surface water drainage strategy was outlined within this document.
- 6.67 The Flood Risk Assessment outlined that 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 south-west corner of the application site to accommodate a 1 in 100 year event plus an allowance of 40% for climate change.
- 6.68 Leicestershire County Council Lead Local Flood Authority (LLFA) were consulted on the Outline planning application. The advice received advised that 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. Notwithstanding this, no objection was raised; however, Conditions 16-19 of the Outline Planning Permission were suggested in order to ensure an appropriate method of surface water drainage can be achieved.
- 6.69 Furthermore, Severn Trent Water were consulted on the Outline planning application. No objection was raised; however, Condition 16 of the Outline Planning Permission

was suggested, again in order to ensure an appropriate method of surface water drainage can be achieved.

- 6.70 No further supporting information has been submitted in support of this Reserved Matters planning application to address Conditions 16-19 of the Outline Planning Permission.
- 6.71 The LLFA were consulted on this Reserved Matters planning application. No objection was raised. The advice received outlines that the proposed reserved matters are considered acceptable to the LLFA. Notwithstanding this, Informative Note 6, Appendix A, has been suggested in the event that Reserved Matters planning permission is granted by the Local Planning Authority.
- 6.72 Severn Trent Water were consulted on this Reserved Matters planning application. No objection was raised. The advice received outlines that Condition 16 of the Outline Planning Permission is still applicable in respect of this Reserved Matters application. Notwithstanding this, Informative Note 9, Appendix A, has been suggested in the event that Reserved Matters planning permission is granted by the Local Planning Authority.
- 6.73 Harborough District Council's Technical Services – Drainage were consulted on this application; however, no representation has been received in connection with this planning application.
- Proposed Foul Water Drainage
- 6.74 Foul water drainage is proposed to discharge into Severn Trent's existing sewer network.
- 6.75 Severn Trent Water were consulted on the Outline planning application. No objection was raised; however, Condition 15 of the Outline Planning Permission was suggested in order to ensure an appropriate method of foul water drainage can be achieved.
- 6.76 No further supporting information has been submitted in support of this Reserved Matters planning application to address Condition 15 of the Outline Planning Permission.
- 6.77 Severn Trent Water have been consulted on this Reserved Matters planning application. No objection has been raised. The advice received outlines that Conditions 15 of the Outline Planning Permission is still applicable in respect of this Reserved Matters application. Notwithstanding this, Informative Note 9, Appendix A, has been suggested in the event that Reserved Matters planning permission is granted by the Local Planning Authority.
- 6.78 In view of the above, and subject to planning conditions imposed on the Outline planning permission and Informative Notes, it is considered that the proposed development would be in accordance with the relevant provisions of the policies outlined above.

h) Other Matters

Gas Pipeline

- 6.79 As previously outlined, and as illustrated in Figure 27 below, a High-Pressure Gas Pipeline runs through the application site; north-east to south-west.
- 6.80 Cadent Gas (formally National Grid) has been consulted on this application. Cadent Gas has raised no objection; however, they have outlined a number of requirements that the Applicant will have to undertake before any works commence on site. This includes the formal requirement to consult Cadent Gas, read the requirements outlined within their consultation response, contact the landowner to ensure that any works won't infringe on Cadent Gas and/or the National Grid's legal rights, all persons must comply with the requirements of HS Guidance Notes HSG47- 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines', and to verify and establish the position of the apparatus on-site. 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 Note 8, Appendix A).
- 6.81 Notwithstanding the above, it is understood that the Applicant has already entered into discussions with Cadent Gas in respect of the proposed development, and such discussions remain on-going.
- 6.82 In addition to Cadent Gas, 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."*
- 6.83 In view of the above, it is suggested that there are no grounds in which to justify the refusal of Reserved Matters planning permission in this case.

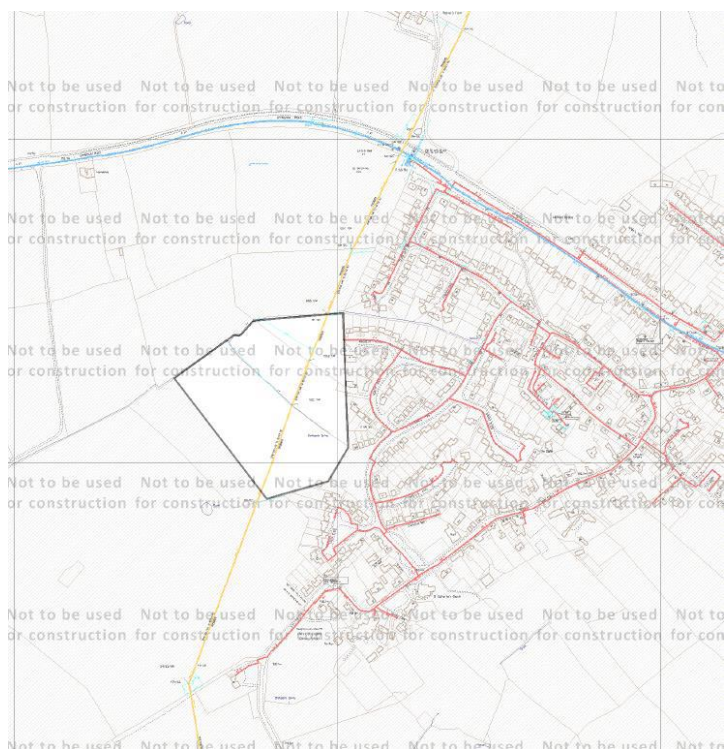


Figure 27: Location of Gas Pipeline (Source: National Grid)

Houghton on the Hill Neighbourhood Plan

- 6.84 Concerns have been raised, within the consultation responses received from the local community, that this application is pre-empting the outcome of the Neighbourhood Plan, and contrary to it. Whilst Officers acknowledge the work that the community has undertaken thus far, the Plan has not been ‘made’, nor has it been through Referendum. The Examination of the Neighbourhood Plan has now been completed. Accordingly, moderate weight can be attributed to this Plan at this stage.
- 6.85 Notwithstanding the above, I have considered the application against the key policies contained within the Submission Version of the Neighbourhood Plan, below. The assessment of the principle of the proposed development formed part of the Local Planning Authority’s assessment of the proposed development at the Outline planning application stage, and therefore this is not a matter for consideration at this Reserved Matters stage. Therefore, policies concerning the principle of the proposed development have been excluded from this assessment.
- 6.86 Policy D2 outlines that all new development proposals must have appropriate regard to the principles outlined within the Village Design Statement, in order to maintain/preserve the essential character of the village. In this case, it is considered that the proposed development would be in accordance with this Policy.
- 6.87 Policy D3 outlines that all new developments should incorporate new green spaces in line with the Village Design Statement. In this case, the proposed development incorporates areas of public open space throughout the development, in which case it is suggested that the proposed development would be in accordance with this Policy.

- 6.88 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. The criterion includes the following:

“ ...

b) it reflects the size of the current settlement, its road infrastructure and its level of service provision; and

c) it is physically and visually connected to and respects the form and character of the existing settlement; and

d) safe and convenient access is proposed for vehicles, cycles and pedestrians; and

e) the mix of dwellings proposed is informed by up to date evidence of housing need; and

f) affordable housing is provided where required by the policies of the Local Planning Authority and, where provided, this is fully integrated within the development; and

g) appropriate regard is demonstrated for the other relevant Policies within this Neighbourhood Plan.”

In this case, and for the reasons outlined above, it is suggested that the proposed development would be in accordance with this Policy.

- 6.89 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, in accordance with the Section 106 Agreement (Unilateral Undertaking) under Outline planning permission reference 17/00212/OUT, in which case it is suggested that the proposed development would be in accordance with this Policy.
- 6.90 Policy S3 outlines that every dwelling within new residential developments of 10 units or more, or on sites in excess of 0.5 Ha, should have access to high-speed broadband services (of speeds of 30 Mbps or greater). This provision lies outwith the scope of this application as the provision of such services lies outwith the control of the Applicant. In this case, such services are provided by a third party, e.g. British Telecom. Notwithstanding this, Condition 5 is suggested in the event that Reserved Matters planning permission is granted, in order to facilitate future capacity of such services. Accordingly, it is suggested that the proposed development would be in accordance with this Policy.
- 6.91 Policy E1 relates to the conservation of habitats and biodiversity. In respect of ecological matters, this has been discussed in detail above. Accordingly, it is suggested that the proposed development would be in accordance with this Policy.
- 6.92 In view of the above, it is considered that the proposed development would be in general conformity with the emerging Neighbourhood Plan.

Noise & Aviation Safety (Leicester Airport)

- 6.93 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.

- 6.94 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.
- 6.95 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.
- 6.96 The Council's Environmental Health department have been consulted on this application. No consultation response was received. Notwithstanding this, at Outline stage, the Council's Environmental Health department were consulted. No objection was raised, and no comment was made in connection with this particular concern.
- 6.97 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."*
- 6.98 In view of the above, it is considered that the proposed development would not be adversely impacted by reason of noise, and no noise mitigation measures are considered necessary in this case.
- 6.99 Furthermore, concerns in respect to aviation safety have been raised within the consultation responses received.
- 6.100 Whilst strict flying regulations and standards to ensure flight safety is maintained, flying activity is an inherently dangerous activity and is not without risk.
- 6.101 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 Reserved Matters Planning Permission in this case.

i) Planning Obligations

- 6.102 Planning obligations were secured at Outline stage, in the form of a Section 106 Agreement (Unilateral Undertaking).
- 6.103 The affordable housing contribution, which is to be provided on-site, in line with the Section 106 Agreement, is identified at 40% of the total number of dwellings proposed, which would equate to 19 no. dwellings.

- 6.104 Notwithstanding the above requirement, the Applicant is now proposing 13 no. affordable dwellings (27%), inclusive of 6 no. bungalows, as part of this Reserved Matters application. Harborough District Council's Housing Enabling and Community Infrastructure Officer advises that the provision of 6 no. bungalows is on the basis of a 1-for-2 provision, to meet an identified need for the District. Accordingly, the Officer has agreed that this level of affordable housing provision would be acceptable. In view of this, it is considered that the current proposed provision of affordable housing would be in accordance with Policy CS3 of the Harborough District Core Strategy.
- 6.105 The above will form the subject of a Deed of Variation of the Unilateral Undertaking, of which a draft Deed of Variation has been submitted by the Applicant in support of this planning application.
- 6.106 In respect of public open space, the proposed provision of public open space, as indicated on Drawing No. P07 Rev H, is in accordance with the minimum level of provision outlined within the Section 106 Agreement.

7. Conclusion/The Planning Balance

- 7.1 Significant weight should be attached to the outline planning permission as detailed above. The proposed development is considered to comply with the requirements of the decision and relevant policies in respect of its design and layout and very much respects the principles and parameters described and illustrated within the Illustrative Masterplan (Drawing No. V6d Rev C (February 2017)) and Design and Access Statement that formed part of the Outline Application.
- 7.2 The proposal can be delivered in a manner which is satisfactorily in keeping with the character and appearance of the site and its surroundings. The proposal would not lead to unacceptable amenity relationships for proposed residents or existing neighbouring residents, would not harm general amenities in the area, would not adversely affect ecological, archaeological, flood risk/drainage, or arboricultural interests, and would not adversely affect local highway safety. The proposal accords with the up-to-date elements of Policies CS1, CS2, CS3, CS5, CS8, CS9, CS10, CS11 and CS17 of the Harborough District Core Strategy.
- 7.3 The proposal would bring forward additional residential development, including affordable housing, which in turn would make a significant contribution to the Council's Five Year Housing Land Supply (5YS), which is a major consideration in favour of the proposal as the Council cannot currently demonstrate a 5YS. The NPPF and national Planning Practice Guidance underline the importance of housing delivery.
- 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 the completion of a satisfactory Deed of Variation and subject to Planning Conditions and Informative Notes (see Appendix A).

8. Planning Conditions & Informative

- 8.1 If Members are minded to approve the application a list of suggested conditions and informative notes is attached to Appendix A.
- 8.2 As this is a Reserved Matters application, the undischarged conditions relating to the Outline Planning Permission still apply to that permission, and do not need to be repeated as part of a permission in respect to the Reserved Matters application. I have, however, for Member's information, appended the Decision Notice within Appendix C.

Appendix A: Planning Conditions and Informative Notes

Planning Conditions:

1) **Approved Plans**

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

- Site Location Plan;
- Drawing No. P02 Rev W (Proposed Site Layout);
- Drawing No. L44 Rev D (1800mm Timber Screen Fence);
- Drawing No. L56 Rev C (1800mm Timber Palisade Fence);
- Drawing No. L57 Rev A (1100mm Post & Rail Fence);
- Drawing No. L59 Rev B (Timber Knee Rail);
- Drawing No. L62 Rev B (1800mm Waney Edged Panel Fencing);
- Drawing No. L83 Rev D (Metal Boundary Railing);
- Drawing No. L89 Rev – (Brick Screen Wall Detail);
- Drawing No. P03 Rev M (Proposed Hard Landscaping);
- Drawing No. P04 Rev S (Proposed Boundary Treatments);
- Drawing No. P05 Rev N (Proposed Materials);
- Drawing No. 16-088-AB-1 (Ashburn House Type - Plot 7);
- Drawing No. 16-088-BD-1 (Bedale House Type – Plots 47 and 48);
- Drawing No. 16-088-BD-S (Bedale (S) House Type);
- Drawing No. 16-135-DK-1(S) (Denwick with Additional Window House Type – Plot 10);
- Drawing No. 16-135-DK-1 (Denwick House Type – Plots 16 and 19);
- Drawing No. 16-088-DK-2 (Denwick – Render Option House Type – Plots 12 and 20);
- Drawing No. 16-088-DK-6(S) (Denwick – Double Gablette with Additional Window House Type – Plot 36);
- Drawing No. 16-088-DS(PC) (Douglas House Type – Plot 35);
- Drawing No. 16-088-DS-2 (Douglas – Render Option House Type – Plots 9 and 33);
- Drawing No. 16-088-GV-1 (Glaven House Type – Plot 40);
- Drawing No. 16-088-GW-1 (S2) (Gown with Additional Window House Type – Plot 37);
- Drawing No. 16-088-GW-1 (S) (Gown with Additional Window House Type – Plot 5);
- Drawing No. 16-088-HT-1 (Hetton House Type – Plots 43-46);
- Drawing No. 16-088-KD-1 (Kildale House Type – Plots 21, 23, 26 and 27);
- Drawing No. 16-088-LA-1 (Lea House Type – Plots 3, 32 and 34);
- Drawing No. 16-088-LA-2 (Lea – Render Option House Type – Plots 4 and 31);
- Drawing No. 16-088-LB-1 (Lambourn House Type - Plots 6 and 8);
- Drawing No. 16-088-LN-1 (Lydden House Type – Plots 11 and 15);
- Drawing No. 16-135-MD-1 (Meden House Type);
- Drawing No. 16-135-ME(PC)-1 (Medway –Projecting Chimney Option House Type – Plot 18);
- Drawing No. 16-088-ME(PC)-2 (Medway – Render & Projecting Chimney Option House Type – Plots 14 and 38);
- Drawing No. 16-088-RR-1 (Rother House Type – Plots 28 and 29);
- Drawing No. 16-088-RW-1 (Rowan House Type – Plots 39, 41 and 42);
- Drawing No. 16-088-RW(S) (Rowan House Type);

- Drawing No. 16-088-SN-1(S) (Seaton with Additional Window House Type – Plot 30);
- Drawing No. 16-088-SN-2 (Seaton – Render Option House Type – Plot 17);
- Drawing No. 16-088-SN-2(S) (Seaton – Render Option House Type – Plot 1);
- Drawing No. 16-088-SN-3 (Seaton – Tile Option with Additional Window House Type – Plots 2 and 13);
- Drawing No. 16-088-TS-1 (Thirsk House Type – Plots 22, 24 and 25);
- Drawing No. 16-088-P-GB.02B (Double Side Gable Garage Type);
- Drawing No. 16-088-P-GB.03B (Semi Side Gable Garage Type);
- Drawing No. 16-088-P-GB.06B (Single Front Gable Garage Type);
- Drawing No. 16-088-P-GB.10 (Sales Garage Semi Side Gable Garage Type);
- Drawing No. P06 Rev E (Proposed Street Elevations);
- Drawing No. 0729.001 Rev H (Landscape Proposals (Sheet 1 of 3));
- Drawing No. 0729.002 Rev H (Landscape Proposals (Sheet 2 of 3));
- Drawing No. 0729.003 Rev F (Landscape Proposals (Sheet 3 of 3));
- Drawing No. 0729/005 (LEAP Proposals);
- Drawing No. L76 (Private Drives Demarcation Lines);
- Drawing No. L11 Rev D (Private Tarmac Drive Detail PCC Flat Edging);
- Drawing No. L14 Rev C (Shared Tarmac Drive Detail PCC Flat Edging);
- Drawing No. L15 Rev D (Shared Block Pavior Drive Detail);
- Drawing No. L16 Rev A (Fire Access Drive Detail Edging to Drives);
- Drawing No. SK01 (Proposed Finished Floor Levels); and
- Drawing No. P07 Rev H (POS Areas Plan).

Reason: For the avoidance of doubt.

2) **Car Parking/Turning Provision**

The car parking and any garages or turning facilities shown within the curtilage of each dwelling as shown on drawing number: 16-088 P02 Rev V shall be provided hard surfaced and made available for use before each dwelling is occupied and shall thereafter be permanently so maintained. No walls, planting or fences shall be erected or allowed to grow on the highway boundary exceeding 0.6 metres in height above the level of the adjacent carriageway.

Reason: To reduce the possibilities of the proposed development leading to on-street parking problems in the area and to afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network.

3) **Protection of Trees**

No development shall commence on site until the trees on the site have been enclosed by protective fencing, in accordance with British Standard 5837 (2010): Trees in Relation to Construction. Before the fence is erected its type and position shall be approved by the Local Planning Authority, and after it has been erected it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

Reason: To enable the Local Planning Authority to ensure the protection of

trees on the site in the interests of visual amenity and to accord with Harborough District Core Strategy Policy CS11

4) **Removal of PD Rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending that Order with or without modification), no development within Part 1, Classes A-H shall take place on the dwellings hereby permitted or within their curtilage.

Reason: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements and to accord with Harborough District Core Strategy Policy CS11.

5) **Broadband**

All dwellings shall incorporate ducting capable of accepting fibre to enable Superfast Broadband.

Reason: In the interest of sustainable development and to accord with emerging Policy S3 of the Houghton on the Hill Neighbourhood Plan.

6) **Landscape Buffer to Eastern Boundary**

No development shall commence on site until full details of the 3.0m wide landscape buffer proposed to the eastern boundary of the application site have been submitted to and approved 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 those of adjacent neighbouring properties, and to accord with Policy CS8 and CS11 of the Harborough District Core Strategy.

Informative Notes:

1) **Building Regulations**

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

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

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

3) **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.

4) **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.

5) **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.

6) **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.

Guidance on this process and a sample application form can be found on the following link: <http://www.leicestershire.gov.uk/Flood-risk-management>.

7) **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).

8) **Cadent Gas**

The Applicant is advised of the information contained within Cadent Gas' consultation response to this planning application.

9) **Public Sewer**

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.

10) **Highway Adoption**

The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.

Appendix B: Illustrative Site Layout Plan – Outline Planning Permission Reference 17/00212/OUT



Town and Country Planning Act 1990

Date: 26th July 2017

PLANNING PERMISSION

Name and address of applicant:	Name and address of agent (if any):
William Davis Ltd And The Trustees Of The Late Jessie Dixon C/o Agent	Insight Town Planning Ltd Harborough Innovation Centre Leicester Road Market Harborough Leicestershire LE16 7WB

Part I - Particulars of application

Date of application: 6th March 2017

Application number: 17/00212/OUT

Particulars and location of development:

Outline application for residential development of up to 48 dwellings with associated infrastructure and public open space (means of access to be considered), Land Off, Winckley Close, Houghton On The Hill, Leicestershire.

Part II - Particulars of decision

In pursuance of its powers under the Town and Country Planning Act 1990, the Harborough District Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:

Statement of reason for grant of Planning Permission

The development hereby approved is contrary to the Development Plan as it proposes housing development in the open countryside; however, the housing 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

17/00212/OUT - Outline application for residential development of up to 48 dwellings with associated infrastructure and public open space (means of access to be considered), Land Off, Winckley Close, Houghton On The Hill.

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.

Conditions and Reasons

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; 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. 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. 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.

17/00212/OUT - Outline application for residential development of up to 48 dwellings with associated infrastructure and public open space (means of access to be considered), Land Off, Winckley Close, Houghton On The Hill.

4. 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. 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. 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. 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. 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;

17/00212/OUT - Outline application for residential development of up to 48 dwellings with associated infrastructure and public open space (means of access to be considered), Land Off, Winckley Close, Houghton On The Hill.

- (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.

- 9. 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. 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. 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.

17/00212/OUT - Outline application for residential development of up to 48 dwellings with associated infrastructure and public open space (means of access to be considered), Land Off, Winckley Close, Houghton On The Hill.

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. No development shall commence on site (including any site clearance/preparation works), until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of oils, fuels, chemicals, plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities and road cleaning arrangements;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
 - h) measures for the protection of the natural environment;
 - i) hours of work on site, including deliveries and removal of materials;
 - j) full details of any piling technique to be employed, if relevant;
 - k) location of temporary buildings and associated generators, compounds, structures and enclosures;
 - l) details of the routing of construction traffic; and
 - m) measures to control and minimise noise from plant and machinery.

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

13. 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.

17/00212/OUT - Outline application for residential development of up to 48 dwellings with associated infrastructure and public open space (means of access to be considered), Land Off, Winckley Close, Houghton On The Hill.

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. 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. 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. 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. 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. 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.

17/00212/OUT - Outline application for residential development of up to 48 dwellings with associated infrastructure and public open space (means of access to be considered), Land Off, Winckley Close, Houghton On The Hill.

19. 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. 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:
- o The programme and methodology of site investigation and recording;
 - o The programme for post investigation assessment;
 - o Provision to be made for analysis of the site investigation and recording;
 - o Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - o Provision to be made for archive deposition of the analysis and records of the site investigation;
 - o 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. 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. 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. 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 8th January 2016), the Further Information Statement (prepared by

17/00212/OUT - Outline application for residential development of up to 48 dwellings with associated infrastructure and public open space (means of access to be considered), Land Off, Winkley Close, Houghton On The Hill.

REC Ltd, dated 8th 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 14th February 2017).

Reason: To ensure species identified are protected during the construction period and safeguarded following completion of the development.

24. 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. 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.

26. No dwellings shall be occupied on site until a scheme has been submitted to, and approved in writing by the Local Planning Authority which secures a free and unencumbered pedestrian and cycle access from the new development across St Catherine's Way Public Open Space to St Catherine's Way and a timetable for its provision. The pedestrian and cycle access shall then be constructed in accordance with the approved scheme, and maintained in perpetuity.

Reason: In the interests of good design; to encourage sustainable travel links between the existing and proposed development, and to accord with Policy CS8 and CS11 of the Harborough Core Strategy.

Notes to Applicant

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

2. The 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

17/00212/OUT - Outline application for residential development of up to 48 dwellings with associated infrastructure and public open space (means of access to be considered), Land Off, Winckley Close, Houghton On The Hill.

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. 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 (2nd June 2016).

4. 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.

5. 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. 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. 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 features shall be designed to maximise opportunities for wildlife, for example, through the creation of wetland habitat features.

9. 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

17/00212/OUT - Outline application for residential development of up to 48 dwellings with associated infrastructure and public open space (means of access to be considered), Land Off, Winckley Close, Houghton On The Hill.

(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. All landscape tree and shrub planting throughout the site shall be of local native species only.

11. The Applicant is advised of the information contained within National Grid's consultation response to this planning application.



Development Control Manager

STANDARD NOTES

1. Please quote the application number in any communication.
2. **APPEAL TO THE SECRETARY OF STATE** If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant consent subject to conditions, then you can appeal to the Secretary of State for Transport, Local Government and the Regions under section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within six months of the date of this notice, or within 12 weeks in the case of householder development, using a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Bristol, BS1 6PN Tel: 0303 444 5000 or submit online via www.planningportal.gov.uk/planning/appeals/online/makeanappeal. The Secretary of State can allow a longer period for giving notice of an appeal, but he/she will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him/her that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order. In practice, the Secretary of State does not refuse to consider appeal solely because the local authority based their decision on a direction given by him/her.
3. **PURCHASE NOTICES** If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
4. **OTHER CONSENTS** This permission relates only to the Town and Country Planning Act and does not give consent to demolish or to carry out alterations to a listed building or to demolish an unlisted building within a conservation area for which separate consent under the Planning (Listed Buildings and Conservation Areas) Act 1990 is required. Amongst other things the consent of the District Council may also be required under the Building Regulations and if the proposal affects land within the limits of the highway the separate consents of the Highway Authority will also be required. Steps to obtain the necessary further consents should be taken before proceeding with the development.
5. **SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS AND BUILDINGS TO WHICH THE PUBLIC ARE TO BE ADMITTED; ACCESS AND PROVISION FOR DISABLED PERSONS** Your attention is drawn to the requirements of the Chronically Sick and Disabled Persons Act 1970 (sections 4,7,8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating that provision has been made for disabled persons with the building. Your attention is also drawn to the Code of

17/00212/OUT - Outline application for residential development of up to 48 dwellings with associated infrastructure and public open space (means of access to be considered), Land Off, Winckley Close, Houghton On The Hill.

Practice B.S. 5810:1979, "Access for the Disabled to Building" available from the British Standards Institution, 2 Park Street, London, W1A 2BS Tel: 0171 6299000 and (insofar as educational buildings are concerned) to design Note 18 "Access for the Physically Disabled to educational Buildings". The building to which these requirements apply are:-

- a) Building to which the public are to be admitted to which section 4 of the Chronically Sick and Disabled Persons Act 1970 applies.
 - b) Office, Shops and Railway Premises as defined in the Offices, Shops and Railway Premises Act 1963 or premises deemed to fall within that Act.
 - c) Factories as defined by section 175 of the Factories Act 1961.
 - d) Educational Buildings as defined by section 29B of the Disabled Persons Act 1981.
6. THE PARTY WALL ACT 1996 If the plans hereby approved involve the carrying out of building work along or close to the boundary you are advised that under the party Wall Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing work.

THIS PERMISSION DOES NOT ENTITLE YOU TO DO ANYTHING FOR WHICH THE CONSENT OF SOME OTHER LANDOWNER, PERSON OR PUBLIC AUTHORITY IS REQUIRED.

Planning Committee Report

Applicant: Miller Homes Ltd, David Briggs And John Briggs

Application Ref: 17/01510/REM

Location: Land South East Of Warwick Road, Kibworth Beauchamp, Leicestershire

Proposal: Erection of 110 dwellings and associated landscaping and open space (Reserved Matters of 15/01153/OUT)

Application Validated: 14.09.2017

Target Date: 14.12.2017

Consultation Expiry Date: 02.11.2017

Site Visit Date: 05.10.2017

Case Officer: Mike Smith

Recommendation

Planning Permission is **APPROVED** for the reasons set out in the report and subject to the appended conditions :

The proposed development would, by virtue of its scale, design, form and massing, not adversely affect 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.

1. Site & Surroundings

1.1 The application site is situated off Warwick Road on the western edge of the built up area of Kibworth Beauchamp and comprises of a single agricultural field around 5.2ha in size surrounded by mature field hedgerows..

1.2 The Midland main railway line runs in a cutting immediately adjacent to the north of the site with a new housing estate Kibworth Meadows beyond which is nearing completion. To the south east lies further existing residential development and to the south and west are agricultural fields which have the benefit of outline planning permission for the development of a further 110

dwellings . The development would be accessed off Warwick Road which runs along the western boundary of the site.



Figure 1: Site Location

2. Site History

- 2.1 15/01153/OUT Outline planning permission for up to 110 dwellings (including affordable housing) with associated landscaping, open space, car parking and vehicular and pedestrian access from Warwick Road and a footpath link to Melbourne Close. All matters other than means of access are reserved for consideration at a later date. Allowed on appeal 7th December 2016

3. The Application Submission

a) Summary of Proposals

- 3.1 This is a Reserved Matters application for the erection of 110 dwellings and associated garage and parking and open space.
- 3.2. The proposal provides a mixture of house types including affordable dwellings and the layout and access are in general conformity with the masterplan approved at outline stage.
- 3.3 Access into the site would be off Warwick Road, the location of the access and its design being the subject of detailed consideration at outline planning stage. Once inside the site the main spine road initially runs roughly centrally through

the middle of the site before turning left leading towards the southern boundary of the site. Leading off of the spine road are a series secondary roads and private drives.

- 3.4 Within the site there is a mixture of house types and designs as well as areas of ancillary open space including a 5 metre wildflower buffer adjacent to existing hedgerows as required by the outline planning permission. The houses along the Warwick Road frontage have been set back from the road in a semi circular pattern with ancillary open space in front providing an entrance into the site. At the southern end of the site an op-site surface water balancing feature is incorporated into an open space feature.

b) Documents submitted

i. Plans

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

- 1:1250 Site Location Plan
- Application Forms
- Design and Access Statement
- Full detailed plans of the site layout and highways designs, the proposed houses, the associated landscaping.

d) Pre-application Engagement

- 3.5 Pre-application engagement was carried out prior to submission, although further supporting information has been included in support 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 initially on the 28th September 2017 and subsequently as a result of amendments to the proposals.
- 4.2 Firstly, a summary of the technical consultee responses received is set out below. If you wish to view the comments in full, please go to:
www.harborough.gov.uk/planning.

a) Statutory & Non-Statutory Consultees

- 4.3 LCC Archaeology: We have received the attached WSI from the developers archaeological consultant (CGMS), in respect of the required archaeological investigation of the above site, secured by conditions (11 and 12) on the above appeal decision. I can confirm that the WSI is satisfactory and outlines an appropriate program of archaeological investigation, analysis and

reporting. I am therefore able to recommend approval of the document as issued.

4.4 LCC Planning, Historic & Natural Environment Team. A S106 planning agreement has already been signed in relation to the outline planning application reference 15/01153/OUT and so it is important this reserved matters application is covered by the outline planning application.

4.5.1 Network Rail; 3 comments to make on the proposals

- no details have been provided in respect of condition 13 (surface water drainage) though two prominent attenuation basins are proposed adjacent to the railway. We would expect details of these (including detailed cross-sections and theoretical capacity data) to be submitted along with a comprehensive drainage strategy at some point in the near future.
- In terms of landscaping we are comfortable with the proposals and the type of tree proposed closest to the railway (tree leaf fall is an issue for the railway during the Autumn period) and have no issue with the discharge of the landscaping conditions.
- Our objection concerns boundary treatment and in particular the proposals for fencing on the stretch of line adjacent to the railway. The existing railway boundary is a simple 1.2m post and rail fence. Although there is considerable tree cover along the railway cutting it is gappy in places and does not provide adequate protection from trespass, particularly as there will be a clear 5m swathe of wildflower meadow between the railway boundary and the housing allowing for inquisitive children to gain easy access to the railway. Our requirement would be for a trespass proof 1.8m fence along our boundary to replace the existing post and rail fence.

4.6 HDC Parish Liaison As this is a Reserved Matters application I will not be submitting a Community Facilities obligation request.

4.7 LCC Ecology: The landscape proposals are satisfactory, and I have no comments on or objections to them.

4.8 LCC Highways: Comments awaited.

4.9 Local Lead Flood Authority; The LLFA advises that the reserved matters proposals are considered acceptable.

4.10 Kibworth Beauchamp Parish Council: Notes that the proposal include a footpath link from the development to Melbourne Close As we have stated previously, this would cross land owned by Kibworth Beauchamp Parish Council, and the Council has previously resolved NOT to permit this use of our land.

- We have agreed to a wayleave (subject to legal advice) across the land for laying a foul sewer.

4.11 HDC Housing and Community Enabling Officer : We have accepted 6 bungalows on a 1 for 2 basis and this reduced our percentage requirement and the

number of AH units from 44 to 38 (35%). I understand Miller Homes have submitted a D of V to this effect. The applicant is now advised to consult with our RP partners to gauge interest in the AH scheme. No objections to the proposals as submitted.

b) Local Community

4.4 27 letters has been received objecting to the proposals for the following reasons:

- strongly object on the grounds of lack of infrastructure for the area already
- A6 will have increased pollution levels
- Kibworth simply cannot sustain more houses without vital improvements to infrastructure
- Any additional housing developments will cause mayhem on this stretch of road and add to congestion in Kibworth
- No further major housing development in Kibworth should be considered whilst the Kibworth Neighbourhood Plan (NP) is in the late stages of its progress to implementation. The NP makes clear that there should be no further larger scale development in Kibworth and includes cogent reasons for this stance.
- This development would involve significant Green Belt erosion and the impact on the villages would be overbearing
- I am aware that Kibworth Beauchamp Parish Council is in negotiations with the developers about a new sewer going through the open space, I am not yet aware that rights have been permitted for residents of the new development to use this as a public right of way. This needs clarification.
- The Kibworths have sufficient 5 bedroomed properties available or under construction, so I see no reasoning for any of these units. There is insufficient information about the plans for the 35% 'affordable' housing - will they be suitable as starter homes which are in short supply in the locality? How many will be social rented?
- No mention is made of the proposals being in compliance with the Neighbourhood Plan policies. This despite it being probably out for referendum in the next 3-4 months.
- Neighbourhood Plan policy requires 4 parking spaces for 4+ dwellings. Not all of the proposed properties comply within this leading to a shortfall of parking spaces.

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) and the Kibworths Neighbourhood Plan 2-017-2031.

- Harborough District Core Strategy (Adopted November 2011)

- 5.4 Relevant policies to this application are:

- CS1 – Spatial Strategy
- CS2 – Delivering New Housing
- CS3 – Delivering Housing Choice and Affordability
- CS8 – Protecting and Enhancing Green Infrastructure
- CS9 – Addressing Climate Change
- CS10- Addressing Flood Risk
- CS11 – Promoting Design and Built Heritage
- CS12- Delivering Development and Supporting Infrastructure
- CS13 – Market Harborough
-
- Harborough Local Plan 2001 (retained policies)
 - HS/8
 - EM/11
- Kibworths Neighbourhood Plan
 - SD1 – Limits to Development
 - H3 – Housing Mix

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), Section 1 (Building a Strong Competitive Economy) and Section 2 (Ensuring the Vitality of Town Centres).

- National Planning Practice Guidance
- New Local Plan
On 4th December the Council's Executive approved an update to the Local Plan preparation timetable. This has now been incorporated into the latest Local Development Scheme (December 2017). Subject to any issues raised in the Proposed Submission consultation, the intention is to submit the Local Plan and supporting documents to the Secretary of State for examination in March 2018.
- Leicestershire County Council 6C's Design Guide
The 6Cs Design Guide (hereafter referred to as 6CsDG) deals with highways and transportation infrastructure for new developments

6. Assessment

a) Principle of Development

- 6.1 The principle of the development of this land has already been established following the grant of outline planning permission 15/01153/OUT on Appeal in December 2016 for the;

Outline planning permission for up to 110 dwellings (including affordable housing) with associated landscaping, open space, car parking and vehicular and pedestrian access from Warwick Road and a footpath link to Melbourne Close. All matters other than means of access are reserved for consideration at a later date.

- 6.2 The approval by the Inspector was subject to a number of conditions and to a Section 106 agreement submitted by the applicants during the appeal process.
- 6.3 The S106 agreement includes contributions towards a range of facilities and includes the provision of affordable housing, on-site open space and monetary contributions towards education, sustainable transport, community and health facilities and the police.

Layout and Design.

- 6.2 The current application therefore relates to the Reserved Matters for the development of a range of predominantly two storey properties (but also including a limited number of single storey bungalows). In addition the proposals include the provision of a number of open spaces both formal and informal as well as a 5 metre wildflower corridor around three sides of the site where it abuts existing native hedgerows in accordance with Condition 16 of the outline planning permission.
- 6.3 The main access into the site is to be provided off Warwick Road as approved by the outline approval, the central spine road would then extend through as

far as the western boundary of the site, where it adjoins land that has benefit of a separate outline planning permission for housing development. Within the site a hierarchy of secondary roads and private drives would then serve the housing developments.

- 6.4 The housing fronting onto Warwick Road is set back with an area of informal open space and one of the two on site surface water drainage basins fronting onto the road. Within the site a further area of open space incorporating a second drainage basis is located at the eastern end of the site and in the middle of the site adjacent to the road is a third area which will incorporate an equipped play area.
- 6.5 In accordance with condition 16 of the outline permission a 5 metre wildlife landscaped buffer is incorporated into the layout around the site where it abuts existing hedgerows. This area is to be planted as a wildflower meadow.
- 6.6 In addition and following earlier concerns expressed by Network Rail about the potential for access onto the adjacent railway embankment, the applicants have proposed that this boundary will be secured by use of a 1.8m high green mesh fencing. This would provide security to the boundary whilst not detracting from the appearance of this area and the establishment of the wildlife corridor.
- 6.7 The majority of the housing along this frontage has been designed to face towards the railway thus resulting in private gardens to the rear of the houses being screened from any noise emanating from the railway line. Where any houses are built side on, the gable elevations have minimal window openings and in addition rear gardens are protected by more substantial boundary walls in preference to lightweight closeboarded fences.



Site Layout Plan

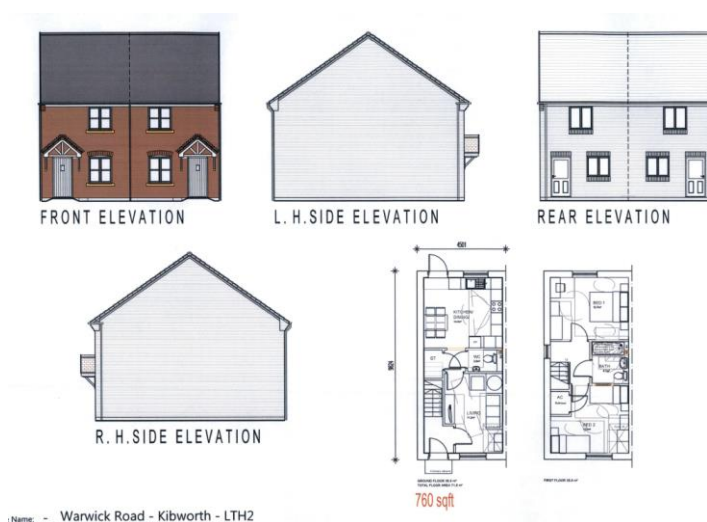
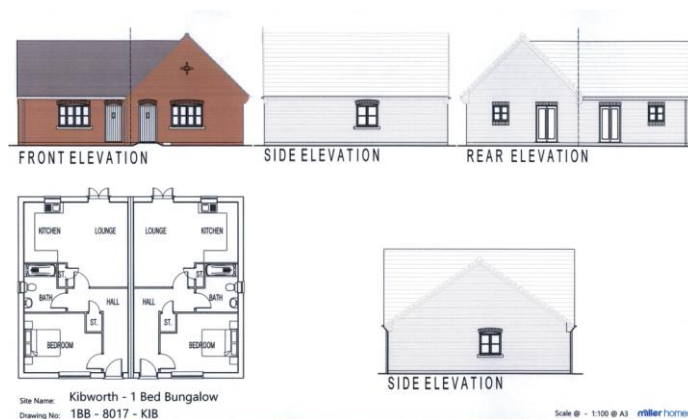
Housing Mix

- 6.9 The proposed housing consists of 38 affordable dwellings including a range of 1, 2 and 3 bedroom properties and including some bungalows. In addition 72 market houses are proposed which consist of a range of 2, 3 4 and 5 bedroom dwellings including some smaller properties designated as starter homes.
- 6.10 The majority of the dwellings are of two stories in height with limited number of 2 ½ stories at key visual locations. In addition a number of single storey bungalows are proposed. The design of the individual dwellings reflects a range of materials including facing brickwork with some rendered panels and a variety of roof materials. Some of the designs incorporate chimneys.
- 6.10 Some concern has been expressed about the mix of open market house types proposed by the development. Although the Councils Housing and Community Enabling officer has commented that the type and mix of affordable dwellings proposed is satisfactory, and the overall mix of housing on the site reflects a range of types and sizes, the market housing is largely dominated by 4 and 5 bedroom houses.
- 6.10 Although Policy C3 of the adopted Core Strategy: Delivering Housing Choice and Affordability does not provide guidance on the range of market housing required by developments, Policy H3 of the Neighbourhood Plan does state that to meet the future needs of the residents of the Plan area, new housing development proposals should provide a mixture of housing types specifically to meet identified local needs in the Kibworth villages. Priority should be given to dwellings of three bedrooms or fewer and to homes for older people.

- 6.11 As a result Officers have discussed this with the applicants who have now amended the proposals increasing the number of starter homes proposed and which now includes a number of smaller open market bungalows. This aspect of the housing mix is much welcomed as the provision of single storey dwellings particularly market housing is often difficult to achieve.
- 6.12 The split between smaller and larger market housing is still substantial, however it has to be acknowledged that in granting the outline permission on appeal no discussion about the mix of dwellings was considered, it did not form part of the S106 submission and the Planning Inspector did not impose any conditions requiring housing mix to be imposed. As a result whilst officers would like to be able further influence the range of market housing proposed, the ability to do so is limited as has been demonstrated in a number of appeal decisions.
- 6.13 Notwithstanding the reservations above, it has to be acknowledged that the overall proposals do reflect the principles established by the outline planning permission and the form and layout of the site and the designs of the houses themselves are considered satisfactory and would lead to an attractive development well related to its surroundings.



Sample market house types



Sample affordable house types

Highways

- 6.14 The highways layout has previously been described and produces a hierarchy of roads from the main spine road through to private drives. Additionally the layout does extend the main spine road through the site to the southern site boundary. As a result the possibility remains that when detailed development proposals for the land to the south for which outline planning permission has been granted, the road could be extended through that development thus providing a link through from Warwick Road to Fleckney Road as hoped during consideration of the outline applications.

Other Issues.

Drainage System.

- 6.15 The overall surface water and foul drainage strategy was approved as part of the outline planning permission in consultation with the Environment Agency,

the Local Lead Flood Authority (LLFA) and Severn Trent Water Ltd and is the subject of conditions requiring full details to be submitted and agreed prior to the commencement of development. The current proposals although not including the full details of the foul and surfaces water drainage systems do reflect the strategy approved as part of the outline planning permission.

- 6.16 As part of the development it is intended to connect the foul water discharge into the existing system in Melbourne Close. Kibworth Beauchamp Parish Council has confirmed that it has entered into an agreement with the applicants to provide an easement across land at the end of Melbourne Close allowing connection to the foul water system.

Footpath Link

- 6.17 The Parish Council has however also confirmed that no agreement has been reached to allow a footpath connection across the land, although a path is shown leading towards the site boundary on the applicants proposals. Clearly it would be desirable and beneficial to the occupiers of properties on the development from a sustainability standpoint if there was a footpath link from the site allowing access to Melbourne Close and into Kibworth, however, without the Parish Councils permission this cannot be achieved.

Deed of Variation

- 6.18 The S106 Agreement that was submitted by the applicants during the Appeal process included in accordance with the current development plan policy the requirement for the provision of 40% affordable housing. This accepted by the Planning Inspector and incorporated into the decision.

Following the grant of consent the applicants have been in discussions with the Council Housing and Community Enabling Officer regarding a suitable mix of affordable housing units and as a result the submitted scheme includes a number of 1 bedroom bungalows.

- 6.19 The Housing and Community Enabling Officer has acknowledged that the type and mix of housing including the bungalows is suitable and reflects the discussions held. However providing this mix of dwellings including the bungalows (which are generally accepted in lieu of dwellings on a 2 for 1 basis) is that the total percentage of dwellings would only equate to 34.5% of the total and not 40% as originally proposed.
- 6.20 The applicants have therefore requested that Deed of Variation be agreed to allow for this change. Should members be minded to approve the Reserved Matters proposals in accordance with the officer's recommendation it is requested that this Deed of Variation also be authorised.

7. The Planning Balance / Conclusion

- 7.1 On balance it is considered that despite the slight reservations of officers about the mix of larger houses, overall the scheme is well thought out, does relate well to its surroundings and would provide a high quality form of development.
- 7.2 It is therefore recommended that the application is approved subject to the following conditions.

Conditions

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

PL/WR-K/01 Rev C

22965_02_010_01E and 01D

7956L-010-B, 02-B, 03-B, 04-C, 05-B, and 06-C

BT-WR-K-01 Rev A

ML-WR-K-01 Rev B

RC-WR-K-01 Rev A

2BB/BW/B/A ; and

House Type Pack

REASON: For the avoidance of doubt.

2 Notwithstanding the details currently submitted, development shall not commence until full details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building(s), have been submitted and approved in writing by the Local Planning Authority. There shall be no variation in these levels without the written approval of the Local Planning Authority.

REASON: In the interest of the visual amenities of the area and to accord with Harborough District Core Strategy Policy CS11

3 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.

Planning Committee Report

Applicant: David Ross

Application Ref: 17/01894/FUL

Location: Nevill Holt Hall, Paddock Lane, Nevill Holt.

Proposal: Erection of timber posts on the verge

Application Validated: 15/11/17

Target Date: 10/1/18 (extension of time agreed)

Consultation Expiry Date: 12/02/18

Site Visit Date: 30/11/17

Case Officer: Naomi Rose

Recommendation

Planning Permission is to Approved subject to conditions:

The development hereby approved, by virtue of its size, design, siting would not adversely affect the setting of the heritage assets, character and appearance of the Registered Park and open countryside, residential amenity or give rise to highway safety hazards. The proposal is therefore considered to accord with Harborough District Core Strategy Policies CS11 & CS17 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 is located in open countryside and Registered Park (Grade 2) of Nevill Holt. The proposal is along the road (Drayton Road and Holt Road) that abuts the wall and grounds of Nevill Holt Hall and the small hamlet of Nevill Holt to the east. To the north, west and south are fields and the formal Avenue a wide verge and tree-lined road.
- 1.2 Nevill Holt and the adjacent dwellings on Paddock Lane are within Conservation Area. Nevill Holt Hall is Grade 1 listed building, the stables and Church are Grade 2* and the dwellings on Paddock Lane and other structures are Grade 2 listed. The mature trees in the area of The Avenue and fields beyond are covered by an area Tree Preservation Order 5 A1.



1.2 Public Rights of Way:

B56 is from the Paddock Lane across the field heading north-west
B65a to the south of Nevill Holt Hall

2. **Site History**

2.1 None relate specifically to the redline site.

Nevill Holt Hall applications:

00/00313/FUL Change of use from school to private dwelling including a change of use of the stable block to uses ancillary to principal dwelling. (Grade I Listed Building) Approved 5/06/00

00/00818/FUL Temporary siting of a caravan Approved 11/8/00

01/00518/FUL Siting of three oil tanks Approved 1/06/01

01/01728/FUL Replacement of lean-to by lean-to to incorporate swimming pool and creation of self contained grooms accommodation Approved 28/1/03

02/01155/FUL Installation of LPG tank Approved 17/09/02

03/00587/FUL Erection of carport and garden equipment store and greenhouses. Demolition of 2no corrugated iron and pole structures. Demolition of glasshouses and classroom block (retrospective) Approved 5/09/03

03/00831/FUL Change of use of part of paddock to garden and erection of fence Approved 9/07/03

04/01970/FUL Erection of temporary auditorium and facilities, minor alterations and seasonal change of use for public opera performance Approved 24/06/05

Further Variation of condition applications to 31/07/16

05/01321/FUL Erection of agricultural store Approved 14/11/05

06/00271/FUL Erection of a stable block Approved 04/05/06.

The Stables at Nevill Holt Hall

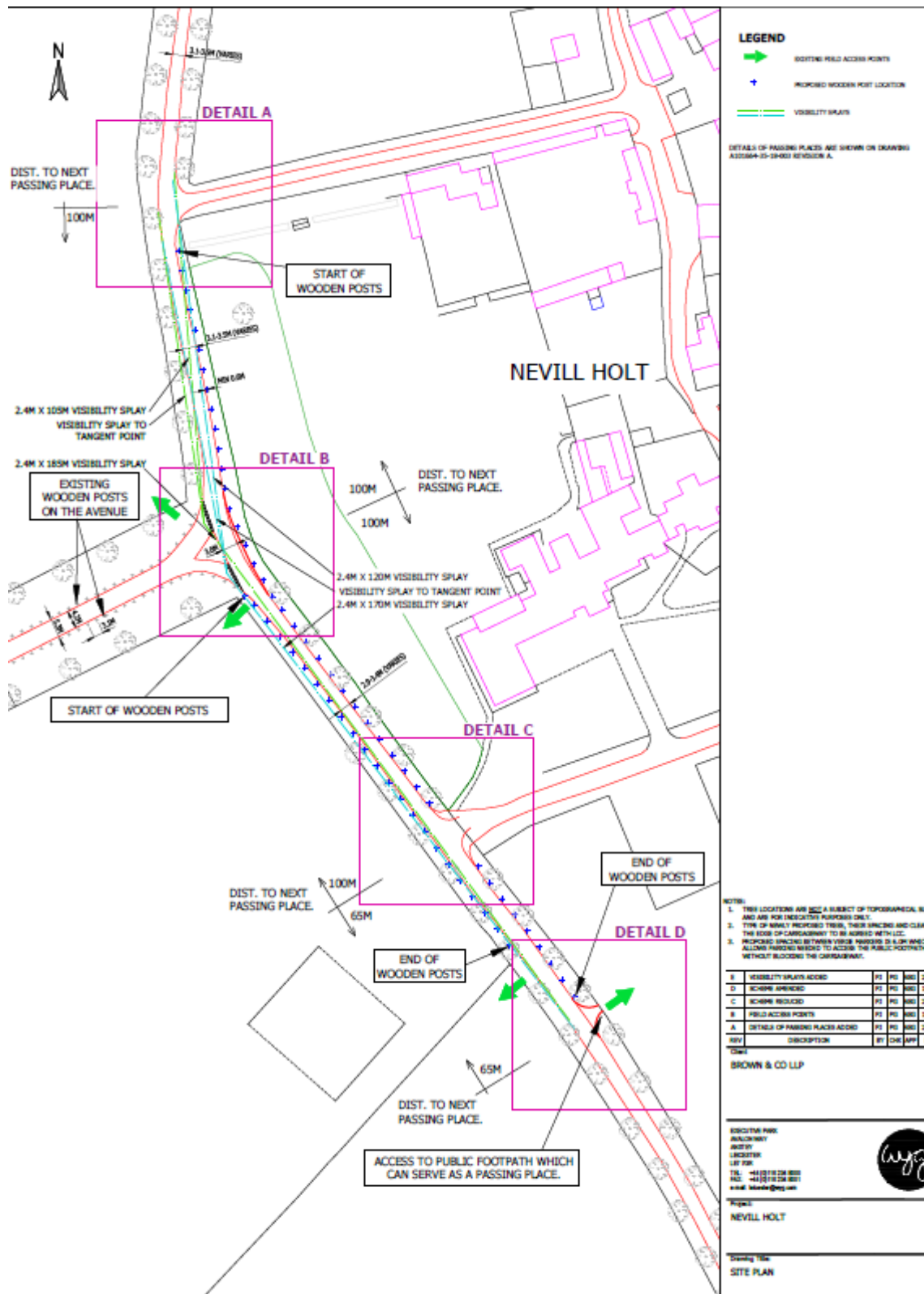
16/01277/FUL Creation of permanent opera theatre within existing Stable Block Approved 28/10/16 Condition 9 restriction of 40 events per one calendar year

- 2.2 The existing timber posts along the Avenue require retrospective planning consent.

3. The Application Submission

a) Summary of Proposals

- 3.1 The proposal is to erect 1.2m 100mm square pyramid tops timber posts 6metres apart between posts, set back 600mm from the edge of the carriageway. The posts are sited from the junction on both sides of the road (Drayton Road) for approximately 60 metres south and for approximately 40metres north in the other direction on the east side of Holt Road.
- 3.2 Amendment A:
- Visibility splays and passing bays shown on the plan 001 Rev E
 - Highways detailed plan 003 Rev A showing the passing bays and tracking of vehicles in detail.
- 3.3 The Agents has stated in the Planning Statement that *'the grass verges along Holt Road and Drayton Road are continually damaged by vehicles driving on them; this brings mud onto the road causing the road to become slippery and dangerous to road users. Currently the applicant has been repairing the verges at his own cost with top spoil and grass seed or turf which is not sustainable.'*



Proposed site plan (Amendment A)



View from the far south-eastern point



View from the junction to the north and Paddock Lane

b) Documents submitted

- Design & Access Statement
- Planning Statement
- Heritage Statement
- Highways Statement and plans
- Equestrian information

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 are set out below. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

- 4.3 *Highways*: Holding Objection 22/2/18 to revise the plan to omit various posts.

The CHA considers that the proposal would result in a severe impact to the safe and efficient operation of the highway network. The CHA needs to protect the performance of the affected route for all highway users and the proposals have failed to identify mitigation measures to appropriately address these impacts.

The proposal if granted would create significant risk to all highway users. The submitted Technical Note has considered the impact of the proposed development; however suitable mitigation measures have not been submitted.

Holding objection due to insufficient information. 21/12/17

- 4.4 *Conservation Officer*: Concerned about the impact upon the heritage assets.
- 4.5 *Heritage Amenity Societies*: no response

b) Local Community

- 4.6 Parish objects on: visual impact, traffic safety, economic impact and heritage landscape

- roads are public roads not private estate roads used by the public on a daily basis by different sections of the community;
- verges play an essential and practical role in terms of road safety, particularly on country roads when they may not be wide enough, they serve as an overflow to the road to facilitate the safety of road users i.e. motorists, pedestrians, horse-riders, cyclists and others.
- By fencing off the verges this safety aspect is completely removed.
- Mud on rural roads is not an unusual event and the roads in question are no different than other country lanes;
- People ride horses along these roads on a daily basis , if a horse or rider was spooked or fell onto the poles, potentially life threatening.
- Many people cycle on the roads on a daily basis, often children learn to ride bikes and scooters on these roads, if they fell the injuries would be significant.
- The safety and well-being of members of the community significantly and demonstrably outweigh the benefits of attractive verges in the wetter months.
- To prevent damage to the verges which is only temporary and will recover in the drier months at the expense to serious injury to members of the public is not acceptable;
- The posts in question are large, unattractive and will not enhance the natural environment, they will detract from it, draw the eye to what is neither natural or attractive;
- The posts are not visible from the hall or the majority of the grounds, the visual pollution these posts would prove would not be suffered by local residents but by the community at large.

- The posts are not typical or rural for roads in the vicinity of a Grade 1 listed building, no evidence to support how and why they will conserve the heritage asset;
 - Introduce an unsightly and alien wooden posts to the lovely country lanes, detracting from the natural environment and spoiling its intrinsic character and beauty.
 - The site is not untidy;
 - Prevent one of our thriving local communities farming from conducting business, who use the road with large tractors will no longer be able to do so, and potential have a very real impact upon their business. Currently on The Avenue posts a large vehicle using the road means another vehicle in the opposite direction must stop and wait before using the stretch of road;
 - The new posts are where there are corners and vision is not clear this will be extremely unsafe. Vehicle using the road will have no room to pull off if faced with another vehicle;
- Posts are not in keeping with the local character and history of the local surrounding. Just because they are wood doe not make them sympathetic to the rural environment.

4.7 5 letters (including emails) of support were received in response to the initial consultation process. A summary of the representations received is outlined below:

- We regularly walk to Nevill Holt and have recently noted the poor state of the verges apparently due to vehicles pulling onto the grass, the ground is so wet that this causes severe damage this is in direct contrast to the Nevill Holt to Medbourne road that already has posts erected. Nice to see the owner is investing in the environment, verges are an important part of conservation and it is vital to preserve them in testing conditions so people can enjoy such a beautiful area.
- The traffic of large and very wide vehicles have churned up the verges, this is a country land in an area of outstanding natural beauty, please protect the verges and the surrounding environment.
- Existing posts have slowed traffic up in a popular place for walkers, riders, cyclists, the continuation of the posts will make the T junction safer. The Lime and Beech Avenue are a beautiful feature anything that make people slow down and appreciate the beauty should be commended.

4.8 25 letters (including emails) of objection from 20 separate households (11 households were outside the village of Melbourne and Nevill Holt). were received in response to the initial consultation process. A summary of the representations received is outlined below:

- road frequently used by dog walkers, walkers and horse riders, posts will prevent pedestrians and horse riders safety removing themselves from the road when a car approaches
- Passing of cars and tractors or other vehicles will be very difficult if not impossible;
- Never noticed that the roads more slippery, muddy, than other roads or any damage caused by normal every-day traffic;
- The opera event due to multitude of lorries and vans damaged the verges close to the hall and the field turned into a muddy car park.;
- The existing posts on the Avenue are unsightly in such a beautiful place;
- The existing posts have been hit by a car and cyclist causing injury;
- A horse box has difficulty passing a car between the posts;
- One horse and a lead and the lead rein can get on the posts risking the health and well-being of the horses and riders;
- Should a rider fall off a horse because they were spooked and fall on one of the posts it would inflict considerably injury.

- Long term solution is not have the opera or put kerb stones at the edge of the verge;
- Many cyclists come up to Nevill Holt as they like the climb of the hill from Medbourne, they have nowhere to go when there is a wide vehicles due to the wooden posts;
- Great place for Young children to learn to ride when a car comes they will swerve out of control to get out of the way into the posts;
- A lots of heavy goods vehicles, agricultural machinery, school buses and bin lorries use the roads on a daily basis, these are not quiet lanes, used by local businesses that require access with heavy good vehicles and agricultural machinery, the posts will cause un-told disruption with the larger vehicles that have a right of way down these roads;
- Mud on the roads is part of country life at no point do the roads become slippery from mud as a direct result of cars passing each other along Nevill Holt roads;
- The opera House is currently being built, the increase in traffic and large vehicles has caused damage to the verges. When the opera productions actually start the huge quantities of traffic will result in chaos due to eh wooden posts;
- Mr Ross's parties damaged the grass opposite the gates beyond repair;
- There was a large area for vehicles to pull in as a passing bay outside the gates, no passing bays;
- Post serve to make it look like a private estate, which it is not. They are public roads and should not have the environment ruined by posts;
- Appropriate passing bays along Drayton Road will provide protection to verges;
- In winter it is the norm for verges to get damaged, the verges always recover naturally by the Spring/Summer;
- Reversing between posts is challenging, especially in poor light;
- The photos in the Rural solutions report show damage to the verges which are splays of existing gateways joining the road and not damage as described.
- White verge marker posts (plastic) are safer for horses.
- There are a number of livery and riding yards in the vicinity.

2 Response to revised plans and information:

- The equestrian response is contradictory as it suggests the post are safe for horse riders and not safe for riders when riding two abreast and seriously traffic shy horses.
- Also visited on a Saturday morning when traffic is light;

4.9 RFU East Midlands Region Objects: (a) the posts will limit the width of the highway available to road traffic, severely affecting farm businesses and cause real inconvenience to road users; (b) During busy harvesting and culvating seasons there is a high likelihood of tractors and trailers having to pass each other on the stretch of road this can not be done with the proposed widths between the posts; (c) Farm vehicle's can be up-to 4.3m wide, Mr Beaty's vehicle's are narrower but would need 6metre to allow two to pass on the highway. (d) If the roads are narrower local farmers face delays and more importantly could be a danger to other road users.

4.10 Jane Wallace Experienced Equestrian (Trainer, International Eventer and Author):

- A quiet experienced horse can negotiate between the posts.
However, an unpredictable flighty or young horse is not easily manoeuvred.
Similarly when riding or leading it will be considerably more difficult to manoeuvre two horses between the posts, therefore I would suggest that these posts are hazardous and cause injury to either horse or rider.
- The trees and hedgerows would need to be cut back on a regular basis to allow for riding 2 abreast
- However, in some places it is not wide enough to ride 2 abreast between the posts and the wall/hedge of Nevill Holt Hall, I would consider these areas to present a definite hazard.

5. Planning Policy Considerations

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 provides that planning applications must be determined in accordance with the provisions of the development plan (hereafter referred to as the 'DP'), unless material considerations indicate otherwise.

a) Development Plan and material planning considerations

- 5.2 Please find the relevant policies in the front of the Agenda.

- *The Framework Sections:*
Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment
- *Harborough District Core Strategy*

CS11 – Promoting design and built heritage
CS17 - Countryside
- Planning (Listed Buildings & Conservation Areas) Act 1990, Section 72(1) and Section 66(1)

b) Other Relevant Information

- 5.3 This application is to be determined by Planning Committee because of the number of third party representations.

6. Assessment

a. Impact upon the rural landscape

- 6.1 The posts require planning permission as they do not benefit from permitted development as they are not considered a means of enclosure under Schedule 2, part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 6.2 Policy CS17 states that rural development will be located and designed in a way that is sensitive to the landscape setting. The National Planning policy Framework Section 11 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 6.3 The posts are made of a natural material and whilst there is a number of posts proposed they are relatively narrow 100mm and low height 1.2m. Post and rail timber fences are accepted boundary structures in the landscape, therefore it is considered that low timber posts at 6metres intervals are not visually obtrusive in the sensitive rural landscape. The proposal therefore does not adversely affect the character and appearance of the rural area and as such conforms with Policy CS17 of the Core Strategy.

b. Impact upon the setting of the listed building and Registered Park

- 6.4 Policy CS11 states that heritage assets within the District and their setting will be protected, conserved and enhanced. The Core Principles of The Framework states

that planning should conserve heritage assets in a manner appropriate to their significance, so they can be enjoyed for this contribution to the quality of life of this and future generations.

- 6.5 The proposal is within the Grade 2 Registered Park of Nevill Holt. Nevill Holt Hall and the adjacent dwellings on Paddock Lane are within Conservation Area. Nevill Holt Hall is Grade 1 listed building, the stables and Church are Grade 2* and the dwellings on Paddock Lane and other structures are Grade 2 listed. The memorial gates and Garden wall are also listed structures.
- 6.6 The submitted Heritage Statement by Rural Solutions (January 2018) explains that vehicles often drive upon the verge and cause damage. This has recently been made worse by construction traffic associated with the opera development however, this is temporary and will cease in the next few months. Nevertheless the damage to the verges has been an on-going problem for years, photos provided Sept. 2015 before the opera development that show the edge of the verges worn away. The consultant goes on to explain that the drives which approach Nevill Holt are tree lined with mature trees which frame the viewer's arrival to Nevill Holt. The proposed development is intended to be a light touch solution to ensure the grass verges are protected and restored for the enjoyment of visitors to Nevill Holt now and in the future. The proposed development is only visible in its immediate setting and not from wider distance views due to their small scale, designed to be discreet as possible whilst visible to road users and their construction in wood is not out of keeping within this setting.
- 6.7 The Heritage Statement concludes that the proposed development will cause negligible, minimal harm to the setting and significance of the roads and listed assets, and furthermore will ensure that the verges in their setting can be enjoyed by visitors and residents in the future.
- 6.8 The Conservation officer has the following comments to make on the application. The proposed timber posts will be an unwelcome addition in this heritage sensitive environment which includes several designated heritage assets. Evidence of overrunning onto the adjoining land suggests that the narrow lanes at Nevill Holt are struggling on occasions to cope with the amount of traffic or size of vehicles and I understand that part of the justification for the development includes the protection of the grass verges that are an integral part of the historic landscape setting. Introducing fence posts close to the listed memorial gates and walls will lead to a change to their setting. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires that in considering whether to grant planning permission in this case your authority shall have special regard to the desirability of preserving the setting of these listed buildings. Preservation in this context means doing no harm. In my view the posts seem particularly unsympathetic next to the memorial gates. The plain timber posts lack the craftsmanship and quality of the listed structure and the visual intrusion into the established composition of metal and stone will be an unwelcome distraction which, together with the hedge planting behind, could compromise their immediate setting and memorial function.
- 6.9 For context and providing a full response the Conservation Officer responded to the installation of the existing posts along The Avenue. An existing line of posts seem to be less out of place along The Avenue, where they arguably emphasise the linear nature of the route and the simple design and timber fits in with the rural environment. These do not in my view justify the same treatment in front of the memorial gates.

- 6.10 It is the case officers view that due to the siting, design, choice of materials and height that this proposal does not significantly harm the setting of the listed building and the Registered Park. This type of boundary treatment is often found on country estates, in particular National Trust sites.
- 6.11 The proposal in terms of para 134 is not considered to lead to less than substantial harm to the significance of the heritage assets. In any event if less than substantial harm was found this has to be weighed against the public benefit. It is considered that the harm if any to the heritage assets is minor, the significance of the heritage asset is important, and the public benefit whilst minor may improve setting by reducing or stopping verge erosion. Therefore the proposal is acceptable in terms of the Frameworks assessment in Section 12. The application is therefore considered to be in accordance with Policy 11 of the Harborough District Core Strategy.

c. Highways:

- 6.12 The County Highway Authority responded as follows to the application.

The timber posts would be erected between the junction of Holt Road / Paddock Lane to approximately 60 metres south of the site entrance to Nevill Holt Hall as shown on WYG drawing number: A101664-35-18-001 Rev D.

The CHA notes that the surrounding area is predominantly agricultural which generates trips by large agricultural vehicles. The CHA is also aware of operational traffic associated with regular events held at Nevill Holt Hall.

The CHA is aware that historically there have been informal passing bays along this section of road. To ensure all highway users are not adversely affected by the proposed development the CHA requires the Applicant to submit for consideration a scheme to provide formal passing bays which as a minimum includes details of the following:

- Carriageway width of Drayton Road along the length of the proposed development
- The forward visibility available and potential conflict with vehicles entering and exiting The Avenue
- Potential for introduction of appropriate formal passing bays
- The impact of the proposed development including potential passing bays on other highway users e.g. horse riders and pedestrians
- Road safety provisions
- The Applicant's liability for maintenance of the timber posts.

- 6.13 The Agent has submitted an additional highways statement and plans evidencing forward visibility and 4 passing bays (junction with the avenue, Paddock Lane, formal gates to Nevill Holt and bell mouth further south on Holt Lane). The statement explains that visibility at the junction will not be affected by the posts. The width of the posts will allow 2 cars or a car and HGV to pass each other. They have also

considered large agricultural vehicles. There are 4 passing places, which will allow a car to stop in between in case of an emergency. Also the roads are very lightly trafficked so situations where two vehicles meet in 150m stretch would be very rare. On site observations showed that equestrians tend to use the verges rather than the road, given the width of the verges and that the posts are 0.6m from the edge of the carriageway there would still be sufficient space for the equestrians. The posts would deter people who may wish to park i.e. dog walkers, but not prevent parking when necessary.

6.14 The Highways Officer responded as follows:

Carriageway width

The first set of timber posts that are being proposed along Holt Road on one side of the carriageway between the junction with Paddock Lane and the junction with The Avenue. The width of Holt Road varies between 3.1m and 3.5m between these two junctions.

To the south of the junction with The Avenue, timber posts are being proposed on both sides of Drayton Road for approximately 150 metres. The carriageway width varies between 2.9m and 3.4m.

The Applicant has indicated that the minimal clearance of the timber posts from the edge of carriageway would be 0.6m and the minimum width between posts is proposed to be 4.8m however based on the information previously submitted the CHA understood this to be 6m.

The Applicant points out that this complies with Manual for Streets, Paragraph 7.2, illustrating that such width is sufficient for a car and HGV to safely pass one and another. Nonetheless the CHA must consider the impact of the proposed development on all highway users and therefore the CHA do not consider this to be a reasonable comparison due to the rural nature and characteristics of Drayton Road.

Junction Visibility

Junction visibility at the Holt Road / The Avenue / Drayton Road is shown on WYG drawing A101664-35-18-001 Rev E. The drawing demonstrates that visibility to the right is 170m and visibility to the left is 105m.

The Applicant has checked the forward visibility along a 325m section in both directions from the junction with The Avenue. A hedge located on the inside of the bend adjacent to the junction constrains forward visibility to 55m and the existing wall along Holt Road between the junction with Paddock Lane and junction with The Avenue restricts forward visibility to 80m. Visibility on approaches to these two locations is up to 215m. The Applicant has indicated that the proposed erection of posts would not affect existing visibility.

Passing bays

As mentioned above, the Applicant considers the width between posts will allow two cars or a car and HGV to pass each other. However, considering that the route is used also by large agricultural vehicles, the Applicant has also undertaken some additional analysis.

As shown on WYG drawing A101664-35-18-003 Rev A, there are four locations which could be used as passing places. Of these four, one is at each end of the scheme, one is at the junction with the Avenue and one is at the entrance gate to Nevill Holt Hall. The timber posts are proposed on both sides of the carriageway at a section on Drayton Road where forward visibility is generally very good and passing bays would always be within sight distance.

The Applicant has indicated that spacing of the posts would be 6m which is sufficient for a car to stop in between in case of an emergency. However the CHA note that Drayton Road is very lightly-trafficked and situations when two vehicles meet along this section would be rare.

Notwithstanding the above the CHA has reviewed the location and design of the passing bays and consider them to be restricted due to the number of timber posts shown on the plans (WYG drawing ref: A101664-35-18-003 Rev A).

Road Safety Considerations

The Applicant has indicated that given the width of verges and that the posts are 0.6m from the edge of carriageway, there would still be sufficient space for horse riders. To alleviate potential concerns about the impact of the proposed development and potential passing bays the Applicant has submitted a report from Mrs Peta Roberts F.B.H.S (Fellow of British Horse Society). The report highlights that some horse riders have objected to the proposals because it would make the road in their opinion less safe for them to ride on.

Notwithstanding, the report concludes that the posts are wide enough apart at 6m for a rider to go between them and high enough so the horse will not trip over them. The report also suggests that the Applicant trims the trees and hedges to make it easier to ride between the posts and the hedges. However the report does not take into account the recent LPA request to reduce the height of the posts from 1.2m to 900mm.

The Applicant has suggested that the erection of the timber posts could also act as a deterrent for people who currently park along the road (e.g. dog walkers) and encourage them to park elsewhere in a more appropriate location e.g. further to the south or along Holt Road.

Maintenance Liability

The Applicant has confirmed that he will accept responsibility for maintenance of the posts and have a suitable level of insurance to remove all liability from the CHA. This should be subject to a condition should the LPA be minded to grant planning permission.

Conclusion

On balance the CHA does consider that this development will have a severe impact on the future operation of the highway network in Nevill Holt and would advise the LPA to consider refusing the application. However the CHA may look more favourably on a revised scheme which takes into account the LPAs request for a reduction in height of the posts (from 1.2m to 900mm) and does not restrict access to the proposed passing bays.

- 6.15 The Agent has been asked to amend the plans in line with the Highways Officer's comments in order to overcome their concerns. This will be reported in the Supplementary Information.
- 6.16 The Case Officer queried part of the justification for the posts with the Agent *'I also note that you state that 'the grass verges are continually damaged by vehicles'. I question this as the road is such a low trafficked country lane, the need to go on the verge is therefore very limited. I consider that the problem is in fact the Opera enterprise and that the volume of traffic that arrives at the site for an event, results in this conflict that means cars go on the verge. If this is the case then clearly the solution is that traffic on event days needs to be managed better.'*

- 6.17 The Agents reply was as follows:
'I note your comments regarding the Opera traffic, however the opera is only 6 events over 2 weeks in the summer. Normally the verges are dry and so if traffic does run on them it does not cause a problem. It is the winter months when vehicles drive on the verges causing mud to be brought onto the carriageway.'
- 6.18 Equestrian information was submitted to the Local Authority in response to third party concerns. The Equestrian consultant concludes that the posts will not pose a significant hazard to horse riders. They are wide enough apart for a rider to go between them to access the verge and tall enough that the horse can not trip over them, it is suggested that the hedges and trees are pruned. It will make the road safer for pedestrians and for the majority of riders. However, it will make it more difficult to ride and lead. Or to ride two a breast, and could pose a serious hazard if someone had a seriously traffic shy horse.

d. Other issues:

- 6.19 Members should be aware of the fall back position for the proposed posts. If they reduced the heights of the posts to less than 1metre and filled in the gaps between the timber posts with close boarded fencing this would be Permitted Development under Part 2, Class A General Permitted Development Order 2015 (although the Council do not have a CLU before the Council). This clearly will have a significantly greater impact upon the setting of the listed building and the rural area.
- 6.20 In terms of the existing posts along The Avenue, the 0.9m timber posts in the Avenue, also require planning permission. However, the applicant has decided to wait until the outcome of the planning application before submitting an application for the posts. The Posts were erected in December 2014. Members should note that as above, whilst there is no Certificate of Lawfulness application before the Council for consideration, the applicant can erect a close boarded fence in between the posts or other means of enclosure under Part 2, Class A General Permitted Development Order 2015 and the proposal would be Permitted Development. This fall-back position could be implemented but is a significantly more obtrusive structure in the rural heritage landscape than the existing posts. Therefore if the Avenue of posts did result in the possibility of enforcement action it would not be reasonable or in the public interest to take action as the permitted development position is worse.



Timber posts to The Avenue.

7. Conclusion

- 7.1 The proposal, does not adversely affect the setting of the listed buildings and Registered Park, the character and appearance of the rural area and highway safety. The proposal is therefore in accordance with policy CS11 and CS17 of the Harborough District Core Strategy.

Conditions:

1. Commencement

The development hereby permitted shall be begun before the expiration of three years from the date of this permission. REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Revised plans

This consent relates to the application as amended by revised plan no. 001 Rev E and 003 Rev A attached to and forming part of this consent. REASON: For the avoidance of doubt.

Planning Committee Report

Applicant: Mr Andrew Scott

Application Ref: 17/01969/FUL

Location: 2 The Walled Garden, West Langton Road, West Langton

Proposal: Erection of a detached garage

Application Validated: 17.11.2017

Target Date: 12.01.2018 (Extension of Time Agreed)

Consultation Expiry Date: 02.03.2018 (LCC Trees consultation – comments received 20.02.2018)

Site Visit Date/s: 13.12.2017

Case Officer: Nick White

Recommendation

Planning Permission is **APPROVED**, for the reasons set out in the report and subject to the appended Planning Conditions (Appendix A).

Recommended Justification Statement:

The proposal, by virtue of its design (form, mass, scale, proportions, style and materials), would be in keeping with the character and appearance of the site and its surroundings, would not cause harm to the amenities of neighbouring residents or general amenities in the area, would not adversely affect ecological, archaeological or arboricultural interests, would not exacerbate flood risks, and would not cause detriment to highway safety. The proposal would preserve the special architectural and historic merit (the setting and significance) of Listed Buildings/assets in the locality. The proposal would preserve the special landscape character and special historic interest of the West Langton Registered Park and Garden. The proposal accords with Policies CS8, CS10, CS11 and CS17 of the Harborough District Core Strategy and no other material considerations indicate that the policies of the Development Plan should not prevail. The decision has been reached taking into account, inter alia, Paragraphs 186 and 187 of the Framework and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

1. Site, Surroundings and Application Background

- 1.1 The application site relates to a detached dwellinghouse and its associated garden. The dwellinghouse and the garden which it was provided with at the time it was built all lie within the former Walled Garden of West Langton Hall. This was the planning unit of No.2 The Walled Garden at the time it was constructed and first occupied.
- 1.2 West Langton Hall and its stable block were Grade II Listed on 21 July 1951. The brick wall of the Walled Garden is considered to be a Curtilage Listed structure – it lay within the curtilage (and planning unit) of West Langton Hall on the date which the Hall was Listed, it had a strong functional association and ancillary/subordinate use to the Hall, it was within the same ownership as the Hall (historically and at the date of Listing), and other matters such as spatial proximity and physical factors (e.g., interconnecting paths) indicate a pertinent relationship. By virtue of this

determination, it follows that the enclosed land within the Garden Wall represents part of the curtilage of a Listed Building.

- 1.3 Part of the garden of the application dwelling lies outside the Listed Garden Wall and it is upon this partitioned plot of land that the Applicant proposes to erect a detached garage building. The garden area outside the Listed Garden Wall today forms part of the residential (C3 Use) planning unit of No.2 The Walled Garden.
- 1.4 The Listing Description for West Langton Hall states that “the gardens were listed Grade II in the Register of Parks and Gardens of special historic interest in England.” This Registered Park & Garden encompasses the application site. Registration is a 'material consideration' in the planning process, meaning that planning authorities must consider the impact of any proposed development on the landscape's special character and special historic interest.



(Source: Uniform Mapping)



(Source: Google Maps)

- 1.5 The Applicant submitted 17/01222/CLU “Certificate of Lawfulness of Proposed Development for the erection of a garage” on 20th July 2017. The application sought to demonstrate that the partitioned plot of land (outside the Walled Garden) does not lie within the curtilage of a Listed Building (and, following on from this, that the proposed garage would thus be Permitted Development). However, Officer analysis and HDC Legal Opinion of the evidence arrived at a different conclusion; that being that the partitioned plot of land represented part of the physical and functional curtilage of West Langton Hall on the date which the Hall was Listed. The partitioned plot of land is considered to fall within the curtilage of a Listed Building for

the purposes of the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 and The Town and Country Planning (General Permitted Development) (England) Order 2015. The Applicant has requested that determination of 17/01222/CLU is put on hold pending the outcome of the current Planning Application for the garage.

- 1.6 The partitioned plot of land where the garage is proposed has, within the past several years, been demarcated by the current owner: on its southern side by a brick and timber wall; on its western side by a mixed species hedge and timber post and rail fence (with trellis above); and on its northern side by timber close boarded fencing and timber close boarded vehicular gates.
- 1.7 The southern boundary wall (which is attached to the Listed Garden Wall) was granted Planning Permission and Listed Building Consent under applications 12/00435/FUL and 12/00534/LBC.
- 1.8 Curtilage Listed Walled Garden wall on left, and southern boundary wall/fence:



(Source: Application 17/01222/CLU; Heritage Note; Appendix 5.1.)

1.9 Southern boundary wall/fence, seen from outside the site to the south:



(Source: Application 17/01222/CLU; Heritage Note; Appendix 5.5.)

1.10 Southern boundary wall on left of image. Western boundary hedge/fence/trellis, with pasture land beyond:



(Source: Applicant photograph.)

1.11 The northern boundary fence (for which Planning Permission is required, but has not been obtained) appears to have been erected in excess of 4 years ago (based on a

balance of probability assessment of photographic and planning history evidence). Therefore, it appears likely that the fence may be exempt from Enforcement action.

1.12 West and north boundary fences:



(Source: Applicant photograph.)

1.13 The partitioned plot of land which features in the current planning application was granted a Certificate of Lawfulness of Existing Use for the use of land as residential garden (C3 Use) by application 14/00323/CLU.

1.14 Given...

- the Certificate determining use as residential garden; and
- the enclosing boundary treatments...

it is clear that the partitioned land is in residential use as part of the current planning unit of No.2 The Walled Garden. It is, however, noted that the partitioned land's current ownership and its spatial and functional integration into the planning unit of No.2 The Walled Garden does not alter Officer opinion that the land is part of the curtilage of a Listed Building (given the circumstances at the time West Langton Hall was Listed).

1.15 In accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, 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. This primarily relates to the Curtilage Listed Walled Garden wall, but also requires consideration of whether there would be impacts on the setting of the West Langton Hall Listed Building and the Listed Stable Building (which has been converted into dwellings).

- 1.16 There are no Public Rights of Way in the locality from where the garage would be conspicuous. Given land topography and intervening foliage / buildings / structures between the site and public highways, as well as distance separations, the proposal would be discreet from the public realm.
- 1.17 All foliage / trees within the site have been removed by the current owner. This includes the felling of substantial specimens, the canopies of which can be observed in the above aerial images in this report (images date from circa 2012). It is noted that substantial specimens exist near to the proposed garage, including a Category A1 Turkey Oak tree. These neighbouring trees are considered in the following assessment.
- 1.18 There is a step down of approximately 140mm from the garden inside the Walled Garden to the garden outside the wall. Land levels then generally slope downhill from east to west, away from the Listed Wall. The change in level is considered to be sufficient to require qualification of the proposed floor level of the garage and the related access / turning areas. The handling of levels (and any requisite lowering or building up of levels) can have arboricultural (tree root plate) impacts, as well as visual impacts.

2. Site History

- 2.1 The site has the following planning history:

Application No.	Decision / Date	Nature of Development
17/01222/CLU	Pending Refusal	Certificate of Lawfulness of Proposed Development for the erection of a garage
14/00323/CLU	Approved 14.05.2014	Certificate of Lawfulness of Existing Use for the use of land as residential garden (C3 Use)
13/01254/FUL	Refused 18.10.2013	Erection of orangery to walled garden <i>By virtue of the scale, position and design, the proposal would result in substantial harm to a grade II listed building and its setting, the curtilage listed walled garden and the setting of the Registered Park and Garden. The substantial harm would not be outweighed by any significant public benefits. As such the proposal is contrary to Harborough District Core Strategy Policy CS11, Harborough District Supplementary Planning Guidance Note 5 and the NPPF (Part 12).</i>
12/00534/LBC	Approved 27.06.2012	Erection of extension to garden wall
12/00435/FUL	Approved 27.06.2012	Erection of a wall

01/00042/FUL	Approved 07.03.2001	Erection of and retention of existing boundary walls and retaining walls. Installation of demarcation to common access areas, and installation of blocking paving. Retention of drainage arrangements. 1, 2, 3, 4, and 5
98/00632/FUL	Approved 02.12.1998	Erection of 3 detached dwellings (Plots 1, 2 and 4)
97/00082/3L	Approved 21.05.1997	Partial demolition of section of wall in connection with development for erection of 5 no dwellings and formation of access
97/00081/3Z	Approved 23.04.1997	Variation of condition 1 of planning consent 92/1029/3O to allow 5 years for submission of reserved matters
97/00080/3R	Approved 21.05.1997	Erection of 5 no dwellings with access within walled garden
92/01029/3O	Approved 21.10.1992	Erection of 5 no dwellings with garages
88/02253/3O	Approved 23.06.1989	Erection of 5 dwellings and garages

3. The Application Submission

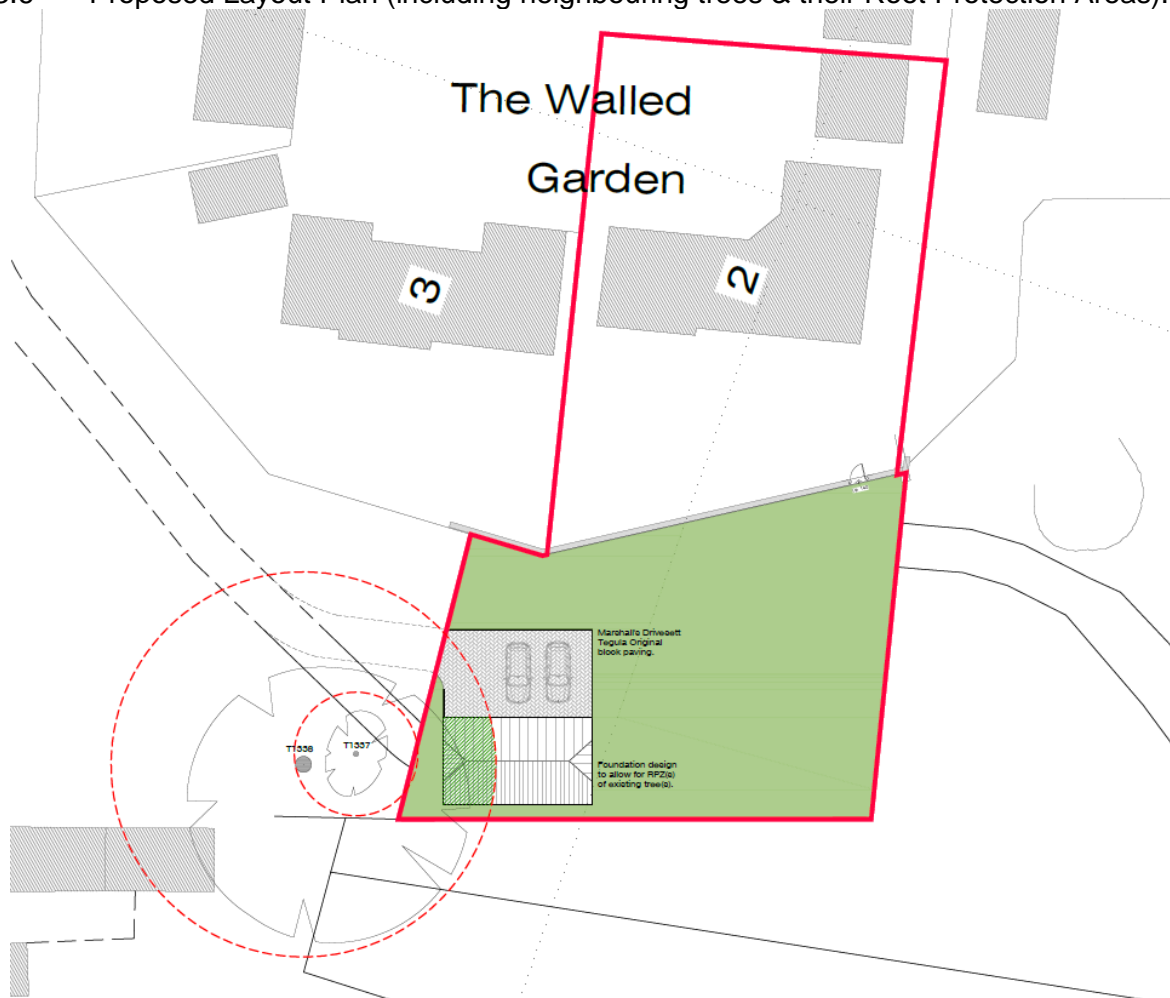
a) Summary of Proposal

- 3.1 The proposal seeks detailed planning permission for the erection of a detached triple bay garage. Externally, the garage would measure 6m in front-to-rear depth, by 10.25m in width, 2.4m to eaves and 5.5m to maximum ridge height.
- 3.2 The garage is proposed to be set in the northwestern corner of the site, away from the Listed Garden Wall.
- 3.3 A pitched roof, Dutch hip and exposed rafter feet design is proposed. The style of the garage, combined with its materials, seeks to articulate a semi-rustic aesthetic to the garage structure, which respects its rural context and domestic function, as well as the setting of Listed assets.

MATERIAL KEY

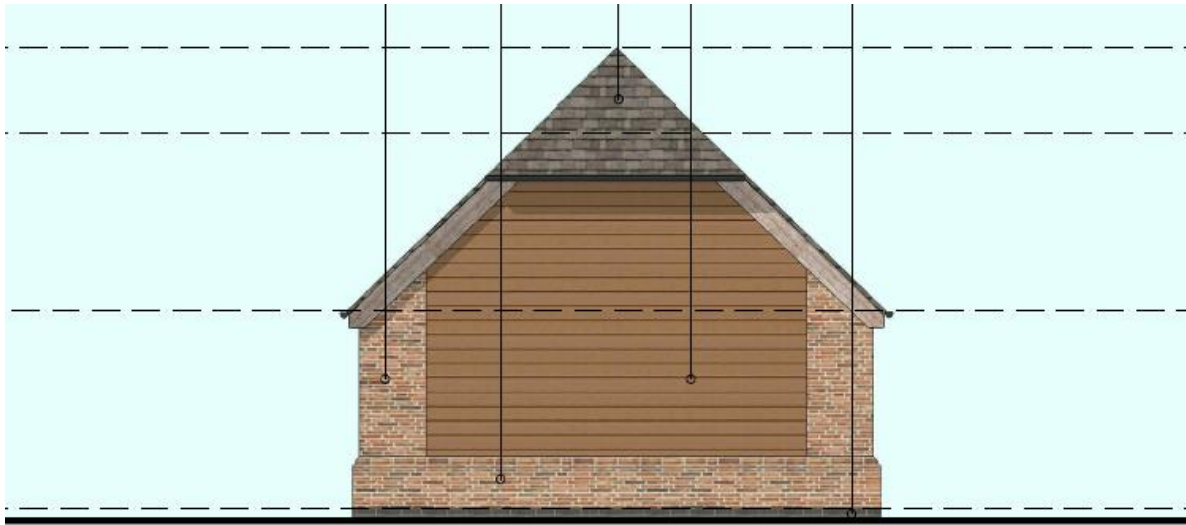
- 01 Natural slate
- 02 Facing brickwork to match existing house
- 03 Brickwork plinth
- 04 Painted timber doors with black door furniture
- 05 Engineering brick
- 06 Timber cladding

- 3.4 A hardstanding area constructed from “Marshalls Drivesett Tegula Original Block Paving” is proposed in front of the garage building.
- 3.5 Access to the garage would be via an existing access track which stems from the Main Langton Hall access route and wraps around the north and west sides of the Walled Garden.
- 3.6 Proposed Layout Plan (including neighbouring trees & their Root Protection Areas):



3.7 Proposed Elevations:





Proposed side elevation

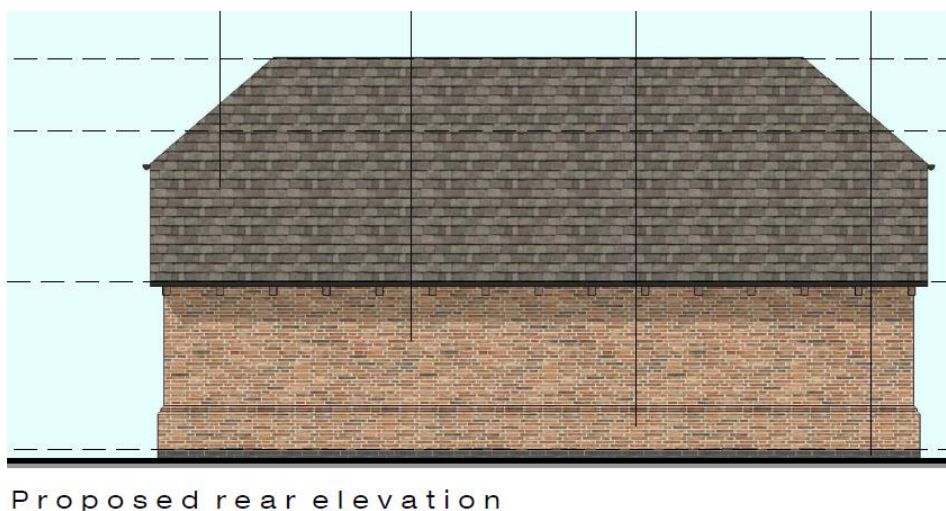


Proposed rear elevation

b) Amended Plans and Additional Information

- 3.8 Additional arboricultural and ecological information has been submitted during the application process, in order to address the information requirements of County Officers appraising the application.
- 3.9 A minor amendment to the rear elevation materials has been submitted by the Applicant. The Applicant has sought to soften and harmonise the appearance of the garage from the adjacent pasture land (which is also Registered Parkland) by proposing timber board infill materials on the rear elevation instead of wholly brick. The amendment would match the side elevation design. Given the minor and beneficial nature of this change, consultee and public re-consultation was not judged to be required.

3.10 The following plan shows the superseded rear elevation plan (full brickwork):



c) Plans and Statements / Documents For Assessment

i. Plans

3.11 The Applicant is seeking determination based on the following plans:

- Site Location Plan (Drawing Number: 1486 P01; dated 07-11-2017);
- Existing Site Plan (Drawing Number: 1486 P02; dated 07-11-2017);
- Proposed Site Plan (Drawing Number: 1486 P03; Revision A; dated 09.11.17);
- Proposed Garage elevations and floor plans (Drawing Number: 1486 P04; Revision B; dated 16.02.18).

ii. Supporting Statements / Documents

3.12 The Applicant has submitted the following supporting documents / information:

- Planning Statement Covering Letter (Marrons Planning: 05 December 2017);
- Design & Access Statement (Staniforth Architects: November 2017);
- Additional Ecology information and photographs (Marrons Planning: by email 18 December 2017 17:05);
- Tree Survey, Tree Survey Key and Tree Survey Appendix 1 (Tim Alden Arboricultural Consultants; 25/1/2018).

d) Pre-application Engagement

3.13 Informal pre-application advice has been provided to the Applicant advising that the principle of a garage is considered to be acceptable (given the authorised residential use of the land).

3.14 The size, design and materials of the garage, as submitted, have been informed by Planning Officer recommendations. The Applicant has reduced the footprint size and height of the garage before submission in response to Officer advice.

4. Consultations and Representations

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

a) Statutory & Non-Statutory Consultees

4.3 Leicestershire County Council Archaeology

Recommends that any planning permission be granted subject to a planning Condition in order to safeguard any important archaeological remains potentially present.

4.4 Leicestershire County Council Ecology

06.12.17 – Requested that survey work be undertaken.

19.12.17 – Following submission of additional information by the Applicant, the request for survey work was withdrawn.

10.01.18 – “I have reviewed the public objections to this application, and (whilst I accept that the nearby woodland has high wildlife value - we hold records of protected species in the wood) the actual site of the proposed development is mown, improved grassland, as evidenced by the photographs that have been submitted to me. The site appears to be managed as garden and will have minimal wildlife value; there is a clear fence between the application site and the woodland, and I do not feel that there can be any ecological value to the land that would be impacted by this minor development. I do not feel it would be justifiable to require any ecological investigation of this low-value habitat.”

4.5 Leicestershire County Council Forestry and Arboricultural Officer

No objections. Final comments received 20.02.18 advising:

“From the aspect of effects on the large oak tree, the incursion into the RPA is small - I estimate about the same as they have - 3 to 4%, for the building. If they used a pile and beam there would in my opinion be no adverse effects. There is also the incursion of the access drive, which might well be double this amount, but if this were constructed using a no-dig cellular confinement system on top of existing levels and a porous surface, I foresee no difficulties. Perhaps conditions on these elements: -

Foundation and Driveway / Hard Standing Methodology:-

A pile and beam method of construction for the garage foundations is likely to be required. A no-dig cellular confinement system on top of existing levels and a porous surface is likely to be required for the driveway / hard standing areas.

Foundation and Driveway / Hard Standing Scheme Condition: -

No development or site works shall take place on site until a "Foundation and Driveway / Hard Standing Construction Method Statement" has been submitted to

and approved in writing by the Local Planning Authority. The Statement shall provide for a detailed foundation and driveway / hard standing methodology to account for the Root Protection Area of trees in the locality. Thereafter, the development shall be implemented in accordance with all measures detailed within the approved Statement.

REASON: In the interests of visual amenity (the character and appearance of the proposed development and the surrounding area, which includes the setting of Listed assets), to protect arboricultural and ecological interests and to accord with Policies CS8, CS11 and CS17 of the Harborough District Core Strategy.”

4.6 HDC Conservation Officer

The draft pre-application plans for the garage were discussed with the Conservation Officer. They expressed informal support for the proposal's location (set away from the Listed Walled Garden wall), and stated that its reduced size, its design and its materials appeared to be acceptable.

The following formal comments have been received for this application:

“The proposed garage is simple in design and will be constructed of materials appropriate for the area. In my opinion this is a small addition to the registered park within the grounds of the Listed Building, and is designed appropriately for its function and setting. Therefore it is considered that the development will not harm the significance of the setting of the Heritage Assets in accordance with Chapter 12 of the NPPF.”

4.7 Leicestershire County Council Highways Authority (LCC HA)

Not consulted. The proposal is not considered to give rise to highway safety concerns owing to its significant set away from the public-highway, the nature of the proposal and the extant use of the site / locality. No access, turning, parking, intensification of use, or other public-highway concerns are judged to exist.

4.8 West Langton Parish Meeting “comment from the Chair and Clerk”

Outlines some recent site history, notes that the application lacks an ecology survey and that LCC Ecology has registered a holding objection on these grounds, and notes that the Applicant does not appear to have provided any evidence that the development would not have an adverse impact on archaeological assets.

b) Local Community

4.9 12 objection letters have been received from 7 addresses, 6 support letters have been received from 6 addresses and 1 general comment has been received.

4.10 Objectors raise the following points:

- The proposal's 'location, scale, mass and design' cause concern and it is surely a harmful 'unjustified development' in open countryside.
- The proposed development falls within the curtilage of the listed Hall and the proposal would harm the setting of Listed assets and the historic Registered Park and Garden.

- The proposal would further destroy the cohesiveness and Curtilage Listed Garden Wall structure as a historical feature.
- Despite the applicant proposing to use good quality materials this development is an incongruous intrusion into this historic landscape and would, therefore, be unsympathetic to the character and heritage of its setting.
- The proposed building adjoins open countryside and will be visible from West Langton Road.
- The development is contrary to the promotion of sustainable development.
- The application fails to demonstrate that it will have no adverse impact on valuable archaeological assets in the area of West Langton.
- Concerns about ecology and biodiversity impacts.
- Concerns about impact on trees.
- Concerns about additional traffic and intensification of use of the access track which runs around the Garden Wall to the site, which would harm the safety and tranquillity of this area.
- Resulting emissions would damage a valuable ecological resource and increase our carbon footprint.
- It is not a necessary development and would adversely change the nature of the whole Langton Hall Estate.
- Concerns about precedent.
- Pre-application Planning Officer advice is informal and must be viewed as such and non-binding.

4.11 Supporters and the neutral observer raise the following points:

- The site cannot be seen from the road and it is a good location for a garage.
- The location is discrete and hidden from any other than limited visibility by an immediate neighbour.
- The appearance of the building on the plan looks of high quality and attractive. Its construction would certainly help Mr Scott house his cars. Our only caveat is that we would not want to see any further residential development on the land adjoining the garage. Other than that we think the application should be approved.
- I think the design is very much in keeping with the environment and surrounding properties and I approve of the application.
- Although the garage has the capacity to accommodate additional vehicles that will not result in additional traffic or negative environmental issues since the vehicles are owned by a single individual.

5. Planning Policy Considerations

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

a) Development Plan

- 5.3 The DP for Harborough comprises:

- The Harborough District Core Strategy adopted November 2011; and
- The saved policies of the Harborough District Local Plan (HDLP) adopted April 2001.

5.4 *Harborough District Core Strategy*

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

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

b) Material Planning Considerations

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

5.6 *The National Planning Policy Framework (The Framework / NPPF)*

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

5.7 *National Planning Practice Guidance*

5.8 *Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66*

Section 66 (1) imposes the following duty on Local Planning Authorities:

“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.”

Core Strategy Policy CS11 and Part 12 of the NPPF are also pertinent in this respect.

5.9 *New HDC Local Plan*

5.10 *Supplementary Planning Guidance*

The following SPGs are considered to be most relevant:

- SPG Note 1: Design Principles to be Applied in Harborough District
- SPG Note 2: Residential Development
- SPG Note 3: Single Plot Development and Development of Small Groups of Dwellings and Residential Development within Conservation Areas

- SPG Note 4: Residential Development in the Countryside
- SPG Note 9: Landscape and New Development

5.11 *Circular 11/95 Annex A – Use of Conditions in Planning Permission*

5.12 *ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)*

c) Weight to be attached to the Development Plan & Material Considerations

5.13 The Development Plan is considered to be up to date and robust for the purposes of this planning application assessment.

5.14 Further material considerations are evaluated in the “Assessment” Section 6 of this report, below.

d) Reason for Committee Decision

5.15 This application is to be determined by Planning Committee owing to the number of representations received which are contrary to the Officer recommendation.

6. Assessment

a) Principle of Development

6.1 The site possesses an established residential use. The land parcel outside the Walled Garden wall has been partitioned by domestic walling and fencing, thereby changing its character and appearance. The site lacks visual contiguousness with the open pasture land and countryside to the west. The principle of a residential garage on this land is, therefore, judged to be acceptable, subject to other material considerations. For example, the proposal must not harm the character and appearance of the site and its surroundings, must preserve the historic merit, legibility and setting of listed assets and the Registered Park and Garden, must protect ecological, arboricultural, archaeological and drainage interests, and must not cause significant harm to neighbouring amenities.

6.2 Private / personal use Conditions should only be used in exceptional circumstances. Such Conditions are not judged to be necessary or reasonable in this instance; they would not accord with the ‘6 tests’ for Planning Conditions.

b) Technical Considerations

1. Design and Visual Amenity, Including Impact on the Setting of Listed Assets and the Registered Park and Garden

6.3 The proposal is judged to be well designed. It would be unobtrusive from the public realm.

6.4 The footprint size of the garage is considered to be commensurate with its intended use for storing 3 private vehicles.

6.5 The garage is set away from the Listed Walled Garden wall, thereby seeking to preserve the legibility of the wall; i.e., to not encroach upon how the wall can be

viewed/read as a cohesive element; to not appear cramped against the wall. The compromising effects of the existing modern garden wall/fence and the close boarded fence are noted in this assessment. The proposal would preserve the special architectural and historic merit (the setting and significance) of the Listed wall and the main Listed Hall and its curtilage.

- 6.6 The style and other design aspects of the garage are considered to be acceptable – its brick plinth, brickwork, timber board panelling, slate-tiled pitched roof, Dutch hips, exposed rafter feet, timber garage doors and black metal door furniture are all high quality materials / architectural details. The block paving material proposed in front of the garage is considered to be a good quality, acceptable material. The rear elevation of the proposed garage has been amended from brick to be mainly timber infill panelling, in order to present a softer aspect to the parkland (pasture land) beyond. The proposal would preserve the special historic character and appearance of the West Langton Registered Park and Garden. Given the historic sensitivities of the site / locality, a Materials Schedule Condition is recommended to agree the exact materials to be used, for example, the types of bricks, brick bond, roof tiles, ridge tiles, rainwater goods and garage doors.
- 6.7 The proposed garage would be in keeping with the character and appearance of the site and its surroundings; from its rural aspects to the rear/west, its domestic aspects to the front/east and with regard to the sensitivities of its setting within the curtilage of a Listed Building and within a Registered Park and Garden. Special regard has been attached to these latter considerations. The proposal is judged to accord with Policies CS8, CS11 and CS17 of the Harborough District Core Strategy in the above respects.

2. Ecology

- 6.8 LCC Ecology has reviewed the proposal in detail, including taking in to account the comments of concerned local residents. Given the existing character and use of the land and the nature of the proposal, LCC Ecology advises that there are no known ecological constraints to the development.
- 6.9 The proposal is judged to comply with Policy CS8 of the Harborough District Council Core Strategy in the above respects.

3. Archaeology

- 6.10 LCC Archaeology has recommended a Planning Condition to ensure appropriate archaeological investigation and protection of the site should the development be approved. Subject to this Condition, it is considered that the proposal would accord with the archaeological protection objectives of Policy CS11 of the Harborough District Council Core Strategy.

4. Flooding and Drainage

- 6.11 The site lies in a low risk flood zone.
- 6.12 Given the scale of the proposal and the likelihood that a soakaway would be installed to the south of the garage to deal with roof-capture water (or that an alternative sustainable drainage technique would be employed, for example, draining into a

permeable area), it is not judged that there are drainage / flood risk constraints to the development.

6.13 Drainage Conditions are not recommended.

6.14 The proposal is considered to comply with Policy CS10 of the Harborough District Core Strategy in the above respects.

5. Highways

6.15 As noted above in this report at Para.4.7, the proposal is not considered to give rise to harm to public highway safety.

6. Residential & General Amenities

6.16 Given distance separations, orientations, levels, building heights / massing, intervening boundary walls and foliage, window placement between the proposal and neighbouring sites, and the nature of the proposed use (a private domestic garage), the proposal is not considered to give rise to neighbouring amenity harm by way of loss-of-privacy, loss-of-light, overbearing or other amenity conflict.

6.17 The proposal is judged to be acceptable in terms of its residential and general amenity impacts; the proposal complies with Policy CS11 of the Harborough District Core Strategy in these respects.

7. Arboricultural Interests

6.18 The impacts of the proposal on two trees which lie outside the site to the north have been considered – a Yew tree and a Turkey Oak Tree. Both trees have been classified as being of significant merit by the Applicant's arboriculturalist and the LCC Tree Officer; the Yew is classified Category B2 (moderate quality, which should ideally be retained) and the Oak is A1 (the highest quality, which should be retained).

6.19 It has been determined that a specialist foundation and driveway / hard standing design is required to ensure that the garage and its associated access / hardstanding would not cause significant harm to the root protection areas (RPAs) of these trees. This is recommended as a Planning Condition. A Levels Condition is also recommended to protect visual and arboricultural interests.

6.20 Subject to control by Conditions, the proposal is judged to protect arboricultural interests; the proposal complies with Policies CS8, CS11 and CS17 of the Harborough District Core Strategy in these respects.

7. The Planning Balance / Conclusion

7.1 The proposal, by virtue of its design (form, mass, scale, proportions, style and materials), would be in keeping with the character and appearance of the site and its surroundings.

- 7.2 The proposal would not harm the amenities of surrounding residents or general amenities in the area, would not adversely affect ecological, archaeological or arboricultural interests, would not exacerbate flood risks, and would not be detrimental to highway safety.
- 7.3 The proposal would preserve the special architectural and historic merit (the setting and significance) of Listed Buildings/assets in the locality, as well as the special landscape character and special historic interest of the West Langton Registered Park and Garden.
- 7.4 The proposal accords with Policies CS8, CS10, CS11 and CS17 of the Harborough District Core Strategy and no other material considerations indicate that the policies of the Development Plan should not prevail.
- 7.5 The recommendation has been reached taking into account, inter alia, Paragraphs 186 and 187 of the Framework and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. Non-Material Planning Matters

- 8.1 Some local residents have expressed concern about the proposed garage being large enough to function as a separate dwellinghouse. A proposal to change the garage to a separate dwellinghouse would require a further application for planning permission.
- 8.2 The Applicant has applied for an ancillary detached domestic garage to house their private vehicles. The garage would be used in connection with the Applicant's occupation of the No.2 The Walled Garden dwellinghouse.
- 8.3 Current informal Officer advice, based on extant Development Plan policies, National policy and Planning Appeal Case Law, is that the principle of new dwellinghouses in this isolated location (lacking shops, services, pavements, cycleways and public transport links) is not acceptable in principle.

9. Planning Conditions

- 9.1 If Members are minded to Approve the application, a list of recommended Planning Conditions and Informative Notes follows in **Appendix A**.

Appendix A

Recommended Conditions

1. Development to Commence Within 3 Years

The development hereby approved shall begin within 3 years from the date of this permission.

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

2. Approved Plans Reference

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

--Proposed Site Plan (Drawing Number: 1486 P03; Revision A; dated 09.11.17); and
--Proposed Garage elevations and floor plans (Drawing Number: 1486 P04; Revision B; dated 16.02.18).

REASON: For the avoidance of doubt.

3. Materials Schedule

No above ground development shall occur on site until a schedule of the external materials to be used in the development (and material samples if requested) has been submitted to and approved in writing by the Local Planning Authority (bricks, including plinth bricks and brick bond; timber cladding wood type and style; roof tiles and ridge tiles; rainwater goods; garage door material, style and door furniture). Thereafter, the development shall be implemented in accordance with the approved details.

REASON: In the interests of visual amenity (the character and appearance of the proposed development and the surrounding area, which includes the setting of Listed assets and the Registered Park and Garden) and to accord with Policies CS11 and CS17 of the Harborough District Core Strategy.

4. Levels

No development shall commence on site until existing ground levels and the proposed levels of the development (floor level of the garage and any associated driveway / hard standing areas) have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the levels of the development shall be implemented in accordance with the approved details.

REASON: In the interests of visual amenity (the character and appearance of the proposed development and the surrounding area, which includes the setting of Listed assets and the Registered Park and Garden), to protect arboricultural interests and to accord with Policies CS8, CS11 and CS17 of the Harborough District Core Strategy.

5. Foundation and Driveway / Hard Standing Scheme

No development or site works shall take place on site until a "Foundation and Driveway / Hard Standing Construction Method Statement" has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for a detailed foundation and driveway / hard standing methodology to account for the Root Protection Areas of trees in the locality. Thereafter, the development shall be implemented in accordance with all measures detailed within the approved Statement.

REASON: In the interests of visual amenity (the character and appearance of the proposed development and the surrounding area, which includes the setting of Listed assets and the Registered Park and Garden), to protect arboricultural interests and to accord with Policies CS8, CS11 and CS17 of the Harborough District Core Strategy.

6. Archaeology

a.) No development or site works shall commence until a programme of archaeological work has been detailed within a Written Scheme(s) of Investigation and submitted to and approved in writing by the Local Planning Authority. The Scheme(s) shall include an assessment of significance and research objectives; 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 and recording;
- Provision to be made for archive deposition of the analysis and records of the site investigation and recording;
- Nomination of a competent person or persons / organisation to undertake the works set out within the Written Scheme of Investigation.

b.) No development shall take place other than in accordance with the approved Written Scheme(s) of Investigation.

c.) The development shall not be used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme(s) of Investigation, 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 Policies CS8 and CS11 of the Harborough District Core Strategy.

Recommended Informative Notes

1. Building Regulations

The Applicant is 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. 01858 821090). As such, please be aware that complying with Building Regulations does not mean that the Planning Conditions attached to this Permission have been discharged and vice versa.

2. Party Wall Act

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

3. Archaeology Advice

--The Applicant must obtain suitable Written Scheme(s) of Investigation (WSI) for all phases of archaeological investigation from an organisation acceptable to the Local Planning Authority.

--The WSIs shall comply with the LCC Historic and Natural Environment Team's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Chartered Institute for Archaeologists "Standards" and "Code of Practice".

--The WSIs shall include a suitable indication of arrangements for the implementation of the archaeological work and the proposed timetable for the development.

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

4. Foundation and Driveway / Hard Standing Methodology

A pile and beam method of construction for the garage foundations is likely to be required. A no-dig cellular confinement system on top of existing levels and a porous surface is likely to be required for the driveway / hard standing areas.

Planning Committee Report

Applicant: Mr & Mrs Kennedy

Application Ref: 18/00051/FUL

Location: 4 Lathkill Street, Market Harborough, Leicestershire, LE16 9EY

Proposal: Erection of two storey side extension and single storey rear extension

Application Validated: 11/01/2018

Target Date: 08/03/2018

Consultation Expiry Date: 16/02/2018

Site Visit Date: 31/01/2018

Case Officer: Jeremy Eaton

Recommendation

Planning Permission is **APPROVED** for the reasons set out within this report, subject to the Planning Conditions and Informative Notes outlined in Section 8. of this Committee Report.

Recommended Justification Statement:

The extensions hereby approved will respect the character and appearance of the host dwellinghouse and will not result in any adverse harm upon the character and appearance of the local area, including the streetscene to Lathkill Street. In addition, the proposal would not result in any adverse impact in respect of the residential amenity to the current/future occupants of neighbouring properties. Furthermore, the proposal would not result in a sub-standard level of off-street car parking or adversely affect highway safety. Accordingly, the proposal is considered to accord with Harborough District Core Strategy Policies CS1, CS5, CS11 and CS13, "saved" Harborough District Local Plan Policy HS/8 and Supplementary Planning Guidance Note 5: Extensions to Dwellings; 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 paragraphs 186-187 of the National Planning Policy Framework.

1. Site & Surroundings

- 1.8 The application site is located to the western side of Lathkill Street within the Development Limits of Market Harborough. Residential properties, No. 2 Lathkill Street and No.'s 51-59 (odd) Granville Street, adjoin the northern boundary of the site, whilst residential properties, No. 6 Lathkill Street and No.'s 72-80 (even) Bath Street, adjoin the southern boundary of the site. Notwithstanding this, the residential property of No. 59 Lathkill Street also adjoins the eastern boundary of the site.
- 1.2 The site is occupied by a detached two-storey, 3-bedroom dwellinghouse. A small-sized front garden sits to the frontage of the dwellinghouse, whilst a small-sized driveway sits to the south of the dwellinghouse, served by an existing vehicular

access off of Lathkill Street. A large-sized private rear garden lies to the south and west of the dwellinghouse.



Figure 1: Site Location



Figure 2: Front Elevation



Figure 3: Rear Elevation

2. Site History

- 2.1 The application site has previously been the subject of the following planning history:
- 01/00029/FUL - Erection of two storey rear extension - Approved (09.02.2001).

3. The Application Submission

a) Summary of Proposals

- 3.1 This application seeks full planning permission for the erection of a two-storey side extension, and a single-storey rear extension, to the host dwellinghouse.
- 3.2 The proposed two-storey side extension will be set back approximately 2.6m from the existing front (east) elevation building line, albeit it will lie flush with the existing rear (west) elevation building line. It will project approximately 2.6m from the existing side (south) elevation building line, set in from the southern boundary of the application site by approximately 0.15m. Its height would be approximately 5.0m (eaves) and 6.2m (ridge), incorporating a hipped-roof design. It would be clad in facing brickwork to match that existing, under a concrete tiled roof, again to match that existing.
- 3.3 The proposed single-storey rear extension will project approximately 2.6m from the existing rear (west) elevation building line to the host dwellinghouse. Its width would be approximately 5.1m, set in from the northern and southern boundaries of the application site by approximately 0.1m and 0.2m respectively. Its height would be approximately 2.4m (eaves) and 3.5m (ridge), incorporating a simple lean-to roof design with 3 no. rooflights proposed within the roof slope. It would be clad in facing brickwork to match that existing, under a concrete tiled roof, again to match that existing.

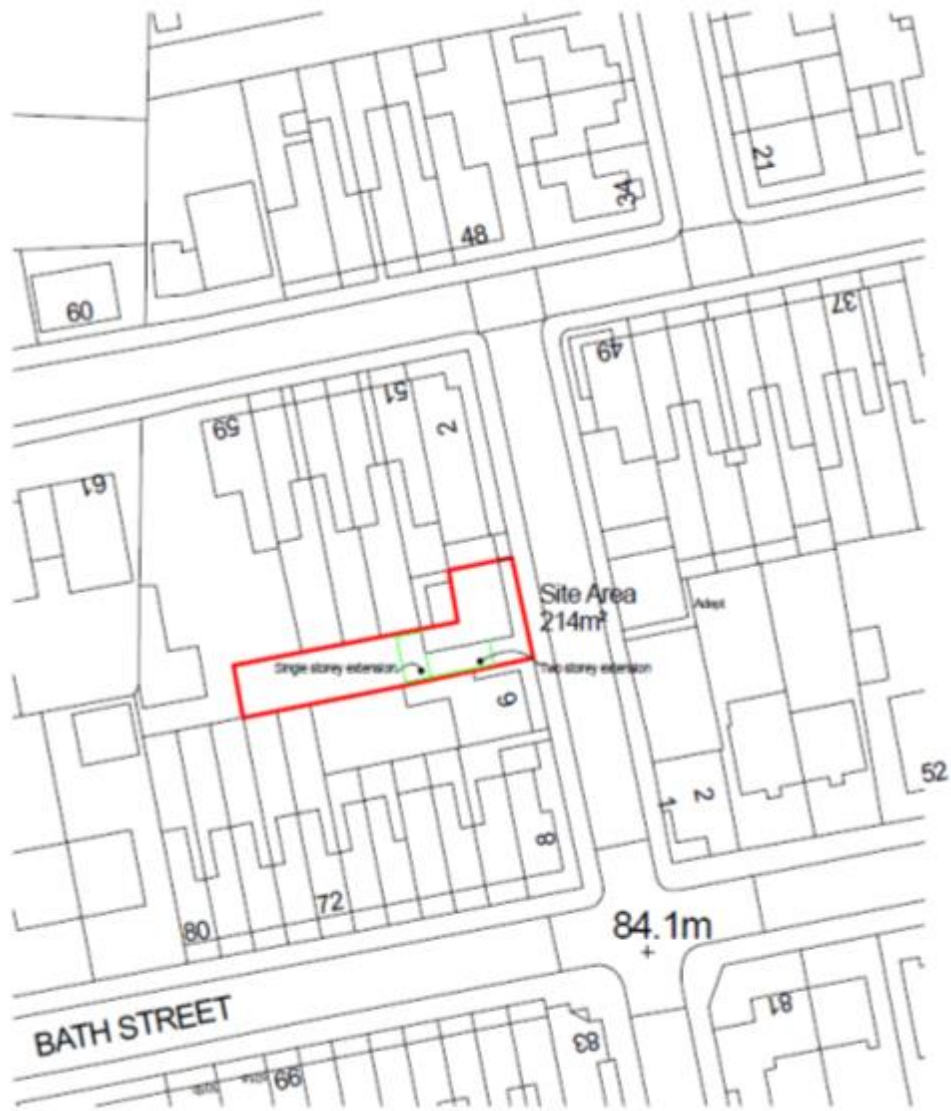


Figure 4: Proposed Block Plan



Figure 5: Proposed Ground Floor Plan

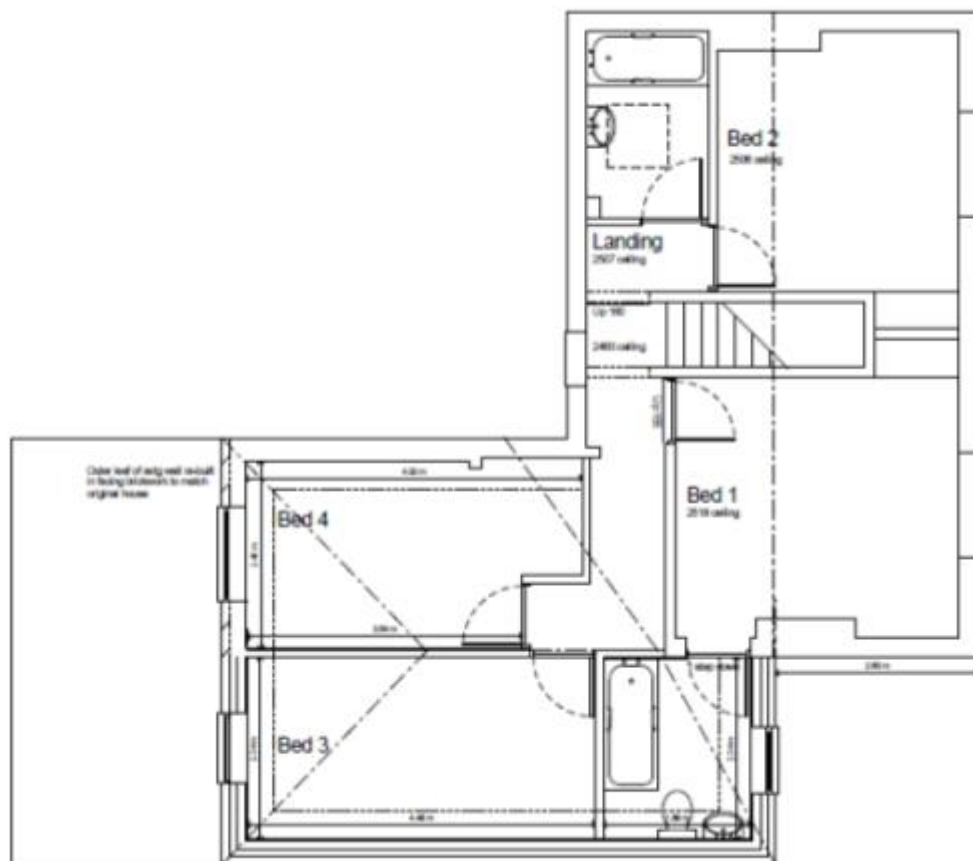


Figure 6: Proposed First Floor Plan



Figure 7: Proposed Elevations

b) Documents submitted

i. Plans

3.4 The application has been accompanied by the following plans:

- Drawing No. 1A (Block Plan and Location Plan);
- Drawing No. 2- (Outline Survey Ground Floor);
- Drawing No. 3- (Outline Survey First Floor);
- Drawing No. 4- (Outline Survey Elevations);
- Drawing No. 5A (Outline Proposal Ground Floor);
- Drawing No. 6C (Outline Proposal First Floor); and
- Drawing No. 7C (Outline Proposal Elevations).

ii. Documents

3.5 The application has been accompanied by the following documentation:

- Application Form.

c) Pre-application Engagement

3.6 Prior to the submission of this planning application, the proposal was not the subject of a pre-application enquiry.

4. Consultations and Representations

- 4.1 Consultation with statutory consultees and the local community were carried out on the application.
- 4.2 A summary of the statutory consultee responses received is set out below. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

Market Harborough Civic Society

- 4.3 No comments.

b) Local Community

- 4.4 No letters of representation had been received in connection with this planning application.

5. Planning Policy Considerations

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

a) Development Plan

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

Harborough District Core Strategy

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

- Policy CS1 (Spatial Strategy);
- Policy CS5 (Providing Sustainable Transport);
- Policy CS11 (Promoting Design and Built Heritage); and
- Policy CS13 (Market Harborough).

Harborough District Local Plan (“saved policies”)

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

b) Material Planning Considerations

5.6 Material Planning Considerations relevant to this application are:

- The National Planning Policy Framework (The Framework/NPPF);
- National Planning Practice Guidance (PPG);
- Supplementary Planning Guidance Notes 5; and
- Emerging Local Plan.

Consultation on the Harborough Local Plan 2011 to 2031 Proposed Submission ran until 17th November 2017. The consultation period originally ran for a period of 6-weeks, from 22nd September 2017 to 3rd November 2017, however, this period of consultation was extended for a further 2-weeks.

c) Other Relevant Documents

5.7 The following documents should be noted:

- Circular 11/95 Annex A – Use of Conditions in Planning Permission;
- ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System);
- Building for Life 12 (BFL12) (2012); and
- Leicestershire County Council Highways Authority 6Cs (Highways) Design Guide.

d) Other Relevant Information

Reason for Committee Decision

5.8 This application is to be determined by Planning Committee as one of the Applicants is an employee of Harborough District Council.

6. Assessment

a) Principle of Development

6.1 Subject to the proposal complying with the relevant planning policies and guidance outlined above, the principle of extending a residential dwellinghouse is considered to be acceptable.

b) Technical Considerations

1. Scale and appearance

6.2 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.*”

6.3 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."*

- 6.4 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."*
- 6.5 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."*
- 6.6 "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.
- 6.7 Supplementary Planning Guidance (SPG) Note 5 states:
- Paragraph 2.1 *"A well designed extension can improve the appearance and value of a building."*
- Paragraph 2.2 *"A bad design can let down a buildings appearance, devalue the property and adversely affect the overall character and residential quality of the neighbourhood. A planning application for an extension which is considered to be a poor design or one which unacceptably affects a neighbouring property will be resisted by the Council."*
- Paragraph 3.2 *"Extensions to properties should be in keeping with and subservient to the original building in terms of scale, mass and design. Particular consideration should be given to detail, for example; roof pitch, span and window emphasis, i.e. vertical or horizontal."*
- Paragraph 3.4 *"Extensions to properties should normally be constructed in materials to match in type, colour and texture, those used on the original building, unless the District Council is satisfied a contrast in materials would serve as an enhancement to the property."*
- Paragraph 3.6 *"Take care in matching materials to blend old and new work. Using different materials or styles could spoil the whole appearance of your house."*
- 6.8 It is considered that the proposed extensions, by virtue of siting, scale, massing, appearance and material treatment, would represent subservient extensions, which will respect the character and appearance of the host dwellinghouse.

- 6.9 With regard to the streetscene to Lathkill Street, it is considered that by virtue of siting of the host dwellinghouse within the immediate section of the street, and the siting of the proposed extensions, the two-storey side extension of which will be set back from the front building line by approximately 2.6m, combined with the scale, massing, appearance and material treatment of that proposed, the proposal would not appear incongruous nor overly prominent. Accordingly, it is considered that the proposed development will not result in any adverse harm to the visual amenity of the streetscene to Lathkill Street.
- 6.10 In view of the above, it is considered that the proposal will be acceptable in design terms, in keeping with the character and appearance of the local area, especially the visual amenity to the streetscene to Lathkill Street.
- 6.11 Accordingly, it is considered that the proposed development would be in accordance with the provisions of Policy CS11 of the Harborough District Core Strategy, “saved” Policy HS/8 of the Harborough District Plan and the guidance contained within SPG Note 5. Furthermore, it is considered that the proposed development would be in accordance with the relevant provisions of the NPPF.

2. Amenity

- 6.12 Paragraph 17 of the NPPF *“seeks to secure a high quality design and good standard of amenity for all existing and future occupants of land and buildings”*.
- 6.13 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.”*
- 6.14 “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.
- 6.15 In order to objectively assess the impact of the proposed development upon existing residential amenity, the Council has adopted Supplementary Planning Guidance (SPG), SPG Note 5, which relate to matters of design.
- 6.16 The guidance states that there are three main ways in which development can impact upon residential amenity:
- Loss of light (overshadowing);
 - Loss of privacy (overlooking); and
 - The erection of an over dominant or overbearing structure (outlook).
- 6.17 The neighbouring properties which would potentially be most affected by the proposed development would be No. 6 Lathkill Street and No. 51 Granville Street. It is considered that none of the other neighbouring properties would be adversely affected by virtue of that proposed.
- 6.18 The application site is orientated to the north of the neighbouring property, No. 6 Lathkill Street. The proposed two-storey extension proposed to the southern (side) elevation of the host dwellinghouse would project approximately 2.6m from the existing southern building line of the original dwellinghouse, and would be inset approximately up to 0.15m from the southern boundary of the application site (that shared with No. 6), and would be located approximately 1.0m from the northern

(side) elevation of the neighbouring property's dwellinghouse. The extension's length will be approximately 6.85m, set back approximately 2.6m from the front (east) elevation building line of the host and neighbouring property's dwelling houses. The extension would project approximately 1.4m from the rear (west) elevation building line of the neighbouring property's dwellinghouse.

- 6.19 The neighbouring dwellinghouse's (No. 6) northern (side) elevation has a blank gable end elevation, except for a single, obscurely glazed window at first floor level, which is understood to serve a non-habitable room (either a landing or bathroom), facing the common boundaries between the two properties.
- 6.20 In view of the orientation of the application site and proposal in context of the neighbouring property, and the level of separation proposed, it is considered that the proposed two-storey side extension, by virtue of its siting, height, scale and massing, would not be unduly overbearing upon the side elevation of the neighbouring property, nor would there be any significant harm in respect of the neighbouring property's side elevation and access to natural day light, especially as the only window to the side elevation serves a non-habitable room. Furthermore, in view of the orientation of the two properties, there are no concerns in respect of neighbouring property's access to sun light.
- 6.21 With regard to No. 6 Lathkill Street and its rear (western) elevation, based on the guidance contained within SPG Note 5, whereby a 45-degree line is drawn from the centre of the habitable room windows to the neighbouring property's rear elevations, the proposed two-storey side extension in its entirety would not cross this 45-degree line. Therefore, it is not considered that the proposal would result in an overbearing structure nor result in any undue loss of natural day light to the neighbouring property's rear elevation; nor is it considered that the proposed extension would unduly impact the neighbouring property's rear private amenity space in respect of potential for loss of natural day light. Furthermore, in view of the orientation of the two properties, there are no concerns in respect of neighbouring property's access to sun light.
- 6.22 There are no concerns in respect of there being increased potential for the proposed extension to overlook the neighbouring properties and/or their private amenity spaces than that existing. The proposal would lead to no further opportunities to overlook the neighbouring dwellinghouses. With regard to the potential to overlook the neighbouring properties' private amenity space, it is considered that existing properties already overlook the application site's private amenity space and vice-versa, in which case this existing situation would not be exacerbated by virtue of the proposed development.
- 6.23 The proposed single-storey rear extension would project approximately 2.6m from the rear (western) elevation building line of the host dwellinghouse, and would be slightly inset by approximately 0.2m from the southern boundary of the application site. It would be sited parallel to an existing single-storey rear extension to No. 6 Lathkill Street. Its height would be approximately 2.4m (eaves) and 3.5m (ridge).
- 6.24 In view of the orientation of the application site and proposal in context of the neighbouring property, and by virtue of its siting, height, scale and massing, it is considered that the proposed single-storey rear extension would not be unduly overbearing upon the side/rear elevations of the neighbouring property, nor would there be any harm in respect of the neighbouring property's access to natural day light. Furthermore, in view of the orientation of the two properties, there are no concerns in respect of neighbouring property's access to sun light.

- 6.25 Given the nature of that proposed, there are no concerns in respect of there being increased potential for the proposed extension to overlook the neighbouring property and its private amenity space than that existing.



Figure 8: Rear/Side Elevations of No. 6 Lathkill Street

- 6.26 With regard to No. 51 Granville Street, the proposed single-storey rear extension would project approximately 2.6m from the rear (western) elevation building line of the host dwellinghouse, and would be slightly inset by approximately 0.1m from the northern boundary of the application site. It would be sited parallel to an existing boundary wall and fence shared with No. 51, of approximately 1.8m in height, and parallel to existing single-storey outbuildings within the private rear garden to this neighbouring property. Its height would be approximately 2.4m (eaves) and 3.5m (ridge).
- 6.27 In view of the orientation of the application site and proposal in context of the neighbouring property, and by virtue of its siting, height, scale and massing, it is considered that the proposed single-storey rear extension would not be unduly overbearing upon the private amenity space of the neighbouring property, nor would there be any significant harm in respect of the neighbouring property's access to natural day and/or sun light.
- 6.28 Furthermore, given the nature of that proposed, there are no concerns in respect of there being increased potential for the proposed extension to overlook the neighbouring property and its private amenity space than that existing.



Figure 9: Rear Elevations of No. 4 Lathkill Street



Figure 10: Northern Boundary of Application Site

- 6.29 In view of the above, it is considered that the proposed development would be in accordance with the relevant provisions of Policy CS11 of the Harborough District Core Strategy, “saved” Policy HS/8 of the Harborough District Local Plan and the guidance of SPG Note 5. Furthermore, the proposal would comply with paragraph 17 of the NPPF.

3. Highways

- 6.30 1 no. additional bedroom is proposed as part of the proposed development. Therefore, the resulting dwellinghouse will be a 4-bedroom dwellinghouse.
- 6.31 In this case, by virtue of the application site being located near to the town centre of Market Harborough and would be accessible by public transport and by cycle/foot, it is considered that the site is located in a highly sustainable location. Therefore, in line with the Leicestershire County Council Highways’ ‘The 6Cs Design Guide’, it is considered that 1 no. off-street vehicular parking space would be required to serve No. 4 Lathkill Street.
- 6.32 The existing driveway, located to the south of the existing dwellinghouse, measures approximately 4.05m in length by 2.75m width. This would provide 1 no. off-street vehicular parking space, albeit this provision would fail to comply with the current design standards of ‘The 6Cs Design Guide’.
- 6.33 As part of the proposed development, the driveway is proposed to remain without significant modification. The proposed driveway would measure approximately 4.25m in length (an increase of 0.2m) by 2.75m width. This provision would represent a slight increase on the existing provision, albeit would still fail to comply with the current design standards of ‘The 6Cs Design Guide’; however, this provision would be no worse than that existing in which case it is suggested that it would be unreasonable to refuse planning permission on this basis.
- 6.34 In view of the above, it is considered that the proposed development would provide an appropriate level of off-street vehicular parking provision in line with the requirement set out within Leicestershire County Council Highways’ ‘The 6Cs Design Guide’, and would not result in any adverse harm in respect of matters of highway safety. Accordingly, the proposed development is considered to be in accordance with the provisions of Policies CS5 and CS11 of the Harborough District Core Strategy.

d) Sustainable Development

- 6.35 The National Planning Policy Framework (NPPF) 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 an extension.
 - Social
Allows the Applicant to extend their home whilst ensuring the proposal does not harm the character of the local area.
The proposal will not adversely impact upon the residential amenities of current/future occupants of neighbouring properties.

- Environmental
The proposal is in keeping with the character and appearance of the surrounding local area, and does not harm the street scape.

7. The Planning Balance / Conclusion

- 7.1 In summary, it is considered that the proposed extensions will respect the character and appearance of the host dwellinghouse and will not result in any adverse harm upon the character and appearance of the local area, including the streetscene to Lathkill Street. In addition, the proposal would not result in any adverse impact in respect of the residential amenity to the current/future occupants of neighbouring properties. Furthermore, the proposal would not result in a sub-standard level of off-street car parking or adversely affect highway safety. Accordingly, the proposal is considered to accord with Harborough District Core Strategy Policies CS1, CS5, CS11 and CS13, “saved” Harborough District Local Plan Policy HS/8 and Supplementary Planning Guidance Note 5: Extensions to Dwellings; 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 paragraphs 186-187 of the National Planning Policy Framework.
- 7.2 Accordingly, it is recommended that planning permission be granted subject to the conditions and informative notes set out in Section 8, below.

8. Planning Conditions

- 8.1 If Members are minded to approve the application a list of suggested conditions and informative notes are set out below.
- 8.2 Planning Conditions:

Planning Permission Commencement

- 1) The development hereby permitted shall be begun either 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.

Permitted Plans

- 2) The development hereby permitted shall be in accordance with the following approved plan(s):
- Drawing No. 1A (Block Plan and Location Plan);
 - Drawing No. 2- (Outline Survey Ground Floor);
 - Drawing No. 3- (Outline Survey First Floor);
 - Drawing No. 4- (Outline Survey Elevations);
 - Drawing No. 5A (Outline Proposal Ground Floor);
 - Drawing No. 6C (Outline Proposal First Floor); and
 - Drawing No. 7C (Outline Proposal Elevations).

Reason: For the avoidance of doubt.

Materials Schedule

- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in material, colour and texture, to those used in the existing building.

Reason: To ensure that the development respects the local character and building materials of the area in which it is situated and to accord with the Harborough District Council Core Strategy Policy CS11.

8.3 Informative Notes:

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

