

**APPLICATIONS FOR DEVELOPMENT**

**APPLICATIONS FOR DETERMINATION BY COMMITTEE**

**Introduction to Committee Agenda**

**8<sup>th</sup> March 2010**

**Reason for Planning Committee Meeting**

This Committee has been arranged to determine four housing applications all located within the Leicester Urban Fringe. The Leicester Urban Fringe includes the three villages of Bushby, Thurnby and Scraftoft

**Relevant Policy Considerations & Other Material Considerations**

To avoid duplication, the following section summarises the principal policy and other common material considerations relevant to all five planning applications.

**National Planning Guidance**

National planning policy statements of relevance include:

*PPS 1 - Delivering Sustainable Development*

PPS1 sets out the Governments policy objectives for planning and the delivery of sustainable development, a core principle underpinning the planning system. Sustainable and inclusive patterns of development should be achieved by:

- Making suitable land available for development;
- Contributing to sustainable economic development;
- Protecting and enhancing the natural and historic environment, the character of the countryside and existing communities;
- Ensuring high quality development through good design and the efficient use of resources; and
- Ensuring development supports existing communities and contributes to the creation of safe, sustainable, liveable, mixed communities with good access to jobs and key services.

*PPS3 – Housing*

PPS3 provides the relevant national planning policy guidance in relation to housing. It has recently been amended to remove the national indicative density target of 30 dwellings per hectare and amend the definition of brownfield land to exclude residential gardens. These changes mean that the issue of appropriate densities will be a matter for the local planning authority.

Paragraph 71 of the PPS advises that where local planning authorities cannot demonstrate an up-to-date 5-year supply of deliverable sites they should consider favourably planning applications for housing, having regard to the policies in PPS3 including the considerations in paragraph 69.

Paragraph 69 sets out the various matters that local planning authorities should have regard to in determining applications:

- Achieving high-quality housing;
- Ensuring that developments achieve a good mix of housing reflecting the accommodation requirements of specific groups; in particular, families and older people;
- The suitability of a site for housing, including its environmental sustainability;
- Using land effectively and efficiently;
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

Even where a 5-year supply of land is available, this should not preclude the release of additional land for housing where this would not undermine the achievement of key policy objectives (paras 70-71). Advice provided by the Department for Communities and Local Government (DCLG) makes it clear that in areas with significant demand and need for housing, local planning authorities should not treat the 5-year housing provision figures as a ceiling that cannot be exceeded.

#### *PPS5 – Planning for Historic Environment*

PPS5 sets out planning policies on the conservation of the historic environment. It supersedes guidance in PPG15 and PPG16. PPS5 provides guidance in relation to both designated and non-designated heritage assets. It outlines the Government's overarching aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life that they bring to existing and future generations.

Policy HE7 of the PPS advises local planning authorities to seek to identify and assess the particular significance of any element of the historic environment that may be affected by planning applications. The PPS sets out a presumption in favour of the conservation of designated heritage assets.

#### *PPS7 - Sustainable Development in Rural Areas*

This Policy sets out the principal Government objectives for the rural areas. It states that development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled.

#### *PPS 9 - Biodiversity and Geological Conservation*

This PPS provides comprehensive advice on the relationship between planning control and nature conservation. Paragraph 1 sets out the key principle to ensure that the potential impacts of planning decisions on biodiversity and geological conservation are fully considered.

Paragraph 14 states that development proposals provide many opportunities for incorporating beneficial biodiversity or geological features as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments.

### *PPG 13 - Transport*

PPG13 carries the themes included within PPS1, and advocates the key principle of sustainable development and modal choice. It therefore seeks to ensure new residential development is accessible and nearby to places of employment, shops, services, education, retail and leisure / recreation by a choice of modes of transport other than solely by the private car.

### *PPG 17 - Open Space, Sport and Recreation*

PPG17 seeks to promote local networks of good quality and well managed / maintained open spaces, including sports and recreation facilities that are located within walking and cycling distance of residential areas.

### *PPS25 - Development and Flood Risk*

PPS25 provides advice on appraising, managing and reducing risk from flooding. It advises local planning authorities to ensure that planning applications are supported by site-specific flood risk assessments (FRAs) as appropriate; apply the sequential approach at a site level to minimise risk by directing the most vulnerable development to areas of lowest flood risk; give priority to the use of SUDS; and ensure that all new development in flood risk areas is appropriately flood resilient and resistant.

### *Circular 11/95 Use of conditions in planning permission*

This Circular explains that conditions on planning consents should only be imposed where they satisfy the six tests:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects

It also states:

‘The power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions are clearly seen to be fair, reasonable and practicable.’

### *Circular 06/05: Biodiversity including statutory obligations within the planning system.*

This includes paragraphs 98&99: ‘The presence of a protected species is a material consideration...It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision... The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances,... However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the

species being present and affected ...'

#### *Circular 05/2005 – Planning Obligations*

This Circular requires planning obligations to be sought only if the obligation is:

- relevant to planning;
- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development;
- fairly and reasonably related in scale and kind to the proposed development; and
- reasonable in all other respects

The obligations sought will vary depending upon the scheme. As such the planning obligations sought will be discussed in more detail in the individual reports.

#### *Community Infrastructure Regulations 2010*

The necessity test for planning obligations is a statutory requirement. Obligations must be necessary in planning terms to make development acceptable, directly related to the development, fairly and reasonably related in scale and kind to the proposal.

#### *Circular 01/2006 – Guidance on changes to the Development Control System.*

With an application for outline planning permission detailed consideration will always be required on the use and amount of development. In addition, even if layout, scale and access are reserved, an application will still require a basic level of information on these issues in the application. As a minimum, therefore, applications should always include information on:

- Use – the use or uses proposed for the development and any distinct development zones within the site identified.
- Amount of development – the amount of development proposed for each use.
- Indicative layout – an indicative layout with separate development zones proposed within the site boundary where appropriate.
- Scale parameters – an indication of the upper and lower limits for height, width and length of each building within the site boundary.
- Indicative access points – an area or areas in which the access point or points to the site will be situated.

*Planning (Listed Buildings and Conservation Areas) Act 1990 section 66 & 72* imposes special duty to consider setting of conservation areas and listed buildings. Local Plan policies EV/11 & EV/16 apply in this respect.

#### Regional Spatial Strategy

Regional Strategies were revoked on 6 July 2010 but were re-established on 10 November 2010 after a successful challenge by housing developer CALA Homes. A subsequent challenge by CALA Homes, to prevent local planning authorities and planning inspectors using the intended revocation of the strategies as a 'material consideration' when making planning decisions, was lost by CALA Homes in the High Court on the 7<sup>th</sup> February 2011. However, until the regional strategies are abolished they remain part of the statutory development plan. The weight given to any 'material

consideration' depends on the individual circumstances and it is for the decision maker to decide on the appropriate weight.

In light of these recent judgements, the Development Plan for the purpose of these applications consists of the Regional Spatial Strategy for the East Midlands, adopted in 2009 and the 'saved' policies of the Harborough District Local Plan, adopted in 2001.

### The Development Plan

Section 38(6) of the Town & Country Planning and Compulsory Purchase Act 2004 requires that all determinations under the Act are made in accordance with the Development Plan unless material considerations indicate otherwise.

### *East Midlands Regional Plan*

The East Midlands Regional Plan was adopted in March 2009 and provides the broad development strategy for the region up to 2026. The plan pursues an urban focussed strategy that directs the majority of development to the existing urban areas.

Policy 3 indicates that new development will be concentrated primarily in and adjoining the Principal Urban Areas (PUAs) of Derby, Leicester, Lincoln, Northampton and Nottingham.

Policy Three Cities SRS 1 explains that the Leicester PUA is deemed to incorporate the built-up parts of the contiguous settlements of Scraptoft, Thurnby and Bushby.

Policy Three Cities SRS 3 states that:

“...at least 40 dwellings per annum should be within or adjoining the Leicester PUA, including sustainable urban extensions as necessary.”

Specific guidance in relation to development in the Three Cities sub-area is set out at Policy 12. This requires that provision is made for a mix of housing types and a balance in the provision of jobs and homes within and adjoining urban areas to reduce the need to travel. It also requires the protection, development and enhancement of green infrastructure to address past environmental degradation and contribute to development of sustainable communities. Outside Derby, Leicester and Nottingham employment and housing development should be located within and adjoining existing settlements and should be in scale with the size of those settlements in locations that respect environmental constraints and where there are good public transport linkages.

Policy 13a sets out the required provision for each district over the period 2006-2026. For Harborough District, 350 dwellings a year need to be provided, a total of 7,000 dwellings over the plan period to 2026, of which at least 800 should be provided within or adjoining the Leicester Principal Urban Area (Three Cities Sub-Regional Strategy Policy 3). The application sites adjoin the Leicester PUA.

Policy 14 sets out the regional priorities for affordable housing. The policy outlines a total amount of affordable housing for each Housing Market Area (HMA) for

monitoring purposes. For the Leicester and Leicestershire HMA the target is 26,500 affordable homes. The Policy confirms that local planning authorities should adopt affordable housing targets in line with the conclusions of the most up-to-date Housing Market Area assessments for their area.

#### *Harborough District Local Plan*

The Harborough District Local Plan was adopted in March 2001 and provided development polices for the district up to 2006. In September 2007, the Government (in line with the Planning & Compulsory Purchase Act 2004) allowed some of the polices in the Local Plan to be 'saved' whilst work on the Local Development Framework continues, in order to avoid policy vacuum.

As such the following 'saved' polices are of relevance:

#### *Policy IN/1 Standards of Development*

This is a generic development control policy that seeks to ensure that development is of a high standard. The policy covers a range of matters including scale, design, protection of amenities, open space, landscape and access and establishes criteria that should be met through development.

#### *Policy RM/2 Land Liable to Flood*

The Council will resist developments which would be at risk from flooding or which would materially increase the risk of flooding unless measures are implemented on or off the site to counteract the increased flood risk

#### *Policy RM/10 Maintenance and Protection of Habitats*

The Council will grant planning permission for development that maintains or improves the ecological and geological diversity of the District.

#### *Policy RM/16 Derelict Land – Former Railway Lines*

The Council will not grant planning permission for the development or severance of former railway lines where this would prevent or impair its future use as a recreational or transport route. (**Policy RM/16 is only applicable to application 11/00003/OUT**)

#### *Policy EV/3 Separation of Settlements*

Most settlements in the District are physically separated from each other and there is little danger of new development resulting in the coalescence of villages. The exceptions are:-

- Market Harborough and Great Bowden
- Lutterworth, Bitteswell and Magna Park
- Scraftoft and Thurnby

In the area separating these settlements, the District Council will refuse proposals for development that would 1) adversely affect the predominantly open character of the land; or 2) result in a reduction in the existing open land separating the settlements concerned (**Policy EV/3 is only applicable to applications 10/00620/OUT & 10/01045/OUT**)

*Policy EV/5 Development in the Countryside*

This policy applies to all land outside of the Limits to Development as defined in Policy HS/8 and on the Proposals Map. Development in the countryside will be strictly controlled. The Council will refuse planning permission for development proposals in the countryside unless it complies with the nine criteria set out. (The criteria will be assessed separately against all of the applications being considered).

*Policy EV/11 Conservation Areas*

The district council will pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation areas in the district

*Policy EV16 Development affecting setting of conservation areas and listed buildings.*

Proposals for development on land within The curtilage of a listed building or Within the setting of a listed building or a Building of character in a conservation Area should respect the setting of the Building.

*Policy EV/19 Protection of Trees*

The district council will refuse planning permission for developments that would result in the destruction of trees subject to a tree preservation order, or trees or woodlands of significant amenity value unless 1) In the case of trees subject to a tree preservation order it can be shown to the satisfaction of the district council through a detailed assessment that there is justification for felling a tree(s); 2) The permission is conditional on the replacement of a tree(s) of the appropriate size and species within the development.

*Policy EV/20 Landscaping*

Detailed planning applications for new development should be accompanied by a landscape scheme where appropriate. In addition, where a proposed development is likely to have a considerable impact on its surroundings, a landscape appraisal or definition of landscape design principles should be carried out as part of the design process and should be submitted at the time of the outline application

*Policy HS/1 Provision of Housing to meet a range of needs*

New housing should incorporate a range of house styles and types to meet the varying needs of households in the District.

*Policy HS/4 Affordable Housing*

If there is a lack of affordable housing to meet local needs, the Council will seek an element of affordable housing in schemes above a certain threshold.

*Policy HS/7 Settlement Character*

The Council will seek to protect the individual character of settlements in the district by refusing proposals for development that would adversely affect: 1) Undeveloped areas of land important to the form and setting of a settlement; 2) Breaks in the street frontage which afford significant views of the countryside.

*Policy TR/3 Development Impacts on the Existing Road Network*

The Council will refuse planning permission for new development where the traffic flow generated by the development would create a substantial adverse effect on the existing road network unless satisfactory and environmentally acceptable improvements can be implemented to alleviate the impacts of the development.

*Policy TR/10 Parking*

All new developments should be provided with adequate off-street parking provision, in order to reduce the need for on-street parking and servicing, which can create road safety and amenity problems.

*Policy LR/5 Recreation Requirements in Residential Development*

New residential development should include outdoor recreation space for both children's use and youth and adult needs, within reasonable walking distance of the development.

*Policy ALT/3: Density*

This Policy states that planning permission will not be granted for the development of housing sites of a minimum of 0.3 ha unless the minimum densities are achieved. For urban locations this means a minimum of 40 dwellings per hectare. At paragraph 2.2 of Policy ALT/3, it is recognised that density must be balanced against the need for new development to achieve a high standard of design, layout, landscaping and open space provision.

The more recent changes to PPS3 (June 2010), have removed the need to achieve a minimum density of development, instead emphasises the need to achieve high quality design that reflects the character of the local area.

The Minerals Core Strategy & Development Control Policies document (adopted October 2009) is part of the Development Plan and is cited by the County Council in its representations on 10/01660/OUT and 11/00003/OUT.

Supplementary Planning Guidance

Supplementary Planning Guidance supplements the policies of the Local Plan. They were adopted by the Council in March 2003 following public consultation. The following SPGs are of relevance:

*SPG Note 1 – Design Principles to be Applied in Harborough District*

The purpose of this note is to provide guidance on existing design in the District and to introduce the principles relating to good design

*SPG Note 2: Residential Development – Major Housing Sites*

The purpose of this note is to provide guidance on the design issues that need to be taken into account to achieve successful urban design in residential development in the District particularly with regard to major housing site. The submission of a masterplan is required for major sites

*SPG Note 9: Landscape & New Development*

The purpose of this note is to provide guidance on the landscape considerations that relate to development sites

*SPG Note 10: Trees & Development*



The purpose of this note is to provide guidance for the retention, management and maintenance of trees during the construction of development, to prepare sites for new planting, and provide for future maintenance.

*SPG Note 11: Hedges & Development*

The purpose of this note is to provide guidance on the retention, planting and management of hedges in relation to new development

*SPG Note 13: Crime Prevention & Reduction*

The intention of this note is to provide guidance for developers within Harborough District on how to create through careful design areas which are safe, feel safe and can be enjoyed

*SPG Note 16: Requirements for the provision of land for outdoor play space in new residential developments*

The provision of outdoor play space is required in all developments comprising 50 or more dwellings. The SPG states that such developments should provide a Local Equipped Area for Play, and those comprising 135 or more dwellings should provide a (Neighbourhood Equipped Area of Play) NEAP.

Affordable Housing SPD (February 2006)

This adopted Supplementary Planning Document is a material consideration in the determination of planning applications. The SPD establishes a site threshold of developments of 15 or more dwellings and requires that 30% of the dwellings are affordable. Affordable housing requirements are increased in this area from 30% to 40% in the emerging Core Strategy (CS). Although not yet adopted, the CS is a material consideration, reflecting emerging policy from the Local Development Framework evidence base.

Planning Obligations Developer Guidance Note (September 2009)

This adopted document sets out the Council policy for securing Section 106 contributions.

Assessment of Local Community Provision and Developer Contribution (October 2010)

This assessment considers 'community facilities' that are not already covered by other elements of the Council's Developer Contributions Guidance such as libraries, education, outdoor recreation, play areas etc. In particular it assesses indoor community facilities including village halls and indoor sports provision. The assessment came to the following summary for the Leicester Fringe:

*'The Leicester Fringe settlements are served by three venues that provide indoor community facilities (Thurnby & Bushby Community Centre; Thurnby Memorial Hall & Scraftoft Village Hall). Across the three venues there is limited capacity to meet growth requirements and the area, being on the fringe of Leicester is sometimes in danger of being treated as being 'served by provision in Leicester'. Our consultation and research has identified a need to provide carefully located indoor sports facility that can serve as a local hub to meet the needs of the northern rural areas, the Fringe settlements and the proposed growth. New growth will contribute towards the funding of indoor sports provision to service this 'often forgotten area'.*

## Local Development Framework

Harborough District Council has commenced work on its Local Development Framework (LDF). The Core Strategy is an important element of the LDF and will guide future development in the District to 2026.

## Core Strategy

On 26 September 2010 the Council agreed to publish for consultation purposes a Pre-Submission Core Strategy. This was published on 15 October 2010 for a 10 week period of consultation. A report was submitted to Executive on 14<sup>th</sup> February 2011 to consider the issues raised during this consultation. On 28<sup>th</sup> February 2011 the Council was to consider the Core Strategy and decide if it was to be submitted for independent examination, which could take place in summer 2011.

Policy 1 sets out the spatial strategy for Harborough which is to ‘maintain the District’s unique rural character whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services’ to, amongst other things:

- Enable the development of 7,000 dwellings across the District during the period 2006- 2026;
- Ensure that development within and adjacent to the Leicester urban fringe is appropriate in scale and type to existing communities, safeguards the identity of the communities of Scraftoft and Thurnby/Bushby, and does not undermine regeneration and development objectives in neighbouring Leicester City and Oadby and Wigston Borough;
- Continue to support the Green Wedge designations, in order to prevent the merging of settlements and provide access to strategic green space and recreational opportunities around the Leicester urban area;
- Safeguard the individual character of settlements, by maintaining the separation between Scraftoft and Thurnby
- Develop the Green Infrastructure asset of the District as a resource for biodiversity conservation and enhancement, habitat restoration, low key recreation, tree and woodland creation and flood mitigation

Policy 2 deals with delivering new housing and advises that the District’s total housing requirement of 7,000 dwellings will be provided in sustainable locations, such as the Leicester urban fringe, where 350 dwellings are proposed. The Policy also states that the mix of housing types provided as part of any new development should be informed by the most up to date Strategic Housing Market Assessment (SHMA) or other local evidence.

Policy 3 deals with delivering housing choice and affordability and sets out a requirement that all residential developments within the District will be required to contribute towards meeting affordable housing needs.

A minimum of 40% of the total number of dwellings will be affordable within the two highest value sub-market areas of Harborough South West and Harborough Rural North & Central. The Leicester Urban Fringe falls under Harborough Rural North and

Central sub market area.

Policy 5 advises that the majority of future development will be located in areas well served by local services to reduce the need to travel, where people can gain convenient access to public transport services for longer journeys and where local journeys may be undertaken on foot or by bicycle

Policy 12 deals with delivering development and supporting infrastructure and requires developments to make contributions to infrastructure necessary to support the development

Policy 15 specifically refers to the Leicester Urban Fringe. Amongst other things, Policy 15 states that 350 dwellings will be provided on land within or adjoining Scraftoft, Thurnby and Bushby. Of this development, at least 40% or 140 will be affordable housing provided in a mix of social rent and intermediate tenures to meet the housing needs of the area. It also states that development within and adjacent the Leicester Urban Fringe settlements will be appropriate in scale and type in relation to existing communities.

#### East Midlands Council

In light of the recent High Court decision which confirmed that the Regional Plan will remain part of the statutory development plan until it is abolished by primary legislation, HDC asked East Midlands Council (EMC) to assess the conformity of the 'Publication Version' of the Core Strategy against the requirements of the Regional Plan.

EMC replied 21 December 2010:

"Although the level of housing provision associated with the Leicester urban fringe proposed is slightly lower than anticipated in Policy Three Cities SRS 3 of the Regional Plan (768 compared to 800), it is understood that that this results from the outcome of local evidence and community consultation carried out since the Regional Plan was finalised".

They concluded "the Core Strategy taken as whole would appear to be in 'general conformity' with the Regional Plan".

#### Local Development Framework – Evidence Base

##### Harborough District Landscape Character Assessment

Harborough District Council has produced its own Landscape Character Assessment (September 2007). The Leicester Urban Fringe is located within the High Leicestershire landscape character area; the key elements of which are as follows:

- Steep undulating hills;
- High concentration of woodland;
- Parkland areas with narrow gated roads;
- Rural area with a mix of arable farming on lowlands and pasture on hillsides;
- Scattering of traditional villages and hamlets through the area; and
- Encroachment of Leicester to the west of the area

## Leicester PUA Landscape Character Assessment and Landscape Capacity Study

A study of the PUA Landscape Character and Landscape Capacity has been carried out by the Landscape Partnership (July 2009). The study identifies the site as being part of the 'Leicester Fringes' character area.

This assessment has found the Leicester Fringes to be of "moderate" condition with a "moderate" strength of character. The long-term management strategy is to "improve and conserve".

The study also assesses the capacity of the landscape to accept change in the form of development. Each of the landscape assessment areas was scored against various criteria covering landscape features and visual character. This produced a capacity for change score, out of 39 points with the higher scores indicating greater capacity for change and less impact from development.

The scoring bands for the assessment are as follows:

- 15 – 19 = Low landscape capacity
- 20 – 24 = Medium low landscape capacity
- 25 – 29 = Medium landscape capacity
- 30 – 34 = Medium high landscape capacity
- 35 – 39 = High landscape capacity

## Leicester & Leicestershire Strategic Housing Market Assessment (SHMA)

The SHMA identified a need for 264 affordable dwellings in the District per annum up to 2016 (or 75% of the total annual housing requirement). The SHMA however, also recognised that a 75% affordable housing target is unrealistic due to viability issues. The Council's target is to achieve 90 affordable dwellings per annum.

## Strategic Housing Land Availability Assessment (SHLAA)

The Strategic Housing Land Availability Assessment (SHLAA) was published in September 2010 and updated an earlier report prepared in March 2009. The report is intended to identify sites with potential for housing development, assess their potential and assess whether they are likely to be developed. This helps the Council to develop an accurate picture of the housing land supply situation in the District.

## Parish Plans

Both Thurnby & Bushby and Scraftoft have produced Parish Plans.

Thurnby & Bushby Parish Plan 'Guarding the Past: Forging the Future (January 2007)

Scraftoft Parish 'Action Plan' (December 2008)

A Parish Plan is a form of local community strategy, prepared and adopted by a Parish in conjunction with the Rural Community Council. They aim to identify key facilities and services, to set out the problems that need to be tackled and demonstrate how distinctive character and features could be preserved. The Parish Plan, unlike Village Design Statements, do not supplement the Local Plan.

### Housing Land Supply Position

PPS3 requires local planning authorities to ensure that there is a continuous five year supply of deliverable sites within their District. To be deliverable sites need to be available, i.e. available now; suitable i.e. the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities; and achievable i.e. there is a reasonable prospect that housing will be delivered on the site within five years

*In June 2010 the Council produced a paper entitled 'The Supply of Deliverable Housing Sites 2010-2015. This gave a 4.7 year supply of housing land at April 2010 with a shortfall of 98 dwellings over the five year period.*

*In October 2010 the Council published a 6 month update of their Supply of Deliverable Housing Sites. This gave a 4.4 year supply of housing land, a shortfall of 186 dwellings.*

*As the Council do not currently have a five year supply of deliverable housing land, planning applications for housing should be considered favourably having regard to para 69 of PPS3.*

### HDC Planning Policy Manager

In terms of adopted planning policy, all of these applications fall outside existing settlement limits and within open countryside as defined in the Local Plan 1991-2006. However the Plan is dated and does not reflect current understanding of longer term housing need.

The Council has endorsed the principle of planning for housing provision to enable development of 350 dwellings a year over the period 2006-2026 (Executive July 2010) over the District as a whole. A Core Strategy DPD has been published and to be shortly submitted for examination which provides for a total of 350 dwellings to be developed during the period to 2026 in the Leicester Urban Fringe area which is considered appropriate in light of the proximity to services in the Leicester urban area yet local constraints on development owing to transport infrastructure and landscape issues.

Policy 15 applies which specifies that development should be appropriate in scale and type in relation to existing communities and seeks to continue to apply protection to green wedges around Thurnby and Scraftoft and maintain an Area of Separation between Scraftoft and Thurnby/Bushby. The DPD has not yet been examined and adopted which affects the weight it can be given.

Specific sites remain to be assessed and subsequently allocated for housing and whilst the criteria and process of allocation has not been agreed, it is certain that proposals should meet the policy elements described above – i.e. appropriate in scale and able to contribute towards the protection of Green Wedges and Area of Separation.

### Highway Matters

The Highway Authority has confirmed that all five applications on their own are acceptable in highway terms subject to conditions and s106 contributions. However, they are aware that all five applications together will be determined by the District Council at the same time and as such have provided the following comments:

Subject to minor alterations the Station Lane/Uppingham Road junction can accommodate the additional traffic generated by 350 dwellings. However this will leave the junction operating at or just over capacity and therefore any further development in the Scraftoft/Thurnby/Bushby areas will only be acceptable if capacity at the Station Lane/Uppingham Road junction can be increased. This is likely to involve physical works . Therefore once the 350 limit is reached, the Highway Authority would seek to resist any further development. These comments are made in relation to applications reference 2010/0620/03, 2010/1045/02 and 2011/0003/03 where the distribution of traffic to the Station Lane/Uppingham Road junction is significantly different to that for application reference 2010/1306/03.

### Prematurity

Guidance on prematurity is contained in PPS3 and 'The Planning System: General Principles'. Paragraph 72 of PPS3 advises that planning authorities should not refuse applications solely on the grounds of prematurity.

Guidance in paragraph 17 of the General Principles document comments that:

“In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development which has an impact on only a small area would rarely come into this category. Where there is a phasing policy, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect.”

The document advises that greater weight will be attached to policies in emerging DPDs the more advanced those documents are in preparation. It indicates that refusal on prematurity will seldom be justified where DPDs are at the consultation stage, with no early prospect of submission for examination, because of the delay this would impose in determining the future use of the land in question. It also mentions in cases where DPDs are at examination stage but no representations have been made on relevant policies then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. Finally, in paragraph 19 of the document it states that in cases where permission is

refused on grounds of prematurity, the planning authority should demonstrate clearly how the development would prejudice the outcome of the DPD process.

#### Recent Appeal Decisions

Every proposal is considered on individual merit. The following decisions are nevertheless helpful in demonstrating the weight to be applied to material considerations including strategic housing assessments, 5 year supply, Development Plan policy including saved policies and landscape character assessments.

APP/T2405/A/10/2135068 Countesthorpe, Leicestershire including (para.17)

*“ landscaping is important to provide a green structure and setting for development and to enable integration into the landscape, but is not a means of making otherwise unacceptable developments acceptable, especially with a long lead in period to achieve any degree of maturity and substantial screening”*

APP/F2415/A/10/2128267 Berry Close, Great Bowden (para.15).

*“The SHLAA and LCS recognise the ability of the site to accommodate housing, but this must be seen in the context of the status of the land as open countryside and the conclusions of these reports do not outweigh the aims of the Local Plan policies in this regard”*

APP/F2415/A/09/2114425 Glebe Road, Market Harborough including (para.42 )

*‘I consider that the contribution that the site would make to meet the requirement for a deliverable 5-year land supply and the need for affordable housing are material considerations of sufficient weight to outweigh the policy objection through noncompliance with saved LP Policy EV/5. I therefore conclude that the proposal should be allowed notwithstanding the conflict with saved LP policy’.*

APP/F2415/A/10/2134083 Clack Hill, Market Harborough (para.38):*‘The site is in a sustainable location and the relative lack of impact on the landscape is supported by the landscape impact assessment...contribution to 5-year housing land supply...outweigh the policy objection (ie EV/5 and PPS7)...’*

#### Other Information

An application for 90 dwellings at Land South of Uppingham Road (10/01660/OUT) which was also to be considered within this Agenda was **withdrawn** on Friday 25<sup>th</sup> February 2011.

### **Major Proposals/Site Inspections:**

10/00620/OUT – SCRAPTOFT / Jelsons Ltd	THURNBY AND BUSHBY	Residential development and associated open space (means of access to be considered, Land OS 123 Pulford Drive
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Target Date: 04/08/10

### **Recommendation 1**

REFUSE for the following reasons:

The proposal, by virtue of its location and amount would have a detrimental impact upon the character and appearance of the surrounding countryside including its open character. The proposal is therefore considered to be contrary to Policies EV/3 & EV/5 of the Harborough District Local Plan.

### **Recommendation 2**

#### **Note to Applicant:**

Without prejudice to the determination of other planning applications, the Council's emerging Core Strategy and the provision of a 5 year supply of housing land the impact of this proposal upon the character and appearance of the countryside could be lessened if, amongst other things, the amount and scale of proposed development were reduced.

### **Site:**

The site comprises an essentially rectangular shaped parcel of land situated on the eastern side of the Pulford Drive estate, a development of houses dating from the 1950's through to 1970's and 80's situated on the eastern side of Station Lane. The land comprises arable agricultural land. The land is generally level but is set down considerably below the level of Dalby Avenue to the south and Covert Lane to the north, siting within a distinct valley. There are mature hedgerows, together with some tree cover, along the southern boundary of the site and along the brook which bisects the site. The western boundary (with dwellings on Pulford Drive and Padgate Close) is defined by a variety of fences.

A public footpath traverses the entire length of the site along the western edge, linking Dalby Avenue (adjacent to 28 and 30) to Covert Lane. The site is bounded by open countryside to the north and east, residential development to the west and a disused railway and then substantial residential gardens to the south.

The site is within a defined area of separation between the settlements of Scraptoft and Thurby & Bushby. It is not within an area of Particularly Attractive Countryside, Green Wedge or Green Belt and is approximately 380m north of the edge of the Thurnby / Bushby Conservation Area boundary and 420m south of the edge of the Scraptoft Conservation Area boundary.



### **The Proposal:**

The application seeks outline planning permission for residential development (c.250 units), an estate road and open space. As the application is in outline form, the means of access is the only matter submitted for approval at this stage, with layout, scale, appearance and landscaping reserved for subsequent approval.

Access would be provided by way of two new accesses from Pulford Drive an estate road within each field

The application is accompanied by the following documents:

- Location Plan and Indicative Layout Plan;
- A Design and Access Statement;
- A Planning Statement;
- A Transport Assessment;
- A Travel Plan;
- An Ecological Report;
- A Desk-based Archaeology Report;
- An Archaeological Field Walk Report;
- A Tree Assessment Report; and
- A Flood Risk Assessment;

### **Consultations / Representations:**<sup>1</sup>

#### **Environment Agency:**

The applicant has provided a Flood Risk Assessment which includes a basic assessment of the capacity of the watercourse. Whilst the confidence margin for this assessment is wide, the indicative layout does show that a substantial buffer will be left free of development adjacent to the watercourse, and thus it would seem that flood risk can be avoided.

Using a risk based approach, provided that further work is undertaken during detailed design to establish appropriate property floor levels and limits for the development, the Environment Agency raises **no objection** to the proposal. However, conditions are **necessary** to ensure that flood risk is not increased as a result of this development:

#### **Environment Agency Response to Neighbour Letters:**

Thank you for your letter of 6<sup>th</sup> July 2010. The information provided by residents is helpful. The concerns raised in relation to surface water runoff have been considered by the Environment Agency and were reflected in our original consultation response.

We do not wish to see additional surface runoff entering the brook as a result of the development. Such an occurrence would, as is rightly pointed out by a number of residents, increase downstream flood risk. In order to address this issue we have requested that a condition be attached to planning approval which requires the use of a **Sustainable Urban Drainage System** ("SUDS") that prevents an increase in runoff.

Typically, SUDS can take the form of balancing ponds or wetlands, constructed

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<sup>1</sup> Full copies of all correspondence can be viewed on the file

with a restricted discharge into the receiving watercourse. The pond or wetland stores the runoff from the new impermeable surfaces and releases it slowly, mimicking the 'greenfield' runoff response. Other methods can include the use of permeable surfaces ('permeable paving') which allow water to infiltrate into a below ground storage medium such as gravels, again with a restricted discharge rate into the watercourse. These measures have been proposed in paragraphs 5.24 and 5.25 of the flood risk assessment.

Natural England:

Based on the information provided, Natural England has **no objection** to the above proposal in relation to species especially protected by law, subject to the imposition of suitable conditions.

English Heritage:

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Severn Trent Water:

No objection to the proposal subject to the imposition of conditions.

Leicestershire Constabulary:

There are two primary issues for Leicestershire Police at this stage. How this greenfield development will make provision for the service needs it will generate and whether the layout of the scheme provides for community safety and the security of new and existing residents.

To provide the comments you now seek I have to consider the application as it stands and I am conscious that there has been no contact with this service about the impact of this development. Leicestershire Police have however offered comments on the Councils Core Strategy preparation principally about providing the necessary infrastructure to accompany growth proposed therein. Leicestershire Police consulted upon and adopted a policy to seek developer contributions from major new development in October 2007 and access to this policy can be gained by using the link below. Based on the metrics in this policy a contribution is now sought. Contributions received through S106 applications will be directly used within the associated local policing units to:

- Address the accumulative effects of numbers of housing and commercial developments over a geographic area.
- Provide new or supplementary buildings to house resources, or to facilitate community participation and engagement
- Provide additional vehicles (both motor vehicles and/or cycles) and other resources (for example, associated clothing and equipment and IT or mobile data costs) associated with the above efficiencies
- Extend communication infrastructures
- Provide (where appropriate) CCTV cameras, some of which may require enabling for ANPR (Automatic Number Plate Recognition) purposes
- Enhance crime reduction measures through Secured By Design principles
- Increase efficiencies associated with patrol, detection and prevention of crime.

The list above provides a functional or geographical link between the development and the item being provided as part of the developer's contribution as per ODPM Circular 5/05. Please be aware of appeal cases in the area wherein Inspectors have applied these tests and as amended by CIL Regulations.

In the light of the above Leicestershire Police raise a formal objection to this application on sustainability grounds. The application makes inadequate provision for the service needs that it will generate and will place undue pressure on the deployment of policing resources. I would be happy to reconsider this objection should the applicant and LPA proceed to agree a contribution towards Policing at the level indicated in our Policy. I need to be kept informed of the progress of the application in this regard.

I would at this stage say that there are some fundamental measures that should shape the design as follows.

- reflecting the extent of existing and proposed open space, planting, ponds and common areas, the need for a substantial maintenance programme and agreement. Where existing hedgerows and trees are to be incorporated into private house plots legal arrangements for protection, access and maintenance will also need to be put in place.
- if rear parking courts are to be used as the D and A suggests[ I don't see any in the Masterplan] they need to be lit, gated and lockable to secure vehicles and deter unwanted visitors. House boundaries to these areas need to have vision through to ensure oversight from ground floor living rooms.
- windows need to be inserted in the flank walls of houses so that there is a view from main living rooms of parked vehicles and access routes.
- front gardens need to be physically delineated by low walls or railings. Planting should complement and not replace these.
- although the D and A statement says there will be adequate surveillance across open spaces in most places the layout places roads as an obstacle to this. There is no reason why houses should not directly front open spaces with footpaths in front of these. 1.5m post and rail fences should be installed along the boundaries of the proposed open spaces where houses front these.

#### Leicester City Council:

As the site is some distance from the city boundary it is unlikely to have any direct impact on city residents. Impact upon the Thurnby Brook should be fully assessed.

#### Planning Policy (LCC)

Southern area of the site adjacent to the power lines and dismantled railway line falls within a potential sand and gravel resource area. The north western part of the site falls within a potential gypsum resource area. Safeguarding mineral resources is a national policy consideration, included within MPS1 at paragraph 13.

#### LCC Highway Authority

This proposal is considered acceptable subject to conditions and s106 contributions.

#### Ecology (LCC):

There are two Parish-level sites that could be affected by this development. The first is the stream flowing east-west through the site, which is an important wildlife

corridor. It has records for water vole, but it also has species-rich hedgerows along the banks. The proposed layout shows that this stream corridor would be protected by a wide buffer of public open space. However, the function and management of this POS is not clear, and it is important that a wide band of natural vegetation is retained along the stream and is managed sympathetically for wildlife.

It appears as though there are proposed wetlands to be created in this stream corridor and to the north of the development site, which I welcome as they have the potential to enhance biodiversity value of the corridor if they are designed with wildlife in mind.

The other Parish-level site is the former railway to the south of the development, which is secondary woodland, and is also an important wildlife corridor. It is known to support a colony of badgers. Back gardens of properties are shown as backing on to this woodland, which as it is on the south side of the properties, would shade their gardens and possibly also the back of their houses. I feel that it is important to create at least a 10m buffer zone between the edge of the woodland and the back gardens. This will a) protect the woodland from erosion and marginal impacts; b) ensure a pleasanter aspect to their gardens; c) reduce the likelihood of pressure from future householder to remove the trees overhanging their properties; and d) protect badgers from disturbance and reduce the possibility that badgers could start to 'invade' back gardens and use gardens as foraging routes.

I recommend that the above points are made into planning conditions attached to any planning permission, to include the following wording, or something along these lines:

A 10m buffer strip along each side of the hedgerow and stream that form the Parish-level site and a 10m buffer zone between the edge of the wooded former railway line and the fences of back gardens must be retained and managed as natural open space, in accordance with an management plan to be submitted and approved by the planning authority prior to the commencement of any development on site (Reason: to protect the integrity of these 2 features of ecological value as wildlife corridors; ref PPS9 paragraph 12).

The created wetlands associated with the development should include natural features and be managed for the benefit of wildlife, in accordance with a management plan to be submitted and approved by the planning authority prior to the commencement of any development on site (Reason: to enhance biodiversity value of the public open space; ref PPS9 paragraphs 12 and 14).

#### Ecology (LCC) Response to Neighbour Letters:

Thanks for sending me copies of the objection letters to this proposed development. It may be helpful to send them copies of my original response, which I have included within this e-mail, as I hope it may address some of their concerns. I have two suggestions:

##### **1. Farmland Birds**

The bird species list from Mr and Mrs Glenton of 76 Pulford Drive includes a number of species of conservation importance, which Mr and Mrs Glenton have identified within their list. The species that favour wooded, wetland,

watercourse or scrub and rough grassland habitats are less likely to be affected by the proposed development, as these habitats could be protected with a buffer of naturally managed habitat between the feature and the development, as I recommended in my first response. The species that favour farmland and arable habitats are more likely to be adversely affected - e.g. Grey Partridge, Golden Plover, Skylark, Lapwing, Meadow Pipit, Wheatear, Linnet. All these species are of conservation importance in the context of Leicestershire and Rutland. The importance of the populations of these species on the development site will depend on a number of factors, such as size of population, location of population, availability of alternative habitat, number of breeding pairs, etc. I suggest that this list is passed on the applicant for consideration. The possible value of the site for these species is briefly referred to in paragraph 1.12 of the Ecology Report (Lapwings Consultancy, March 2010), but I think it would be advisable for the applicant to provide additional information in response to Mr and Mrs Glenton's observations. I therefore recommend that the applicant either undertakes further surveys for farmland birds, or provides additional information to explain why they have assessed the value of the site as 'not significant'.

## **2. Great Crested Newts**

Mr and Mrs Thomas of 57 Pulford Drive refer to 3 ponds 'in the vicinity of the site'. It would be helpful if they could state where these ponds are, as it is not evident from the aerial photographs or plans. A spring is shown within 500m of the development, in the field to the north-west. If it did support Great Crested Newts, it is unlikely that they would use the development site as there is no habitat connectivity to the development site. The other ponds may be garden ponds, and indeed Mrs Garner of 16 Leybury Way does state she has Great Crested Newts in her pond. This pond would be within 500m of the development site, and is connected through a hedge along back gardens; therefore if Great Crested Newts are confirmed, they could be affected by the development. I recommend therefore that the applicant's ecologists get in touch with these two local residents and if necessary survey the ponds concerned.

### Ecology (LCC) Comments in Relation to Additional Surveys (received 09/09/10)

Thank you for sending me a copy of the additional information received from the applicant, regarding the possibility of Great Crested Newts in garden ponds and the potential impacts of the proposed development on local bird populations. The information is in the form of two reports by Mr Tim Smith, the ecologist who carried out the original surveys, and is dated 6th September 2010 (Great Crested Newts) and 19th August 2010 (birds).

Mr Smith has looked at a number of garden ponds within the vicinity of the site, and has concluded that they are unlikely to support Great Crested Newts, on the basis of their size, the presence of fish, and general habitat unsuitability. I am in agreement with Mr Smith's conclusions, and feel that his report has adequately addressed local residents' concerns about the potential impact of the development on Great Crested Newts.

Mr Smith has also considered the list of recorded birds that Mr and Mrs Glenton submitted, and has concluded that it is unlikely that the proposed development would have a significant impact on these species. This is on the basis that the dominant land-use of the development site is similar to the land use of the adjacent land (arable-dominated); the recorded populations are likely to be small, or sightings are occasional; and that other habitats of value to birds (e.g. hedges, trees, woodland) will be retained within the development. I am in agreement with Mr Smith's conclusions, and feel that his report has adequately addressed local residents' concerns about the potential impact of the development on birds.

#### Archaeology (LCC):

The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies in an area of archaeological interest. Reports on the first stages of an Archaeological Impact Assessment have been carried out and submitted in support of the planning application. The first of these reports is an Archaeological Desk-Based Assessment (DBA) (ULAS Report No. 2010/062) which draws together the known archaeology of the area, including documentary research and a site visit to ascertain recent land use and whether any upstanding archaeological remains are discernible. This report concluded that the site has a moderate archaeological potential because of the rich multi-period sites in the immediate vicinity. Fieldwalking was then carried out to locate any artefacts brought to the surface by ploughing (ULAS Report No. 2010/063). A small number of prehistoric flint artefacts were recovered and this has contributed to our understanding of the site, but in our opinion, this is insufficient to allow an informed planning decision to be made.

As such, in accordance with policy HE 6.1 of Planning Policy Statement 5: Planning for the Historic Environment (PPS5) a field evaluation should now be undertaken. Often this is preceded by a geophysical survey (detailed gradiometry). However, it is uncertain whether local conditions will mean that this technique is less effective than usual and a geophysicist should be consulted for specialist advice. It may be more appropriate to move straight to a programme of trial trenching.

#### Archaeology (LCC) (Comments in relation to Trial Trenching):

The submission of the Archaeological Desk-Based Assessment (ULAS report no. 2010-062), Archaeological Fieldwalking Survey report (ULAS report no. 2010-063) and Archaeological Evaluation report (ULAS report no. 2010-212) is welcomed. Together these documents form a reasonable assessment of the application site and demonstrate that buried archaeological remains, some of which are likely to date to the prehistoric period, are present, along with scatters of artefacts from the Mesolithic, Neolithic/Bronze Age, Roman, Medieval and Post-Medieval periods. Consequently, there is likelihood that buried archaeological remains will be affected by the development.

To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide for an appropriate level of archaeological investigation and recording. This should consist of a programme of archaeological work, to be conducted as an initial stage of the proposed development. It should include an archaeological soil strip of agreed areas of the development site where

archaeological remains are likely to be encountered; any exposed archaeological remains should then be planned and appropriately investigated and recorded. In addition, all services and other ground works likely to impact upon archaeological remains should be appropriately investigated and recorded. Provision must be made within the development timetable for archaeologists to be present during these works, to enable the required level of archaeological supervision.

A contingency provision for emergency recording and detailed excavation should be made, to the satisfaction of your authority in conjunction with your archaeological advisors in this Department's Archaeology Section. The Archaeology Section will provide a formal Brief for the work at the applicant's request.

The applicant should, if planning permission is granted, also obtain a suitable written Specification and costings for the archaeological recording from an archaeological organisation acceptable to the planning authority. This should be submitted to this Archaeology Section, as archaeological advisors to your authority, for approval before the start of development.

The Specification should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with the relevant Institute for Archaeologists' "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

We therefore recommend that any planning permission be granted subject to the inclusion of planning conditions to safeguard any important archaeological remains potentially present:

Access Officer (LCC):

Public footpath D19 runs from Uppingham Road in a northerly direction through the development site to Covert Lane. As part of the proposal public footpath D19 should remain on existing definitive line where possible and should preferably run within an area of open space or planted area to maintain the rural feel of the footpath.

Should the footpath be required to be diverted to enable the development to take place an application should be made to Harborough District Council to divert the footpath under the Town and Country Planning Act 1990.

I would recommend that before formal plans are made regarding the layout of the site the applicant should confirm the exact Definitive Line of the public footpath through the development with the Rights of Way Section to ensure that it does not become obstructed by the development.

Planning Policy(HDC):

Awaiting comments.

Contaminated Land Officer (HDC):

Recommend conditions on any approval.

Environmental Health Officer (HDC):

A noise assessment in accordance with PPS24 must be carried out, particularly to assess the impact upon existing properties adjacent to the proposed access points.

Environmental Health Officer (HDC) Comments in Relation to Submitted Noise Assessment (received 13/01/11):

Having looked at the Noise assessment undertaken by Atkins dated 12<sup>th</sup> August 2010, I have the following comments to make:

- Predicted noise levels will exceed existing noise levels by between +3 and +8dB. This increase is classified in the main as being of moderate significance. Noise levels will exceed WHO guidance values.
- To limit this exceedence, it is suggested in the conclusions of the report that reductions in noise levels could be achieved by the provision of suitable acoustic barriers that could provide an additional 5dB benefit. No further detail on location or specification is given.
- The assessment only evaluates daytime noise. It does not consider night time traffic movements. Although one can presume that traffic movements will be less during the night time, background noise is generally lower and WHO guidance levels are also lower.

Having had consideration to the above, I would advise that Atkins give consideration to night time traffic movements as part of their assessment and also provide detailed recommendations as to the location and specification of acoustic barriers. It would be useful to show on a plan the recommended location of such barriers to provide maximum attenuation and I would also like to see the effects of the barriers quantified.

Public Spaces Manager (HDC)

1. Is the balancing facility proposed to be a permanently wet facility? The advantages of a wet lagoon are evident for habitat, but there are additional maintenance implications
2. The proposed play area adjacent to a wet facility will need to be risk assessed by RoSPA or similar. It may need to be located on a different part of the development
3. There is no pedestrian link between the two halves of the development. This should be provided.
4. The sports pitch provision should be level. Profile of the finished levels should be provided as there may have to be a cut and fill operation. The banks need to be profiled to allow easy maintenance.
5. The existing balancing facility at Pulford Drive should not be included in any calculations for open space provision.
6. If the balancing facility is permanently wet, the area of water should not be included in the POS calculations
7. Discharge into water courses will need to be approved by EA
8. Any engineering structures (headwalls/ hydro brakes) will need a commuted sum for maintenance if the LA is to adopt them.
9. All POS adopted by the LA will need commuted sums, which can be calculated in due course.
10. The typology of PS may have to change when a needs analysis has been undertaken. This will be done in line with Provision for Open Space Sport and Recreation March 2009.



11. Play area/ landscaping plans will need to be submitted for approval in detail prior to commencement of development
12. Drainage plans will need to be submitted in detail for approval prior to commencement of development.

#### Drainage (HDC)

The application states that the surface water from the site will discharge via sustainable drainage system. In accordance with Building Regulations part H new applicants can no longer simply choose to discharge rainwater to a sewer, if it is reasonably practical to do so then they must use alternative methods. As such the developer/builder must submit to the council alternative proposals for the discharge of surface water from the site.

- Soakaway should be considered, with soil permeability tests and construction conforming to BRE Digest 365. Evidence of these tests, successful or not must be submitted to the council.
- Watercourse should be considered, if available. The condition of the outfall (downstream section) must be acceptable and be able to except additional flows. An acceptable condition must be demonstrated, as must the long term maintenance of the watercourse.
- All Sustainable Urban Drainage systems should be investigated by the developer.

Any drainage system proposed by the developer /builder must be supported by test results, construction details and calculations and must be submitted to the council for approval. All of the appropriate guidelines set by the council must be met before any approval is given.

It must be demonstrated that the site can be adequately drained of surface water with no environmental impact.

#### Scraptoft Parish Council:

Object to the proposal raising the following issues: 1) Development on the separation area should NOT take place UNDER ANY CIRCUMSTANCES. 2) In the last 5 years, Scraptoft has seen a major increase in house build i.e. David Wilson estate (c230), Five Oaks estate (25), and proposed Scraptoft Hall (97). This constitutes a 50% increase of dwellings in Scraptoft with no additional infrastructure. 3) Scraptoft Parish Plan results show that over 75% of residents are against further development in the village. 4) TRAFFIC PROBLEMS. 5) Local school full and no room to expand. 6) Local amenities are not sufficient. 7) No doctors surgery in Scraptoft. 8) If this development goes ahead a S106 agreement MUST BE IMPLEMENTED

#### Thurnby and Bushby Parish Council:

Object to the proposal raising the following issues: 1) The lack of consultation, including no response to an open invitation to the developer and their agent to attend a Public Meeting. 2) Concerns regarding the flood plain. 3) Concerns regarding protected species. 4) Inadequacy of access. 5) Increased congestion in the area. 6) Concern at the loss of an important piece of open land. 7) Breach of planning policy regarding areas of separation.

The Council also request that any decision be deferred until a detailed analysis of the impact of traffic caused by the development has been carried out.

Thurnby and Bushby Society:

The Committee of the Thurnby and Bushby Society **objects** to this Application for the following reasons:

1. Contravenes current Planning Policies, including the Separation Area Policy EV/3.
2. Pre-empts Harborough District Council considering the need for residential development and the best sites to meet that need
3. Inadequate road and junction capacity
4. Flood risk
5. Ecology compromised
6. Lack of Local Services
7. Ignores the Parish Plan

We also have concerns about some aspects of the Indicative Plan.

Thurnby and Bushby Society (Comments in response to additional information):

Addendum to Planning Statement:

We do not consider the shortfall in the 5 year supply of housing to be “significant”, the shortfall is only 0.3years, there are 5 years to find 98 houses. Furthermore, the revocation of the RSS means that the requirement of a given number of houses to be built in the PUA has gone. HDC needs to find a suitable site and not just accept an applicants offer of a site.

Scraptoft Birds:

The statement “the site will not be of significant interest” misses the point. It is true that this is not a unique site, but that is not a reason for losing it. The accumulative loss of habitat to development is contributing to the decline in common species. Field margins are important, and there must be buffers of significant width. We consider that 30m is desirable.

Traffic Noise:

The stop/start nature of traffic at a junction and construction traffic noise has not been taken into consideration.

Leicestershire Planners Design Review Panel:

Leaving gap sites or vacant plots of Pulford Drive to facilitate road links, which, if approved by the respective highway authority, provide logical points at which the existing highway network can be expanded to serve new development. Incorporating these gap sites is always good practice in that it secures future access points where the respective highway authority recommends they should be, and removes the need by developers to acquire existing edge of town properties, simply to demolish them in order to form new access points. They also serve as a useful reminder to existing local residents that new residential development is to be expected at some time in the future.

Notwithstanding further detailed studies into the sites ecology, flooding potential, landscape character and archaeology etc, the proposal to develop new housing up to a maximum of 250 units on this land would appear in principle to be a logical expansion of Thurnby and Scraptoft

There is every likelihood that people will seek to develop other residential development schemes within the area. This should not be alarming but rather seen as the natural expansion eastwards of Scraftoft, Thurnby and Bushby. It is essential therefore, that current development proposals are totally “future proofed” and do not prejudice future development proposals. It will therefore be to the benefit of all concerned for a masterplan and/or a series of design codes be produced to guide all new development proposals in this area within a coherent framework. This would be primarily aimed firstly, at delivering a well-connected permeable and legible extension to of the highway network. Secondly, at delivering a multi-functional green infrastructure network.

Panel members expressed concern at the consultant’s overly optimistic self assessment of their illustrative masterplan using the Building For Life standards. Both officers recommended that a more rigorous Building for Life assessment be carried out. In addition both officers, who are fully trained and experienced in the use of the standards, kindly offered support and guidance to all colleagues within the county’s Local Planning Authorities that are considering using the Building for Life standards to assess the design quality of proposed residential schemes.

#### Representations:

150 Letters of objection have been received from 130 separate households (from the following areas: Pulford Drive (8, 19, 34, 36, 40, 42, 43, 45, 47, 48, 49, 50x2, 52x5, 57x2, 58, 60, 62, 64, 66x2, 68, 70, 75x5, 76, 78, 81, 82x2, 84x3, 86, 87, 90, 93, 94); Padgate Close (1, 5, 6, 7, 8x3, 9, 11, 12); Somerby Road (6, 7, 11, 13, 16, 27, 30, 35, 37, 43, 45, 49, 55, 56, 58); Dalby Avenue (Orchard End, 30, 37); Springbrook Drive (4, 5x2, 6x2, 11, 12, 14, 18, 22); Leybury Way (1, 6, 14, 16, 24x2, 30, 38, 44); Marefield Close (2, 4); Malsbury Avenue (8); Beeby Road (44); Main Street, Scraftoft (1, 5, 7, 12); Ivatt Close (4, 5); Station Lane (113x2, 115); Cranbrook Road (13, 15, 16, 17, 19, 25); Sedgefield Drive (3, 18, 29, 30, 44, 47, 88, 90); Gresley Close (5, 6, 7); Stirling Drive (3, 6, 7, 9, 10, 13, 15, 16, 17, 23, 25, 27); Sturrock Close (1, 2, 3, 10); Milnroy Road (31); Yaxley Close (4, 5, 6, 7); The Cuttings (6); Stocks Road (Manor Farm House); Orchard Close (22); Charnwood Drive (1); Grange Lane (49)) raising the following points (for more details please refer to the letters on file):

(1) The increased traffic that the proposed development will generate will cause dangers to both road users and pedestrians (2) The development if permitted would ‘result in a reduction of the existing open land separating the two settlements (Thurnby & Bushby and Scraftoft)’, this would be contrary to Policy EV/3. (3) A modern housing estate would be out of keeping with the village character (4) If the Council’s objective in the core strategy is to keep nearby villages distinct and separate from the town then this application should be refused (5) Concerned with how surface water and sewerage will be dealt with (6) It is obvious that the ‘open green space’ on the plans is ideally situated so that a further development could be opened up going down the village or across the fields (7) The existing mains drainage system would be inadequate to cope with the additional capacity from such a development (8) The area has suffered previously from flooding problems (9) The development would spoil the rural aspect of the village (10) The development would impact local wildlife (11) The facilities are at capacity and will not cope with additional people that this development will bring (12) Views onto the open countryside would be destroyed and other properties would overlook existing properties (13) The

existing road network struggles to cope (14) Thurnby, Bushby and Scraptoft should remain as villages and should not be swallowed up by the city (15) I am aware that the Thurnby and Bushby Society have objected to this Application. Whilst supporting the points made the Society, I wish to add further reasons for objection. (16) There is no demand for additional housing capacity at the present time, as shown by the several hundred existing properties and new developments advertised for sale every week in the Leicester Mercury. The majority of these are in the affordable homes price range. (17) There are also many new developments that have planning consent that are being held back due to lack of demand. I have asked my local councillors to ascertain the numbers of these within the Harborough District Council area, but have not been provided with this information. I would ask you to obtain it from your records. (18) I think there are a number of practical issues which were well rehearsed at the meeting which could be problematic, but at this stage I'm sure the developers would argue that they are all fixable at a price. (19) The main issue for me is the loss of greenfields, devt. outside the limits of development and the potential for coalescence especially given the recent implementation of the David Wilson scheme at Scraptoft Campus. The focus of refusal therefore should be on the policy objections which, especially following Eric Pickles letter, should be very powerful. (20) If as I expect the application is refused then the Council will need to address its vulnerability to the 5 years housing land supply prior to an appeal hearing. (21) This is a well used and much appreciated local amenity. I walk these fields twice a day with my dog and always meet other dog walkers even in bad weather. When the weather is good there are families and children walking and playing in these fields. The loss of this open space would affect the health and well being of many local people. (22) Can we afford to lose arable land? We are importing more food than ever and to build houses on our fields when there are empty houses and flats is hard to understand. (23) Among my concerns is the ecological impact of such a development. I appreciate the need for greater housing but find it difficult to believe that the regeneration of the cities large areas of derelict buildings and dismal expanse would be a less viable option than encroaching further on the dwindling natural beauty that remains in Leicester. (24) Upon moving into my home I was assured that the land beyond my property fell into a green belt zone, and feel disappointed and frustrated that residential development is even being considered. (25) Moreover it is the Urban areas of Leicester where sustainable development will actually be achieved and not imagined, as many of these run down areas are close to the city centre, employment opportunities, shops and leisure facilities, and already have good if not great public transport links put in place. (26) The development will offer limited private parking, which the report states is a measure designed to reduce the dependence on cars, however is most probably intended to enable the erection of more houses as less space need be designated to house vehicles. (27) These reports were created to drive through any local opposition and make the reader feel that the development would be the best thing since sliced bread! (28) This development would effectively mean the merger of Bushby, Thurnby, Scraptoft and Leicester into the so-called "Principal Urban Area (PUA) of Leicester. Yet more countryside will be lost to the urban sprawl. (29) Queuing traffic is no joke and is a growing problem in Leicester. As there are few places of employment in this area there is a requirement to travel by road from this area. (30) The report proudly displays the bus timetable but in reality we must not forget that it operates in daytime and never on a Sunday service. Anyone working after 6pm would therefore need to use a car. Having ridden a cycle locally, the hills in the area mean that to arrive at

work sweaty is not really a viable option. (31) I would rather hope that the views of the people will be heard and because of the change in our government plus the corresponding change in the rules on developments like this, that this plan is shelved. (32) I had to smile at the indifference shown to the ecology of the land in question. Well as a regular walker on these fields I can tell you that there is a wide variety of species that live there. Hearing woodpeckers, seeing grass snakes and all of those different types of birds is the wonder of walking these fields. The embankments, hedgerows, brook side and fields are their homes. They forage in the fields for their food. There is a badger set within 300 yards of the intended site! Does anyone care out there? (32) As Leicestershire builders have not been too clever with flood relief, might I suggest they look at the actual flooding at the rear of the houses on Somerby Road? Do they really think that running water off into the brook is the answer when we all know the effect of residents changing their front gardens from decorative features to brick driveways. (34) The reports that I read were professionally prepared but I feel that their reasoning is fundamentally flawed. Major issues have been glossed over and facts distorted to fit the purpose of these reports. (35) The opinions of the residents have been ignored and there is an overwhelming opposition to this development. I trust that the Market Harborough Council will take this justifiable opposition into account when making any life changing decisions on behalf for the residents of Pulford Drive and the greater communities of Thurnby, Scraptoft and Bushby. (36) This land has been a green separation area for many years, and in my opinion should remain so, keeping the villages of Scraptoft and Thurnby separated and retaining their individual identities. (37) I also consider the roads in the Pulford Drive Somerby Road area to be unsuitable for the traffic generated within the area now, and could certainly not cope with the increased amount of traffic that this planned Development would generate. (38) Our house is adjacent to one of the planned entrances/exits to the estate. This would create a lot of noise (probably throughout the evening and night), petrol fumes and light pollution not just for us, but for several of our neighbours. (39) The planned entrance/exit point is very narrow, making entering and exiting difficult, bringing danger where at the moment it doesn't exist. (40) The older part of Pulford Drive is difficult enough to manoeuvre already, especially when a bus is coming along. There are a lot of residents cars parked on both sides of the road and the additional traffic would cause a big problem. (41) Whilst the planners appear to find these two fields rather flat and unappealing, they are to the residents of the area very appealing we like having them to walk in and admire the surrounding countryside from. We like to see and hear the skylarks, pheasants, partridges, owls and hawks, observe the grass snakes, foxes and watch what is growing etc, etc. (42) If these fields are built upon, this may well be the start of the growth of a huge estate, (think Hamilton) merging Scraptoft and Thurnby together. Please consider what a great loss of countryside and growing land this would be. (43) All in all, the planners may well have spent a few hours around the area and sent for a bus timetable. But they have got things wrong. The vast majority of people do not walk to work/shops or hop on their bikes and cycle there. A new estate here would cause problems on the roads between here and the A 47 and Scraptoft Lane. There could well be problems with drainage. There would be a lot of additional traffic, the fumes and noise which come with that, light pollution and a very high probability the youths who visit the area from the local council estate of Thurnby Lodge would have a "field day" on the nice open spaces and children's playground.

8 letters of objection with no / incomplete addresses have been received to which no material consideration can be given.

Representations in Response to Additional Information:

4 Letters of objection have been received from 2 separate households (from the following areas: Pulford Drive (75x3) and Springbrook Drive (12) raising the following issues:

1) I actually saw the gentleman 'measuring' the noise levels and he was standing in various parts of Pulford Drive at the very quietest part of the day. He ought to have been there during 07.00 – 09.15 and 15.15 – 19.00 2) The strange thing is that our noise levels are very low between these times and for us to have approx 400 more vehicles is a joke. 3) Our house is opposite one of the planned roads, therefore affected not just by noise, but also headlights shining into our lounge and bedrooms and fumes from the waiting vehicles. 4) With regards wildlife, I can't believe that Mr Tim Smith spent more than 1hr (if indeed that) walking through these fields, why is his argument to be considered any stronger than a seasoned walker like Mr Glenton? 5) I walk these fields daily. My dog sticks to the footpath with me. When I throw a ball into the fields, about 50 nesting birds (possibly partridges) fly up in fright!!!! 6) Maybe Mr Timms (*ed. Mr Tim Smith*) could check this by observing the amount of dog faeces on the footpath to that in the actual field. 7) Have any of the builders looked to see if houses are selling? The market is flat and houses are NOT SELLING. 8) Its time for Harborough Council to consider all these facts and "get real". 9) I remember listening to the news recently and hearing about Councils being offered the equivalent of each new builds council tax to encourage building. This is to compensate current occupiers with something like new shops, a swimming pool, leisure facilities etc etc. What are you planning to give us? 10) The Pulford Drive fields are meant to be part of a green wedge – EV/3?? Anyone will realise that once building starts in the valley we won't be on the edge of Leicester anymore – we will be Leicester and worst of all in the middle of a housing estate. 11) Please, please, Market Harborough Planning Department – take this letter seriously, it would be really dreadful to start building on this lovely area of green fields – once it starts it will never stop. 12) Surely, just because this land was acquired 20 or 30 years ago by a local builder who speculated that he could turn a good profit one day, does not give him an absolute right to develop that land

Section 106 Requirements:

Given the size of the proposed residential development the application triggers a requirement for Section 106 obligations including affordable housing, community facilities and education. Should Members be minded to grant permission for the development, the following requests have been made for Section 106 contributions:

*Affordable Housing*

We will be looking for the onsite provision of the affordable housing. Our percentage requirement is 30% of the total yield being proposed. This 30% requirement is triggered on any development of 5 or above in Harborough District.

Our current tenure requirement is to seek in general terms a 60 / 40 split between rent and Intermediate housing respectively. However each site is assessed independently in meeting specific local housing need. Within the context of the present, we will need to incorporate aspects off the Coalition Government agenda

once details are forthcoming and as relevant to each site. We will require some flexibility on this point.

The affordable housing must comply with Homes & Communities Agency Quality Development Standards particularly in relation to space and floor areas as a minimum requirement.

The affordable housing will be transferred to a partner RSL at Open Market Values to be agreed between the developer and RSL partner and approved by Harborough District Council. The transfer values will be built into the Section 106 Agreement if details are available at the time the Agreement is drafted.

#### *Community Facilities*

Assuming a population of 750 (250 units) in the new development, contributions are required for sport facilities; amenity greenspace; natural and semi natural greensapce; children and young people, allotments and cemeteries and closed churchyards. The currently available open space within Thurncourt and Humberstone has also been included in the calculations. We always prefer to have POS provided on site but can consider off contributions for cemeteries and allotments if suitable alternative sites can be located.

#### *LCC Education*

We understand Harborough District Council are considering 5 applications that will affect the education contribution for the primary and high school sectors. At present there are forecast to be 50 surplus places in local primary schools. Therefore if anymore than 238 houses are given planning approval, a primary education contribution would be payable.

At present there are forecast to be 46 surplus places in local high schools. Therefore if any more than 343 houses are given planning approval, a high school education contribution would be payable

It should be noted that this is a guideline only and the actual contribution required may differ as pupil places will be used to calculate the contribution rather than the actual number of houses.

#### *Primary School Sector Requirement*

The site falls within the catchment area of Thurnby St Lukes C. of E. Primary School. The School has a net capacity of 216 and 238 pupils are projected on roll should this development proceed; a deficit of 22 places. However taking the 2 other primary schools into account within a two mile radius of the development there is no overall deficit for the area. An education contribution will therefore not be requested for this sector.

#### *High School Sector Requirement*

The site falls within the catchment area of Oadby Gartree High School. The School has a net capacity of 793 and 797 pupils are projected on roll should this development proceed; a deficit of 4 places. However taking the other high school into account within a three mile radius of the development (Manor High School, Oadby)

there is an overall surplus for the area of 14 places. An education contribution will therefore not be requested for this sector.

#### *Upper School Sector Requirement*

This site falls within the catchment area of Oadby The Beauchamp College. The College has a number on roll of 2104 and 2156 pupils are projected on roll should this development proceed; a deficit of 52 pupil places (of which 28 are existing and 24 are created by this development). There are no other upper schools within a three mile radius of the site. A claim for an education contribution in this sector is therefore justified.

In order to provide the additional upper school places anticipated by the proposed development, the County Council requests a contribution for the upper school sector.

This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Oadby - 'The Beauchamp College'. The contribution would be spent within 5 years of receipt of final payment.

The S106 figures given above are currently valid but are subject to Indexation and are reviewed on an annual basis (i.e. 31<sup>st</sup> March).

#### *Police*

A contribution is required to meet the capital costs the Police will face as a result of this development. This is a green field site making no demands on current policing however this will change significantly with a sizeable new overnight population, the building of many new premises and with the existing crime situation in mind.

#### *Civic Amenities*

The County Council has reviewed the proposed development and consider there would be an impact on the delivery of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is required.

#### *Libraries*

Having reviewed this in light of obtaining mapping information since the original submission was made, we don't wish to claim for Library Services. The development area is within the City Council libraries catchment of Evington and Hamilton. Our nearest library is Oadby which is over 5 kilometres away and has no discernable links with the proposed development.

#### *Highways*

##### *S106 Contributions*

In the interests of encouraging sustainable travel to and from the site, the following contributions are required:

- Travel Packs (1 per dwelling)
- 6 month bus passes (2 per dwelling)
- Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access)



- Information display/s at 2 nearest bus stop/s
- StarTrak real time information displays at 2 nearest bus stops

**Other Information:**History:

<b>Date Received</b>	<b>Decision / date</b>	<b>Plan No.</b>	<b>Name of Applicant</b>	<b>Description and address</b>
17.07.64	Refused 15.10.64 <b>Appeal dismissed</b>	04963/BRDC	Jelsons Ltd	Residential development with access (04963) Somerby Road,
13.02.79	Refused 27.06.79 <b>Appeal withdrawn</b>	79/00228/3O	Jelsons Ltd	Site for residential development on approximately 27 acres north of disused railway line with access off Somerby Road
13.02.79	Refused 27.06.79 <b>Appeal dismissed</b>	79/00229/3O	Jelsons Ltd	Site for residential development on approximately 75 acres, north of disused railway east of Station Road, Sedgefield Drive, Cranbrook Road, Fernvale County Primary School and with access onto Covert Lane, Somerby Road and Pulford Drive,
02.04.80	Withdrawn	80/00745/3O	Jelsons Ltd	Erection of approx 250 dwellings On Land To The East Of Pulford Drive Somerby Road And Sedgefield Drive,
30.03.81	Approved 31.03.82	81/00682/3P	Jelsons Ltd	Erection of 179 dwellings and associated garages construction of estate roads footpaths and open amenity space area provision of surface water detention works on approx 17 acres Off Pulford Drive Somerby Road,
23.11.82	Approved 11.01.83	82/01553/3P	Jelsons Ltd	Erection of 15 detached houses and 13 detached bungalows with garages Plots 31-50 (Incl) And 52-59 (Incl) Off Pulford Drive,
02.04.85	Approved 02.07.85	85/00454/3P	Jelsons Ltd	Erection of 12 detached houses and 1 detached bungalow with garages Land Off Somerby Road,
23.12.97	Approved 27.03.98	97/01314/FUL	HDC	Provision of various amenities for informal public recreation Balancing Lagoon/Public Open Space ,

05.05.10	Pending	10/00620/OUT	Jelson Limited	Pulford Drive Outline application for residential development and associated public open space (access to be considered) Open Space OS 123, Pulford Drive,
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**Policy Assessment:**

Section 38 (6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the relevant policies contained within the development plan unless material considerations indicate otherwise.

For further details of the relevant policies, please see the introduction to the Agenda.

**Planning Considerations:**

This application has to be assessed in the light of the relevant national, strategic and local plan policies. It should be determined in accordance with the development plan unless there are material considerations that would indicate otherwise.

The two fundamental issues in this case relate to the release of Greenfield land (which has been locally designated as an Area of Separation between two settlements) for residential development outside the Limits to Development and the provision for strategic housing requirements in the District, including the required five-year supply of deliverable housing land.

**Determining Planning Applications with regards to PPS3**

The LPA cannot demonstrate that an up-to-date five year supply of deliverable sites. As such the LPA “*should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69*” (paragraph 71 of PPS3).

Paragraph 69 of PPS3 states that in deciding planning applications, LPAs should have regard to:

1) *Achieving high quality housing;*

The Design and Access Statement (D&A) explains how the scheme will be designed and how the scheme will provide a range of house types and tenures to create a balanced community and provide a scheme with attractive and functional outdoor areas

2) *Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;*

The D&A confirms that a variety of house types, sizes and tenures will be provided to meet the needs of all sectors of the community.

3) *The suitability of the site for housing, including its environmental sustainability;*

The site is accessible and well connected to public transport and community facilities and services. However, the site is on countryside land which has been locally designated as an Area of Separation between the settlements of Thurnby & Bushby and Scraftoft and as such consideration must be given to whether or not the proposal would add to the coalescence of the settlements by reducing the area of separation between them and adversely affecting the open character of the land. PPS7 also states that new housing in the countryside should be strictly controlled.

4) *Using land effectively and efficiently;*

Whilst the proposed site density of 30dpa is in accordance with the required minimum of 30dpa in Policy ALT/3 of the HDLP, it is considered that some relaxation of this policy could be sought in order to mitigate the site's location outside of the settlement's limits to development and within the Area of Separation.

5) *Ensuring the proposed development is in line with planning housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.*

The issue of maintaining the area of separation between Thurnby & Bushby and Scraftoft and compliance with Policies EV/3 and EV/5 are considered to be critical issues. It is considered by DC officers that residential development on this site would not compromise the existing degree of separation between the settlements, rather it would extend an already coalesced area of the two villages. Notwithstanding this, it is considered that the proposal would result in a loss of the open character of the land, it is therefore considered that the proposal is contrary to EV/3 (2) and EV/5.

Furthermore, although it is anticipated that the LDF is likely to maintain a policy of an area of separation between Thurnby & Bushby and Scraftoft, it is not yet known what the extent of this area would be, and the boundaries of the separation area are open to review as part of the Allocations DPD.

Principle of Residential Development in this Location:

PPS3 provides a definition of PDL:

*'Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.'*

*The definition includes defence buildings, but excludes:*

- Land that is or has been occupied by agricultural or forestry buildings*

In this case however, the applicant considers the application site to be agricultural land, and planning officers agree. No evidence or methodology has been submitted to explain or justify why this site has been selected over previously developed land following the hierarchical approach required by Policy 3, or even green field sites in hierarchically superior locations. In addition, if the application was permitted, it would introduce residential development in the open countryside, beyond the Limits to Development and within an area defined within the HDLP as an Area of Separation (Policy EV/3).

HDLP Policy EV/5

Taking each of the criteria-based policy separately, the following conclusions can be drawn:-

- (1) The development would not sustain or improve the rural economy - since development of the site would be an urban development.
- (2) The development is likely to adversely affect the character and appearance of the countryside (please refer to the landscape capacity section of this report for further information)
- (3) The development is unlikely to adversely affect the amenities of residents in the area – Although the current application is in outline form with only means of access being considered, the Indicative Layout provided with the application together with the contents of the Design and Access Statement demonstrates that a layout could be designed which ensures residential amenity is not detrimentally affected. Furthermore, issues surrounding residential amenity can be considered in more detail at the reserved matters stage. However, it is acknowledged that local residents take a different view as seen from their letters of objection and Members will have to form their opinion.
- (4) The buildings could potentially be sited in a position that minimises their impact on the landscape and on important views into and out of villages. Submitted plans are illustrative and it would ultimately require detailed plans to fully demonstrate this.
- (5) The development could potentially be designed to reflect the distinctive local character of the landscape and the built environment as indicated on the Indicative Layout Plan and from the information contained within the Design and Access Statement
- (6) Landscaping is a matter reserved for subsequent approval. Notwithstanding this, the Indicative Layout Plan and the Design and Access Statement illustrate how the site could be landscaped.
- (7) Appropriate conditions can ensure areas of ecological and archaeological significance are not adversely affected by the proposed development
- (8) A satisfactory access could be provided without adversely affecting the character and appearance of the area as indicated on the Indicative Layout Plan and from the information contained within the Design and Access Statement
- (9) There is likely to be capacity in the local road network to accommodate the traffic likely to be generated by the individual development
- (10) The Indicative Layout Design and Access Statement illustrate how adequate provision could be made for car parking and servicing within the site

- (11) The development would not contribute to the coalescence of two close settlements, however, due to the scale of the proposed development, it would result in a loss openness of the designated Area of Separation.

Policy EV/5 is a restrictive policy; consent should be refused for a development in the countryside unless all eleven conditions set out in the policy are met. From the conclusions reached above (some of which will be expanded upon further in this report), the proposed development fails to comply with all parts of policy EV/5.

#### Leicester PUA Landscape Character and Capacity Study

The site forms the western section of Land Parcel 23 and the southern section of Land Parcel 24 in the above study. All of the housing development is shown to be contained within Parcel 23, with open space and landscaping within Parcel 24. Parcel 23 scores 33, and is therefore classified as having a medium high landscape capacity for development. The Capacity Study states that it forms part of the lower valley slopes of Thurnby Brook and is within the Leicester Fringes Landscape Character Area. Land Parcel 23 falls partly within a 'Separation Area' (although the site is wholly within the 'Separation Area') as designated by Harborough District Council, which is reflected in the coalescence criteria. The southern boundary of the Parcel runs along the rear gardens of a number of properties in Bushby. These properties are separated from the Parcel by a tall tree belt along the route of a disused railway. The western boundary is formed by the rear boundaries of properties in Thurnby, including hedgerows and fences with mature trees in some rear gardens. The land within this Parcel is currently arable farmland. The fields are divided by tall hedgerows and Thurnby Brook with its associated tall vegetation. There is also a flood relief basin adjacent to the eastern boundary of the Parcel. There are no other built forms within the Parcel. Much of the Parcel is currently accessible on an informal basis. The field margins are mown to allow people to walk along them. There is also a formal right of way along the western boundary of the Parcel. Properties to the west of the Parcel will have views of any proposed development, but those to the south will not have views through the thick tree belt on the southern boundary. The western most part of the Parcel is visible from higher ground to the north. The Land Parcel would relate well to the existing residential development to the west of the Land Parcel. Any proposed development would be relatively well contained. This Land Parcel is considered to have a medium high capacity to accommodate development. Given the residential context of the parcel, and the nature of the roads in the surrounding area, commercial development would be much less suitable in this Land Parcel. In Landscape terms, residential development is felt to be appropriate in this location, subject to the following mitigation measures:

- *Retention of existing landscape features and vegetation*

Thurnby Brook and its associated vegetation should be retained as a feature of any development. The tall mature trees along the southern boundary of the Parcel should also be retained.

- *Important views to be retained*

Existing enclosure of the Land Parcel is relatively extensive and there are no specific views into the site that need to be retained.

- *Retention of existing routes through the site*

There are two existing footpaths through the Parcel, which should be retained.

- *Ground modelling*

Ground modelling is unlikely to be necessary or appropriate in this location.

- *Additional planting*

Additional planting is likely to be necessary to create a defined edge to any development. This would be particularly necessary in the eastern and north west parts of the Parcel.

- *Maximum building heights*

Existing buildings in this locality are generally 2 storeys high. Proposals in this Land Parcel should be of a similar height.

- *Development layout*

It is currently unclear how a development in this location would be accessed. It is likely that access would need to be Pulford Drive either in the vicinity of the existing Flood Relief Basin, which would need reconfiguring, through an existing field access gate or in the south west corner of the Parcel through an area of woodland. Any development layout will need to relate to the existing residential areas of Thurnby and Bushby. Development may require to be set back from Thurnby Brook and more concentrated to the western half of the site.

- *Building materials*

Buildings in the vicinity of Land Parcel 23 are generally of modern origin and do not demonstrate vernacular features or materials. There are no Listed Buildings or Conservation Areas in the vicinity of the Land Parcel. Older properties within Thurnby and along the A47 could be used as sources of vernacular features, as identified for Land Parcel 18.

- *Open space provision and green infrastructure*

The corridor of Thurnby Brook should be retained as part of the local Green Infrastructure network and to provide associated open space for any development. As the eastern part of the Parcel is more visible from the surrounding area this would also be an appropriate location in which to provide open space and planting. The route of the disused railway could also become an important green infrastructure and open space feature

### Re-examination of LCA by Landscape Partnerships

The application site scores differently from the score for Land Parcel 23 (34 rather than 33) as a whole because the boundaries of the application site are not as well vegetated as the Parcel as a whole, the application site is formed by some of the larger fields in the Land Parcel and the part of the Land Parcel included as the application site is the area that relates best to existing development.

### Impact on the Area of Separation:

The site is located within an area of separation between Scraftoft and Thurnby / Bushby as indicated on the Proposals Map of the HDLP and is subject to saved Policy EV/3.

The area allocated as an Area of Separation stretches from Dalby Avenue and the disused railway to the south, to Covert Lane to the north, and bounds the Pulford Drive – Somerby Road Estate and Station Lane to the west. The purpose of the separation area is to stop the coalescence of the two settlements or prevent development that will adversely affect the predominantly open character of the land.

When travelling north along Station Lane, the distinct visual break between Thurnby / Bushby and Scraftoft comes towards the northern end of the road where there is an end to the linear development along the eastern side of Station Lane before you reach the mini-roundabout at Covert Lane, however, the actual boundary between the two parishes is a lot further south, adjacent to the junction with Thurncourt Road. Within the existing development through which the application site is proposed to be accessed, Somerby Road, Sedgefield Drive, Sturrock Close, Gresley Close, Stirling Drive, Leas Close, Marefield Close, Yaxley Close, Ivatt Close, and 62 Pulford Drive onwards are within Thurnby / Bushby, whilst up to 62 Pulford Drive, Cranbrook Road, Springbrook Drive, Padgate Close and Leybury Way are within Scraftoft. The only visual separation between the two parishes within the estate is close to the application site, where there is an existing play area and flood relief basin to the east of Pulford Drive and the School playing field to the west.

As part of the proposal, the developers have indicated that there would be a continuation of flood relief measures along the brook (parish boundary) as well as the incorporation of a play space in this area. This will retain and extend the visual break between the two settlements which already exists in this area, and will not lead to a reduction in the open land between the two settlements. Rather, it is considered that the more prominent section of the Area of Separation which does afford a visual break between the settlements is further to the north, in the area directly to the north of the properties in Station Lane, and the area which directly bounds both Station Lane and Covert Lane. The application site is not located between the parishes, rather it is adjacent to an already coalesced area of the two settlements. It is therefore considered that the proposal would not result in a reduction in the open space between two settlements, and as such it is in accordance with part 2 of Policy EV/3 of the Harborough District Local Plan.

By introducing a 250 dwelling housing estate, notwithstanding landscape mitigation, the proposal will affect the predominantly open character of the site. For example, by developing around 68% of the site, whilst the application site forms approximately 25% of the overall designated area. This is contrary to the first element of Policy EV/3.

#### Layout and Scale:

The proposed development would not be seen from the heart of either village. The predominant views of the site would be from a relatively short section of Covert Lane and the more suburban estates adjacent to the site. The development would be visible from the public footpath which runs directly adjacent to the site. From Covert Lane, the development would be seen as being adjacent to the development on Pulford Drive.

Notwithstanding the above and although this is an outline application with all matters reserved apart from means of access, information contained within the Design and Access Statement (DAS) and the Indicative Layout Plan illustrates how the site could be developed.



The indicative layout indicates the development will comprise of up to 250 dwellings on a net area of 8.3ha representing a density of 30 per hectare (gross). Whilst this density meets the required minimum of 30 dwellings per hectare in Policy ALT/3, it is considered that some relaxation of this policy could be permissible in order to mitigate the site's location outside of the village limits to development and within the Area of Separation.

The development will include a mixture of two, three and four bedroom dwellings including short terraces, semi-detached and detached houses, predominantly two storey with occasional two and half or three storey properties to the centre of each field. As the existing residential properties within the immediate vicinity are 2 storeys high, any subsequent reserved matters should ensure the proposed dwellings, particularly those around the fringes of the site, reflect the heights of the surrounding existing properties. A condition could be recommended to ensure that the development features a maximum of 2.5 storey properties.

The layout indicates that regard has been given to the site constraints in terms of boundary hedges, trees and the public footpath. The layout plan also indicates an area of open space within the site. The distance and separation from conservation area and listed buildings will ensure no setting is compromised. A condition is recommended to ensure siting is reserved and to make it clear that the layout is indicative only.

#### Highways:

The A47 Uppingham Road, a single carriageway, is a strategic route between Leicester and Peterborough. The application has been accompanied by a Transport Statement which was prepared by Waterman Boreham. This concludes that the site is well related to the local services, including education, shops, employment, and leisure facilities, and that these facilities can be access by sustainable modes of transport. It also concludes that bus services along Pulford Drive present a realistic opportunity for reducing reliance on the private car for longer distance travel into Leicester. The Transport Assessment also concluded 'there are no transportation reasons why the proposed application should not proceed'. This Assessment has been reviewed by the Highway Authority and has concluded the proposal is considered acceptable in highway terms subject to conditions and s106 contributions.

#### *Access Arrangements*

Access to the proposed development would be via two new junctions from Pulford Drive. The northern section of the site would be accessed via an existing agricultural field access with a main avenue providing access to secondary and tertiary routes within the site. The southern portion of the site will be accessed between two existing dwellings, and will adopt a similar pattern to the northern section. There will be no direct vehicular access between the two sections of the development, however, a series of footpaths will provide a pedestrian link between the two parcels.

Concerns from local residents relating to traffic problems outside the primary school on Somerby Road have been noted by the LCC Highways Officer. As with almost all schools in the County, it is clear that local residents experience real problems at school start/closing times. It is likely that a small proportion of future residents of the

proposed development will add to this congestion and therefore it is reasonable to expect the applicant to mitigate against this by funding the creation of a pedestrian access to the school from Pulford Drive. This would directly benefit future residents of the development whilst at the same time alleviating pressure on Somerby Road and promoting cycling and walking in line with national planning guidance.

#### *Public Transport*

There are bus stops adjacent to both accesses to the site. Pulford Drive is on the route of service 56, which runs a half hourly service to Leicester

#### *Parking*

As the application is in outline form only, parking can not be fully investigated at this stage. However, the Design and Access statement states there will be 'a balanced approach taken in relation to car parking. The aim has been to keep parking to a minimum in order to limit car use but not to such an extent that residents have to resort to extensive on-street parking within the development or the wider area'.

#### *Local Facilities*

Within walking distance of the site (2km) there are a number of key amenities and facilities. These include St Luke's Church of England Primary School and Fernvale Primary School, the doctors' surgery on Main Street in Bushby and the Wadkins Way Sports Ground to the north of Uppingham Road. There also public houses in Thurnby and Scraftoft and a small parade of shops on Cranbrook Road.

#### Residential Amenity:

The application is in outline form with only the means of access to the site to be considered, and as such, the intricacies of residential amenity cannot be fully investigated. However, it is considered that there is adequate space within the site to enable 250 dwellings to be accommodated without having a detrimental impact upon the residential amenity of the neighbouring properties. Issues surrounding residential amenity can be considered in more detail at the reserved matters stage. Concerns have been raised by local residents regarding the potential for noise disturbance to residents of properties adjacent to the points of access. In response to this, the applicants carried out a full noise impact survey which has been assessed by the Council's EHO, who agree with the findings that the proposed access points will not increase noise to a level which would be detrimental to the enjoyment of the adjacent properties. Although the Council's EHO has also asked for a night time survey to be carried out, the applicants noise consultants consider that the submitted survey was carried out as a worst case scenario. It is also considered that additional surveys which may be required could be submitted to accompany any subsequent Reserved Matters, in conjunction with details of the proposed acoustic fencing. The application is therefore considered to be in accordance with Policy IN/1 of the Harborough District Local Plan.

#### Open Space:

The indicative layout shows areas of open space and two formal play areas which would be equipped. An area of land would also be set out as a kickabout area to the northern edge of the site. The applicants also propose to retain the existing football pitch in the existing flood storage basin on Pulford Drive. Informal areas of grass and

tree planting and walkways along the Thurnby Brook and around the edges of the site would also provide additional informal recreation space.

#### Drainage:

As part of the application, the applicants submitted a full Flood Risk Assessment (FRA). The site is located within Flood Zone 1 and under the requirements of PPS25 is therefore in a sequentially preferable location for development. It is proposed that the Thurnby Brook, which crosses the site, would be used as a receptor for surface water run-off. It is also proposed to create a wetland area around the brook to act as an attenuation feature to store any increase in surface water run off. The EA have assessed the report and are happy with the findings, subject to the imposition of a condition relating to Sustainable Urban Drainage Systems being installed. A number of concerns were raised by local residents and these were forwarded to the EA. The EA do not wish to see additional surface runoff entering the brook as a result of the development. Such an occurrence would increase downstream flood risk. In order to address this issue the EA have requested that a condition be attached to planning approval which requires the use of a Sustainable Urban Drainage System ("SUDS") that prevents an increase in runoff.

Typically, SUDS can take the form of balancing ponds or wetlands, constructed with a restricted discharge into the receiving watercourse. The pond or wetland stores the runoff from the new impermeable surfaces and releases it slowly, mimicking the 'greenfield' runoff response. Other methods can include the use of permeable surfaces ('permeable paving') which allow water to infiltrate into a below ground storage medium such as gravels, again with a restricted discharge rate into the watercourse. These measures have been proposed in paragraphs 5.24 and 5.25 of the flood risk assessment. In requesting this planning condition, the Environment Agency would expect to be consulted on the detailed design of the sustainable drainage system

#### Archaeology:

A desk based archaeology assessment and field study undertaken by the University of Leicester was submitted to accompany the planning application. The assessment concluded that the application area has no known archaeological sites or artefacts, although it is adjacent to an unusually rich area of activity spanning many different historic periods.

LCC Archaeology reviewed the submitted assessment and agreed that the application site lies in an area of archaeological interest. The Archaeological Desk-Based Assessment (DBA) concluded that the site has a moderate archaeological potential because of the rich multi-period sites in the immediate vicinity. Fieldwalking was then carried out to locate any artefacts brought to the surface by ploughing. A small number of prehistoric flint artefacts were recovered and this has contributed to the understanding of the site, however, LCC considered that this was insufficient to allow an informed planning decision to be made.

As such, LCC requested that the applicant undertake a field evaluation, preceded by a geophysical survey. This work was carried by University of Leicester on behalf of the applicants information was submitted to the LCC Archaeology department for assessment and ratification.

This assessment has been completed and submitted to LCC for consideration, and together these documents form a reasonable assessment of the application site and demonstrate that buried archaeological remains, some of which are likely to date to the prehistoric period, are present, along with scatters of artefacts from the Mesolithic, Neolithic/Bronze Age, Roman, Medieval and Post-Medieval periods. Consequently, there is likelihood that buried archaeological remains will be affected by the development.

To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide for an appropriate level of archaeological investigation and recording. This should consist of a programme of archaeological work, to be conducted as an initial stage of the proposed development. It should include an archaeological soil strip of agreed areas of the development site where archaeological remains are likely to be encountered; any exposed archaeological remains should then be planned and appropriately investigated and recorded. In addition, all services and other ground works likely to impact upon archaeological remains should be appropriately investigated and recorded. Provision must be made within the development timetable for archaeologists to be present during these works, to enable the required level of archaeological supervision.

The applicant should, if planning permission is granted, also obtain a suitable written Specification and costings for the archaeological recording from an archaeological organisation acceptable to the planning authority.

#### Ecology:

An extended phase 1 survey conducted by Lapwings Consultants was submitted with the application and this has been assessed by LCC Ecology. LCC Ecology has confirmed that they raise no objection to the proposal subject to the imposition of conditions/informatives on any grant of approval. These conditions relate to the creation of 10m buffer areas between the dismantled railway and the back gardens of any houses in this area, and a management plan for the created wetland areas. Following concerns raised by local residents, further surveys were carried out to assess farmland birds and great crested newts. These surveys have been independently assessed by LCC Ecology department who agree with the findings of the surveys.

#### Footpaths:

Public footpath D19 runs in a north / south direction from Dalby Avenue to Covert Lane. LCC Access Officer has raised no objections in principle to the proposal subject to the applicant contacting the Rights of Way team when more detailed plans are drawn up, to ensure the Definitive Line of the footpath is respected and to ensure the footpath is upgraded and maintained accordingly. The proposal will be highly visible from this footpath.

A network of footpaths leading from the site across adjacent fields would be retained and the applicants state that access to the additional land in Jelson's ownership would be improved to allow opportunities for informal recreation.

#### Affordable Housing Provision:

The Affordable Housing SPD was adopted in February 2006 and is a material consideration in the determination of planning applications. The SPD establishes a site threshold of developments of 5 dwellings or more and requires that 30% of the dwellings are affordable.

During pre-application discussions with the Housing Strategy Manager, the applicant confirmed that the Council will require 30% of the proposed dwellings to be affordable with a split of 80% social rented and 20% shared ownership. As the development proposes up to 250 dwellings, 75 of these will be affordable. It is proposed that the units will be transferred to a partner Registered Social Landlord (RSL) at Open Market Values.

#### Other Considerations:

Open space provision, and enhanced public access to the countryside, as well as the sites proximity to the local bus route are all issues which should weigh in favour of the proposal given the Councils current situation in relation to the 5 year housing supply.

#### S106 Agreement

Representations received make various s106 requests including contributions towards affordable housing, open space provision, education and police. These representations are available for inspection as background papers. The suggested contributions have a detailed justification related to the proposal consistent with the Council's Planning Obligations, Developers Guidance Note, 2009, the recommendations of Circular 05/2005 and CIL Regulations. Any approval should therefore be subject to obligations to secure these contributions.

#### Conclusion:

The issue of the importance of the area of separation between Scraftoft and Thurnby & Bushby in this particular location is a critical issue in the consideration of this proposal. It is anticipated that the Core Strategy will maintain this area of separation between the settlements, however, it is also anticipated that the position of the designated area will be reviewed. As stated above, it is considered that, in this particular location, the two settlements are already coalesced, not only with each other, but also with Leicester, and as such, this section of the area of separation does not meet the second stated intention of the "Areas of Separation". However, the first part of the policy guards against the loss of the openness of the area of land, and it is considered that this proposal would result in the loss of such openness. It is acknowledged that the Council have 5 year housing supply deficit, however, it is considered that the impact of the proposal upon the countryside outweighs the need for new housing.

In addition, it is considered that the impact of the proposal (when considered as a sole entity) upon the highways network is acceptable, however, it is also acknowledged, that when considered in light of the four adjacent sites also being considered this evening, the cumulative impact would be unacceptable, without further physical alterations to the Station Lane / A47 junction. Furthermore, all other considerations have been fully assessed, and it is considered that the impact of the proposal upon residential amenity, ecology, archaeology and drainage are

acceptable and that the proposal would comply with the Harborough District Local Plan.

The proposal would provide much needed housing development, including affordable housing, within the District, and would contribute towards boosting the Council's Housing Land Supply, and this is considered to be a major factor in the consideration of the application.

It is therefore considered that, due to the location of the proposal within open countryside (EV/5) and a designated "Area of Separation" under Policy EV/3, the proposal would be contrary to the aims and objectives of PPS3, the East Midlands Local Plan, the Harborough District Local Plan and the emerging Core Strategy.

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10/01045/OUT – SCRAPTOFT Davidsons Ltd	Erection of up to 100 dwellings (means of access to be considered), Land OS 8138 / 8218 Station Lane.
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Target Date: 03/11/10

**Recommendation**

**APPROVE** for the following reasons and subject to the appended conditions and the completion of a satisfactory S106 Agreement or similar undertaking to secure contributions set out in this report:

The proposed development has a very significant impact on the rural character and appearance of this area of countryside, by introducing a housing estate. Furthermore, the proposal would have an impact upon the open nature of the land which is designated as an Area of Separation, however, it is not considered that the proposal would add to the coalescence of the settlements of Scraptoft and Thurnby & Bushby. It is considered that the proposal would potentially make an important contribution to the delivery of housing, including affordable housing for Harborough District, without having an adverse impact on interests such as highway safety or residential amenity. The proposal generally satisfies the aims and objectives of PPS1 and PPS3, and the grant of permission will not seriously undermine the likely achievement of policy objectives including the Council's Core Strategy. For these reasons, an exception to prevailing spatial planning policy seeking to direct decision-makers to follow a hierarchical / sequential approach to the identification of sites for housing development, with an emphasis on recycling previously developed land, is warranted. Similarly, a departure from to Policies IN/1, EV/3 and EV/5 of the Harborough District Local Plan and the guidance of PPS7 is justified.

**Site:**

The application site extends to 3.9 hectares in an essentially L-shape. It comprises a number of paddocks currently used for the grazing of horses. The immediate context of the site is one of residential land uses, together with agricultural land to the east. The application site has a frontage to Station Lane but does not include the higher ground to the north, closer to Scraptoft Hall.

There are mature hedgerows, together with some tree cover, along the eastern boundary of the site. The western and southern boundaries (with dwellings on Station Lane and Leybury Way) are defined by a variety of fences, with a dispersal of trees along the boundaries.

A public footpath traverses the entire length of the site just to the east of the site, linking Dalby Avenue (adjacent to 28 and 30) to Covert Lane. The site is bounded by open countryside to the east, residential development to the west and south and a paddock to the north.

The site is within a defined area of separation between the settlements of Scraftoft and Thurnby & Bushby, however, the site does not lie between the settlements. It is not within an area of Particularly Attractive Countryside, Green Wedge or Green Belt and is 140m south of the edge of the Scraftoft Conservation Area boundary.

### **The Proposal:**

This application proposes the construction of up to 100 dwellings, including affordable housing. The type and mix of dwellings proposed has been fully explained by the applicants in the accompanying Design and Access Statement and Affordable Housing Statement.

As part of the proposal, the applicants are proposing a network of green infrastructure, comprising three elements:

- A distribution of Semi Natural Green Space and Parks & Gardens;
- A central Local Area of Play;
- Areas of structural landscaping along the southern site boundary around the proposed balancing lagoon and pumping station.

The applicants propose that these areas would be adopted by the local authority and a financial contribution for the maintenance of these areas, in accordance with Harborough's adopted guidance is proposed within the accompanying Section 106 heads of terms document.

One new point of vehicular access is proposed, onto Station Lane opposite 140 / 142 Station Lane. An agricultural access into retained land to the north will be incorporated into the proposals and is shown on the submitted layout.

The application is accompanied by the following documents:

- Location Plan and Indicative Layout Plan;
- A Design and Access Statement;
- A Planning Statement;
- A Transport Assessment;
- A Travel Plan;
- An Ecological Report;
- A Desk-based Archaeology Report;
- A Tree Assessment Report; and
- A Flood Risk Assessment;
- Services Report
- Phase 1 Environmental Risk Assessment

## **Consultations / Representations:**

### Environment Agency:

Suggest conditions on any approval.

### Natural England:

No comments.

### English Heritage:

No comments.

### Severn Trent Water:

No comments.

### Leicestershire Constabulary:

There is a Design and access Statement however all matters are reserved save point of access. A statement is however made about how the scheme will follow advice in Safer Places and our Secured by Design New Homes Guide and this is welcome. Two points to note in what is said are that ground floor flank windows should be from living rooms rather than WC's to provide casual oversight of "at the side" parking or the public street scene. Second, front gardens should be delineated at back edge by low walls or railings to give a clear sense of privacy. Landscaping can compliment this but is no replacement for a physical measure which is required while hedging takes time to mature anyway. There would seem to be no reason why the development should not adopt SBD as part of its design code from the outset and the developer should be asked to confirm that they will do this.

The layout follows the principles of secured by design with the use of sinuous cul de sacs and one pedestrian link to the adjoining footpath in front of housing. I would suggest that an effort is made to remove the loop formed east of the central open space and taking a road to run along the site boundary. This can easily be designed out with a parking court providing vehicle access if necessary. Reflecting the extent of existing and proposed open space, planting and common areas, there is a need for a substantial maintenance programme and agreement. Where existing hedgerows and trees are to be incorporated into private house plots legal arrangements for protection, access and maintenance will also need to be put in place. This will need to apply to the adjoining field to the north to Covert Lane if this is to be retained to preserve views out of Scraftoft.

The plot runs to the rear and side of houses and current boundary treatment is obscured by vegetation. From what I can see the developer should expect to erect new boundary treatment to 1.8m height at the side and rear of existing houses on Station Lane and Leybury Way.

Apart from Layout and design the other main consideration for Leicestershire Police is to ensure that growth of housing proposed in the application is adequately policed. I have read the Planning Statement and there is some commitment there. With this in mind and based on our adopted Policy and metrics therein which seek contributions from developments of this size I would confirm as follows. A contribution is required to meet the capital costs the Police will face as a result of this development. This is a



green field site making no demands on current policing however this will change significantly with a sizeable new overnight population and the building of many new premises. The applicant puts the size of the existing settlement at 2,000 people and it seems to me that the proposed development will extend this by at least 10% with a resulting direct impact on local Policing needs.

A developer contribution is necessary and reasonable from this development and without it the scheme will be unacceptable in Planning terms. Because of this Leicestershire Police will raise a formal objection should an appropriate commitment not be forthcoming from the developer. I would ask that as a matter of urgency either the developer or Planning Authority confirm this commitment so that we can consider our position in good time before the application progresses to a decision. With this in mind it is imperative that I be kept informed of the progress of the application and planning agreement. I look forward to hearing from you shortly re this.

Leicester City Council:

As the site is some distance from the city boundary it is unlikely to have any direct impact on city residents. Impact upon the Thurnby Brook should be fully assessed.

LCC Highway Authority

This proposal is considered acceptable subject to conditions and s106 contributions.

Ecology (LCC):

The main part of the southern section is the area that would be lost to the development. We feel that it is the best area of grassland, on the basis of the locally abundant Yellow Rattle and the herb-richness. Much of the northern part of the site would be retained, but we feel it is less diverse and herb-rich, and without the abundance of Yellow Rattle.

Our surveys differ from fpcr's in two main respects: they found some additional species which we didn't; and they recorded Yellow Rattle as locally abundant in the northern compartment, whereas we felt it was infrequent. They also identified two springs, which we did not observe. We conclude that the difference in the two site assessments is due to different management conditions and weather conditions prevailing at the time of each survey.

On the basis of the combined surveys, our view is that the ungrazed grassland in the southern part of the site meets the local criteria for designation as a Local Wildlife Site. 10 indicator species are present: Meadow Buttercup (A), Red clover (A), Yellow Rattle (LA), Sorrel (O), Autumnal Hawkbit (R), Bird's-foot Trefoil (R), Meadow Vetchling (R), Knapweed (R), Jointed rush and Toad Rush. The grassland is herb-rich, and whilst it is marginal in terms of meeting the LWS criteria, we feel that it is of importance as a substantial area of a locally scarce habitat, and as such should be regarded as being an important Local BAP habitat. We felt that the abundance of the Yellow Rattle was of particular note.

The northern part of the site does not meet the LWS criteria, and whilst parts of it are herb-rich, we did not feel that it was as good as the southern part. We do not feel that retention of the northern compartment would compensate for the loss of the southern compartment.

Ecology (LCC) (Further comments received 09/02/11):

Peter Hoy at FPCR has been in touch with me, and we've discussed a mitigation plan that would enable us to remove our objection - basically it would involve:

- Designation of entire northern part of site as nature conservation area, to be managed in perpetuity for the benefit of wildlife;
- All formal POS to be within the developed southern part of site;
- Reinstatement of northern part of site as single compartment rather than series of small overgrazed paddocks;
- Plan for enhancing value of grassland/other habitats in northern part to be approved and implemented before development commences;
- Management plan to be agreed by LPA before development commences - either as hay-cutting or grazing.

So I think it's down to the applicant now to consider this and see if it's acceptable; I've said to Peter at FPCR that any compromise on this plan would probably lead us to maintain our objection.

Archaeology (LCC):

Thank you for your ongoing consultation on this application. We have now reviewed the archaeological evaluation report (NA 10-145) carried out in response to our request for a pre-determination Archaeological Impact Assessment at the above site. We are very happy with the report. We now recommend that conditions be imposed upon any consent on the site.

Contaminated Land Officer (HDC):

Recommend conditions on any approval.

Public Spaces Manager (HDC)

The open space requirement for the development will be calculated using the accessibility thresholds in our PPG17 audit, and the minimum amount of POS per 1000 population required in those thresholds. Calculations in Scraptoft have shown that the only typologies **not** needed are for **sport provision** and **natural and semi natural greenspace for urban areas**. Planning policy will be able to give an opinion as to whether the site in an urban or rural location

The typologies are:

	Accessibility Threshold pop	Amount required per 1000
Parks and Gardens	4km	0.5ha
Amenity Greenspace	800m	0.9ha
Sports provision	4km	1.6ha
Children and young people provision. (play Areas)	400-800m	0.3ha
Allotments	4km	0.34ha
Natural and semi-natural greenspace	1.6km	1.5ha urban or 8.5ha rural

Cemeteries are not generally suitable for provision on site; however a contribution will be required for cemetery provision.

Therefore amount required on site is: **total population of development x Amount required per person**

Committed sums will be required for HDC to commence maintenance of the open spaces. We would strongly recommend that the Local Authority is appointed as the responsible body to commence maintenance. All POS should be provided onsite, but where this is not possible an off site contribution will be sought.

#### Drainage (HDC)

The application states that the surface water from the site will discharge via sustainable drainage system. In accordance with Building Regulations part H new applicants can no longer simply choose to discharge rainwater to a sewer, if it is reasonably practical to do so then they must use alternative methods. As such the developer/builder must submit to the council alternative proposals for the discharge of surface water from the site.

- Soakaway should be considered, with soil permeability tests and construction conforming to BRE Digest 365. Evidence of these tests, successful or not must be submitted to the council.
- Watercourse should be considered, if available. The condition of the outfall (downstream section) must be acceptable and be able to except additional flows. An acceptable condition must be demonstrated, as must the long term maintenance of the watercourse.
- All Sustainable Urban Drainage systems should be investigated by the developer.

Any drainage system proposed by the developer /builder must be supported by test results, construction details and calculations and must be submitted to the council for approval. All of the appropriate guidelines set by the council must be met before any approval is given.

It must be demonstrated that the site can be adequately drained of surface water with no environmental impact.

#### Scraptoft Parish Council:

Object to the proposal raising the following issues: 1) Encroaching onto separation area. 2) Add significantly to traffic numbers. 3) Too many dwellings planned for the size of the site – not in keeping with the surrounding area which is predominantly large houses with substantial gardens. 4) Flood Risk. 5) Insufficient infrastructure

#### Thurnby and Bushby Society:

The Committee of the Thurnby and Bushby Society **objects** to this Application for the following reasons:

- Contravenes current Planning Policies, including the Separation Area Policy EV/3.
- Pre-empted by Harborough District Council considering the need for residential development and the best sites to meet that need
- Inadequate road capacity
- Flood risk

- Lack of Amenities

Leicestershire Planners Design Review Panel:

The D&AS does provide useful survey and analysis information, opportunities and constraints etc. However, I think this proposal is best viewed from 2 distinct angles. Firstly, in consideration of the urban design approach to the indicative site layout plan, and secondly, in relation the principle of the proposal in relation to wider planning policies and objectives.

The proposal appears to compromise HDC's Local Plan:

- § Separation Area Policy EV/3
- § Conservation Area Policies EV/11-EV/13
- § Important Open Land Policy HS/9 (Edith Memorial Park)

The best way to proceed if not refusing consent would be to enter into dialogue directly with the land owner over the northern part of the site off Covert Lane and within the blue line of ownership being transferred to public ownership, (Either Scruptoft Parish Council or HDC), for use as public open space. A further incentive for the land owner and developer to agree with this approach, could be the removal of the 3 small open spaces within the present red line development area to be replaced with additional housing. This may require the application to be withdrawn and resubmitted so that the red and blue lines totally overlap, or it could possibly be dealt with as an off-site contribution.

Representations:

46 Letters of objection have been received from 36 separate households (from the following areas: Station Lane (87, 89, 91, 93, 97, 99x2, 105, 107, 111, 113x2, 115 x3, 117x2, 126, 130x2, 136 x3, 140, 142, 144, 146, 148, 152a, 154); Leybury Way (10, 12, 14, 16 x3, 18, 24, 30, 36); Coleford Road (23); Dalby Avenue (30); Padgate Close (12); Scruptoft Lane (379); Somerby Road (13); Southfield Close (6)) raising the following points (for more details please refer to the letters on file): (1) Extra traffic on Station Lane, this will increase the risk of accidents. (2) loss of privacy "rear view". (3) Lack of local amenities ie Doctors and Schools. (4) Access road near to Covert Lane and roundabout. (5) I have a pond in my garden which contains Great Crested Newts. (6) Pumping station will be at the bottom of my garden and will be a potential noise hazard. (7) 15m difference in land levels. (8) Already suffer from flooding in my garden, this will be made worse by all the surface water run off from 100 houses. (9) Land is wet and boggy during the summer, it will be a lot worse during the winter. (10) Houses at the top of the site will be 25-30m higher than eye level from our garden, this will be visually intrusive and will result in a loss of privacy. (11) Its already too late to object as a decision has already been made. (12) I feel however that you should be made aware, if you are not already, that nobody in this area is in favour of this development. (13) This development will mean that Scruptoft will have doubled in size in the last 5 or 6 years. (14) Encroaches on open countryside. (15) Encroaches on the separation between the two settlements. (16) Scruptoft already has Scholars Grange to provide new accommodation, including affordable housing. (17) The water retention pool will become stagnant in the summer months, creating smells and infestations of bugs. (18) Constant "in your

face dazzle” from headlights of cars leaving the development. (19) No mention of shops or Doctors, and schools wont be able to cope. (20) Loss of light to my kitchen / dining room. (21) The wildlife must be considered. (22) Greenfield site. (23) Cause a drop in water supply pressure. (24) I’m sorry, but I think it should just not happen, for the safety of everyone. (25) If the retention pond fails, where does the water go? Our gardens. (26) Health and safety will have a field day if any one drowns in the retention pond, children are curious. (27) Play areas will attract yobs, like ones who frequent Pulford Drive storm drains. (28) I know the previous government, and possibly this one, are keen to make Britain a concrete heaven, and spout on about being green and eco-friendly, but do HDC feel the same way? (29) I always thought these fields were Green Belt. (30) all the extra cars will make this area resemble J21 of the M1. (31) we are concerned that, with all this development, Scraftoft will at some time in the future become a suburb of Leicester, a situation which we wish to avoid at all costs. (32) While awaiting completion of my new house (on Scholars Grange) I was shocked to learn of a replica site being built opposite the beautiful fields that are a short walk from my new home. (33) Affordable housing is not affordable. (34) When I watch TV and see areas in the UK full of large green areas and then look around Leicester it seems we are being singled out to take all the houses the Government want built. (35) Scraftoft is supposed to be a village, but if you build these 100 houses it will become a typical inner city area. (36) I have stood at the top of Station Lane and looked at the site, and imagined it with 100 houses and it fills me with dread.

1 letter of objection with no / incomplete addresses have been received to which no material consideration can be given.

#### Section 106 Requirements:

Given the size of the proposed residential development the application triggers a requirement for Section 106 obligations including affordable housing, community facilities and education. Should Members be minded to grant permission for the development, the following requests have been made for Section 106 contributions:

#### *Affordable Housing*

We will be looking for the onsite provision of the affordable housing. Our percentage requirement is 30% of the total yield being proposed. This 30% requirement is triggered on any development of 5 or above in Harborough District.

Our current tenure requirement is to seek in general terms a 60 / 40 split between rent and Intermediate housing respectively. However each site is assessed independently in meeting specific local housing need. Within the context of the present, we will need to incorporate aspects off the Coalition Government agenda once details are forthcoming and as relevant to each site. We will require some flexibility on this point.

The affordable housing must comply with Homes & Communities Agency Quality Development Standards particularly in relation to space and floor areas as a minimum requirement.

The affordable housing will be transferred to a partner RSL at Open Market Values to be agreed between the developer and RSL partner and approved by Harborough

District Council. The transfer values will be built into the Section 106 Agreement if details are available at the time the Agreement is drafted.

### *Community Facilities*

Assuming a population of 250 (100 units) in the new development, contributions are required for sport facilities; amenity greenspace; natural and semi natural greenspace; children and young people, allotments and cemeteries and closed churchyards. The currently available open space within Thurncourt and Humberstone has also been included in the calculations. We always prefer to have POS provided on site but can consider off contributions for cemeteries and allotments if suitable alternative sites can be located.

### *LCC Education*

We understand Harborough District Council are considering 5 applications that will affect the education contribution for the primary and high school sectors. At present there are forecast to be 50 surplus places in local primary schools. Therefore if anymore than 238 houses are given planning approval, a primary education contribution would be payable

At present there are forecast to be 46 surplus places in local high schools. Therefore if any more than 343 houses are given planning approval, a high school education contribution would be payable.

It should be noted that this is a guideline only and the actual contribution required may differ as pupil places will be used to calculate the contribution rather than the actual number of houses.

### *Primary School Sector Requirement*

The site falls within the catchment area of Thurnby Fernvale Primary School. The School has a net capacity of 203 and 221 pupils are projected on roll should this development proceed; a deficit of 16, however, taking into account the other Primary School within 2km (Thurnby St Lukes), there would be a surplus of 9. An education contribution will therefore not be requested for this sector.

However please note that we are aware of other proposed developments in this area which if granted planning permission may affect requests for future education contributions and generate a claim in this sector.

### *High School Sector Requirement*

The site falls within the catchment area of Oadby Gartree High School. The School has a net capacity of 793 and 792 pupils are projected on roll should this development proceed; a surplus of 1 places. An education contribution will therefore not be requested for this sector.

### *Upper School Sector Requirement*

This site falls within the catchment area of Oadby The Beauchamp College. The College has a number on roll of 2123 and 2144 pupils are projected on roll should this development proceed; a deficit of 21 pupil places (of which 11 are existing and 10 are created by this development). There are no other upper schools within a three

mile radius of the site. A claim for an education contribution in this sector is therefore justified.

In order to provide the additional upper school places anticipated by the proposed development, the County Council requests a contribution for the upper school sector.

*Police*

A contribution is required to meet the capital costs the Police will face as a result of this development. This is a green field site making no demands on current policing however this will change significantly with a sizeable new overnight population, the building of many new premises and with the existing crime situation in mind.

*Civic Amenities*

The County Council has reviewed the proposed development and consider there would be an impact on the delivery of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is required

*Libraries*

Having reviewed this in light of obtaining mapping information since the original submission was made, we don't wish to claim for Library Services. The development area is within the City Council libraries catchment of Evington and Hamilton. Our nearest library is Oadby which is over 5 kilometres away and has no discernable links with the proposed development.

*Highways*

In the interests of encouraging sustainable travel to and from the site, the following contributions are required:

- Travel Packs (1 per dwelling)
- 6 month bus passes (2 per dwelling)
- Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access)
- Information displays at 2 nearest bus stops
- StarTrak real time information displays at 2 nearest bus stops

*Ecology*

Details of an ecological mitigation programme should be included. It should cover two things: the commitment to managing the land for the benefit of wildlife in perpetuity, through stock grazing or haycutting; and the restoration/enhancement proposals to increase its biodiversity value, which need to be done before development commences.

**Other Information:**

History:

<b>Date Received</b>	<b>Decision / Date</b>	<b>Plan No.</b>	<b>Name of Applicant</b>	<b>Description</b>
15.02.55	Refused	01649/BRDC	Reverend Malsbury	The use of land for residential development (top field)
	21.03.55 APPEAL DISMISSED			

19.08.58	Refused 06.10.58 APPEAL DISMISSED	02545/BRDC	Reverend Malsbury	The use of land for residential development (Both fields)
19.01.60	Refused 07.03.60 APPEAL DISMISSED	02985/BRDC	Jelson Ltd	Use of land for residential development and the formation of accesses (bottom field)
23.12.66	Refused 03.04.67	05993/BRDC	SR Rogers Ltd	The erection of 13 bungalows and garages and the construction of vehicular accesses (front of top field)
17.04.67	Refused 18.09.67 APPEAL	06087/BRDC	Reverend Malsbury	Erection of dwellings with formation of access (bottom field)

**Policy Assessment:**

Section 38 (6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the relevant policies contained within the development plan unless material considerations indicate otherwise.

For further details of the relevant policies, please see the introduction to the Agenda.

**Planning Considerations:**

This application has to be assessed in the light of the relevant national, strategic and local plan policies. It should be determined in accordance with the development plan unless there are material considerations that would indicate otherwise.

The two fundamental issues in this case relate to the release of Greenfield land (which has been locally designated as an Area of Separation between two settlements) for residential development outside the Limits to Development and the provision for strategic housing requirements in the District, including the required five-year supply of deliverable housing land.

**Determining Planning Applications with regards to PPS3**

The LPA cannot demonstrate that an up-to-date five year supply of deliverable sites. As such the LPA “*should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69*” (paragraph 71 of PPS3).

Paragraph 69 of PPS3 states that in deciding planning applications, LPAs should have regard to:

1) *Achieving high quality housing;*

The Design and Access Statement (D&A) explains how the scheme will be designed and how the scheme will provide a range of house types and tenures to create a



balanced community and provide a scheme with attractive and functional outdoor areas

2) *Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;*

The D&A confirms that a variety of house types, sizes and tenures will be provided to meet the needs of all sectors of the community.

3) *The suitability of the site for housing, including its environmental sustainability;*  
The site is accessible and well connected to public transport and community facilities and services. However, the site is on land which has been locally designated as an Area of Separation between the settlements of Thurnby & Bushby and Scraptoft and as such consideration must be given to whether or not the proposal would add to the coalescence of the settlements by reducing the area of separation between them or reducing open areas of land.

4) *Using land effectively and efficiently;*

The density of 26dpa whilst lower than the required minimum of 30dpa in Policy ALT/3 of the HDLP, it is considered that some relaxation of this policy could be permissible in order to mitigate the site's location outside of the settlement's limits to development and within the Area of Separation. It would therefore be considered to be an effective and efficient response having regard to the character of the adjoining area

5) *Ensuring the proposed development is in line with planning housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.*

The issue of maintaining the area separation between Thurnby & Bushby and Scraptoft is considered to be a critical issue which is explored further later in this report. Whilst it is considered that there are alternative sites in the surrounding area which could help meet the undersupply where there are no landscape designations, the site would give a significant contribution to the housing requirements.

Furthermore, although it is anticipated that the LDF is likely to maintain a policy of an area of separation between Thurnby & Bushby and Scraptoft, it is not yet known what the extent of this area would be, and the boundaries of the separation area are open to review as part of the Allocations DPD.

#### Principle of Residential Development in this Location:

PPS3 provides a definition of PDL:

*'Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.'*

*The definition includes defence buildings, but excludes:*

- Land that is or has been occupied by agricultural or forestry buildings*

The applicant considers the application site to be agricultural land, and planning officers agree. No evidence or methodology has been submitted to explain or justify

why this site has been selected over previously developed land following the hierarchical approach required by Policy 3, or even green field sites in hierarchically superior locations. In addition, if the application was permitted, it would introduce residential development in the open countryside (Policy EV/5), beyond the Limits to Development and within an area defined within the HDLP as an Area of Separation (Policy EV/3).

#### HDLP Policy EV/5

Taking each of the criteria-based policy separately, the following conclusions can be drawn:-

- (1) The development would not sustain or improve the rural economy - since development of the site would be an urban development.
- (2) The development is likely to adversely affect the character and appearance of the countryside (please refer to the landscape capacity section of this report for further information)
- (3) The development is unlikely to adversely affect the amenities of residents in the area – Although the current application is in outline form with only means of access being considered, and despite there being potential conflict between existing development and some plots. the Indicative Layout provided with the application together with the contents of the Design and Access Statement demonstrates that a layout could be designed which ensures residential amenity is not detrimentally affected. Furthermore, issues surrounding residential amenity can be considered in more detail at the reserved matters stage.
- (4) The buildings could potentially be sited in a position that minimises their impact on the landscape and on important views into and out of villages (see recommended condition 4). Submitted plans are illustrative and it would ultimately require detailed plans to fully demonstrate this.
- (5) The development could potentially be designed to reflect the distinctive local character of the landscape and the built environment as indicated on the Indicative Layout Plan and from the information contained within the Design and Access Statement
- (6) Landscaping is a matter reserved for subsequent approval. Notwithstanding this, the Indicative Layout Plan and the Design and Access Statement illustrate how the site could be landscaped.
- (7) Appropriate conditions can ensure areas of ecological and archaeological significance are not adversely affected by the proposed development
- (8) A satisfactory access could be provided without adversely affecting the character and appearance of the area as indicated on the Indicative Layout Plan and from the information contained within the Design and Access Statement

- (9) There is likely to be capacity in the local road network to accommodate the traffic likely to be generated by the individual development
- (10) The Indicative Layout Design and Access Statement illustrate how adequate provision could be made for car parking and servicing within the site
- (11) Although the development would contribute to the coalescence of two close settlements, it is considered that, due to the scale and location of the development, development in this area may have less impact upon the Area of Separation than other parts of the designated area.

Policy EV/5 is a restrictive policy; consent should be refused for a development in the countryside unless all eleven conditions set out in the policy are met. From the conclusions reached above (some of which will be expanded upon further in this report), the proposed development fails to comply with all parts of policy EV/5.

#### Leicester PUA Landscape Character and Capacity Study

The site forms the southern section of Land Parcel 25 in the above study and scores 26 in the study, which rates it as having a medium landscape capacity for development. The majority of the housing development is shown to be contained to the rear of the existing frontage development, with the open space to the northern section being retained. The Capacity Study states that the Land Parcel is located to the north of Thurnby and the south of Scruptoft and that it is on prominent sloping land within the Leicester Fringes Landscape Character Area, which slopes from the north down towards Thurnby. It falls within a 'Separation Area' designated by Harborough District Council and this is considered in the coalescence criteria. The northern boundary of the Parcel runs along Covert Lane with a gappy hedgerow along the edge of the road. The eastern and part of the western boundaries are stronger hedgerows with occasional trees. Rear garden hedgerows and fences form the remainder of the western boundary and the southern boundary, with some mature trees in rear gardens.

The Land Parcel currently contains horse paddocks. A hedgerow partially divides the Parcel into two, with a single ash tree close by. There are also some post and rail fences within the Parcel, as well as a building providing shelter for the horses and some horse jumps. There are views into this Land Parcel from Thurnby to the south. There are also some views from Covert Lane along the northern boundary, through gaps in the hedgerow.

Development within this Land Parcel would partially adjoin existing residential properties within Thurnby. Any development within the Parcel is likely to lead to coalescence of Thurnby and Scruptoft. It would also be difficult to mitigate any development in this location.

This Land Parcel is considered to have a medium capacity to accommodate development. Given the general residential context of the parcel, and the nature of the roads in the surrounding area, commercial development would be less suitable in this Land Parcel. Residential development is felt to be potentially appropriate in this location, subject to the following mitigation measures:

- *Retention of existing landscape features and vegetation*

The hedgerows within and around this Parcel could be retained as part of any proposed development, but could be replaced if required.

- *Important views to be retained*

Although there are views into the Parcel from Thurnby and some limited views from Covert Lane there are no specific views that should be retained.

- *Retention of existing routes through the site*

There are no current routes through the site, such as rights of way or roads, which would need to be retained. The public footpath along part of the eastern boundary of the Parcel should be retained.

- *Ground modelling*

Ground modelling is unlikely to be appropriate in this location.

- *Additional planting*

Additional planting is likely to be necessary to maintain some separation between Scruptoft and Thurnby, and to soften views from open countryside to the east. However, given the limited size of the Parcel, this will be difficult to achieve if any development is to occur.

- *Maximum building heights*

Existing buildings in this locality are generally 2 storeys high. Proposals in this Land Parcel should be of a similar height.

- *Development layout*

Any development within this Parcel could be accessed from either Covert Lane to the north or Station Lane to the west. Given the small size of the Parcel, however, any access into the Parcel will be difficult. It may therefore be more appropriate to retain the Parcel as open space with development occurring in the adjacent Parcel 23 or 24. Should development occur in this Parcel, the frontage along Station Lane should remain open to provide separation between Scruptoft and Thurnby.

- *Building materials*

There are a number of Listed Buildings to the north of Land Parcel 25, including Scruptoft Hall, All Saints Church and The Vicarage. The main hall is dressed with stone and has stone quoining and windows. The roof of the hall is grey slate. The Vicarage is a red brick building with white painted render to the front elevation and a grey slate roof. The remainder of the buildings in the immediate vicinity of the Parcel are generally of modern origin and do not demonstrate vernacular features or materials but the newest buildings to the north east have reflected some vernacular features. The Listed Buildings to the north of the Parcel could be used as sources of vernacular features to be reflected in any proposed development.

- *Open space provision and green infrastructure*

The whole of the Parcel could be retained as open space for a larger development in Parcels 23 or 24. The frontage along Station Lane could be retained as open space if development occurs within Parcel 25.

### Re-examination of LCA by Landscape Partnerships

The application site scores differently from the score for Land Parcel 25 (28 instead of 26) as a whole because the application site is formed by some of the less diverse fields in the Land Parcel and unlike the Land Parcel as a whole, the application site would not cause complete coalescence of Scruptoft and Thurnby.

### Impact on the Area of Separation:

The site is located within an area of separation between Scraftoft and Thurnby / Bushby as indicated on the Proposals Map of the HDLP and is subject to saved Policy EV/3.

The area allocated as an Area of Separation stretches from Dalby Avenue and the disused railway to the south, to Covert Lane to the north, and bounds the Pulford Drive – Somerby Road Estate and Station Lane to the west. The purpose of the separation area is to stop the coalescence of the two settlements and to preserve the openness of the land. Policy EV/3 states that in the area separating these settlements, the District Council will refuse proposals for development that would compromise the existing degree of separation between the settlements.

When travelling north along Station Lane, the distinct break between Thurnby / Bushby and Scraftoft comes towards the northern end of the road where there is an end to the linear development along the eastern side of Station Lane before you reach the mini-roundabout at Covert Lane, however, the actual boundary between the two parishes is a lot further south, adjacent to the junction with Thurncourt Road. As such, the land in this area is not between the two settlements in question, rather it provides a gap between two separate parts of the same settlement. Whilst this is considered to be an important break which preserves the character of the Scraftoft conservation area which is centred upon the village, it does not comply with the stated intentions of Policy EV/3.

As part of the proposal, the developers have indicated that there would be a continuation of the existing street frontage development by a further 2 dwellings to the north of the existing, followed by the access into the site. There will be no further development to the north of the access. There is an existing mature hedge which bisects the site east to west, which it is proposed to be partially retained. It is considered that a proposal which featured no development to the north of this hedgerow, or the north of the existing frontage development would better maintain the openness between the two distinct parts of the settlement and preserve the character of the conservation area. When viewed from Covert Lane, the land to the south of the hedge, to the rear of the existing development, can not be seen, due to the change in levels and the height of the mature hedge. It is considered that any approval should be conditioned in such a way so as to restrict any development in this area. This will retain the visual break between the two parts of the settlement which already exists in this area, and will not lead to a reduction in the open land between the two parts of the settlement. Rather, it is considered that the more prominent section of the Area of Separation which does afford a visual break between the settlements is immediately to the north, in the area which directly bounds both Station Lane and Covert Lane. It is therefore considered that the proposal would not result in a reduction in the open space between two settlements, or add to the coalescence of the settlements, and as such it is in accordance with Policy EV/3 of the Harborough District Local Plan.

#### Layout and Scale:

The proposed development would not be seen from the heart of either village. The predominant views of the site would be from a relatively short section of Covert Lane and the more suburban estates adjacent to the site. The development would be visible from the public footpath which runs directly adjacent to the site. From Covert

Lane, the development would be seen as being adjacent to the development on Pulford Drive.

Notwithstanding the above and although this is an outline application with all matters reserved apart from means of access, information contained within the Design and Access Statement (DAS) and the Indicative Layout Plan illustrates how the site could be developed.

The indicative layout indicates the development will comprise approximately 100 dwellings on a net area of 3.8ha representing a density of 26 per hectare (gross). Whilst this density does not meet the required minimum of 30 dwellings per hectare in Policy ALT/3, it is considered that some relaxation of this policy could be permissible in order to mitigate the site's location outside of the village limits to development and within the Area of Separation.

The development will include a mixture of two, three, four and five bedroom dwellings including short terraces, semi-detached and detached houses, with a mix of two and two and half storey properties. As the existing residential properties within the immediate vicinity are 2 storeys high, any subsequent reserved matters should ensure the proposed dwellings, particularly those around the fringes of the site, reflect the heights of the surrounding existing properties. A condition could be recommended to ensure that the development features a maximum of 2.5 storey properties.

The layout indicates that regard has been given to the site constraints in terms of boundary hedges, trees and the public footpath. The layout plan also indicates an area of open space within the site. The distance and separation from conservation area and listed buildings will ensure no setting is compromised. A condition is recommended to ensure siting is reserved and to make it clear that the layout is indicative only.

#### Highways:

The application has been accompanied by a Transport Assessment which was prepared by Phil Jones Associates. This concludes that the site is well related to the local services, including education, shops, employment, and leisure facilities, and that these facilities can be accessed by sustainable modes of transport. It also concludes that bus services along Station Lane present a realistic opportunity for reducing reliance on the private car for longer distance travel into Leicester.

#### *The Local Highway Network*

The A47 Uppingham Road, a single carriageway, is a strategic route between Leicester and Peterborough. A Transport Assessment has been undertaken by Phil Jones Associates whom concluded 'there are no transportation reasons why the proposed application should not proceed'. This Assessment has been reviewed by the Highway Authority and has concluded the proposal is considered acceptable in highway terms subject to conditions and s106 contributions.

#### *Access Arrangements*

Access to the proposed development would be via a new junctions from Station Lane. The site would be accessed via a new spinal road providing access to

secondary and tertiary routes within the site. The proposal has a number of feature squares providing junctions on the main spinal road, which provide a sense of place to the development, as well as providing informal traffic calming to the development.

#### *Public Transport*

There are bus stops on both sides of Station Lane within 200m of the site access. Station Lane is on the route of service 56, which runs a half hourly service.

#### *Pedestrians and Cycles*

There is an existing footway on both sides of Station Lane. The development would provide a footway link directly on to Station Lane.

#### *Parking*

As the application is in outline form only, parking cannot be fully investigated at this stage.

#### *Local Facilities*

Within walking distance of the site there are a number of key amenities and facilities. These include Fernvale Primary School in Thurnby, a doctors' surgery, a public house, and a parade of shops.

#### Residential Amenity:

The application is in outline form with only the means of access to the site to be considered, and as such, the intricacies of residential amenity can not be fully investigated. However, it is considered that there is adequate space within the site to enable 100 dwellings to be accommodated without having a detrimental impact upon the residential amenity of the neighbouring properties. Issues surrounding residential amenity can be considered in more detail at the reserved matters stage. There has been concern raised by the resident of 117 Station Lane, and whilst the proposal is currently only in outline form, it is considered that these concerns are legitimate given the proximity of existing windows to the boundary of the site, in conjunction with the considerable change in levels between the site and the property. It is considered that the potential erection of a dwelling adjacent to 117 Station Lane as shown on the submitted indicative plan could have an overbearing impact upon the residential amenity of this property. Within the "Impact on the Area of Separation" of the report, it was discussed that, in order to maintain the distinctiveness of the village area of Scraftoft, development should be limited to solely to the rear of existing properties, with no further development to the frontage. It is considered that, if the site were to be developed along these lines, the proposal would not have an overbearing impact upon the residential amenity of 117 Station Lane. Therefore, subject to the imposition of such a condition, the application is considered to be in accordance with Policy IN/1 of the Harborough District Local Plan.

#### Open Space:

The indicative layout shows areas of open space and one formal play area which would be equipped. An area of land would also be set out as a semi natural

greenspace to the northern edge of the site along with other areas of open space throughout the development.

#### Drainage:

As part of the application, the applicants submitted a full Flood Risk Assessment (FRA). The site is located within Flood Zone 1 and under the requirements of PPS25 is therefore in a sequentially preferable location for development. It is proposed that the ditch to the south of the site would be used as a receptor for surface water runoff. It is also proposed to create a wetland area to the south to act as an attenuation feature to store any increase in surface water run off. The EA have assessed the report and are happy with the findings, subject to the imposition of a condition relating to Sustainable Urban Drainage Systems being installed. The EA do not wish to see additional surface runoff entering the brook as a result of the development. Such an occurrence would increase downstream flood risk. In order to address this issue the EA have requested that a condition be attached to planning approval which requires the use of a Sustainable Urban Drainage System ("SUDS") that prevents an increase in runoff.

Typically, SUDS can take the form of balancing ponds or wetlands, constructed with a restricted discharge into the receiving watercourse. The pond or wetland stores the runoff from the new impermeable surfaces and releases it slowly, mimicking the 'greenfield' runoff response. Other methods can include the use of permeable surfaces ('permeable paving') which allow water to infiltrate into a below ground storage medium such as gravels, again with a restricted discharge rate into the watercourse. These measures have been proposed in paragraphs 5.24 and 5.25 of the flood risk assessment. In requesting this planning condition, the Environment Agency would expect to be consulted on the detailed design of the sustainable drainage system

Foul drainage would be catered for through a connection to the main sewer in Station Lane. A pumping station is proposed to the southern boundary of the site in order to pump the foul water from the site to the main sewer.

#### Archaeology:

A desk based archaeology assessment and field study undertaken by the University of Leicester was submitted to accompany the planning application. The assessment concluded that the application area has no known archaeological sites or artefacts, although it is adjacent to an unusually rich area of activity spanning many different historic periods.

LCC Archaeology reviewed the submitted assessment and agreed that the application site lies in an area of archaeological interest. The Archaeological Desk-Based Assessment (DBA) concluded that the site has a moderate archaeological potential because of the rich multi-period sites in the immediate vicinity. An Archaeological Impact Assessment was carried out by the applicants, and submitted to LCC for further consideration. Based upon the content of the report, LCC Archaeology are happy with the proposed development, and have recommended conditions be recommended on any approval.

#### Ecology:



An extended phase 1 survey conducted by FPCR Consultants was submitted with the application and this has been assessed by LCC Ecology. LCC Ecology have also visited the site and carried out their own survey. Based upon a combination of the findings of the submitted survey, and that carried out by LCC, it is considered that the southern area of the overall site (ie the areas which it is proposed to develop) meets the criteria for designation as a Local Wildlife Site. Furthermore, it is not considered that the northern section is of as high quality in habitat and species terms, and as such it does not meet the criteria for designation as a Local Wildlife Site, and as such, its retention as an open, undeveloped area does not outweigh the loss of the southern area. Since making their initial comments, LCC Ecology have been in communication with the Ecologists working on behalf of the applicants, and have devised a scheme of mitigation which it is considered would overcome the previous concerns held by LCC Ecology. These include:

- Designation of entire northern part of site as nature conservation area, to be managed in perpetuity for the benefit of wildlife;
- All formal POS to be within the developed southern part of site;
- Reinstatement of northern part of site as a single compartment rather than series of small overgrazed paddocks;
- Plan for enhancing value of grassland/other habitats in northern part to be approved and implemented before development commences;
- Management plan to be agreed by LPA before development commences - either as hay-cutting or grazing.

Subject to the agreement and implementation of this scheme of mitigation, it is considered that the proposal would be in accordance with Policy RM/10 of the Harborough District Local Plan and the aims and objectives of PPS9 - Biodiversity and Geological Conservation.

#### Footpaths:

Public footpath D19 runs adjacent to the site in a north / south direction from Dalby Avenue to Covert Lane. Whilst the LCC Access Officer has raised no objections in principle to the proposal, the proposal will be highly visible from this footpath.

#### Affordable Housing Provision:

The Affordable Housing SPD was adopted in February 2006 and is a material consideration in the determination of planning applications. The SPD establishes a site threshold of developments of 5 dwellings or more and requires that 30% of the dwellings are affordable.

During pre-application discussions with the Housing Strategy Manager, the applicant confirmed that the Council will require 30% of the proposed dwellings to be affordable with a split of 60% social rented and 40% shared ownership. As the development proposes up to 100 dwellings, 30 of these will be affordable. It is proposed that the units will be transferred to a partner Registered Social Landlord (RSL) at Open Market Values.

#### S106 Agreement

Representations received make various s106 requests including contributions towards affordable housing, open space provision, education and police. These representations are available for inspection as background papers. The suggested contributions have a detailed justification related to the proposal consistent with the

Council's Planning Obligations, Developers Guidance Note, 2009, the recommendations of Circular 05/2005 and CIL Regulations. Any approval should therefore be subject to obligations to secure these contributions.

### **Conclusion:**

The issues of the importance of the area of separation between Scruptoft and Thurnby & Bushby and strictly controlling housing in the countryside in this particular location are critical issues. It is anticipated that the Core Strategy will maintain an area of separation between the settlements, however, it is also anticipated that the position of the designated area will be reviewed. As stated above, it is considered that, in this particular location, the area in question does not provide a separation area between two settlements, rather, a separation between "Scruptoft Village" and the Station Lane / Pulford Drive area of Scruptoft, and as such, this section of the area of separation does not meet the stated intention of the "Areas of Separation". The impact on the openness of the land is mitigated by the amount of development not exceeding 100 units and the recommendation of condition 4 to control the layout. It is also, acknowledged that the application site is located within open countryside, however, in light of the Council's 5 year housing supply deficit, it is considered that the impact of the proposal upon the countryside and the surrounding landscape is not considered to outweigh the need for new housing.

In addition, it is considered that the impact of the proposal (when considered as a sole entity) upon the highways network is acceptable, however, it is also acknowledged, that when considered in light of the four adjacent sites also being considered this evening, the cumulative impact if all were built may be unacceptable, without further physical alterations to the Station Lane / A47 junction. Furthermore, all other considerations have been fully assessed, and it is considered that the impact of the proposal upon residential amenity, ecology, archaeology and drainage are acceptable and that the proposal would comply with the Harborough District Local Plan.

The proposal would provide much needed development within the District, and would contribute towards boosting the Council's Housing Land Supply, and this is considered to be a major factor in the consideration of the application.

It is therefore considered that, notwithstanding the location of the proposal within open countryside and a designated "Area of Separation" under Policy EV/3, the proposal would be in accordance with aims and objectives of PPS3, the East Midlands Local Plan, the Harborough District Local Plan and the emerging Core Strategy.

### **CONDITIONS**

- 1) Details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved. *Reason:-To comply with the*

*Town and Country Planning (Development Management Procedure) Order 2010 as this is a planning permission in outline only.*

- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than one year from the date of this permission. Reason:- *To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to review the position at the end of this period.*
- 3) The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved. Reason:- *To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to review the position at the end of this period.*
- 4) The details submitted pursuant to condition 1 shall present a scheme which proposes no dwellings to the north of the existing mature hedgerow indicated on the Indicative plan (EMS.2032\_03-1 C) to be retained as part of the layout, or to the north of 117 Station Lane. Reason:- *In the interests of visual and residential amenity and to ensure compliance with Policies IN/1 and EV/3 of the Harborough District Local Plan.*
- 5) The landscape details referred to in Condition 1 shall include details of all existing trees and hedgerows on the land indicating which are to be retained and which removed. These details shall also include the retention of the hedgerow to the eastern boundary, the trees indicated as T1 and T6 in the Tree Assessment Report and the mature hedgerow (indicated on the Indicative plan (EMS.2032\_03-1 C) to be retained as part of the layout). Development shall be carried out in accordance with the approved details. No hedge or tree shall be felled, uprooted or otherwise removed during or after the construction period except where removal is indicated on a plan approved by the local planning authority.  
Reason:- *To ensure that the existing trees and/or hedges on the site can be retained, to enhance the development and to safeguard the appearance of the area and to be in accordance with Policies IN/1 and EV/19 of the Harborough District Local Plan.*
- 6) The landscape details referred to in Condition 1 shall include full details of the position, design, materials, height and type of boundary treatment to be provided. The boundary treatment shall be provided to each dwelling before the dwelling is occupied or in accordance with the approved phasing plan. Development shall be carried out in accordance with the approved details.  
Reason:- *In the interest of visual amenity and to accord with Policy IN/1 of Harborough District Local Plan*
- 7) The landscape details referred to in Condition 1 shall include a landscape management plan, including a programme of implementation, long-term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens. The landscape management plan shall be implemented in accordance with the approved

details. *Reason:- In the interests of the establishment and management of the landscaped areas and to accord with Policy IN/1 of Harborough District Local Plan*

- 8) No development shall take place until details of provision for the storage of refuse and materials for recycling have been submitted to and approved in writing by the local planning authority. The approved scheme shall be provided for each dwelling prior to occupation of that dwelling. Development shall be carried out in accordance with the approved details and thereafter retained. *Reason:- To ensure the adequate provision of facilities and in the interests of visual/general amenity and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPS10*

- 9) Building and construction works relating to the development hereby permitted shall not take place outside 07.00 hours to 18.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays and at no time on Sundays or Bank Holidays. *Reason:- In the interests of the amenities of the occupiers of nearby properties and in accordance with Policy IN/1 of the Harborough District Local Plan*

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

- BS10175 Year 2001 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- 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 the land is fit for purpose and to accord with the aims and objectives of PPS23*

- 11) 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 the land is fit for purpose and to accord with the aims and objectives of PPS23*

- 12) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. *Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPS25.*
- 13) The development hereby permitted shall not be commenced until such time as a scheme to install trapped gullies for car parking areas has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved and retained in perpetuity. *Reason: To prevent pollution of the water environment and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPS25.*
- 14) Details of crime prevention and security measures to be incorporated into the development shall be submitted to and approved by the LPA before the development commences. Such details shall be installed prior to any occupation of any part of the development and shall be retained in perpetuity. *Reason: To*

*ensure the safety and security of future residents of the development and the surrounding community and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPS1.*

- 15) Before development commences a scheme of improvements to Public Footpath D19 between the rear of 5 Padgate Close and Covert Lane shall be submitted to and agreed in writing by the LPA. The scheme so approved shall be completed prior to first occupation of any dwelling and shall be retained in perpetuity. Reason: *To improve pedestrian links between the site and primary school in accordance with PPS1*
- 16) For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway. Reason: *To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users and to ensure compliance with policies IN/1 and TR/3 of the Harborough District Local Plan.*
- 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 unless otherwise agreed in writing by the LPA. Reason: *To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site and to ensure compliance with policies IN/1 and TR/3 of the Harborough District Local Plan.*
- 18) For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site. Reason: *To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction and to ensure compliance with policies IN/1, TR/3 and TR/10 of the Harborough District Local Plan.*
- 19) Prior to first occupation of any dwelling, details of a Green Commuter Plan containing a travel to work, car use and car parking management strategy for the (site) as a whole has been submitted to and agreed in writing by the LPA. Note: The plan shall comprise proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for journeys to and from work and during working hours. Details of the proposals shall include measures to secure increases in car sharing, public transport use, cycling and walking, proposals for car parking restrictions and controls and details of on-site facilities to promote alternative modes of travel to the site. Reason: *To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to and from the site and to ensure compliance with policies IN/1 and TR/3 of the Harborough District Local Plan.*
- 20) Before first occupation of any dwelling, car parking provision shall be made with the development site on the basis of 2 spaces for a dwelling with up to three

- bedrooms, 3 spaces for a dwelling with four or more bedrooms and 1 visitor space per five dwellings. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking. *Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to ensure compliance with policies IN/1 and TR/10 of the Harborough District Local Plan.*
- 21) Any garages shall have minimum internal dimensions of 3m x 6m and once provided, shall thereafter permanently remain available for car parking. *Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to ensure compliance with policies IN/1 and TR/10 of the Harborough District Local Plan.*
- 22) Before first use of the development hereby permitted, visibility splays of 2.4 metres by 43 metres shall be provided at the junction of the accesses with Station Lane. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays. *Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety and to ensure compliance with policies IN/1 and TR/3 of the Harborough District Local Plan.*
- 23) 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 and to ensure compliance with policies IN/1 and TR/3 of the Harborough District Local Plan.*
- 24) No development shall take place within the application area until the applicant has secured the implementation of an appropriate programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved by the planning authority. The development shall be undertaken only in full accordance with the approved written scheme. No variation shall take place without the prior written consent of the local planning authority. *Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and to accord with the aims and objectives of PPS5.*
- 25) The applicant shall notify the local planning authority of the intention to commence works (including site works of any kind) at least one week before

such commencement. Thereafter, the programme of archaeological work shall be completed in accordance with the approved written scheme of investigation, including any necessary fieldwork, post-excavation analysis, report writing and archive deposition, as detailed in the approved scheme. The report and archive shall be prepared and deposited no later than six months after the commencement of fieldwork. No variation shall take place without the prior written consent of the local planning authority. *Reason: To ensure satisfactory archaeological investigation and recording and to accord with the aims and objectives of PPS5*

- 26) No development shall commence on site until details of the existing and proposed ground levels and finished floor levels of 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 retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. *Reason:- To ensure a satisfactory form of development which is compatible with the character of the surrounding locality and to accord with Policy IN/1 of the Harborough District Local Plan.*
- 27) No development shall commence on site until representative samples of the materials to be used externally in the construction of the approved building have been deposited with 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, unless otherwise agreed in writing by the Local Planning Authority. *Reason:- In the interests of visual amenity and to ensure that the development will harmonise with its surroundings and to accord with Policy IN/1 of the Harborough District Local Plan.*
- 28) The existing trees on site shall be securely fenced off. Details of the protective fencing to be used and its position around the trees should be submitted to and approved in writing by the Local Planning Authority prior to development commencing and should comply with British Standard 5837:2005 'Trees in Relation to Construction' and in accordance with BS3998:1989 and all subsequent arboricultural best practice guidance. The details as approved shall be maintained during the course of construction. *Reason: To ensure that trees and other vegetation to be retained are not damaged during construction works and to accord with Policies IN/1 and EV/19 of the Harborough District Local Plan.*

## **NOTES TO APPLICANT**

- 1) The EA endorse the efficient use of water, especially in new developments. The Environment Agency's Water Demand Management Team can provide information and advice on any aspect of water conservation including water saving technologies. New developments could take economic advantage of these technologies and should be considered. Wide spread use of these and other technologies that ensure efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Further advice can be obtained from our website at [www.environment-agency.gov.uk/savewater](http://www.environment-agency.gov.uk/savewater)



- 2) During the period of construction any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.
- 3) In preparing submissions to comply with condition 14 the applicant should follow the guidance in the ACPO Secured by Design initiative. Please reference the Police Secured by Design website as below.
- 4) All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager- (telephone 0116 3052202.)
- 5) The proposal is situated in excess of 45 metres from the Highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 2005 and Building Regulations Approved Document B, Fire Safety 2006.
- 6) This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Adoptions team (for 'major' accesses) or the Area Manager. For further information, including contact details, you are advised to visit the County Council website as follows: - For 'major accesses' - see Part 6 of the "6Cs Guide (Htd) at [www.leics.gov.uk/Htd](http://www.leics.gov.uk/Htd). For other minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.
- 7) 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.
- 8) Operations that involve the destruction and removal of hedgerows or other vegetation shall not be undertaken during the months of March to August

inclusive, except when approved in writing by the Local Planning Authority, once they are satisfied that breeding birds will not be adversely affected

- 9) If Great Crested Newts are discovered during work on the development, the relevant work should be halted immediately and Natural England should be notified and further advice sought. Failure to comply with this may result in prosecution.
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10/01306/OUT – SCRAPTOFT      Erection of up to 215 dwellings (means of access to be  
De Montfort University Estates considered), Land east of Beeby Lane.  
Dept

Target Date: 24/12/10

**Recommendation 1**

**REFUSE** for the following reasons:

The proposal, by virtue of its location and amount would have a detrimental impact upon the character and appearance of the surrounding countryside. The proposal is therefore considered to be contrary to Policy EV/5 of the Harborough District Local Plan.

and

The proposal fails to demonstrate that it will not have a detrimental impact upon the ecology and wildlife of the site. The proposal is therefore considered to be contrary to Policy RM/10 of the Harborough District Local Plan and PPS9 – Ecology and Biodiversity.

**Recommendation 2**

**Note to Applicant:**

Without prejudice to the determination of other planning applications, the Council's emerging Core Strategy and the provision of a 5 year supply of housing land the impact of this proposal upon the character and appearance of the countryside could be lessened if, among other things, the amount and scale of development were reduced, consideration given to addressing Sport England objections through provision of sports pitch and additional ecological information to inform impact if any on protected species.

**Site:**

The application site extends to 6.91 hectares and comprises two distinct areas of level ground. There are trees along the boundaries, and a hedgerow to the Beeby Road frontage. The 1.55ha woodland to the east contains "The Mount", a small truncated conical mount with a depressed top. "The Mount" also contains a Grade II Listed shell grotto originally associated with Scraptoft Hall.

The majority of the site was previously used as sports playing fields for De Montfort University. The sports pitches extend to 5.36ha and are no longer in use or maintained. The site has never been available for public use and following the relocation of the university, it was fenced off to stop unauthorised access.

The western boundary of the site is defined by Beeby Road, with existing residential development to the western side of it. There is a mature hedgerow on the western boundary with Beeby Lane. A public footpath abuts the northern boundary, which is also defined by mature trees and the Scraftoft Brook. To the east, beyond the mature woodland within the application site there are two private sports grounds.

The site is not within an area of Particularly Attractive Countryside, Area of Separation, Green Wedge or Green Belt and is 150m east of the edge of the Scraftoft Conservation Area boundary.

### **The Proposal:**

This application proposes the construction of up to 215 dwellings, of which 30% are affordable. The type and mix of dwellings proposed has been fully explained by the applicants in the accompanying Design and Access Statement and Affordable Housing Statement.

As part of the proposal, the applicants are proposing the provision of both formal and informal open space, and the retention of mature woodland. The applicants propose that these areas would be adopted by the local authority and a financial contribution for the maintenance of these areas, in accordance with Harborough's adopted guidance is proposed within the accompanying Section 106 heads of terms document. One new point of vehicular access is proposed, onto Beeby Lane opposite 34 / 36 Station Lane.

The application is accompanied by the following documents:

- A Concept Master Plan;
- A Design and Access Statement;
- A Planning Statement;
- A Transport Assessment;
- An Ecological Report;
- A Desk-based Archaeology Report;
- A Tree Assessment Report; and
- A Flood Risk Assessment;
- A Topographical Survey

### **Consultations / Representations:**

#### **Environment Agency:**

Comments awaited.

#### **Natural England:**

Natural England **objects** to the proposal as inadequate information has been provided with the application to demonstrate whether or not the development would have an adverse effect on species especially protected by law. Our concerns relate to great crested newts and reptiles.

The *Ecological Appraisal* undertaken by FPCR assessed that the pond located on site is of 'good' (0.79 Habitat Suitability Index score) potential habitat for great crested newts, and as such the ecologist has recommended that four presence/absence surveys of the pond (and ponds in the locality) are undertaken. Natural England concurs with this recommendation.

As the site provides a variety of vegetation types, the ecologist also recommended that presence/absence surveys are undertaken to establish whether legally protected reptiles are present on site. Natural England concurs with this recommendation.

For both of these species, at present, your authority does not have sufficient ecological information in order to determine the application, as per your duties under *The Conservation of Habitats and Species Regulations 2010*. Furthermore, as part of the planning process, all ecological constraints should be identified and mitigated at the 'outline' stage as, once granted, the principle of the development will have been agreed and seen to be just; in this case that would be unknown information on the potential presence of great crested newts and reptiles.

We therefore advise that, in line with the ecologist recommendations, prior to determination:

- In accordance with standard survey methods in the Great Crested Newt Mitigation guidelines, a minimum of four presence/absence surveys are undertaken during the active season (mid March-mid June) for the pond on site, and adjacent waterbodies within 500m.
- Should access be denied to the other waterbodies, a relative survey effort and information to justify how there is enough ecological information to be provided by the ecologist.
- Presence/absence surveys for all reptiles to be undertaken on site.

This information should be submitted at the outline stage of the planning application and Natural England should be consulted upon its receipt.

We therefore recommend that the application is refused planning permission unless the applicant submits adequate information to show that the species would not be affected or that potential effects, would be avoided or satisfactorily mitigated.

#### English Heritage:

In considering the impact the development would have on the setting of adjacent historic assets it is stated that both Hall and the detached remnants of its grounds, referred to in the submission as the 'The Mount', should be considered as complimenting the significance of each other, according to guidance on setting with the practice guide that accompanies PPS5: Planning for the Historic Environment. This increases the significance of the Mount area and consequently it is suggested that not only should mitigation measures be put in place but that an opportunity to better conserve and enhance its qualities could be taken and secured.

The application site adjoins the historic grounds of Scruptoft Hall, a grade II\* country house that is closely related to the medieval village of Scruptoft and the Church of All Saints, grade I listed. The former grounds of the Hall have been greatly altered through modern development leaving two principle elements extant; the Hall itself and its immediate surroundings, and a section of wooded pleasure grounds with a

prospect or viewing mound called the 'Mount'. The Mount is of local significance as undesignated heritage asset and it contains within its banks the remains of a former grotto which is grade II listed. The Hall and pleasure grounds became physically and, to a great extent, visually separated from each other by the creation of a university campus within the grounds of the Hall. This loss has recently been compounded by the redevelopment of the campus into a housing estate, which has firmly established the land as functionally and visually distinct from the Hall and its grounds. The proposal expands the recent residential development north into the former campus sports ground. The submitted archaeological report clearly shows that this field was formerly agricultural, forming part of the setting of the Hall but not part of its formal gardens. It follows that the issue of its impact on the setting of the Hall and the remnants of the pleasure grounds need to be considered when determining the application.

The long term protection of the pleasure grounds and the Mount needs to be considered and further encroachment ruled out. Perhaps the best way to achieve this is not just to leave it unchanged but give the space a new active use which would enhance its role as an area of wooded amenity space. This could be achieved through a sensitive and informed conservation scheme that includes the enhancement of its historic characteristics, for example by re-instating pathways or enhancing views from the Mount. Additionally the condition of the grade II listed grotto appears to be very poor and it must be considered as a building at risk and the potential to secure its consolidation as part of this development should be considered. We would recommend the proportionate use of a Section 106 agreement to achieve such benefits.

Whilst we have no objection to the broad scope of proposals we would recommend that due care is taken with regard to the setting of the Mount area and that consideration be given to securing conservation benefits for the features contained within it, for example through the use of a Section 106 agreement.

Severn Trent Water:  
Comments awaited.

Sport England:

We understand that, in this particular case, the land proposed for development has not been used as a playing field for at least 5 years and is not allocated as playing fields in the current or emerging development plan. Therefore, based on the information available to us, there is no statutory requirement for Harborough District Council to consult Sport England on this planning application.

However, we would wish to make the following comments as a 'non-statutory' consultee. Whilst there appears to have been a period of time where the land has not been used for pitch sports, the planning use of the land in question remains as playing fields.

With reference to the Council's Local Plan, it is evident that the Council is reliant on the guidance set out in Planning Policy Guidance Note 17 (PPG 17) to provide the planning policy framework in which to consider proposals which would lead to the loss of existing sports facilities, including playing fields.

Paragraph 15 of PPG 17 sets out a presumption against the loss of playing field areas unless certain circumstances apply. The specific circumstances are encapsulated and expanded on within Sport England's Playing Fields Policy, 'A Sporting Future for the Playing Fields of England'. In commenting on any planning applications affecting playing fields, or land last used as a playing field, we assess whether the proposal meets any of the 5 exceptions to our Playing Field Policy. These exceptions, which are reflected in PPG 17, are set out below.

- **E1** A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field in the catchment, and the site has no special significance to the interests of sport.
- **E2** The development is ancillary to the principle use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.
- **E3** The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing areas of any playing pitch or the loss of any other sporting/ancillary facilities on the site.
- **E4** The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.
- **E5** The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

If we do not consider any of these exceptions apply, then we will oppose the development. Our policy relates to all or any part of a playing field or land last used as a playing field, or land allocated for use as a playing field in an adopted or draft deposit local plan.

We understand that the application site was previously used as an established playing field site but since the relocation of the University Campus, it appears that the site has not been used for pitch sports and become overgrown. However, this should not be taken as demonstrating an absence of need and as previously stated, the planning use of this land remains as a playing field.

We are not aware of any assessment being undertaken which demonstrates that there is a surplus of playing pitches which are available to serve the needs of the local community and therefore exception E1 of our policy does not apply.

The proposed residential development on land which appears capable of forming playing pitches would also not satisfy exceptions E2, E3 or E5. As no replacement provision is proposed, exception E4 is not applicable to this application either.

In the light of the above, we do not consider that any of the exceptions contained in our Playing Field Policy or PPG 17 apply to this application. Sport England therefore wishes to object to this planning application, as the proposed development would lead to the permanent loss of this playing field site.

Leicestershire Constabulary:

I am pleased to say that I was consulted on this application on a pre application basis. I am less pleased to say that the indicative layout remains unchanged and I am concerned that this is becoming fixed particularly as our principle concern, the unnecessary degree of permeability in the scheme, does not seem to have been considered any further. I appreciate that this is an outline application, and I propose a condition to comprehensively consider crime and community safety measures, however I would have hoped that the opportunity to improve the layout would have been taken by now. I do hope that you will consider this seriously and seek amendments to the illustrative Master plan and Design and Access statement if outline permission is contemplated.

The D and A statement does not consider the local crime context nor how the scheme will be designed to address this. It considers PPS 1 and the Climate Change supplement but not the Safer Places supplement. It mentions the need for infrastructure to accompany new housing to achieve sustainability. The ability of the site to deliver green infrastructure is asserted however the site serves this purpose now as does adjoining countryside which will remain. The permeability impact of this aspiration is not considered. A number of communal facilities are proposed eg a new village hall, open space, landscaped/recreation areas and footpaths but the impact on permeability and the need for careful design is not considered. You need to decide whether the application has sufficient information for you to consider crime and community safety impacts.

As already indicated and as communicated to the applicant I have some real concerns about the proposed layout. The combination of excessive permeability in the form of loop roads and footpaths and dual access creating a through route will have an impact upon crime risk as well as the quality of design. I have to suggest that the function of links needs to be clear before these are planned rather than just provide in every opportunity that presents which seems to be the philosophy in the layout.

There is a tension in outline applications as far as demonstrating Secured by Design is concerned. There is a wealth of advice in the New Homes Guide at the weblink below and the development would minimise crime and promote community safety if it followed this. In outline applications we do challenge developers to endorse and include Secured By Design in their design codes so that this is considered comprehensively as the layout is developed. I have challenged this developer to do this with no response so far. Community safety is too important to be left to a series of separate conditions eg on fencing, lighting, house plot layout, fencing and so on. I

therefore ask that should you be contemplating permission, a condition is imposed to ensure safety and security is considered.

The other primary matter for Leicestershire Police is to ensure that the development makes provision for the Policing needs it will generate and I have pointed this out to the applicant. Development of this Greenfield site will increase the local population identified in the application by about 40% and across the force this will lead to the need to employ two further staff. Using our formula we expect a financial contribution and this will be used to meet the capital Policing needs generated by this particular development.

Contributions received through S106 applications will be directly used within the associated local policing units to:

- Address the accumulative effects of numbers of housing and commercial developments over a geographic area.
- Provide new or supplementary buildings to house resources, or to facilitate community participation and engagement
- Provide additional vehicles (both motor vehicles and/or cycles) and other resources (for example, associated clothing and equipment and IT or mobile data costs) associated with the above efficiencies
- Extend communication infrastructures
- Provide (where appropriate) CCTV cameras, some of which may require enabling for ANPR (Automatic Number Plate Recognition) purposes
- Enhance crime reduction measures through Secured By Design principles
- Increase efficiencies associated with patrol, detection and prevention of crime.

The list above provides a functional or geographical link between the development and the item being provided as part of the developer's contribution as per ODPM Circular 5/05.

I note that the developer has provided heads of terms that include a Policing contribution and hope that this further information now justifies the case we make. It seems to me that the developer is leaving this a little in the air and so I do need to point out the likely objection should a policing contribution not be agreed. I will wish to consider this further as the application is reported for decision at your Authority.

Leicester City Council:

The proposal is unlikely to have any significant direct impacts on city residents and it does not conflict with the wider planning policy goals of the City Council. As such Leicester City Council raises no planning policy objection to the application.

Highway Authority (LCC) (21/01/11):

Whilst acceptable in principle, the Highway Authority has been keen to ensure that this development would not lead to capacity issues on the local highway network particularly in terms of the Station Lane/Covert Lane/Church Hill roundabout and the Station Road/A47 junction.

Following the submission of additional information from the applicant, the Highway Authority has now had the opportunity to look in detail at both areas. In terms of the



roundabout Arcady modelling has shown that there will be a small increase in queue lengths. However this impact is unlikely to be material due to the traffic flows from the development being fairly evenly spread over each arm of the roundabout and therefore it would not be possible to sustain a reason for refusal on these grounds.

With regards to the Station Road/A47 junction, it is accepted that on a pro-rata basis there will be less of an impact than the Davidsons or Jelsons developments given that the location of the site to this junction is more remote. However taking into account the size of this development and the agreed distribution, there will be an overall impact on the operation of the junction which will be similar in scale to the proposed Davidsons development.

With regards to the A47/Station Road junction the Highway Authority would re-iterate the comments made in respect of applications 10/00620 & 10/01045:

The conclusion is that subject to the minor alterations, the junction can accommodate the additional traffic generated by 350 dwellings. However, this will leave the junction operating at or just over capacity and therefore any further development in the Scraftoft/Thurnby area will only be acceptable if capacity at this junction can be increased. This is likely to involve physical works. Therefore once the 350 limit has been reached the Highway Authority would seek to resist any further development.

The above comments were made in respect of the Jelsons and Davidsons applications where the distribution of traffic to the A47/Station Road junction was 60% compared with 25% from the DMU site. Purely in terms of this junction, a figure in excess of 350 dwellings would therefore be acceptable, if this application were to be approved. In that scenario, the Highway Authority would want to limit the number of new dwellings to 475.

S106 contributions are required towards travel packs/passes and the upgrade of local public transport infrastructure. If this scheme is approved, the same contribution as requested from Jelsons & Davidsons, towards works at the Station Road/A47 junction, would be required. A contribution is also required towards the upgrade of footpath D19 from Covert Lane to the rear of 5 Padgate Close is upgraded in order to encourage walking and cycling from the development to the primary school.

#### Ecology (LCC):

We note from sections 3.12 and 3.13 of the report that the boundary hedgerows to the east and north were found to be of 'high value to nature conservation' when recorded against the HEGS survey and also as being Important under the Hedgerow Regulations. We note from the Concept Masterplan submitted with this application that most (but not all) of the hedgerow to the east is to be retained as part of the development, but that a large proportion of the northern hedgerow is to be lost. We are unsure as to why this cannot be retained as it appears to be separating open space from the wider countryside and we would assume that a boundary of some kind would need to be positioned here. We would therefore recommend that the retention of this hedgerow is reconsidered.

We note from section 4.8 of the report that it is considered that the planting on site will allow for biodiversity enhancements. We would require further information on the proposed landscaping and enhancements before we could comment in detail on this. If the planning authority is mindful to grant permission, the submission of these further details must be forwarded as a condition of the development.

We note that the woodland to the east of the site is to be retained as part of the development. However, we also note that it is included within the red line boundary of the site and we would therefore request that the plans for this area are submitted, prior to the determination of the application. This should include information on its long-term management and its inclusion (or otherwise) into public open space.

Section 4.11 of the report indicates that the pond on site provided 'good' habitat for great crested newts when assessed against the Habitat Suitability Index. Further surveys to establish the presence or absence of great crested newts are therefore required prior to the determination of the application. As these surveys can only be completed between February to the end of May we would recommend that this application is either withdrawn or refused pending this further survey.

Section 4.18 of the report states that 'no evidence of other protected species or suitable habitats to support such species were identified during the surveys'. We are unsure of this statement as it does not appear that the potential presence of badgers on the site has been considered. From looking at the aerial photographs of the site it appears that there is potential habitat for badgers within the hedgerows and the woodlands present on site. We would therefore request that badger surveys are completed, prior to the determination of the application.

We would be concerned with the impact of any street lighting on the woodland in the east of the site. It is possible that the woodland is used by foraging bats and should this area become illuminated as a result of the development, we would recommend that bat activity surveys be completed.

Archaeology (LCC):

Recommend conditions on any approval.

Planning Policy(HDC):

Comments awaited.

Contaminated Land Officer (HDC):

Recommend conditions on any approval.

Environmental Health Officer (HDC):

No comments.

Public Spaces Manager (HDC)

The required contribution towards POS and associated commuted sums for the above site are shown below (see S106 section). Assuming a population of 494 persons (215 units) in the new development. The currently available open space within Thurncourt and Humberstone has also been included in the calculations. We

always prefer to have POS provided on site but can consider off contributions for cemeteries and allotments if suitable alternative sites can be located

#### Drainage (HDC)

The application states that the surface water from the site will discharge via sustainable drainage system. In accordance with Building Regulations part H new applicants can no longer simply choose to discharge rainwater to a sewer, if it is reasonably practical to do so then they must use alternative methods. As such the developer/builder must submit to the council alternative proposals for the discharge of surface water from the site.

- Soakaway should be considered, with soil permeability tests and construction conforming to BRE Digest 365. Evidence of these tests, successful or not must be submitted to the council.
- Watercourse should be considered, if available. The condition of the outfall (downstream section) must be acceptable and be able to except additional flows. An acceptable condition must be demonstrated, as must the long term maintenance of the watercourse.
- All Sustainable Urban Drainage systems should be investigated by the developer.

Any drainage system proposed by the developer /builder must be supported by test results, construction details and calculations and must be submitted to the council for approval. All of the appropriate guidelines set by the council must be met before any approval is given.

It must be demonstrated that the site can be adequately drained of surface water with no environmental impact.

#### Scraptoft Parish Council:

Object to the proposal raising the following issues: 1) Too large. 2) No infrastructure for the amount of houses planned. 3) Dramatic increase in traffic. 4) Access onto Beeby Road is inappropriate. 5) Proposed road to feed into site will pass children's play area on Wilson estate – what about childrens safety. 6) Scraptoft Brook – drainage problems? 7) Size and height of proposed development (flats) will create an unappealing visual impact when approaching Scraptoft village from the Keyham Road. It will create a huge mass of housing as it merges with the Wilson estate.

#### Leicestershire Planners Design Review Panel:

It is always sad to see the demise of sports pitches. Several single or small groups of pitches have been lost in the city in recent years. This was mainly due to sporting organisations and the City Council being reluctant to manage and invest in modest sporting facilities. This site at Scraptoft however, is different in that it is a large area that has been levelled and used for sports in the recent past. It is surrounded by existing rugby pitches, a golf course and itself has the potential to be extended northwards to create what could become a significant sporting facility.

The opportunity to create a significant sporting facility on the edge of an attractive village like Scraptoft, which is close to the city and has good transport links, is extremely rare. Planning Officers are therefore, recommended to explore all policy positions and exhaust all searches for sporting clubs that are seeking such a facility. It may be the case that several small clubs with ambitions of playing in higher

leagues would be willing to unite and pool resources to redevelop the land as a major new sporting facility.

#### Representations:

7 Letters of objection have been received from 7 separate households (from the following properties: 3, 11, 13, 21, 26, 50, 44 Beeby Lane) raising the following points (for more details please refer to the letters on file): 1) The site should continue to be used as playing fields, ideally by the local population, it is a much needed facility. 2) Must consider the increased traffic and its impact on the road network. 3) Need for increased school facilities. 4) Need for increased GP facilities. 5) Need for better, more regular public transport facilities. 6) Need for better drainage facilities for the site, and the risk of flooding. 7) Do us residents in Scraptoft have to keep putting up with applications for building on our fields and open spaces. Yes we knew that De Montfort University were saving this land to build on, Yes we knew that at some point they would put in an application and Yes we know that some time it may happen but why now. Have we not had enough houses dumped on this out lying village! 215 houses!!!! 8) We have just had this amount built on our doorstep and we simply cannot cope with anymore. 9) It includes the mount, a piece of land and woodland that is centuries old and has some significance in our society. They have done their best to ruin this piece of land over the past couple of years so that the public may say well lets have something done. 10) This whole housing plan is incongruous to this area. The land is high above our bungalow and will not only intrude on our privacy, it will over look our property, block all of the morning sunlight, cause absolute havoc on the roads, as the existing Wilson site already has, and will have a big impact on the environment in its present situation. 11) This land has many great features and De Montfort University used to tender it well, but to allow them to become house builders now that they have already sold land for a vast amount is just beyond comprehension. Do we not count for anything as long term residents!! 12) It is about time that this council listened to its residents before it is too late to listen. We have had our fair share of building in this village, as have Bushby and Thurnby. 13) I have no problems with escalating my own feelings to a higher level. We do have rights as homeowners and how you can leave out devaluation of property is beyond me. What you are saying is stuff the homeowner, let the rich get richer and let the council take in more revenue. As the old saying goes, why dont you have it on your doorstep instead. 14) The amount of housing shown for Scraptoft is too much, we shall become overwhelmed with housing and cars, and Scraptoft will no longer be a pleasant place to live, it will become like Hamilton or Beaumont Leys. 15) I would have thought that the David Wilson site is more than enough for Scraptoft. 16) The plans are so close to the footpath, the houses will ruin the whole area. 17) What has happened to preserving the countryside, the opposite seems to be the case in Scraptoft. 18) The proposed junction is too close to the bend and could be dangerous. 19) The flow to my natural well will be affected by the houses being built. 20) There is a shortage of playing fields in the Scraptoft area, I feel it would be ridiculous to build on these badly needed playing fields, they were built to a high standard, levelled and well drained. 21) I would add that if the playing field to the western side of the proposed development running along Beeby Road were to remain for public use, and building was restricted to the eastern playing fields, I would have no objection to such an application.

1 letter of objection with an incomplete address has been received to which no material consideration can be given.

#### Section 106 Requirements:

Given the size of the proposed residential development the application triggers a requirement for Section 106 obligations including affordable housing, community facilities and education. Should Members be minded to grant permission for the development, the following requests have been made for Section 106 contributions:

#### *Affordable Housing*

We will be looking for the onsite provision of the affordable housing. Our percentage requirement is 30% of the total yield being proposed. This 30% requirement is triggered on any development of 5 or above in Harborough District.

Our current tenure requirement is to seek in general terms a 60 / 40 split between rent and Intermediate housing respectively. However each site is assessed independently in meeting specific local housing need. Within the context of the present, we will need to incorporate aspects off the Coalition Government agenda once details are forthcoming and as relevant to each site. We will require some flexibility on this point.

The affordable housing must comply with Homes & Communities Agency Quality Development Standards particularly in relation to space and floor areas as a minimum requirement.

The affordable housing will be transferred to a partner RSL at Open Market Values to be agreed between the developer and RSL partner and approved by Harborough District Council. The transfer values will be built into the Section 106 Agreement if details are available at the time the Agreement is drafted.

#### *Community Facilities*

Assuming a population of 495 (215 units) in the new development, contributions are required for sport facilities; amenity greenspace; natural and semi natural greenspace; children and young people, allotments and cemeteries and closed churchyards. The currently available open space within Thurncourt and Humberstone has also been included in the calculations. We always prefer to have POS provided on site but can consider off contributions for cemeteries and allotments if suitable alternative sites can be located.

#### *LCC Education*

We understand Harborough District Council are considering 5 applications that will affect the education contribution for the primary and high school sectors. At present there are forecast to be 50 surplus places in local primary schools. Therefore if anymore than 238 houses are given planning approval, a primary education contribution would be payable.

At present there are forecast to be 46 surplus places in local high schools. Therefore if any more than 343 houses are given planning approval, a high school education contribution would be payable.

It should be noted that this is a guideline only and the actual contribution required may differ as pupil places will be used to calculate the contribution rather than the actual number of houses.

#### *Primary School Sector Requirement*

The site falls within the catchment area of Thurnby Fernvale Primary School. The School has a number on roll of 203 and 243 pupils are projected on roll should this development proceed; a deficit of 40 places. However, taking into account the other Primary School within 2km (Thurnby St Luke's) which has a projected surplus of 27, there is an overall deficit of 13. **Therefore a claim for education contributions is justified in this sector.**

However please note that we are aware of other proposed developments in this area which if granted planning permission may affect requests for future education contributions and generate a claim in this sector.

#### *High School Sector Requirement*

The site falls within the catchment area of Oadby Gartree High School. The School has a net capacity of 793 and 808 pupils are projected on roll should this development proceed; a deficit of 15 places. An education contribution will therefore not be requested for this sector. There are no other High Schools within 3km, **therefore a claim for education contributions is justified in this sector.**

#### *Upper School Sector Requirement*

This site falls within the catchment area of Oadby The Beauchamp College. The College has a number on roll of 2123 and 2157 pupils are projected on roll should this development proceed; a deficit of 34 pupil places (of which 12 are existing and 22 are created by this development). There are no other upper schools within a three mile radius of the site. **A claim for an education contribution in this sector is therefore justified.**

In order to provide the additional upper school places anticipated by the proposed development, the County Council requests a contribution for the upper school sector.

The S106 figures given above are currently valid but are subject to Indexation and are reviewed on an annual basis (i.e. 31<sup>st</sup> March).

#### *Police*

A contribution is required to meet the capital costs the Police will face as a result of this development. This is a green field site making no demands on current policing however this will change significantly with a sizeable new overnight population, the building of many new premises and with the existing crime situation in mind.

#### *Civic Amenities*

The County Council has reviewed the proposed development and consider there would be an impact on the delivery of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is required

### *Libraries*

Having reviewed this in light of obtaining mapping information since the original submission was made, we don't wish to claim for Library Services. The development area is within the City Council libraries catchment of Evington and Hamilton. Our nearest library is Oadby which is over 5 kilometres away and has no discernable links with the proposed development.

### *Highways*

In the interests of encouraging sustainable travel to and from the site, the following contributions are required:

1. Travel Packs (1 per dwelling)
2. 6 month bus passes (2 per dwelling)
3. Information display/s at 2 nearest bus stop/s
4. StarTrak real time information displays at 2 nearest bus stops

In order to mitigate the impacts of the development on the highway network, the following contributions are required:

1. Alterations to traffic signals amount to be agreed

### **Other Information:**

#### History:

<b>Date Received</b>	<b>Decision / Date</b>	<b>Plan No.</b>	<b>Name of Applicant</b>	<b>Description and address</b>
28.01.56	Refused 05.03.56	BR/01887/BRDC	Leicester Corporation	Development of land for residential purposes, Beeby Road, Scraptoft,
30.11.56	Approved 07.01.57	BR/02109/BRDC	Leicester City Council	Use of land as a playing field (02109) OP 96, Scraptoft,

### **Policy Assessment:**

Section 38 (6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the relevant policies contained within the development plan unless material considerations indicate otherwise.

For further details of the relevant policies, please see the introduction to the Agenda.

### **Planning Considerations:**

This application has to be assessed in the light of the relevant national, strategic and local plan policies. It should be determined in accordance with the development plan unless there are material considerations that would indicate otherwise.

The two fundamental issues in this case relate to the release of Greenfield land for residential development outside the Limits to Development and the provision for

strategic housing requirements in the District, including the required five-year supply of deliverable housing land.

#### Determining Planning Applications with regards to PPS3

The LPA cannot demonstrate that an up-to-date five year supply of deliverable sites. As such the LPA “*should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69*” (paragraph 71 of PPS3).

Paragraph 69 of PPS3 states that in deciding planning applications, LPAs should have regard to:

1) *Achieving high quality housing;*

The Design and Access Statement (D&A) explains how the scheme will be designed and how the scheme will provide a range of house types and tenures to create a balanced community and provide a scheme with attractive and functional outdoor areas

2) *Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;*

The D&A confirms that a variety of house types, sizes and tenures will be provided to meet the needs of all sectors of the community.

3) *The suitability of the site for housing, including its environmental sustainability;*

The site is accessible and well connected to public transport and community facilities and services. However, the site is on land which has previously been used as playing fields.

4) *Using land effectively and efficiently;*

The density of 40dph is in excess of the required minimum of 30dph in Policy ALT/3 of the HDLP, and it is considered that some relaxation of this policy could be sought in order to mitigate the site’s location outside of the settlement’s limits to development and within open countryside.

5) *Ensuring the proposed development is in line with planning housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.*

The issue of protecting the character of the open countryside is considered to be a critical issue which is explored further later in this report. Whilst it is considered that there may be alternative sites in the surrounding area which could help meet the undersupply where there are no landscape designations, the site would give a significant contribution to the housing requirements.

#### Principle of Residential Development in this Location:

PPS3 provides a definition of PDL:



*'Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.'*

*The definition includes defence buildings, but excludes:*

- Land that is or has been occupied by agricultural or forestry buildings*
- Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures*
- Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed*
- Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings)*

*There is no presumption that previously developed land is necessarily suitable for housing development, or that the whole of the curtilage should be developed.*

In this case Officers consider that the site would be excluded from the definition of “previously developed land” as it would come under the category of “Land in built-up areas such as private residential gardens, parks, **recreation grounds** and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed”. No evidence or methodology has been submitted to explain or justify why this site has been selected over previously developed land following the hierarchical approach required by Policy 3, or even green field sites in hierarchically superior locations. In addition, if the application was permitted, it would introduce residential development in the open countryside, beyond the Limits to Development.

#### HDL Policy EV/5

Taking each of the criteria-based policy separately, the following conclusions can be drawn:-

- (1) The development would not sustain or improve the rural economy - since development of the site would be an urban development.
- (2) A development of this scale is likely to adversely affect the character and appearance of the countryside (please refer to the landscape capacity section of this report for further information)
- (3) The development is unlikely to adversely affect the amenities of residents in the area – Although the current application is in outline form with only means of access being considered, the Indicative Layout provided with the application together with the contents of the Design and Access Statement demonstrates that a layout could be designed which ensures residential amenity is not detrimentally affected. Furthermore, issues surrounding residential amenity can be considered in more detail at the reserved matters stage.

- (4) The buildings could potentially be sited in a position that minimises their impact on the landscape and on important views into and out of villages. Submitted plans are illustrative and it would ultimately require detailed plans to fully demonstrate this. However it is considered that this would be more easily achieved with a development of a reduced scale.
- (5) The development could potentially be designed to reflect the distinctive local character of the landscape and the built environment as indicated on the Indicative Layout Plan and from the information contained within the Design and Access Statement
- (6) Landscaping is a matter reserved for subsequent approval. Notwithstanding this, the Indicative Layout Plan and the Design and Access Statement illustrate how the site could be landscaped.
- (7) Appropriate conditions can ensure areas of ecological and archaeological significance are not adversely affected by the proposed development
- (8) A satisfactory access could be provided without adversely affecting the character and appearance of the area as indicated on the Indicative Layout Plan and from the information contained within the Design and Access Statement
- (9) There is likely to be capacity in the local road network to accommodate the traffic likely to be generated by the individual development
- (10) The Indicative Layout Design and Access Statement illustrate how adequate provision could be made for car parking and servicing within the site
- (11) The development would not contribute to the coalescence of two close settlements.

Policy EV/5 is a restrictive policy; consent should be refused for a development in the countryside unless all eleven conditions set out in the policy are met. From the conclusions reached above (some of which will be expanded upon further in this report), the proposed development fails to comply with all aspects of policy EV/5.

#### Leicester PUA Landscape Character and Capacity Study

The site forms the western part of Land Parcel 26 and is located to the east of Scraftoft on a relatively flat plateau area. The Parcel scores 32 in the assessment and as such is classified as having a medium high landscape capacity for development. It is within the Leicester Fringes Landscape Character Area and is adjacent to a designated 'Green Wedge' and 'Separation Area'. The eastern boundary of the Parcel is a tall tree belt, separating the Parcel from an adjacent residential property. The southern boundary is marked by a tree belt but this boundary has gaps to allow access into the Parcel. There is also a small woodland area on the southern boundary of this Parcel. The most westerly part of the southern boundary is largely open to a new residential development on the site of former University buildings. The northern and western boundaries are also formed by tree

belts. These boundaries have few gaps in them. The western boundary runs along Beeby Road.

The Parcel as a whole comprises three separate areas of sports pitches and a central woodland block. The western most pitches are now disused, but the site was terraced to create appropriate flat platforms to accommodate pitches. The two eastern areas of pitches belong to two separate rugby clubs Stoneygate and Aylestone St James. These two clubs both have three individual pitches and associated clubhouse facilities and parking. Tree belts separate the three areas. There is also an ice house or grotto, associated with the former hall in Scraftoft, which is concealed within woodland on the boundary of the Parcel.

Views into the eastern part of the Land Parcel are relatively limited, being restricted to views through access points into the rugby clubs. There is a no public footpath through these pitches. However, a route runs along the northern boundary of the disused pitches. There are more open views into this part of the Parcel from the new houses. Development to the west of the Parcel would relate well to the new development and existing urban areas, while land to the east, although contained, is more isolated from Scraftoft.

This Land Parcel is considered to have a medium high capacity to accommodate development. Given the residential context of the parcel, and the nature of the roads in the surrounding area, commercial development would be much less suitable in this Land Parcel. Residential development is felt to be appropriate in this location, subject to the following mitigation measures:

- *Retention of existing landscape features and vegetation*

The woodland area on the southern boundary of the Parcel should be retained. Other woodland blocks and tree belts associated with the Parcel could also be retained.

- *Important views to be retained*

Existing enclosure of the Land Parcel is relatively extensive and there are no significant views into the site that need to be retained.

- *Retention of existing routes through the site*

The public footpath through the Parcel should be retained as part of any development.

- *Ground modelling*

Ground modelling is unlikely to be necessary or appropriate in the eastern part of the Parcel. The existing earthworks in the area of disused pitches may need to be remodelled as part of any development but provides an existing level platform.

- *Additional planting*

Additional planting could be incorporated in any development to reinforce the northern boundary of the Parcel.

- *Maximum building heights*

Existing buildings in this locality are generally 2-3 storeys high. Proposals in this Land Parcel should be of a similar height.

- *Development layout*

Any proposed development within this Parcel may require two separate access points, in order to retain the woodland block and belt on the southern boundary.

The development would need to relate to existing properties in Scraptoft, which front onto Beeby Road, as well as the new housing development.

- *Building materials*

Buildings adjacent to Land Parcel 26 are generally of modern origin but the newest buildings have reflected some vernacular features. Older properties within Scraptoft village include white rendered walls with slate roofs and red brick quoining.

- *Open space provision and green infrastructure*

The woodland blocks within the Parcel should be incorporated into open spaces to serve any proposed development.

### Re-examination of LCA by Landscape Partnerships

The application site scores differently (in individual categories) from the score for Land Parcel 26 as a whole because parts of the site are more elevated than the rest of the Land Parcel, the application site is larger scale than other parts of the Land Parcel, the character and condition of the application site is worse than its surroundings, the application site is more open to public and private view, it has an existing relationship with the surrounding built form, but there is less mitigation proposed than may be required.

### Layout and Scale:

The proposed development would not be seen from the heart of either village. The predominant views of the site would be from Beeby Lane and the more suburban estate adjacent to the site. The development would be visible from the public footpath which runs directly adjacent to the site. From Beeby Lane, the development would be seen as being adjacent to the new development on former Scraptoft Campus site.

Notwithstanding the above and although this is an outline application with all matters reserved apart from means of access, information contained within the Design and Access Statement (DAS) and the Indicative Layout Plan illustrates how the site could be developed.

The indicative layout indicates the development will comprise approximately 215 dwellings on a net area of 5.36ha representing a density of 40 per hectare (gross). This density exceeds the required minimum of 30 dwellings per hectare in Policy ALT/3, and it is considered that as the site exceeds the minimum density requirements, a lower density scheme would be more appropriate given the sites location. Some relaxation of this policy would therefore be required in order to mitigate the site's location outside of the village limits to development and within the open countryside.

The development will include a mixture of 1 and 2 bed apartments, two, three and four bedroom dwellings including short terraces, semi-detached and detached houses, with a mix of two, two & a half and 3 storey properties. As the existing residential properties within the immediate vicinity are predominantly 2 storeys high, any subsequent reserved matters should ensure the proposed dwellings, particularly those around the fringes of the site, reflect the heights of the surrounding existing properties. A condition could be recommended to ensure that the development

features a maximum of 2.5 storey properties, with the potential for some three storey development, where appropriate, adjacent to the new development immediately to the south.

The layout indicates that regard has been given to the site constraints in terms of boundary hedges, trees and the public footpath. The layout plan also indicates an area of open space within the site. The distance and separation from conservation area and listed buildings will ensure no setting is compromised. A condition could be recommended to ensure siting is reserved and to make it clear that the layout is indicative only.

#### Highways:

The application has been accompanied by a Transport Assessment which was prepared by RPS. This concludes that the site is well related to the local services, and that these facilities can be access by sustainable modes of transport.

#### *Local Network*

Whilst acceptable in principle, the Highway Authority has been keen to ensure that this development would not lead to capacity issues on the local highway network particularly in terms of the Station Lane/Covert Lane/Church Hill roundabout and the Station Road/A47 junction.

Following the submission of additional information from the applicant, the Highway Authority has now had the opportunity to look in detail at both areas. In terms of the roundabout, the modelling has shown that there will be a small increase in queue lengths. However, the HA consider that this impact is unlikely to be material due to the traffic flows from the development being fairly evenly spread over each arm of the roundabout and therefore it would not be possible to sustain a reason for refusal on these grounds.

With regards to the Station Road/A47 junction, it is accepted that on a pro-rata basis there will be less of an impact as a result of this proposal than the Davidsons or Jelsons developments given that the location of the site to this junction is more remote.

#### *Access Arrangements*

Access to the proposed development would be via a new priority T-junction from Beeby Lane and an extension of an existing access road within the development to the south. The site layout has been designed to reflect the principles within *Manual for Streets*, ensuring permeability and encouraging low vehicle speeds throughout the development

#### *Public Transport*

The site benefits from a frequent bus service connection between Scraftoft village and Leicester City Centre within 30 minutes travel time. Route no. 56 provides a half hourly service between Scraftoft, Thurnby and Leicester (Humberstone Gate) Monday to Saturday. The nearest bus stops are located on Malsbury Avenue approximately 150m southwest of the proposed development. The service operates

anti-clockwise through the village of Scruptoft via Covert Lane, Malsbury Avenue, Beeby Road and Church Hill.

The nearest railway station is Leicester London Road Station, located 5.6km from the site. The station is accessible by cycle or via the no. 56 bus service to Humberstone Gate, a walk of approximately 10 minutes is required across the City Centre. Leicester Station is a main line station with frequent trains to London and Birmingham.

### *Pedestrians and Cycles*

The existing network of footways and footpaths in the area provides safe and convenient access to the village centre, local bus stops and a range of local community and education facilities. Good quality footways are present throughout the village, complemented by formal and informal pedestrian crossing facilities on established pedestrian desire lines. There is no existing footway along the site frontage. To the south of the site, footways are provided throughout the Scholars Grange development, connecting with a footway along the northern side of Covert Lane. The footway lies on the route from the site to local schools and a convenience store located off Station Lane.

The Leicester Cycling network includes several local advisory routes leading to “traffic free paths” and Bridleways. Church Hill, Main Street, Scruptoft Rise, Scruptoft Lane and Station Lane are all identified as advisory routes, providing reasonably safe and direct access to the wider cycle route network.

### *Parking*

As the application is in outline form only, parking cannot be fully investigated at this stage. However, the Design and Access statement states there will be ‘a balanced approach taken in relation to car parking. The aim has been to keep parking to a minimum in order to limit car use but not to such an extent that residents have to resort to extensive on-street parking within the development or the wider area’. Parking will be provided within plot and also through rear parking courts. Parking areas will be landscaped where possible in order to help soften the impact of hardstanding areas and create a more attractive street scene.

### *Local Facilities*

Accessibility to existing local services and key destinations from the site has been assessed with respect to recommended maximum walking and cycling distance and journey times by public transport.

A range of local services can be conveniently accessed on foot within 30 minutes of the site, including six primary schools, Hamilton Community College and a number of convenience shops. The centre of Scruptoft Village is within 10 minutes walk of the site, where a post office, cash point and public house can be accessed. The nearest large foodstore is located within 15 minutes by cycle or 25 minutes by public transport at Hamilton where there is a range of other shopping outlets.

### Residential Amenity:

The application is in outline form with only the means of access to the site to be considered, and as such, the intricacies of residential amenity can not be fully investigated. However, it is considered that there is adequate space within the site to enable 215 dwellings to be accommodated without having a detrimental impact upon

the residential amenity of the neighbouring properties. Issues surrounding residential amenity can be considered in more detail at the reserved matters stage. Therefore the application is considered to be in accordance with Policy HS/8 of the Harborough District Local Plan.

#### Open Space:

The applicants have stated that there is no public or private access to the former sports pitches, but that there is scope for the proposals to provide significant open space for public use. The public open space will be developed as core infrastructure of the site as a means of providing key recreational facilities and for a range of activities in order to enhance the quality of life for future residents.

A key consideration in the development of the Concept Masterplan has therefore been to ensure that ample open space is provided. The applicants state that, in terms of open space, the masterplan is seen to deliver significant areas of both formal and informal public open space in addition to proposed peripheral landscape buffers along the eastern and northern boundaries of the site. However, it should be noted that the exact open space requirement will be addressed at the Reserved Matters planning application stage.

Based upon comments from LCC Open Spaces Manager, it is apparent that the provision indicated is insufficient in terms of the provision of formal play space. All other areas appear to have been afforded adequate provision. On top of this, there are concerns that neighbouring wards in Leicester (namely Humberstone and Thurncourt) are also deficient in their provision of formal play space. Concerns have already been raised earlier in the report with regards to the scale of the development, and it is considered that, were a proposal of a reduced scale proposed on this site, and adequate play space provision proposed, then the site would provide adequate play space for the development itself, as well as addressing the shortfall of provision in the surrounding area.

Paragraph 15 of PPG 17 sets out a presumption against the loss of playing field areas unless certain circumstances apply. The specific circumstances are encapsulated and expanded on within Sport England's Playing Fields Policy, 'A Sporting Future for the Playing Fields of England'. In commenting on any planning applications affecting playing fields, or land last used as a playing field, we assess whether the proposal meets any of the 5 exceptions to our Playing Field Policy. These exceptions, which are reflected in PPG 17, are set out below.

- **E1** A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field in the catchment, and the site has no special significance to the interests of sport.
- **E2** The development is ancillary to the principle use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.
- **E3** The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to

make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing areas of any playing pitch or the loss of any other sporting/ancillary facilities on the site.

- **E4** The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.
- **E5** The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

The application site was previously used as an established playing field site but since the relocation of the University Campus, the site has not been used for pitch sports and become overgrown. However, this should not be taken as demonstrating an absence of need and as previously stated, the planning use of this land remains as a playing field.

No assessment has been undertaken to demonstrate that there is a surplus of playing pitches which are available to serve the needs of the local community and therefore exception E1 of Sport England's policy does not apply. The proposed residential development on land which appears capable of forming playing pitches would also not satisfy exceptions E2, E3 or E5. As no replacement provision is proposed, exception E4 is not applicable to this application either.

It is therefore considered that the proposal is contrary to the aims and objectives of PPG17.

#### Drainage:

As part of the application, the applicants submitted a full Flood Risk Assessment (FRA). The site is located within Flood Zone 1 and under the requirements of PPS25 is therefore in a sequentially preferable location for development. The EA have assessed the report and are happy with the findings, subject to the imposition of a condition relating to Sustainable Urban Drainage Systems being installed. The EA do not wish to see additional surface runoff entering the brook as a result of the development. Such an occurrence would increase downstream flood risk. In order to address this issue the EA have requested that a condition be attached to planning approval which requires the use of a **Sustainable Urban Drainage System** ("SUDS") that prevents an increase in runoff.

Typically, SUDS can take the form of balancing ponds or wetlands, constructed with a restricted discharge into the receiving watercourse. The pond or wetland stores the runoff from the new impermeable surfaces and releases it slowly, mimicking the 'greenfield' runoff response. Other methods can include the use of permeable surfaces ('permeable paving') which allow water to infiltrate into a below



ground storage medium such as gravels, again with a restricted discharge rate into the watercourse. These measures have been proposed in the flood risk assessment. In requesting this planning condition, the Environment Agency would expect to be consulted on the detailed design of the sustainable drainage system

Foul drainage would be catered for through a connection to the main sewer in Beeby Lane. A pumping station is proposed to the southern boundary of the site in order to pump the foul water from the site to the main sewer.

#### Archaeology:

A desk based archaeology assessment undertaken by the University of Leicester was submitted to accompany the planning application. The assessment concluded that the application area has no known archaeological sites or artefacts.

LCC Archaeology reviewed the submitted assessment and agreed that the application site lies in an area of archaeological interest. The Archaeological Desk-Based Assessment (DBA) concluded that the site has a moderate archaeological potential because of the rich multi-period sites in the immediate vicinity. Based upon the content of the Desk Based Assessment, LCC Archaeology are happy with the proposed development, and have recommended conditions be recommended on any approval.

#### Ecology:

A phase 1 survey conducted by FPCR Consultants was submitted with the application and this has been assessed by LCC Ecology and Natural England. It is noted from sections 3.12 and 3.13 of the report that the boundary hedgerows to the east and north were found to be of 'high value to nature conservation' when recorded against the HEGS survey and also as being Important under the Hedgerow Regulations. It is also noted from the Concept Masterplan submitted with the application that most (but not all) of the hedgerow to the east is to be retained as part of the development, but that a large proportion of the northern hedgerow is to be lost. It is not clear as to why this cannot be retained as it appears to be separating open space from the wider countryside and it is assumed that a boundary of some kind would need to be positioned here. It is therefore recommended that the retention of this hedgerow is reconsidered.

Section 4.11 of the report indicates that the pond on site provided 'good' habitat for great crested newts when assessed against the Habitat Suitability Index. Both English Nature and Leicestershire County Ecology are concerned about the absence of survey data. The applicants have advised that FPCR have been engaged to carry out the surveys, which will commence in April, with the reports likely to be finalised in June. Further surveys to establish the presence or absence of great crested newts are therefore required prior to any approval of the application. As these surveys can only be completed between February to the end of May it is recommended that this application is refused pending this further survey. The applicants intention to conduct the surveys is not a reason to delay a decision, and their ability to appeal and / or resubmit is unaffected.

#### Footpaths:

A public footpath runs adjacent to the northern boundary of the site in an east / west direction from Beeby Lane towards Keyham. Whilst the LCC Access Officer has raised no objections in principle to the proposal, the proposal will be highly visible from this footpath.

#### Affordable Housing Provision:

The Affordable Housing SPD was adopted in February 2006 and is a material consideration in the determination of planning applications. The SPD establishes a site threshold of developments of 5 dwellings or more and requires that 30% of the dwellings are affordable.

During pre-application discussions with the Housing Strategy Manager, the applicant confirmed that the Council will require 30% of the proposed dwellings to be affordable with a split of 60% social rented and 40% shared ownership. As the development proposes up to 215 dwellings, 65 of these will be affordable. It is proposed that the units will be transferred to a partner Registered Social Landlord (RSL) at Open Market Values.

It must be noted, that whilst the proposal complies with the Council's SPD, it would not comply with Policy 3 of the draft Core Strategy. However, given that the Core Strategy has yet to be adopted, it is considered only limited weight can be attached to this document. As such a reason for refusal on the grounds of insufficient affordable housing is considered unreasonable. Furthermore, it is preferable to receive an element of affordable housing than potentially none at all.

#### S106 Agreement

Representations received make various s106 requests including contributions towards affordable housing, open space provision, education and police. These representations are available for inspection as background papers. The suggested contributions have a detailed justification related to the proposal consistent with the Council's Planning Obligations, Developers Guidance Note, 2009, the recommendations of Circular 05/2005 and CIL Regulations. Any approval should therefore be subject to obligations to secure these contributions.

#### Conclusion:

It is considered that the impact of the proposal (when considered as a sole entity) upon the highways network is acceptable, however, it is also acknowledged, that when considered in light of the four adjacent sites also being considered this evening, the cumulative impact would be unacceptable, without further physical alterations to the Station Lane / A47 junction.

The proposal is of a scale which is considered to have an adverse impact upon the character of the surrounding countryside. The proposed density of 40 dwellings per hectare would be in excess of the density levels which would be sought at this site under Policy ALT/3. It is however, considered that a proposal of a significantly reduced scale and density may have a reduced impact upon the surrounding countryside.

In addition, the issue of the loss of sports pitches which could be available to the community, and the wider area is a consideration to which weight must be given.

Consideration must be given to whether or not the refusal of the proposal would result in the re-use of the pitches, and on the issue, Officers consider that HDC would have no power with which to ensure that the facilities are bought back into use.

The proposal would provide much needed development within the District, and would contribute towards boosting the Council's Housing Land Supply, and this is considered to be a major factor in the consideration of the application.

The applicants have failed to demonstrate that the proposal would not have an adverse impact upon the ecology of the site. Further surveys are required in order to be able to adequately assess the impact of the proposal upon the ecology of the site.

It is therefore considered that, notwithstanding the Council's acknowledged housing supply deficit, the proposal would be contrary to Policies EV/5, RM/8 and ALT/3 of the Harborough District Local Plan, and the aims and objectives of PPS3 & PPS9

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11/00003/OUT –THURNBY AND Sugar Hill Homes	BUSHBY	Residential development of up to 150 dwellings. All matters reserved except means of access. Home Close.
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Target Date: 31/03/11

Recommendation

**REFUSE** for the following reasons:

- 1 The site is within a countryside location beyond the built form and Limits to Development of Thurnby & Bushby. The proposed development would have an adverse impact on the rural character and appearance of the countryside and would result in a visually obtrusive form of development that fails to integrate well with the village or the surrounding landscape, and which does not represent a suitable site for housing as defined in paragraph 69 of PPS3. The proposal is therefore contrary to Policy EV/5 of the Harborough District Local Plan and the aims and objectives of PPS1, PPS3 and PPS7.

Site Context

The site occupies a total area of 8.4ha and is located to the north of but adjacent to the A47 Uppingham Road. The site is currently agricultural and incorporates parts of two fields. The site is broadly 'L' shaped.

The site is bound to the south by Uppingham Road (A47), by residential development (Wadkins Way and Devenports Hill) and leisure uses (cricket pitch, pavilion, tennis courts and play area) to the west and agricultural land to the east. A dismantled railway is present along the northern boundary. Thurnby Brook is located 200m to the north of this boundary. Beyond the brook the topography rises northwards and north east towards a ridgeline which extends up to Covert Lane. Site levels fall from the south to north.

### The Proposal

The application seeks outline planning permission for residential development (c.150 units) with access to be considered. Layout, scale, appearance and landscaping are reserved for subsequent approval.

The application is accompanied by the following documents:

- Site Location Plan
- Masterplan
- Indicative Scheme Proposals Plan;
- Constraints and Opportunities Plan
- Indicative Site Sections
- Planning Statement;
- Design and Access Statement;
- Travel Assessment and Travel Plan
- Landscaping supporting statement
- Arboricultural Assessment (contained in the above)
- Ecological Assessment
- Flood Risk & Drainage Assessment
- Archaeological Desk Based Study
- Geophysical Survey

### Additional Information

The following additional information has been received during the course of the application (please refer to the planning file for full details):

- Letter dated 10<sup>th</sup> February from applicant's agent, which considers the proposed development in light of PPS7; confirmation of agricultural land quality; confirmation that comments received from Leicestershire Constabulary with regard to layout and design will be considered at the reserved matters stage; response to sand and gravel minerals raised by LCC Planning
- Indicative Plan showing how both the proposed access for this application and on the opposite side of Uppingham Road (10/01660/OUT) can work without detriment to highway safety (Received 10/02/11)
- Updated Arboricultural Survey (Detailed survey of trees along Uppingham Road which would be affected by the proposed access and retention of Tree 8) (Received 10/02/11)
- Draft Heads of Terms (Received 21/02/11)

### SHLAA

The application site encompasses parts of the SHLAA identified sites UF014/09 and UF037/09. Both areas of land were assessed as being potentially suitable, potentially available and potentially achievable.

### Consultations

Please note the following responses from consultees are a summary of the comments received, to view their comments in full, please refer to planning file.

### Environment Agency

The proposed development will only be acceptable if the measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

#### Severn Trent Water

No objection to the proposal subject to the inclusion of a condition relating to surface water and foul sewerage details.

#### Natural England

Original Comments (8/2/11)

Based on the information provided in the application, we advise that your authority does not determine the application until further bat and great crested surveys have been undertaken on site.

Revised Comments (15/2/11)

Following clarification from the Aspect Ecology, on behalf of the applicant, Natural England has no objection to the proposal in relation to species especially protected by law, subject to conditions.

#### English Heritage

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice

#### Leicestershire Constabulary

Original Comments (31/01/11)

Concerned with the indicative layout submitted -The layout does not comply with Secured by Design guidelines.

As no Draft Heads of Terms have been supplied with the application and because the applicant makes no mention of the necessary contribution towards Policing at this stage, Leicestershire Police raise a formal objection on sustainability grounds as the development does not make provision to meet the policing needs it will generate.

Revised Comments (22/02/11)

Further to the submission of Draft Head of Terms, the Police Objection still stands.

#### PCT

Comments expected 4<sup>th</sup> March. Members will be notified of these comments if received.

#### LCC Highway Authority

This proposal is considered acceptable subject to conditions and s106 contributions.

#### LCC Archaeology

The applicant's submission of the archaeological Desk-Based Assessment (ULAS Report No. 2010-207) and Geophysical Survey Report (Stratascan, December 2010) is welcomed. This work demonstrates that the application site contains the well-preserved earthwork remains of Medieval and/or Post-Medieval ridge and furrow cultivation, below which there is potential for the survival of earlier archaeological remains, particularly dating to the prehistoric and Roman periods. The geophysical

survey has indicated the presence of a number of anomalies that could have an archaeological origin, including possible pits, ditches and burnt features. Consequently, there is likelihood that buried archaeological remains will be affected by the development.

The preservation of archaeological remains is, of course, a “material consideration” in the determination of planning applications. The proposals include operations that may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information. Since it is possible that archaeological remains may be adversely affected by this proposal, we recommend that the planning authority defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals.

This will require provision by the applicant for a field evaluation by appropriate techniques including trial trenching. This will identify and locate any archaeological remains of significance and enable the preparation of a suitable mitigation strategy to avoid or minimise damage to those remains as a result of the development. Further design, civil engineering or archaeological work may then be necessary to achieve this.

This information should be submitted to the planning authority before any decision on the planning application is taken, so that an informed decision can be made, and the application refused or modified in the light of the results as appropriate. Without the information that such an evaluation would provide, it would be difficult in our view for the planning authority to assess the archaeological impact of the proposals.

#### LCC Ecology

We note from section 5.2.8 of the report that a badger sett was recorded to the north of the application site. We would request that this is marked on a map and forwarded to us in order that we can assess the potential impact of this sett. However, notwithstanding this, we understand that there were no badger setts on the application site, but that it is likely that badgers use the site. We would therefore recommend that should planning permission be granted, a condition should be forwarded to the applicant requesting an updated badger survey be submitted with the reserved matters application.

We welcome the provision of a wildlife corridor in the northern section of the application site and also the retention of a large section of hedgerow alongside the main road. However, to ensure that these areas are of greatest value to wildlife we would recommend that native species are used in the planting scheme and consideration is given to their long-term management. We would expect to see some details of this submitted with the reserved matters of the application. External lighting throughout the site should be directed away from hedgerows.

#### LCC Planning

Original Comments (19/01/11)

Minerals Policy Statement 1: Planning and Minerals indicates one of the national objectives for minerals planning is to safeguard mineral resources as far as possible.

The adopted Leicestershire Minerals Core Strategy and Development Control Policies DPD includes policies regarding the protection of minerals from sterilisation: Policies MCS10 (Resource Management) and MDC8 (Safeguarding Mineral Resources). The broad extent of mineral deposits considered to be of economic importance within Leicestershire are indicated on the Key Diagrams. These areas reflect the Mineral Consultation Areas (MCA) that have been supplied to the District Council.

Planning application 2011/00003/03 lies within a Sand and Gravel MCA. Information suggests that the land subject to these applications contains potential aggregate-bearing deposits (Glacial Sand and Gravel), but that the extent of deposit is difficult to predict in the absence of sufficient borehole data.

The applicant should therefore be requested to provide an assessment of the potential mineral resources affected by their proposed developments. This could initially take the form of a desktop study using data obtained from the British Geological Survey (BGS). If the desktop assessment suggests that there are significant mineral resources of potential value that are likely to be sterilised by the proposed development, it may be necessary to request more detailed investigations which could involve digging pits or drilling test holes.

I would request therefore that the information above is carried out and resolved prior to the determination of this application.

Revised Comments (18/02/11)

I would point out that the Mineral Consultation Areas (MCA) that have been supplied to the District Council were based on work carried out by the British Geological Survey (BGS) for the County Council in 2004. I have also had regard to a report prepared for the County Council by the BGS in 1987 entitled "an assessment of the potential aggregate-bearing drift deposits of Leicestershire". This report identifies land adjacent to Bushby as containing potential glacial sand and gravel deposits, although acknowledges that the extent of the deposit is difficult to predict, particularly beneath the Boulder Clay overburden.

In the circumstances, I do not consider that it is sufficient to rely solely on the published geological map (as suggested by M-EC) or the experience of the landowner in working the land to determine the presence or otherwise of workable mineral deposits.

It should also be kept in mind that, in addition to proposed development within a MCA, incompatible development that is allowed close to a MCA may also lead to sterilisation of part of the reserves. It will therefore be necessary to consider whether there are any potential workable deposits on adjacent land as the proposed development could have the effect of sterilising such deposits.

In my original response, I suggested that the assessment could initially take the form of a desktop study using data obtained from the British Geological Survey. I do not anticipate that this would be an expensive exercise and would enable a more informed judgement to be made as to whether the proposed developments conflict with national and local policies regarding the protection of minerals from sterilisation.

## LCC Forestry

Comments Expected by 4<sup>th</sup> March. Members will be notified of these comments if received.

## Leicester City Design Review Panel

### Connectivity

This scheme, which is served from a single point of access, again runs the risk of becoming an isolated cellular estate. However, the primary access route does lend itself to being extended both northwards and eastwards at a future date. In addition a cul-de-sac to the north eastern part of the site has been left open to facilitate a future extension of the highway network.

The primary access route will be well used by a considerable number of residents, but still not that many residents to render the road a traffic choked thoroughfare. The road should therefore, be seen as an attractive route through the development, and as such its importance should be emphasised in the traditional way by it accommodating more prestige or in developers language “Executive Homes” on larger plots.

The properties proposed along the primary route on the indicative masterplan appear to be cramped together in a way that will offer little visual relief from buildings and hard standing frontages for car parking. The high density of properties along this route is likely to generate problems of access, as on-plot parking provision appears limited. This will inevitably result in large numbers of residents having to compete for parking spaces half on the pavement and half on a road that looks like it is not designed to accommodate on-street parking.

To further emphasise the importance of the primary route, the width of the carriageway should be expanded. The public pavements along the route will also be well used and so these should also be significantly wider than the more modest cul-de-sac pavements. A boulevard of trees within the pavements of the primary route will raise the quality of the environment and help to create a sense of local distinctiveness.

Where the primary route meets with Uppingham Road, there is no sense of arrival or gateway. Sometimes developers simply build a small wall and mount what is really only an advertising feature on it, which is removed after the last house is sold or is left to slowly fall into disrepair. That is no longer acceptable. What is infinitely more effective is for consideration to be given to the whole junction environment in terms of delivering high quality and distinctive properties around the junction. These properties can emphasise the importance of the space by also being slightly taller. The landscape both within private properties and to the public realm should be sensitively designed and built with high quality hard and soft materials.

### Public Open Space

There are three main areas of POS, but in all instances proposed houses either turn their backs or are located sideways-onto the open spaces. This is seen as bad practice in that the properties will not positively address the spaces with attractive



main building faces, facilitate no natural surveillance of the spaces and are vulnerable to unlawful access to the rear from the open spaces. It is strongly recommended that all POS be positively addressed by properties facing directly onto them.

Pedestrian access to the open spaces is poor in that they are largely accessed by concealed narrow footpaths with no natural surveillance. The highway network needs to be totally reconsidered to create numerous high profile routes to these spaces.

The northern POS links well with the existing POS to the north of Wadkins Way and allows for attractive views out towards the brook and agricultural landscape. The space is large enough to accommodate a range of informal recreation and a SUDS. However, the space is almost certainly going to be bisected by an extension of the primary route if further residential development is proposed in the future.

The linear POS to the north/central part of the site appears to be dominated by a SUDS. This could work as a joint SUDS/POS, but it would rely upon a well considered landscape design if it were not to simply be a damp muddy hollow for much of the year. Again the POS benefits by allowing views northwards over the attractive agricultural landscape.

The linear POS to the eastern part of the site would serve little purpose other than to accommodate a footpath down to the Uppingham Road. Its narrow width would also allow children to play in close proximity to the rear of adjoining houses, which could lead to complaints about noise. This area of POS would be better combined with the north/central POS to create a larger and more useable space.

There is a small play area located centrally just off the primary route. However, this is probably not the safest or most attractive position in which to locate this facility. Furthermore the facility is likely to be used as a gathering space for teenagers in the evenings, so given its small size and close proximity to nearby houses, it could well generate complaints about noise and nuisance etc.

#### HDC Contaminated Land Officer

No objection to the proposal subject to the inclusion of a condition relating to a Risk Based Land Contamination Assessment and a subsequent Verification Investigation.

#### HDC Drainage

The application states that the surface water from the site will discharge via sustainable drainage system and an existing watercourse. A drainage Condition should be applied to this application if approved

#### Thurnby and Bushby Society

The Committee objects to this Application for the following reasons.

1. The site is:

1.1. Outside the 'Limits to Development' for Thurnby & Bushby in the saved Local Plan

- 1.2. Greenfield, contrary to the policy to preferentially use brownfield sites
- 1.3. On good quality farming land, an asset which should not be regarded as dispensable
2. Access to the A47
  - 2.1. The proposed access is very close to that of Winkadale Close but on the opposite side of the A47. Traffic approaching Bushby from the east downhill would thus be faced with two hazards close together. This would compromise road safety.
  - 2.2. The 40 mph signs on entry to Bushby from the east were repositioned further east to meet the requirements of the Winkadale Close access. They will need to be repositioned again even further east if the current application is approved.
  - 2.3. There is also the possibility of another access nearby to the south of the Uppingham Road if the application Ref 10/01660/OUT is approved. In that case the situation of the 3 access points needs to be reviewed as a group. Safety and impediment to the flow of traffic on the A47 needs to be included in the review.
3. The infrastructure and services in the area just east of Leicester are limited.
4. Drainage of the land and runoff from the built environment is a critical item. Water which reaches the railway cutting next to the north west corner of the site then flows westward and causes flooding behind Dalby Avenue. It is therefore very important that the swales do their job and that they are drained into the ditch leading into Thurnby Brook. We note that the land on which Swale 2 is planned to be constructed is on in-fill in the former railway cutting. Depending on the nature of this infill, construction of this swale may be difficult and its ability to retain water and to restrict or attenuate flows to the required flow rate may be compromised.
5. The route of a dismantled railway line runs east-west either side of the proposed development. This route is undeveloped and is home to much wildlife. The future possibility of linking these two routes should not be compromised by the proposed development. Wildlife corridors are recognised as important links between habitats, and dismantled railway lines are ideal for this purpose. The draft Harborough District Core Strategy (Publication Version, October 2010, Policy 8) identifies dismantled railway lines as one of the “Strategic Green Infrastructure Assets” whose potential to contribute to the aims of the wider Green Infrastructure network will be supported. The local dismantled railway line has the potential to link through from at least Covert Lane to Thurnby. Final details of Swale 2 and the field access road across it, particularly the land levels, should not compromise the possibility of this link-up.
6. We think that consideration of all major developments in this area should be deferred whilst the Core Strategy Consultation is in progress. A development of

this size in one location could pre-empt and restrict the agreed location of further developments in the whole of the Thurnby, Bushby and Scraptoft area.

### Representations

243 letters of objection have been received from 171 separate households (from the following areas: Beeby Road, Bradgate Close, Bramley Orchard, Charnwood Drive, Coulter Close, Dalby Avenue, Devenports Hill, Drumcliff Road, Forest Rise, Goddard Close, Grange Lane, Hartopp Close, Herrick Drive, Hollies Way, Ivatt Close, Main Street, Newstead Avenue, Orchard Close, Perkyn Road, Randles Close, Station Lane, Station Road, Telford Way, The Cedars , The Cuttings, The Pines, Scraptoft Lane, Scrivener Close, Selgefield Drive, St Lukes Close, Uppingham Road, Valentine Road, Wadkins Way, Winterdale Road, Market Harborough, Hungarton, Houghton on the Hill, Uppingham, Fleckney, Keyham, Great Glen, Naseby, Bedford, York, Kibworth Harcourt, Leicester, Northampton, Coventry, Liverpool, London, St Albans, Somerset, Wiltshire and Perth) raising the following points. (please note the following points are a summary of the comments received, to view the comments in full, please refer to the letters on the planning file):

(1)The concentration of the new settlement is too large and will have a detrimental effect and cause irreparable harm on the character of the village and the environment. (2) The employment within this working farm and its future development for agriculture use will be lost (3) The beautiful rolling countryside, biodiversity and wildlife habitat, which is the charm for this village will be lost forever (4) The proposal infringes privacy and visual intrusiveness to the existing homes and will create an oppressive environment, (5) Impact on wildlife and mature trees (6) Will cause excessive light and noise pollution (6)Hinder highway safety and increase traffic impact (7) The development may lead to further planning applications in the future (8) Does not comply with Policy HS/7 or TR/3 of the Local Plan (9)The residents of Bushby Woods have spent considerable time and money to encourage wildlife habitat into the area. The site for development will have a major impact on the environment (10) Impact on the A47 will be huge (11) Single point of access will be constantly clogged in the morning with cars wanting to turn right towards Leicester (12) National policy seeks to reduce travel, this proposal does not meet this standard (13) The most suitable location for development would be to the west, close to public transport corridors and cycling routes (14) Although Bushby is in the urban fringe, it does not have the infrastructure capacity or the facilities and services for even a Rural Centre and is therefore unsuitable for large development or as direction of growth (15) Schools and doctors are already oversubscribed (16) Traffic congestion and safety will be compromised (17) The sewerage system is already overloaded and can not cope with any additional strain(18) There are enough houses in the area and not enough greenbelt (19) Loss of historic ridge and furrow landscape (20) We will have no green spaces left if development is approved (21) This will affect countryside and wildlife (22) The village would lose its character (23) Huge affect on the local school, the children will have larger classes (24) The surrounding roads will become even more busy and dangerous for the school children (25) This is farmland and should remain as such (26) The Parish Plan notes this land should be safeguarded (27) The site is outside the limits to development and should not be considered now or in the future(28) Local residents value the surrounding countryside very highly (29)

In addition to the individual letters of objection received, a petition signed by 700 people objecting to the application has been received. Also an on-line petition has

been created on Facebook set up by 'Save Bushby Countryside Action Group'. To date 235 people have signed the online petition.

'Save Bushby Countryside Action Group' object to the application on the following grounds:

(1) The Countryside (2) Sewerage and Drainage (3) Traffic & Safety (4) Village Identity and Amenities (5) Parish Plan – to view their objections in full, please refer to the planning file.

1 letter of comment (neither objecting to or supporting the application) received, from Main Street, Bushby

This is the preferable site for all of the recent applications in Bushby. If there is to be an extension of Thurnby and Bushby this would be the most logical location and have least impact on the character of the settlement. The new development would compliment the newer existing development adjacent and the new developments opposite off the A47. The site should contain a good mix of affordable housing options including intermediate tenures such as Rent to Homebuy and Intermediate Rent. The site should also contain an element of social housing for rent. The affordable housing should be genuine pepperpotted through the site with it being indistinguishable from the housing for outright sale. A marked cycle lane should be provided to connect with the cycle lane from the city on the southern side of the A47.

6 letters of support have been received from 4 separate households from the following areas, Leicester & Market Harborough raising the following points (please note the following points are a summary of the comments received, to view the comments in full, please refer to the letters on the planning file):

(1) the economic and social benefits for the whole community of utilising the land in this manner is one that should be applauded and supported (2) This development is a quality proposal and is not occupying separation land (3) This development will go some way at providing the area with the required number of houses in the next 15 years (4) This is the best location in the area for more houses and I am impressed with the attention paid to the environment (5) When are people going to realise that there is real need for additional housing in this area (6) the swales and green space around the edge should provide an important new habitat (7) if houses need to be built this would seem the obvious place

2 further letters of support have been received, but no address has been provided so have not been taken into a consideration.

#### Section 106 Requirements:

Given the size of the proposed residential development the application triggers a requirement for Section 106 obligations including affordable housing, community facilities and education. Should Members be minded to grant permission for the development, the following requests have been made for Section 106 contributions:

#### Affordable Housing

We will be looking for the onsite provision of the affordable housing. Our percentage requirement is 30% of the total yield being proposed. This 30% requirement is triggered on any development of 5 or above in Harborough District.

Our current tenure requirement is to seek in general terms a 60 / 40 split between rent and Intermediate housing respectively. However each site is assessed independently in meeting specific local housing need. Within the context of the present, we will need to incorporate aspects off the Coalition Government agenda once details are forthcoming and as relevant to each site. We will require some flexibility on this point.

The affordable housing must comply with Homes & Communities Agency Quality Development Standards particularly in relation to space and floor areas as a minimum requirement.

The affordable housing will be transferred to a partner RSL at Open Market Values to be agreed between the developer and RSL partner and approved by Harborough District Council. The transfer values will be built into the Section 106 Agreement if details are available at the time the Agreement is drafted.

#### Community Facilities

Assuming a population of 375 (150 units) in the new development, contributions are required for sport facilities; amenity greenspace; natural and semi natural greensapce; children and young people allotments and cemeteries and closed churchyards. The currently available open space within Thurncourt and Humberstone has also been included in the calculations. We always prefer to have POS provided on site but can consider off contributions for cemeteries and allotments if suitable alternative sites can be located

Contributions are also required in accordance with the Council's Assessment of community Provision (October 2010)

#### LCC Education

##### Primary School Sector Requirement

The site falls within the catchment area of Thurnby St Lukes C. of E. Primary School. The School has a net capacity of 216 and 219 pupils are projected on roll should this development proceed; a deficit of 3 places (of which a surplus of 28 is existing and a deficit of 3 is created by this development).

However taking the 2 other primary schools into account within a two mile radius of the development there is an overall surplus for the area of 19 places.

An education contribution will therefore not be requested for this sector.

However please note that we are aware of other proposed developments in this area which if granted planning permission may affect requests for future education contributions and generate a claim in this sector

##### High School Sector Requirement

The site falls within the catchment area of Oadby Gartree High School. The School has a net capacity of 793 and 786 pupils are projected on roll should this development proceed; a surplus of 7 places after taking into account the 21 pupils

created by this development. An education contribution will therefore not be requested for this sector.

#### Upper School Sector Requirement

This site falls within the catchment area of Oadby The Beauchamp College. The College has a number on roll of 2104 and 2147 pupils are projected on roll should this development proceed; a deficit of 43 pupil places (of which 28 are existing and 15 are created by this development). There are no other upper schools within a three mile radius of the site. A claim for an education contribution in this sector is therefore justified.

In order to provide the additional upper school places anticipated by the proposed development, the County Council requests a contribution for the upper school sector.

This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Oadby The Beauchamp College. The contribution would be spent within 5 years of receipt of final payment.

#### Waste Management

The proposed development is of a scale and size which would have an impact on the delivery of Civic Amenity waste facilities within the local area. As such a developer contribution is required.

The nearest civic amenity site to the proposed development is located at Oadby and residents of the proposed development are likely to use this site.

The contribution would be used to make improvements and to increase the capacity of the civic amenity site at Oadby by for example the purchase and installation of additional compaction equipment and/or containers\storage areas to deal with the likely increased usage due to the proposed development.

#### Transport

To comply with Government guidance in PPG13, PPS1 and circular 05/05 contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use :

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area
- 6 month bus passes, two per dwelling to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car
- Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities.
- Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area.
- Bus shelters at 2 nearest bus stops; to provide high quality and attractive public transport facilities to encourage modal shift.

In order to mitigate the impacts of the development on the highway network, the following contributions would be required:

- Re-validation of the MOVA dataset and a re-configuration of the controller EPROM at the Uppingham Road/Station Road junction.
- 2 No. Vehicle Activated Signs.

#### Police

A contribution is required to meet the capital costs the Police will face as a result of this development. This is a green field site making no demands on current policing however this will change significantly with a sizeable new overnight population, the building of many new premises and with the existing crime situation in mind.

The S106 figures given above are currently valid but are subject to Indexation and are reviewed on an annual basis (i.e. 31<sup>st</sup> March).

#### Policy

Please refer to the 'Introduction' section of the Agenda for relevant planning policy information.

#### Planning Considerations:

This application should be determined in accordance with the development plan unless there are material considerations that would indicate otherwise.

#### Main Issue

The fundamental issue with regards to this application relates to the release of Greenfield land for residential development outside the Limits to Development as indicated on the Proposals Map of the Harborough District Local Plan (HDLP) 2001 and is subject of saved policy EV/5.

#### HDLP Policy EV/5

- (1) The development would not sustain or improve the rural economy - since development of the site would be, in effect, an urban development.
- (2) The development is likely to adversely affect the character and appearance of the countryside (please refer to the landscape capacity section of this report for further information)
- (3) The development is unlikely to adversely affect the amenities of residents in the area – Although the current application is in outline form with only means of access being considered, the Indicative Layout provided with the application together with the contents of the Design and Access Statement demonstrates that a layout could be designed which ensures residential amenity is not detrimentally affected. Furthermore, issues surrounding residential amenity can be considered in more detail at the reserved matters stage. However, it is acknowledged that local residents take a different view as seen from their letters of objection and Members will have to form their opinion.

- (4) The buildings could potentially be sited in a position that reduces their impact on the landscape and on important views into and out of villages. However, the submitted illustrative plans do indicate the construction of a large scale housing estate which would detract from the character and appearance of the countryside.
- (5) The development could potentially be designed to reflect the distinctive local character of the landscape and the built environment as indicated on the Indicative Layout Plan and from the information contained within the Design and Access Statement
- (6) Landscaping is a matter reserved for subsequent approval. Notwithstanding this, the Indicative Layout Plan and the Design and Access Statement illustrate how the site could be landscaped.
- (7) Appropriate conditions can ensure areas of ecological and archaeological significance are not adversely affected by the proposed development
- (8) A satisfactory access could be provided without adversely affecting the character and appearance of the area as indicated on the Indicative Layout Plan and from the information contained within the Design and Access Statement
- (9) There is likely to be capacity in the local road network to accommodate the traffic likely to be generated by the individual development
- (10) The Indicative Layout Design and Access Statement illustrate how adequate provision could be made for car parking and servicing within the site
- (11) The development would not contribute to the coalescence of two close settlements.

Policy EV/5 is a restrictive policy; consent should be refused for a development in the countryside unless all eleven conditions set out in the policy are met. From the conclusions reached above (some of which will be expanded upon further in this report), the proposed development fails to comply with policy EV/5. As Policy EV/5 is consistent with the objectives outlined in PPS1, PPS3 and PPS7, the proposed development would also be contrary to these.

#### Landscape Character & Landscape Capacity

The site falls within the High Leicestershire Landscape Character Area as identified in the April 2007 Harborough District Council Landscape Character Assessment. The key elements of this character area are described in the 'Introduction' section of the Agenda.

As part of the evidence gathered to inform the Local Development Framework, a more recent study (Leicester PUA Landscape Character & Landscape Capacity Study, September 2009) has looked at landscape character and capacity within the PUA. The study identifies the site as being part of the 'Leicester Fringes' character area. As above, the key characteristics of this area are described in the 'Introduction'.



The site falls within land parcel 22 which has been assessed as having a 'medium to high capacity to accommodate development' as it scored 33 points out of 39. The General Commentary attached on the suitability of this land parcel for development states "...Residential development is felt to be appropriate in this location, subject mitigation.

A Landscape Supporting Statement has been prepared by Aspect Landscape Planning. The report concludes "the proposed development at this site can be integrated without detriment to the landscape character and visual environment and as such is supportable on landscape and visual grounds".

Landscape Partnerships who conducted the original assessment were asked to re-examine the Land Parcel in light of the submitted application. A summary of their findings are discussed below.

#### Re-examination of LCA by Landscape Partnerships

Although Landscape Partnerships scored the application site differently from the score for Land Parcel 22 as a whole (30 points rather than 33 points) the site was still assessed as having a 'medium to high capacity to accommodate development'.

The difference in scores were because the boundaries of the application site are not as well vegetated as the Parcel as a whole, the application site is formed by some of the larger fields in the Land Parcel, there is slightly more public visibility of the application site than of the Land Parcel as a whole and there is less mitigation proposed than may be required.

Landscape Partnerships made the following comments:

*"The application site would be accessed from a single point on Uppingham Road. This is likely to require the loss of a significant amount of the vegetation along the road frontage for the access road and visibility splays"*

*"Much of the perimeter of the application site is currently poorly defined by vegetation, which would require the planting of vegetation to create a defined settlement edge"*

*"It is unclear to what extent the proposed planting around the edges of the Application site would help to soften the edges of the proposed development or create a defined settlement edge due to discrepancies between the Layout Proposal drawing and the Landscape Masterplan".*

*"The amount of planting shown on the masterplan is not extensive enough to provide a robust vegetated edge to the development"*

*"The proposed development is likely to remain visible from elevated view points, particularly to the north of the application site, due to the existing landform pattern"*

### Conclusion on Landscape Capacity

In light of the comments received from Landscape Partnerships and from carrying out an extensive site visit, it is considered that the development, if permitted, would adversely affect the character and appearance of the countryside, by introducing a housing estate in a prominent and highly visible location.

### Other Material Considerations

#### Affordable Housing Provision:

One of the key aims of the Government's housing policy is to deliver affordable homes. The provision of affordable housing is also a key element of the development plan.

The proposed development would deliver 45 affordable units, which is a significant contribution to the Districts affordable housing need. However, it is not such a significant contribution that it would outweigh the harm the development would have on the character and appearance of the countryside.

#### Housing Land Supply

As explained in the Introduction section of the Agenda, the Council does not have a deliverable five year land supply. Therefore, in accordance with PPS3, this proposal should be assessed in light of paragraph 69.

Paragraph 69 of PPS3 states in deciding planning applications, Local Planning Authorities should have regard to:

- Achieving high quality housing;

In achieving high quality housing, developments should (amongst others) be easily accessible and well connected to public transport and community facilities and services and integrate with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

In this instance, the proposed development is considered to meet neither of these requirements.

- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;

The Design and Access Statement confirms that a variety of house types, sizes and tenures will be provided to meet the needs of all sectors of the community.

- The suitability of the site for housing, including its environmental sustainability;

The site is not suitable for housing. The site is located on the edge of the village in a prominent location. Furthermore it is not well connected to public transport or easily accessible to local facilities.

- Using land effectively and efficiently ;

The density of 22dph whilst lower than the required minimum of 30dph in Policy ALT/3 of the HDLP, a relaxation of this policy could be permissible in order to mitigate the site's location outside of the village limits to development.

- Ensuring the proposed development is in line with planning housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.

The development on its own would not undermine wider policy objectives, as the development proposed is for 150 dwellings and the core strategy seeks a requirement for 350 dwellings over the plan period up to 2026.

### Transport Issues

#### *The Local Highway Network*

The A47 Uppingham Road, a single carriageway, is a strategic route between Leicester and Peterborough. A Transport Assessment has been undertaken by Phil Jones Associates whom concluded 'there are no transportation reasons why the proposed application should not proceed'. This Assessment has been reviewed by the Highway Authority and has concluded the proposal is considered acceptable in highway terms subject to conditions and s106 contributions.

#### *Access Arrangements*

The site access proposals are illustrated on Drawing 10344/001. It is proposed to provide a single point of access via a ghost island right turn lane. It is proposed to widen the existing footways on Uppingham Road in the vicinity of the access junction, and extend them into the site. The crossing facilities and street lighting incorporated into the access junction design, and the additional footway provision on the south side of Uppingham Road, will improve pedestrian links to existing bus stops in either direction.

The proposed access junction and visibility splays will have an impact on existing trees and hedgerows and this will be discussed in further detail within the 'Tree/Hedges' section of the report.

From the point of access, a spine road will run through the development giving access to a series of subsidiary internal estate roads. An additional access point will be created to the northern boundary of the site, in order to allow access to the adjoining agricultural land.

#### *Public Transport*

The recommended walking distance from a development site to the nearest bus stop is 400m, based on the Institute of Highways and Transportation's Guidelines for Planning for Public Transport in Developments (IHT 1999).

There are four bus stops on Uppingham Road within the recommended 400m from the site; one directly along the site frontage, one slightly to the west, and a further two to the east of the site. There is an hourly service (Centrebus 747), Monday to Saturday (although this service finishes at 6.30 in the evening), between Leicester and Uppingham which uses these stops, and other ad hoc rural services (RR1, RR4, RR6 and RR8).

As the bus service is not a regular service, the site is not considered suitable in terms of accessibility.

#### *Pedestrians and Cyclists*

There is a proposed footpath link to the playing field to the west. There are also proposed footpath links along the southern boundary of the site, from cul-de-sacs onto Uppingham Road. These links would also be suitable for cyclists.

#### *Parking*

As the application is in outline form only, parking can not be fully investigated at this stage.

#### *Local Facilities*

Within 2km walking distance of the site (the maximum desired walking distance to facilities identified in PPG13) are a number of key amenities and facilities. These include St Luke's Church of England Primary School and Fernvale Primary School in Thurnby, the doctors' surgery on Main Street in Bushby and the Wadkins Way Sports Ground to the north of Uppingham Road. There is also a public house in Thurnby (the Rose and Crown), and a garage (Texac) including a small convenience store on Uppingham Road to the west of the site.

Whilst these facilities are within the maximum desired walking distance, walking to these facilities will mean walkers using the footpaths adjacent to the busy A47, with no areas to cross the road in a safe manner. The site cannot therefore be considered to connect well to community facilities and services.

Within 5km cycling distance of the site (the maximum cycling distance to facilities identified in PPG13) are Evington and Scraftoft local centre, shops on Thurncourt Road, and the Tesco superstore at Hamilton.

#### Flood Risk & Drainage

A Flood Risk and Drainage Strategy has been undertaken by BSP Consulting. It concludes that the site is located outside of the area identified as being at risk from flooding (Flood Zone 1, low probability).

On site attenuation is proposed which is capable of storing storm water and then releasing it at natural run off rates. Two large swales have been included within the scheme, which will have sloping landscaped sides and can fill with water as required to alleviate any off site flood risks.

A pumping station is proposed which will pump sewerage water south back to the level of Uppingham Road, at which point the drainage system can connect into the existing sewerage system.

The Environment Agency have confirmed that the development will only be acceptable if the measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission. The measures include:

- A scheme for the provision and implementation of surface water run-off limitation to existing greenfield run-off rates as detailed in section 7
- Provision, implementation and maintenance of a Sustainable Drainage (SuDs) system with storage provided up to the 100 year plus 30% climate change allowance as detailed in sections 4 and 7;
- An 8m easement of any built development to the watercourse to the south of the site as detailed in section 4.2.

In addition to the EA response, neither Severn Trent Water nor HDC Drainage object to the proposal. As such it is not proposed to object to the application on the grounds of flood risk and/or drainage

### Ecology

An ecological assessment was undertaken by Aspect Ecology and was submitted with the application. The following conclusions were drawn:

#### Ecological Designations

There are no statutory nature conservation designations within or adjacent to the site. There is one non-statutory designation (Site of Parish Interest) adjacent to the east of the site and comprises an area of semi-improved grassland ('Springline Marsh').

#### Buildings

Two buildings are present within the site. There are located north of Charity Farm. Both buildings comprise barns of a relatively modern, timber frame construction, supporting metal walls and flat corrugated metal roofs. Both buildings are partially open sided and in a poor state of repair with sections of roof absent. The buildings appear to be in use as equipment storage facilities and may have been used to house livestock.

#### Semi-improved Grassland

The vast majority of the site comprises sheep and cattle grazed, semi-improved grassland encompassing three fields and was recorded as species poor. A Ridge and Furrow system is evident in the southern field.

#### Hedgerow

Five hedgerows are present within the site. Hedgerow 1 forms to northwestern boundary of the site and is approximately 1.5m in height. Hedgerow 2 forms the western boundary and is essence a continuation of Hedgerow 1. It also is approximately 1.5m in height. Hedgerow 3 forms the southern boundary with the A47 Uppingham Road and is approximately 3-4m in height. Hedgerow 4 forms the eastern boundary and also stands approximately 3-4m in height. Hedgerow 5 forms the northeastern boundary and also stands approximately 3-4m in height. Of the five hedgerows, only one is considered to possibly qualify under the wildlife and landscape criteria of the Hedgerows Regulations 1997.

#### Trees

A number of trees are present within the hedgerows and include Ash, Oak and Field Maple.

#### Badger

Evidence of badger foraging was noted within the site while Badger is known to be locally abundant. As such a watching brief is recommended at the site to ensure no new Badger setts are established prior to construction of the proposed development. The provision of a wildlife corridor will ensure continued availability of access to off-site foraging areas.

#### Bats

No evidence of bats was recorded at the site. However a number of mature trees and two buildings were noted to offer some roost potential. It is therefore recommended that further internal and emergence/return surveys be undertaken prior to construction works at the study area. This can be controlled via a condition.

#### Great Crested Newts

There are no suitable waterbodies situated within the site to provide breeding opportunities for Great Crested Newts. However a pond was recorded within 0.25km of the site. In order to establish presence/absence of this species a specific survey of this pond is recommended between mid-March and mid-July. This can be controlled via a condition.

#### Birds

A small number of common birds were recorded within the site, two of which, Little Owl and feral Pigeon, were recorded roosting in the buildings. It is likely that a range of birds utilise the trees and hedgerows within the site for nesting and foraging. It is recommended that any clearance of nesting habitat be undertaken outside of the bird nesting season (outside of March to September inclusive).

#### Enhancements

A number of ecological measures are recommended which will provide significant biodiversity benefits at the study area, including the retention and enhancement of existing hedgerows and mature trees, landscape planting to comprise native species, creation of species rich grassland, creation of deadwood piles, management of swales as wetland features and provision of a range of bird and bat boxes to enhance biodiversity at the site. The provision of a 'Wildlife Corridor' in the north of the study area will maintain access to foraging opportunities for Badgers within adjoining habitats. These enhancements can be controlled via condition.

The findings have been assessed by LCC Ecology and they raise no objection to the application, subject to condition. Furthermore, In light of the additional information received from Aspect Ecology, Natural England also raise no objection to the application subject to condition. . As such it is not proposed to object to the application on the grounds of ecology.

#### Trees & Hedges

An arboriculture assessment was undertaken by Aspect Arboriculture and was submitted with the application. (The assessment also assessed trees off site (not

those adjacent), these are not however considered below). The following conclusions were drawn:

Of the on site/adjacent trees assessed, 4 (T9,T10,T17, T18) are considered to be of a 'B' category (trees of moderate quality and value, likely to make a significant contribution for a least 20 years), 19 are considered to be of 'C' category (trees of low quality and value, could remain for at least 10 years until new planting has established, or young trees with a stem diameter < 150mm) and 5 (T6, T7, T16, T35 T53) are considered to be of 'R' category (trees recommended for removal, in such a condition that any existing contribution would be lost within 10 years).

T8 is an Ash Tree. It is identified as a category 'R' tree. However, the ecological assessment considers this tree as having high roost potential for bats. The applicant has therefore agreed to retain this tree, subject to mitigation works to make the tree safe.

The proposed access and required visibility splays will require the removal of the southern boundary roadside vegetation (This includes T36 to T44 and part of Hedgerow 1). However, as vegetation has been assessed as being of low quality and value (Category C) and because a degree of replacement landscaping is proposed it is not considered that the application should be refused on the loss of this vegetation.

The Assessment is being considered by the County Arboricultural Officer. Members will be notified of these comments.

### Archaeology

An archaeological Desk-Based Assessment was undertaken by ULAS and a Geophysical Survey Report was undertaken by Stratascan (December 2010). This work demonstrates that the application site contains the well-preserved earthwork remains of Medieval and/or Post-Medieval ridge and furrow cultivation, below which there is potential for the survival of earlier archaeological remains, particularly dating to the prehistoric and Roman periods. The geophysical survey has indicated the presence of a number of anomalies that could have an archaeological origin, including possible pits, ditches and burnt features. Consequently, there is likelihood that buried archaeological remains will be affected by the development.

Since it is possible that archaeological remains may be adversely affected by this proposal, LCC Archaeology has requested that the applicant complete a field evaluation by appropriate techniques including trial trenching prior to determination as without the information that such an evaluation would provide, it would be to assess the archaeological impact of the proposals.

The applicant has been made aware of this request. If the trial trenching and subsequent report is not completed and submitted for approval before the 8<sup>th</sup> March, a reason for refusal on the grounds of insufficient information is recommended. Members will be updated on this matter via the Supplementary Information List.

### Minerals

LCC Planning has indicated that the site may contain potential aggregate-bearing deposits (Glacial Sand and Gravel), but that the extent of deposit is difficult to predict in the absence of sufficient borehole data.

The applicant's agent has made the following comments on the matter:

'I am advised by my clients, who have worked this land for decades that both sites have clay soils and there is no sand or gravels present.

Even if that was not the case, and sand and gravel were present beneath the site, I would question the suitability of this location for quarrying in land use terms, given the close proximity to residential properties to the south and west. The amenity impacts from such a use would be impossible to mitigate and would be unacceptably high.

Whilst an assessment of the potential mineral deposits could be undertaken, this seems a needless expense when it is likely to be negative and extracting minerals, (if any are present), in this location would be unacceptable in land use terms.'

LCC Planning have considered this information but do not consider that the response received satisfactorily address the matters raised in their previous response. Taking into account this exchange and development plan policy it is not considered reasonable to resist the proposal on mineral grounds.

#### Public Right of Way

There are a number of public rights of way footpaths and bridleways in the vicinity of but not within or adjacent to the site. Footpath D20 is located to the north-east of the site, Footpath D50 is located to the north of the site and bridleway D23 is located to the east of the site. The site is highly visible from these footpaths.

#### Dismantled Railway

The route of a dismantled railway line runs east-west either side of the proposed development. The proposal would not prevent or impair the future use of the dismantled railway line as a recreational or transport route. The proposal therefore has the potential to comply with Local Plan Policy RM/16.

#### Agricultural Land Quality

The site falls into two areas of agricultural land. The field closest to the A47, forming the southern part of the site is known as the Home Field, and is Grade 4 land, mainly suited to grass with occasional arable crops. The field has not been improved, although extensive ploughing to level the ridge and furrows could allow the land to reach grade 3b.

The northern part of the site lies within part of the Plough Field, which is Grade 3b, moderate quality land capable of yielding moderate crops, mainly cereals or grass.

Given the Grade of the agricultural land, development would not result in the loss of the best and most versatile agricultural land as defined in paragraph 28 of PPS7.

#### Residential Amenity



The development is unlikely to adversely affect the amenities of residents in the area

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Although the current application is in outline form with only means of access being considered, the Indicative Layout provided with the application together with the contents of the Design and Access Statement demonstrates that a layout could be designed which ensures residential amenity is not detrimentally affected. Furthermore, issues surrounding residential amenity can be considered in more detail at the reserved matters stage. However, it is acknowledged that local residents take a different view as seen from their letters of objection and Members will have to form their opinion.

#### Layout, Scale & Appearance

Although layout, scale and appearance are reserved for subsequent approval, the Indicative Layout and Design and Access Statement illustrate how the site could be developed.

The development intends to construct a range of 2, 3, 4 and 5 bedroom homes. House types would include a mixture of bungalows, terraced, town house, semi-detached and detached. The maximum height proposed of the house types proposed is 9.5m. The proposed development will deliver 45 affordable units. The density of the development is 22 dph. Whilst this is lower than the minimum required in Policy ALT/3, a reduction might be permissible given its countryside location. Furthermore, whilst the density of 22dph is low, the impression provided on the Indicative Layout is that of a dense development due to the compact nature of the layout/streetscene.

The layout provides two formal areas of open space; a small area off the spine road and a larger area north of Charity Farm and east of the Wadkins Playing Field, together with three informal areas located along the sites boundaries.

Both Leicestershire Constabulary and Leicestershire Design Review Panel are critical of the proposed layout. However, as the plan is indicative, it would be unreasonable to refuse the application at this stage on the grounds of the proposed layout.

#### Landscaping

Although, landscaping is a reserved matter, a series of landscape plans (within the landscape supporting statement) has been provided with the application. The plans show:

- Two formal play areas; one within the central part of the development and the other at the south-western corner of the development,
- Informal areas running along the eastern and northern boundaries.
- A wildlife corridor and woodland buffer planting at the northern end of the development.

- A footpath loop running through these informal/formal and wildlife corridor areas
- A landscape buffer along the western edge of the site.

The landscape strategy could be secured through conditions attached to any planning permission or by way of a legal agreement. However, as confirmed by Landscape Partnerships there are discrepancies between the Layout Proposal drawing and the Landscape Masterplan. In addition, they consider that the amount of planting shown on the masterplan is not extensive enough to provide a robust vegetated edge to the development'. Furthermore, as expressed by an Inspector in a recent appeal decision<sup>1</sup>, 'landscaping is important to provide a green structure and setting for development and to enable integration into the landscape, but is not a means of making otherwise unacceptable developments acceptable'. Despite these concerns, as the plan is indicative, it would be unreasonable to refuse the application at this stage on the proposed landscaping scheme.

#### S106 Agreement

Representations received make various s106 requests including contributions towards affordable housing, open space provision, education, transport, police and monitoring fees. These representations are available for inspection as background papers. The suggested contributions have a detailed justification related to the proposal consistent with the Council's Planning Obligations, Developers Guidance Note, 2009, the recommendations of Circular 05/2005 and CIL Regulations. Any approval should therefore be subject to obligations to secure these contributions

#### Conclusions

Notwithstanding the potential benefits of the scheme, including the contribution towards meeting market and affordable housing need, the proposed development would be contrary to Local Plan Policy EV/5 and PPS1, PPS3 and PPS7 as the development would have an adverse impact on the rural character and appearance of the countryside and would result in a visually obtrusive form of development that fails to integrate well with the village or the surrounding landscape, and which does not represent a suitable site for housing as defined in paragraph 69 of PPS3. The proposal is therefore contrary to Policy EV/5 of the Harborough District Local Plan and the aims and objectives of PPS1, PPS3 and PPS7.

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