

Planning Committee Report

Applicant: Lindum Peterborough

Application Ref: 23/01537/VAC

Location: Naseby Square, Market Harborough

Proposal: Demolition of existing bungalows on site (including amenity facilities) and detached bungalow and associated ancillary buildings. Development of 38 no. 100% affordable housing residential units, associated amenity and construction of additional car parking to serve Naseby Square (revised scheme of 20/01802/FUL) (Variation of condition 2 (Plans), 7 (Landscaping), 12 (Surface water drainage), 14 (Long term maintenance of surface water system), 17 (Site drainage) and 18 (Vehicle turning) and removal of condition 3 (Levels), 4 (Materials), 5 (CEMP), 6 (Landscaping scheme), 8 (Community lounge), 9 (Boundary), 10 (Contamination), 13 (Management of surface water), 15 (Management of surface water) and 22 (External amenities) (Retrospective)

Application Validated: 26.10.2023

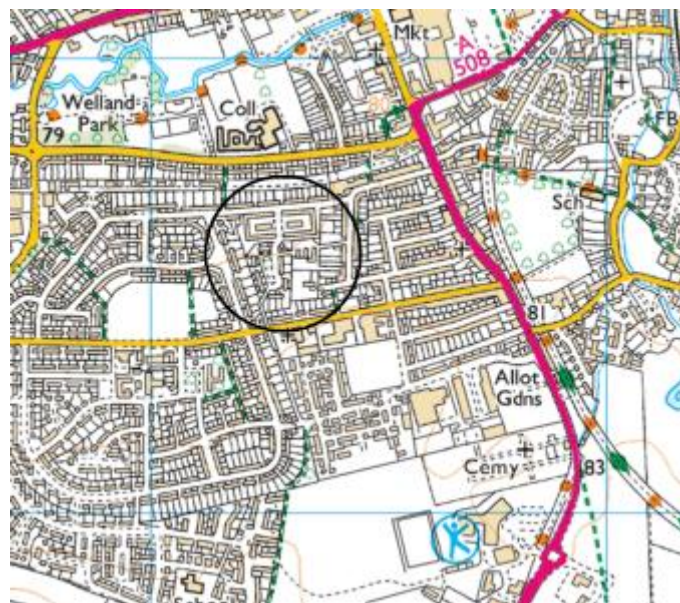
Target Date: 25.01.2024

Committee Decision: This application is to be determined by Planning Committee as the application is a major application as it is greater than 25 dwellings.

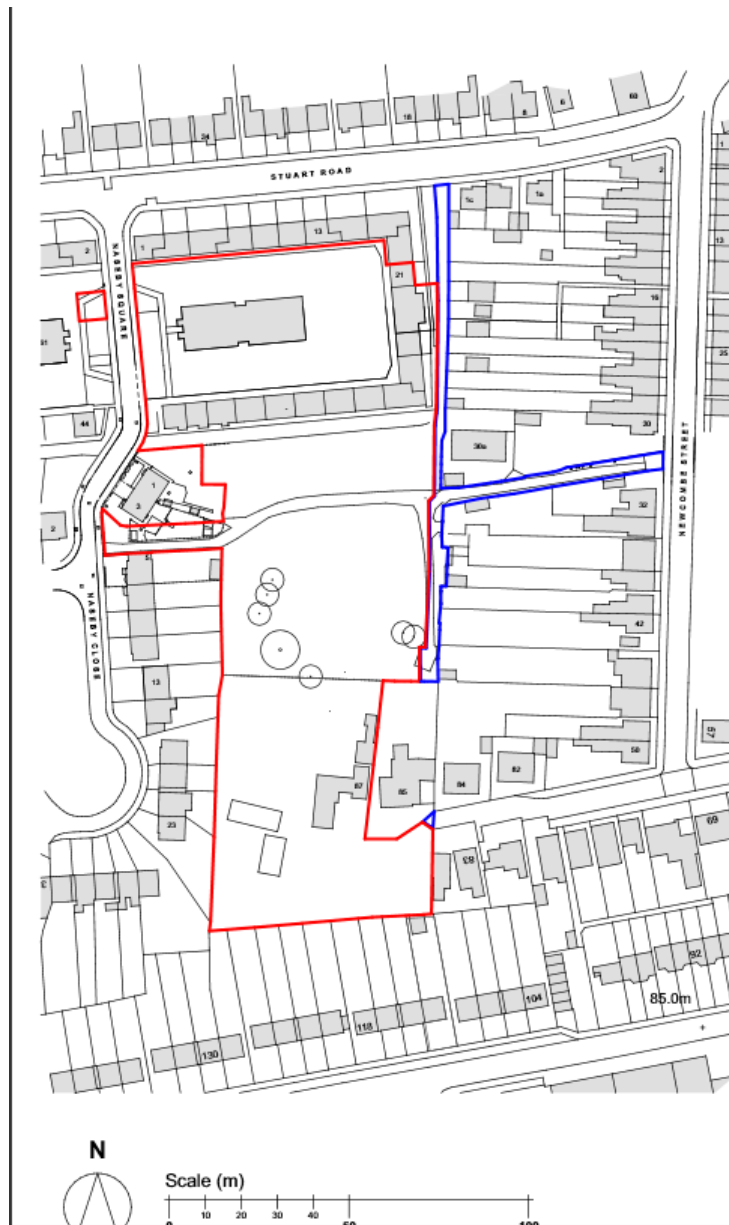
RECOMMENDATION: Planning Permission is **APPROVED**, for the reasons set out in the report and subject to the Planning Conditions outlined and the completion of a Deed of Variation to secure the previously approved S106 obligations to this permission and an additional contribution towards household waste and recycling receptacles.

1. Site & Surroundings

- 1.1 The application site (1.136ha approx.) is located to the south of Stuart Road; east of Naseby Close; west of Newcombe Street and north of Bath Street, in the southwest of Market Harborough.



Site Location Map



Site Location Plan

- 1.2 The site is currently being developed to provide 38 affordable housing units.
- 1.3 Vehicular access into the site will be from Naseby Square/Close.
- 1.4 Pedestrian access will be possible via Naseby Square/Close, Newcombe Street and Stuart Road.

2. Site History

2.1 The site has the following pertinent planning history:

20/01802/FUL - Demolition of existing bungalows on site (including amenity facilities) and detached bungalow and associated ancillary buildings. Development of 38no. residential

units, associated amenity and construction of additional car parking to serve Naseby Square
APPROVED

22/01483/PCD - Discharge of Conditions 3 (Existing and Proposed Levels), 5 (Construction Environmental Management Plan), 6 (Landscaping Scheme), 8 (Community Lounge and Garden), 10 (Contaminated Land), 12 (Surface Water Drainage) and 13 (Management of surface water during construction) of 20/01802/FUL **APPROVED**

23/00882/PCD - Discharge of Conditions 3 (levels) and 12 (surface water drainage) of 20/01802/FUL **APPROVED**

23/01267/PCD - Discharge of Conditions 4 (Materials), 9 (Granville Street Access) and 22 (External Drying Areas, Cycle Parking) of planning application 20/01802/FUL **APPROVED**

23/01301/PCD - Discharge of Condition 5 (Construction Management Plan) and Condition 13 (Management of surface water during construction) of 20/01802/FUL **APPROVED**

3. The Application Submission

a) Summary of Proposals

- 3.1 This variation of condition application seeks to amend the approved plans and amend the conditions/wording accordingly to reflect those proposed changes.
- 3.2 The approved and proposed layout plans are shown below

Sketch Site Layout
Scale: 1:500



APPROVED SITE LAYOUT



PROPOSED SITE LAYOUT

3.3 The changes to the approved scheme (and thereby seeking variation to Condition 2; approved plans):

- Omission of the double garage to west of site, and redesigning of external works in this area.
- Amendment to western access from Naseby Close.
- Addition of PV panels to all proposed dwellings (as indicated on site layout)
- Repositioning of wall to eastern boundary to increase access width to the rear gardens on Newcombe Street.
- Omission of railings on top of wall to eastern boundary, and all low level walls now consistent height of 0.9m.
- Landscaping scheme amended in coordination with above, and to move proposed trees away from underground drainage to north of site.
- Plot numbers amended and are in sequence (all drawings and reports are now consistent in terms of plot numbering).

3.4 In terms of the other conditions it is proposed to vary the following:

- 7 Landscape Management Plan
- 12 Surface Water drainage
- 14 Long term maintenance and surface water system
- 17 Site drainage
- 18 Vehicle turning

3.5 It is also proposed to remove the following conditions:

- 3 levels
- 4 materials
- 5 CEMP
- 6 Landscaping scheme
- 8 Community lounge
- 9 Boundary treatment
- 10 Contamination
- 13 Management of surface waster
- External amenities

3.5 Early on during the application the Agent agreed to amend the description of the application, as it referred to the incorrect planning reference number and also to remove reference to Condition 1 (time limit) as this cannot be varied. In addition, an updated the Design and Access Statement was submitted to reflect the changes proposed.

4. Consultations and Representations

4.1 In addition to site notices being posted and an advert placed in the Harborough Mail, consultations with technical consultees and the local community have been undertaken.

4.2 A summary of the technical consultee responses received is set out below (comments outlined are based on the most up to date comments received) followed by those received from the local community. If you wish to view the comments in full or view earlier comments, please go to: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

Consultee	Date	Comment
LCC Planning Obligations	03.11.23	As we have already secured our contributions in the signed legal agreement for the application 20/01802/FUL will not be making any further comments/ contribution requests.
HDC Env. Coordinator	20.11.23	Thank you for the opportunity to comment, I have no specific comments on the variation.
LCC Highways	24.11.23	No objection to variation of condition 2 and 18; objection to removal of condition 5 and variation of condition 17. Case Officer Note: Agent clarified that did not intend to amend wording of condition 17; Condition 5 can be 'removed' in terms of requiring the submission of a CEMP as this has since been approved under 23/01301/PCD; nevertheless there is a condition requiring the development is implemented in strict accordance with this CEMP
LCC Ecology	23.11.23	I can confirm that I have no objections to the requested variation and have no further comments to make.
National Grid (electricity)	16.11.23	Regarding planning application 23/01537/VAC, there are no existing National Grid Electricity Transmission assets affected in this area.
National Grid (gas)	27.11.23	Regarding planning application 23/01537/VAC, there are no National Gas Transmission assets affected in this area.
LCC Archaeology	13.11.23	I can confirm we have no comments to make in relation to this variation of condition consultation.
NHS	28.11.23	Originally requested a financial contribution above that previously requested, but having been made aware of the signed S106 accepted the amount previously sought.
HDC POS Officer	30.11.23	I have reviewed the landscape plans (19.1456.001 rev G and 19.1456.002 rev F) and am content that the species used, their locations and the specification for implementation of the landscape scheme are satisfactory. I have not been able to locate a landscape management plan (LMP). Case Officer Note: Agent confirmed LMP still to be supplied. Condition requiring LMP still necessary
LLFA	17.11.23	Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the application documents as submitted are sufficient for the LLFA to support the discharge of Conditions 12.
S106 Grants Officer	15.12.23	As the Variation of Condition does not affect the number of dwellings, I will not be submitting any revised information from what was previously supplied.

b) Local Community

- 4.4 All neighbours which bound the site and those who commented on the previous application were notified directly (via letter) about this application. No comments have been received.

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, unless material considerations indicate otherwise.
- 5.2 The Development Plan consists of the Harborough Local Plan.

5.3 The policies outlined below are pertinent:

- SS1 – Spatial Strategy
- GD2 – Settlement development
- GD5 – Landscape character
- GD8 – Good design in development
- H1 – Provision of new housing
- H2 – Affordable housing
- H5 – Housing density, mix and standards
- GI2 – Open space, sport and recreation
- GI5 – Biodiversity and geodiversity
- CC1 – Mitigation climate change
- CC3 – Managing flood risk
- CC4 – Sustainable drainage
- IN2 – Sustainable transport

5.4 The Material Planning Considerations relevant to this application are:

- The National Planning Policy Framework (The Framework / NPPF)
- National Planning Practice Guidance (PPG)
- HDC Development Management SPD
- HDC Planning Obligations SPD
- HDC Playing Pitch Strategy
- HDC Built Sports Facility Strategy
- HDC 5 Year Housing Land Supply (5YS) Statement
- Leicestershire Planning Obligations Policy
- Leicestershire County Council Local Transport Plan 3 (LTP3)
- Leicestershire County Council Highways Authority 6Cs Design Guide
- Market Harborough Town Centre Transport Strategy
- The Community Infrastructure Levy Regulations 2010, S.I. No.948 (as amended)
- Circular 11/95 Annex A - Use of Conditions in Planning Permission
- Public Sector Equality Duty

6. Assessment

6.1 Development has lawfully commenced on site. It is not therefore necessary to re-assess the principle of development which has been accepted.

6.2 The amendments proposed to the approved plans will continue to achieve the design standards and visual amenities as originally envisaged in the previous approval. The amendments also allow the development to satisfy the latest building regulations and climate change/emission targets.

6.3 The amendments do not pose any additional concerns in relation to existing residential properties above that considered previously. Furthermore, the amendments do not pose any highway safety concerns or other technical concerns.

6.4 Subject to conditions, the amendments are judged to satisfy the policies contained within the Development Plan.

6.5 The Decision Notice for 20/01802/FUL has been reviewed to identify Conditions which should be applied to the current application. Planning Condition Discharge

applications are also noted. It is proposed to repeat Conditions in general accordance with these Decision Notices, as outlined below in Appendix A

- 6.6 A Deed of Variation is required to tie this permission to secure the previously approved S106 obligations to this permission and an additional contribution is necessary towards household waste and recycling receptacles as the Developer Obligation SPD has since been adopted following the original grant of permission.

7. The Planning Balance / Conclusion

- 7.1 The amendments when judged against the extant approval are acceptable and raise no new significant considerations.

8. Conditions

1) Full Planning Permission Commencement

The development hereby permitted shall begin within 3 years from the date of this decision.

REASON: To meet the requirements of the Town and Country Planning Act 1990 (as amended).

2) Permitted Plans

The development hereby approved shall be carried out in accordance with the following approved plans (all Revision E):

- H199 0099-P06 Location Plan
- H199 0104-P03 Demolition Plan
- H199 0105-P26 Proposed Site Layout
- H199 0106-P02 Proposed Boundary Treatments Plan and Hard Landscaping Plan
- H199 0120-P05 Plots 19-20 - Floor Plans and Elevations
- H199 0121-P05 Plots 35-36 Floor Plans and Elevations
- H199 0122-P05 Plots 11-14, 15-18 Floor Plans and Elevation
- H199 0123-P04 Plots 8-10 Floor Plans and Elevations
- H199 0124-P04 Plots 28-29 Floor Plans and Elevations
- H199 0125-P04 Plots 6 - 7 Floor Plans and Elevations
- H199 0126-P04 Plot 37 Floor Plans and Elevations
- H199 0127-P04 Plots 1-2 Floor Plans and Elevations
- H199 0128-P04 Plots 3-5 Floor Plans and Elevations
- H199 0129-P04 Plots 21-22 Floor Plans and Elevations
- H199 0130-P04 Plots 33-34 Floor Plans and Elevations
- H199 0131-P07 Plots 23-27 Floor Plans and Elevations
- H199 0133-P04 Plots 31-33 Floor Plans and Elevations
- H199 0135-P01 3 Naseby Close, Detached Garage

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

3) Levels

The development hereby approved shall be implemented in strict accordance with the level details agreed under Discharge of Condition application reference 23/00882/PCD

REASON: To safeguard the character and appearance of the area and the amenities of occupiers of adjoining dwellings, having regard to Harborough Local Plan Policies GD2, GD5 and GD8, and the National Planning Policy Framework.

4) Materials

The development hereby approved shall be implemented in accordance with the material schedule agreed under Discharge of Condition application reference 23/01267/PCD

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

5) Construction Environmental Management Plan

The development hereby approved shall be implemented in strict accordance with the agreed under Discharge of Condition application reference 23/01301/PCD and shall be adhered to throughout the period of development.

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

6) Landscape Scheme

The development hereby approved shall be implemented in accordance with the landscape details agreed details under Discharge of Condition application reference 22/01483/PCD. The landscape scheme shall be carried out in accordance with the approved details prior to the first occupation of the dwellings. Any trees, shrubs, hedges or plants which, within a period of five years from their date of planting, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

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

7) Landscape Management Plan

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

The landscaped areas, once implemented, shall be maintained in perpetuity in accordance with the approved Landscape Management Plan.

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

8) Community Lounge and Garden

The development hereby approved shall be implemented in accordance with the Community Lounge and Garden details agreed under Discharge of Condition application reference 22/01483/PCD and made available for use by Naseby Square residents prior to the first occupation of the dwellings hereby approved.

Any trees, shrubs, hedges or plants which, within a period of five years from their date of planting, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

REASON: To ensure the existing Naseby Square community have a place to socialise in both the winter and summer months having regard to Harborough Local Plan Policy GD8 and the National Planning Policy Framework

9) Granville Street Access

The development hereby approved shall be implemented in accordance with the Granville Street access details agreed under Discharge of Condition application reference 23/01267/PCD and implemented prior to first occupation of the first dwelling and retained in perpetuity.

REASON: To prevent on street parking and unauthorised pedestrian access on a private road having regard to Harborough Local Plan Policy GD8 and IN2, and the National Planning Policy Framework.

10) Remediation Scheme and Verification Plan

The development shall be undertaken in line with the agreed remediation scheme and verification plan agreed under Discharge of Condition application reference 22/01483/PCD.

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 Remediation Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

REASON: To ensure that the land is fit for purpose and to accord with the aims and objectives of the National Planning Policy Framework

11) Surface Water Drainage

The development hereby approved shall be implemented in accordance with the surface water drainage details agreed under Discharge of Condition application reference 23/00882/PCD

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

12) Management of surface water during construction

The development hereby approved shall be implemented in accordance with the management of surface water during construction details agreed under Discharge of Condition application reference 23/01301/PCD

REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase.

13) Long-term maintenance of surface water

No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority.

REASON: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water

14) Site Access

No part of the development hereby permitted shall be occupied until such time as the main site access arrangements shown on David Smith Associates drawing number: 18-30361-70, 'Proposed Junction Layout' Revision P1, dated 15 January 2021 have been implemented in full.

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

15) Site drainage highway

No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2019).

16) Parking and Turning Facilities

No residential unit shall be occupied until the parking and turning facilities associated number: H199-BRP-00-00-DR-A-0105, 'Proposed Site Layout', Revision P23. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

17) Pedestrian Visibility Splay

No residential unit shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays associated with that unit have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

REASON: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2019).

18) No gates

Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary and shall be hung to open away from the highway.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2019).

19) External drying areas etc

The development hereby approved shall be implemented in accordance with the external drying areas, details agreed under Discharge of Condition application reference 23/01267/PCD and shall be implemented prior to the 1st occupation of the dwellings hereby approved, maintained and kept available for use in perpetuity.

REASON: In the interests of climate change and to accord with Harborough Local Plan Policies GD8, IN2 and CC1.

20) Ecology Report Recommendations

The development shall be undertaken in strict accordance with the Recommendations outlined in Chapter 6 within the Follow-up Extended Phase 1 Habitat Survey (November 2018)

REASON: To ensure the safe disposal of Cotoneaster; to avoid impact upon nesting birds and bats and potential disturbance to urban badger and hedgehog and to provide biodiversity enhancement opportunities on site having regards to Harborough Local Plan Policy G115 and the National Planning Framework

21) Permitted Development Removal

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, Classes AA -H inclusive of that Order, shall be erected or undertaken on Plots 2 to 6; Plots 9 to 11, Plot 20, Plot 22, Plot 29 and Plot 30

REASON: To safeguard neighbouring residential amenity having regard to Harborough Local Plan Policy GD8.

22) Obscure Glass

Prior to the first occupation of the development hereby permitted the first floor window serving the landing in the rear elevation of Plots 29 and 30 shall be permanently fixed shut (non-opening) and glazed with obscure glass (at a minimum of Level 3) only and the window shall be permanently maintained as non-opening with obscure glazing at all times thereafter.

REASON: To safeguard the privacy of the occupiers of the adjoining property having regard to Harborough Local Plan Policy GD8 and the National Planning Policy Framework.