

## Planning Committee Report

**Applicant:** Mr N. Fox Barwood Homes

**Application Ref:** 19/01902/FUL

**Location:** Bowden Fencing, Leicester Lane Great Bowden

**Proposal:** Erection of 33 dwellings with associated landscaping, highways and drainage infrastructure (revised scheme of 19/00099/FUL).

**Application Validated:** 04/12/19

**Target Date:** 04/03/20 **Extension of time agreed**

**Consultation Expiry Date:** 16/01/20, 04/02/20 & 23/02/20 (revised plans and additional information)

**Site Visit Date:** 24/12/19

**Case Officer:** Naomi Rose

**Reason for Committee decision:** It is a major application of more than 25 dwellings.

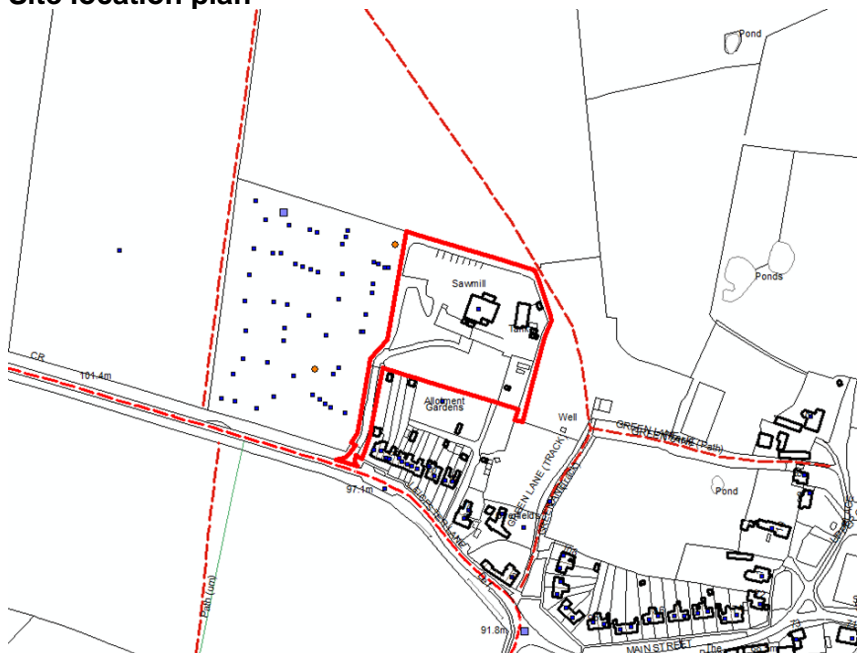
## Recommendation

Planning Permission is to **Approve** subject to the following conditions and obligations (set out in report & its appendices).

### 1. Site & Surroundings

- 1.1 The site is on the eastern edge of Great Bowden village and to the north of Leicester Lane. The application site is located behind the long rear gardens of 32-38 Leicester Lane and the existing allotments. The access point to the site is to the south of the main site, and is the existing access/driveway to 'Bowden Fencing' just between 38 Leicester Lane and the field currently under residential development by Mulberry Homes for 50 dwellings Ref: 16/01942/OUT and 18/00692/REM.

#### Site location plan



- 1.2 The access road has fencing to No.38 and hedgerow to the Mulberry Homes site. Most of the site is down to hardstanding, the ground levels vary across the site. However, in general the site slopes downwards from the south 96AOD to north 90.4AOD a drop of 5.6metres. There is a Sawmill in the middle of the site, which has been on site since the 1960's, adjacent is a large metal workshop/shed. Plus a wooden administration hut on the eastern boundary. Across the site there are various low stacked timber and fence panels, with some garages, sheds and garden rooms For Sale in the south-eastern corner.



View of the long access road off Leicester Lane into the site



View of the application site (sawmill, metal workshop/shed, administrative hut, fencing and timber stacked in piles and garages)



**View from the administration hut to the west of the sawmill, timber stacked in piles and open sided metal structure.**

- 1.3 To all the boundaries is high wire fencing fixed in position with concrete posts. There is a high overgrown hedgerow beyond the site boundary to the western and northern boundaries. Within the site there is a high conifer hedge along the southern boundary, adjacent to the allotments. On the southern boundary is a locked high wire gate that opens onto an access through the allotments. This access then leads down the lane alongside No.10 and 14 Leicester Lane and comes out onto Leicester Lane. This access also leads to the rear gardens of 14-30 Leicester Lane.

1.4 Public Rights of Way:

A63 runs alongside the eastern boundary of the application site from Green Lane, clipping the north-east corner of the application site.

A48 is alongside the western boundary of Mulberry Homes development, this meets A63 in the fields to the north.

A46 is in the fields further north beyond A63.

## **2. Site History**

- 2.1 The Site has the following planning history.

1950's/60's various applications for workshops

MU/03613B/MUDC Retention of sawmill (03613B) Approved 11/12/67

MU/07132/MUDC Change of use from derelict allotments to storage for fencing materials (07132) Approved 7/10/69.

1970's various small scale applications related to the sawmill business.

82/01149/3P Erection of single storey building for office accommodation and storage Approved 12/10/82

84/01201/3P Use of land for storage display and sale of fencing timber and building products and retention of sawmill on a permanent basis Approved 9/10/84

85/00820/3P Construction of new access to wood-yard Approved 22.10.1985

87/01666/3Z Alterations to condition no 5 of planning permission no 84/1201/3P to allow extension of opening hours Approved 19/11/87

88/00154/3P Use of land for sale and display of garages and conservatories Approved 10/3/88

90/01001/3P Erection of boundary security fencing Approved 9/7/90

19/00099/FUL Erection of 31 dwellings with associated landscaping, highways and drainage Withdrawn before Committee (proposed reasons for refusal)

1. *The proposal is contrary to Policy EMP 1 (a &b) of the Great Bowden Neighbourhood Plan as it results in the loss of land in commercial use and it has not been demonstrated through a valuation report and six month marketing campaign that the site has potential for alternative employment generating use. This harm by way of conflict with the neighbourhood plan, and loss of employment opportunity, significantly and demonstrably outweighs the proposals benefits including the delivery of housing and affordable housing.*

2. *The proposed market housing does not meet the local housing needs as set out by the Housing and Economic development Needs Assessment (HEDNA July 2017), therefore it is contrary to Policies CS2 of the Harborough District Core Strategy, and Policy H3 (b) and HS4 of the Great Bowden neighbourhood Plan. Policy H5 of the new Harborough Local Plan whilst not yet part of the development Plan is a material consideration against the proposal. This harm by way of conflict with the development Plan significantly and demonstrably outweighs the proposals benefit including delivery of housing and affordable housing.*



### 3. The Application Submission

#### a) Summary of Proposals

- 3.1 The proposal is for a FULL planning permission for the erection of 33 dwellings utilising the existing access point and driveway into the site off the Leicester Lane. Pedestrian access to the site is via the current vehicular access point onto Leicester Lane and the right of way in the north-eastern corner of the site. The road splits in two after entering the site. The affordable housing units are located in the south-eastern corner of the site. There are proposed 11 affordable housing units, a mixture of 1, 2 and 3 bedroom units, with 3 different house types. The Market Housing consists of 22 two, three and four bedroom houses, with 7 different house types.

**Table 1: Proposed housing mix**

	Affordable Housing	Market Housing
1 bedroom flat	4	-
1 bedroom bungalow	3	-
2 bedroom	2	4
3 bedroom	2	13
4 bedroom	-	5
Total	11	22

- 3.2 The materials across the site will be brick (to be conditioned), with 3 houses to be chalk coloured smooth render and 7 dwellings with the front elevation rendered only and slate grey clay tile roofs.

#### Holdenby house type



## Waddesdon house type



## Sudeley house type



## Bungalow



## Sutton+ housetype



- 3.3 The roads through the site are tarmac except for the end section of the top road which will be block paved. All the driveways and parking areas will be block paved. Small areas to the front and rear of the properties have slab paving for walkways and patios areas.

- 3.4 In terms of soft landscaping the existing boundary hedgerows on all boundaries and trees along the northern boundary and access road are shown to be retained. Most of the site is down to grass with a small amenity area at the entrance to the site that is proposed to be planted up with native hedgerow and shrub species. Plus, some native trees are proposed to be planted within plots.
- 3.5 The proposed boundary treatment enclosing the rear gardens of the dwellings across the site are primarily 1.8m high close boarded fence. A high wall is proposed to Plots 1, 7, 19 and 28 (as revised). The frontages are open creating an open plan estate.
- 3.6 The Tree survey plan shows 4 trees along the northern boundary, three are category C and one tree is Category B. There are several trees along the access road to the site all are either Category B or C trees.
- 3.7 The foul water all piped under the roads will be pumped south and discharge into the existing drainage in Leicester Lane. Immediately adjacent to the northern boundary edge is a proposed swale (Sustainable Urban Drainage System -SuDS) currently a ditch. Surface water drains will be under the roads and have a connection point into the swale in the north-east corner of the site, this will then connect to a private agricultural drain and then into the watercourse.
- 3.8 The site area is 1.18 ha. Site density of 28 dwelling per hectare.
- 3.9 The site lies within the defined limits of development as defined by the 'Made' Great Bowden Neighbourhood Plan. The main part of the site lies outside the Conservation area of Great Bowden, however, the existing/proposed access road is within the Conservation area. Part of the southern boundary of the site abuts the conservation area as the houses and gardens on Leicester Lane are within the Conservation Area.

[illegible]

- Increase in houses from 31 to 33 dwellings;
- Change in housing mix; and
- Submission of Valuation and Marketing reports.



Amendment A:

- Incorporated more chimneys;
- Plot 27 more detailed elevation;
- More variety of materials; and
- Additional brick walls.

Amendment B:

- 2m footpath into the site

**b) Documents submitted**

Documents:

- Design and Access statement BHB Architects April 2019;
- Planning Statement Barwood Homes Nov. 2019;
- Landscape and visual Impact Appraisal RPS 13<sup>th</sup> Nov. 2019;
- Built Heritage Statement CgMs Heritage Nov. 2019;
- Archaeology desk Based Assessment CgMs Heritage Nov. 2019;
- Flood risk Statement Barwood Homes;
- Flood Risk Assessment EWE Associates Ltd. (Rev.B) Feb. 2020;
- Landscape and visual Appraisal RPS Group Jan. 2019;
- Ecology Appraisal fpcr Nov. 2019;
- Marketing Report Godfrey Payton Jan. 2020;
- Valuation report Godfrey-Payton 3<sup>rd</sup> February 2020;
- Geo-environmental and Geo-technical site investigation Nov. 2018;

Specialist plans:

- Visibility Splay Assessment plans;
- Surface Water drainage strategy plan Rev. B;
- Micro Drainage calculations EWE Associates Limited, 25/03/20;
- Proposed drainage outfall plan; and
- Refuse vehicle tracking plan.

**c) Pre-application Engagement**

- 3.10 Following the withdrawal of the previous application the officers met with the Agent, land owner and applicant to discuss the issues. Various site layout plans were submitted for comment, including sales particulars information. It is understood that the applicant tried to meet the Neighbourhood plan group but this was not possible.

**d) Environmental Impact Assessment**

- 3.11 The site area is 1.18ha and for 33 dwellings therefore it does not trigger EIA screening opinion under Schedule 2 of EIA regulations as amended 2015.

**4. Consultations and Representations**

- 4.1 Consultations with technical consultees and the local community were carried out on the application.
- 4.2 A summary of the technical consultee responses received are set out below. If you wish to view the comments in full, please go to: [www.harborough.gov.uk/planning](http://www.harborough.gov.uk/planning)

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

- 4.3 *LCC Highways:* No objection 23/4/20, subject to conditions relating to vehicular and pedestrian visibility splays, surfacing for 10m, parking and turning and construction management Statement.

*Holding objection 02/3/20* The applicant that the internal layout will remain private, however, some issues are still to be resolved. Revised vis. splay due to relocation of

30mph sign, new 2m footway, construction of roads through root protection area's of existing trees, *(informal link to public right of way- this is an officer request to make the application more connected to the locality).*

*Holding objection 12/12/19 the internal layout is not suitable for adoption further amendments and details regarding: junction radii, footway or service margins, construction of road near trees, query over the construction of the existing driveway, speed control measures, turning heads, forward visibility, bend widening, angle of private driveways, remote location of parking for plots, etc.*

4.4 *Lead Local Flood Authority: May 2020 no objections. .*

Holding Objection 23/4/20 Require evidence that owner has control over the land where the existing surface water pipe outside the application site, that discharges to the agricultural ditch. *Officer comment: the LLFA do not object to the drainage strategy. The matter of ownership is not a reason to refuse consent. If approved recommended condition 9 will ensure the development only progresses with an approved drainage scheme regardless of ownership.*

Holding objection 21/2/20 although an FRA has been submitted, most of the information below, still hasn't adequately been addressed.

Holding objection - 30/12/19 In-sufficient information to provide a detailed response, therefore requires the following additional information: FRA, plans of proposed surface water drainage strategy, evidence and acceptability of discharge into system, calculated to demonstrate the performance of the surface water drainage system, proposed allow for exceedance flow and associated overland flow routing, maintenance and operating schedule.

- 4.5 *LCC Archaeology: No objection, subject to a Written Scheme of Investigation condition.*
- 4.6 *HDC Contamination Officer: No objection subject to a condition relating to a Risk based land contamination assessment and Verification investigation report.*
- 4.7 *Anglian Water: No objection.*
- 4.8 *LCC Footpaths Officer: previous obs.- No objection subject to conditions relating to footpath connection, boundary treatment details, non-invasive species of tree and hedgerow/shrub species, protection during construction.*
- 4.9 *LCC Ecology: No objection subject to conditions relating to mitigation measures for badgers and bats.*
- 4.10 *HDC Environmental Health Officer: No objection, subject to a condition relating to Construction method statement.*
- 4.11 *HDC Conservation officer: No objection*
- 4.12 *Leicestershire Fire: no objection, informative. Follow Building regulations 2010 Approved document B Vol.1 Dwelling-house/2006 edition as amended) B5 Section 11 Access and facilities for Fire and rescue service. This is to ensure that an Appliance is within 45m of all parts of a dwelling-house, satisfactory turning head for an appliance that if not provided would have to reverse more than 20m. (Officer comment- these points are covered by other legislation, and as such is not a planning issue, however, the applicant has provided a refuse lorry tracking plan which shows 2 turning provisions within the site. Also the Highways Officer has been consulted, these comments will be report para 6.57.*

Section 106 contribution requests:

- 4.13 *East Leicestershire and Rutland Clinical Commissioning Group* : Market Harborough Medical centre contribution will support the practise in improving patient access and capacity £7,245.19.
- 4.14 *Strategic Housing officer*: The affordable housing provision provides a good balance and mix of provision.  
40% on site this equals 13 units. 11 affordable units are provided on site, 3 of which are bungalows, therefore as bungalows count as double, 14 affordable housing units are being provided on site this is an over-provision.
- 4.15 *Strategic Greenspaces officer*:  
On-site:
- Parks and garden 0.03795 ha, this should be a more formal area with seating and perhaps specimen tree/s. Commuted sum for maintenance per ha £574,757.00
  - Amenity Green space 0.06831ha informal grass areas for recreation usually planted with trees/shrubs. Commuted sum for maintenance per ha £224,692.00
  - Natural and Semi natural greenspace 0.64515ha. to enhance existing habitat, incorporate SUDs facilities and to provide a buffer between the development and the countryside. Commuted sum for maintenance per ha £260,117.00
  - Children and Young people provision 0.02277, 227sq.m. which equates to a LAP+, use of natural play is acceptable. Commuted sum for maintenance.
- Off –site contribution:
- Outdoor Sports facilities £53,889.00
  - Allotments £1,593.90 (provide enhancement sat Leicester Lane, allotments.
  - Greenways £13,685.00 (to enhance existing cycle, walking and bridleways in the vicinity)
  - Cemeteries and burial grounds £5,996.10 (additional burial facilities at Great Bowden centre or a new facility.)
- If the developer proposes to manage the open space there will be no commuted sum for maintenance to pay to the Local Planning Authority.
- A landscape management plan (condition 13) will be required to give assurance that the open space will be satisfactorily maintained in perpetuity.
- The soft landscape plan is not sufficiently detailed, to make comments, therefore condition further details, Condition 11.
- 4.16 *HDC Community Facilities*.  
Refurbishment of local recreation ground, charge per dwelling  
2 bed = £742;  
3 bed = £853  
4 bed = £1,112
- 4.17 *LCC Education*:  
Primary school £0  
Secondary School £0  
Post 16 Sector £0  
Special schools £0
- 4.18 *LCC Library*:  
No claim
- 4.19 *LCC Civic Amenity*:  
33 x current rate for the Market Harborough Civic amenity site of £80.04 = £2,641.00

- 4.20 *LCC Highways:*  
Travel packs £52.85 per pack/dwelling  
6 month bus pass x2 per household at £510.00 per pass.
- 4.21 *NHS University Hospitals of Leicester – currently not considered CIL compliant*  
£11,853.00 will go towards the gap in the funding created by each potential patient from this development in respect of A&E and planned care. Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with NPPF and Local Development Plan policies. *Officer Comment: This application is adjacent to a larger site, and nearby others in village, built without such a contribution. It is not convincing that the UHL request meets the statutory CiL tests and NPPF tests. As the proposal is otherwise acceptable it is not reasonable or necessary for the LPA to refuse consent in absence of this suggested contribution..*

## **b) Local Community**

- 4.17 9 letters (including emails) plus 21 signatures to Leicester Lane letter of objection were received in response to the initial consultation process. A summary of the representations received is outlined below:

### Policy:

- Great Bowden has already taken its fair share of housing (Welham lane, Leicester Lane and Berry Close);
- Neighbourhood Plan policies conform with Local Plan policies;
- Conforms with the tilted balance as per para 11 and 14 of the NPPF;
- 277 dwellings required in the plan period as per Policy H1 of the Local Plan, 203 houses have been approved and constructed in the last few years in Great Bowden therefore 1 SRV has nearly provided for the total amount of houses in 11 SRV's in the plan period;
- Great Bowden has a recently agreed target of zero new homes;
- Policy GD2 section 2 assessed and found that it does not meet all the criteria requirements such as meeting local housing need;
- H1 (Housing provision) H3 (Windfall sites), H4 (Housing mix) H5 (Affordable housing) H6 (Design) are all relevant Neighbourhood Plan policies; and
- Conflicts with NP Policy EMP1 as Bowden Fencing is still trading, sale brochure focuses on sale of the building and land only, enduring option means that only high risk investors are interested and not business seeking expansion.

### Highways:

- Does not accord with Policy T1 (parking tandem spaces) which will lead to highly congested on road parking;
- Main Street and Leicester Lane is a rat run of traffic heading to Corby and Kettering avoiding Market Harborough, due to insufficient parking provision Main Street in places is effectively single track;
- No visitor parking provision;
- Reduced visibility due to parking outside Leicester lane properties;
- Congestion in the village is severe;
- Increase in traffic and speeding; and
- No amount of S106 money will improve the road layout in an historic village.

### Infrastructure:

- Yet to evaluate the impact upon the village and infrastructure of over 200 dwellings; and
- Local schools, doctors and dentists are already under strain continued development above current levels will lead to a severe deterioration of services.



#### Other issues:

- Land contamination; and
- Surveyor has a conflict of interest.

#### Parish Council: Objects

- Great Bowden neighbourhood Plan was supported by the vast majority of villagers (95.8%);
- HDC now has 6.94 year housing supply;
- The land supply position is based on the amended NPPF (July 2018) and up to date and sound;
- The emerging Local Plan reaffirms Great Bowden will need to accept no additional housing for the period up to 2031;
- Great Bowden is reaffirmed as a selected rural village that would potentially benefit from support of limited development;
- Surely a further 33 dwellings cannot be described as limited development, already approved 45% increase in dwellings in the village;
- This development will harm the character and the development of the village;
- Policy H1 of the Neighbourhood Plan due to the dwellings already under construction and existing sites with planning permission since April 2016, the parish has exceeded its housing need across the District, therefore further housing development will be restricted to windfall development in-line with Policy H3, however, 31 dwellings cannot be described as a 'windfall site', therefore it is contrary to Policy H3. *(Officer comment the NPPF definition is 'site not specifically identified in the development plan', therefore the site is a windfall site);*
- Lack of school places in Great Bowden;
- Great Bowden has already contributed a significant, disproportionate supply to HDC's figure re-projected delivery from allocated sites with permission. More than met its housing obligations under the Local Plan;
- Increase in traffic and speeding peak hour traffic in and through the village;
- Does not meet the provisions of GD3 (Dev. in the countryside) and GD4 (Housing in the Countryside); and
- Developments that conflict with an up-to-date Neighbourhood Plan should not be granted, this is so that decisions do not undermine the NP strategy agreed by the local community.

#### The Great Bowden Neighbourhood Plan Monitoring and Review Committee (MARC) Objects:

- Bowden fencing is operating business therefore not brownfield land;
- Valuation too high;
- Sale particulars didn't focus on the business opportunities;
- Barwood Option places a great deal of uncertainty about the sale;
- Site is suitable for B1 and B2, therefore marketing exercise not seen as a genuine attempt to sell and land and premise for non-residential use;
- At the open meeting on the neighbourhood plan consultation development to the west of the village was preferred option;
- Since GBNP has been adopted 203 dwellings have been approved an increase of 45%, currently Local Plan does not have a housing allocation for Great Bowden;
- Contrary to GBNP policy H1, additional site for housing will be brought forward in a review;
- Barwood Homes refers to Policy GD3 taking precedent over EMP1 of the GBNP, also Policy GD4 is referenced *(Officer comment these policies are not relevant in the consideration of this application -see policy section)*
- Policy GD2 is quoted, contrary to a and c housing allocation exceeded by a factor of 7 and not a disused or redundant site *(Officer comment -the policy has been incorrectly quoted mixing the criteria of point 2 with the pre-text of point 1, therefore the points made are not relevant, Policy GD2 is discussed later in the report).*

Additional comment: Great Bowden's Neighbourhood Monitoring & Review Committee:

Additional concern in relation to Great Bowden Neighbourhood Plan Policy H3, as follows:

Windfall sites are small infill or redevelopment sites that come forward. These sites can comprise redundant or vacant buildings including barns, or gaps between existing properties in a built-up area. Such sites have made a regular contribution towards the housing supply in the Parish. For example, in the last four years, 16 units have been provided. There remain opportunities for windfall development within the updated Limits to Development, and it is recognised that they will continue to make a contribution to housing provision in the Parish over the lifetime of The Plan. *Officer comment: this text is not from the Policy text of H,3 but the supporting text. In the policy 'small' is not specified, it is considered that this site is a re-development site. Please see para. 6.3 of the report*

– The NPPF para 29 endorses that communities have the power to develop a shared vision for their area and that neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Para 29 of NPPF.

Thus, to set preferences for the precise application of policies across a range of functions from housing, the environment to employment, community facilities and beyond. Which is exactly what Great Bowden intended when defining its requirements in the preamble to Policy H3, that this is an 'examined and approved' policy and part of HLP.

## **5. Planning Policy Considerations**

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

### **a) Development Plan and material planning considerations**

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

- *The Framework Feb. 2019 Sections:*  
Section 2 Achieving Sustainable Development  
Section 4: Decision making  
Section 5 Delivering a sufficient supply of homes  
Section 8 Promoting healthy and safe communities  
Section 9 Promoting sustainable transport  
Section 11 Making effective use of land  
Section 12 Achieving well-designed places  
Section 14 Meeting the challenge of climate change, flooding and coastal change  
Section 15 Conserving and enhancing the natural environment.
- *Harborough Local Plan 2011-2031*  
SS1 - The Spatial Strategy  
GD2 – Settlement Development  
GD8 – Good design in development  
H1 - Provision of new housing  
H2 – Affordable housing  
H5 – Housing mix, mix and standards.  
GI1 – Green Infrastructure networks  
GI5 - Biodiversity and geodiversity  
CC1 - mitigating climate change

CC3 - Managing flood risk  
 CC4 – Sustainable drainage  
 IN1 - Infrastructure  
 IN2 – Sustainable transport

- *Supplementary Planning Guidance*  
 2/3 – Residential developments  
 9-12 (covering Landscape, Trees, Hedges and Lighting).
- *Great Bowden Neighbourhood Plan-Designated 'Made 26<sup>th</sup> June 2018*  
 H1 – Housing Provision  
 H2 – Limits of development  
 H3 – Windfall sites  
 H4 – Housing mix  
 H5 - Affordable Housing Provision  
 H6 - Design Standards  
 ENV 9 – Biodiversity  
 ENV10 - Footpaths and cycle-ways  
 T1 - Parking provision and new dwellings  
 EMP1 - Support for existing employment Opportunities.  
 EMP3 – Broadband Infrastructure.  
 INF1 – Developer Contributions
- *Great Bowden Village design statement*
- *Conservation Areas - Planning (Listed Buildings & Conservation Areas) Act 1990, Section 72(1).*
- *Harborough District Landscape Character Assessment*
- *Market Harborough Landscape Character Assessment and Landscape Capacity Study 2009*

## 6. Assessment

### a. Principle of Development

- 6.1 The National Planning Policy Framework (NPPF) in paragraph 12 states that the development plan is the starting point for decision making. The application site is within the settlement of Great Bowden which is defined as one of the selected rural villages (SRV) in the Council's Local Plan, (see Appendix F *Settlement hierarchy*). Within 1 km walking distance of the application site there is a variety of local services including a school, food store and public house, plus a church and village hall.
- 6.2 Paragraph 12 of the National Planning Policy Framework (NPPF) emphasises that where an up-to-date neighbourhood plan is in force, it shall also be used as the starting point for decision making. Great Bowden has a neighbourhood plan that has been through referendum and was Made on 26<sup>th</sup> June 2018, therefore it is less than 2 years old. The application site is now within the village boundary of Great Bowden as defined in the Neighbourhood Plan. Although small sections of the eastern part of the application site are outside the defined village boundary. It is not understood why the boundary line dips in and out of the eastern site boundary as these sections defined as open countryside are within the Bowden Fencing commercial site boundaries.
- 6.3 Great Bowden Neighbourhood Plan (GBNP) policies H1 (Housing Provision) and H2 (Limits to Development) supports new residential development within the limits of development where they respect the shape and form of the village and comply with other policies. Policy H3 relates to Windfall development, which this site comes under the definition of, (notwithstanding contrary third party statements). The points raised in the policy are addressed in the report. As the proposal is a brownfield site (NPPF

definition is land which is or was occupied by a permanent structure, including the curtilage of the development land) and within the Limits of development for Great Bowden, the principle of housing development is acceptable according to the neighbourhood Plan subject to other planning policies and material planning considerations.

**POLICY H2: LIMITS TO DEVELOPMENT – Development proposals within The Plan area on sites within the Limits to Development, or in terms of new sporting or recreational facilities close or adjacent to the Limits to Development as identified on the Policies Map, will be supported where they respect the shape and form of Great Bowden and comply with the policies of The Plan.**

Land outside the defined Limits to Development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.

**POLICY H3: WINDFALL SITES – Development proposals for infill and redevelopment sites will be supported where:**

- a. They are within the Limits to Development of Great Bowden;
- b. They help to meet the identified housing requirement for Great Bowden in terms of housing mix (Policy H4);
- c. They reflect the character and historic context of existing developments within Great Bowden;
- d. They retain existing important natural boundaries such as trees, hedges and streams;
- e. They provide for a safe vehicular and pedestrian access to the site and any traffic generation and parking impact created does not result in a severe direct or cumulative impact on congestion or road and pedestrian safety unless appropriate mitigation measures are undertaken;
- f. They do not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise; and
- g. They do not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the occupiers of the dwelling.

- 6.4 In relation to the supply of housing, the NPPF requires councils to identify and update on an annual basis, a supply of specific deliverable housing sites sufficient to provide a five years' worth of housing provision (para 73 and 74). Under the new NPPF (July 2018) the Council can demonstrate a 7.04 years' of housing provision, and as such a deliverable 5 years supply of housing can be achieved.
- 6.5 The New Harborough Local Plan 2011-2031 is adopted therefore the policies have full weight. In Policy H1 Provision for new housing, no specific housing allocations are made in Great Bowden. Great Bowden has seen a significant amount of housing approved and built recently. The policy does not specifically relate to this site, as the application site is inside the limits of development for Great Bowden and is classed a windfall site, therefore Local Plan Policy GD2 (Settlement Development) is relevant.
- 6.6 In terms of Policy GD2 (a) which deals with development within the existing or committed built up area of rural villages, as defined by the limits to development plan (Fig. A Policies Map) in the Neighbourhood Plan. Development will be permitted, where it respects the form and character of the existing settlement, as far as possible retained



existing natural boundaries or includes the re-development of previously developed land of low environmental value and enhances its immediate setting. These issues are dealt with in the rest of the report. In respect of the Harborough Local Plan the principle of residential development is acceptable, subject to other planning policies and material planning considerations.

- 6.7 To summarise, significant weight must be given to the policies contained in the Neighbourhood Plan due to its status. Also, full weight must be given to the adopted Harborough Local Plan. The NPPF presumption in favour of sustainable development is a very important consideration.

#### Accessibility

- 6.8 In terms of accessibility of the development to service provision. There are bus routes No. 33, 44 and 303 from Great Bowden to Market Harborough, with the nearest bus stop on Main Street. The school is 900metres away and the shops are 1km away. Less than 800m is considered the reasonable walking distance (800m; 10-15mins of any key services), which would encourage less car use and shorter journeys, extending the distance to 1.2km is also considered acceptable. In other development it has been considered reasonable to extend maximum walking distance to 2km from a site and a distance of 5km is considered reasonable for journeys by bike. (Institute for Highways and Transportation document 'Guidelines for providing for journeys on Foot' (2000). This is confirmed as an acceptable approach by a County Highways Officer. Also the adjacent Mulberry Homes development is a similar distance away.
- 6.9 Policy ENV10 'Footpaths and Cycleways' in the Neighbourhood Plan states that development proposal should include measures to facilitate and encourage safe access by cycle and on foot; and the protection of, connection to, and extension where practicable to existing pedestrian and cycle routes. The Framework (para.127) and Local Plan Policy GD8 also encourages development to be safe, inclusive and accessible, specifically GD8 (j) seeks links to the wider green infrastructure network. There are a number of footpaths around the village, and on the proposed site layout for this application there is a connection made to Footpath A63 that clips the north-eastern boundary of the site, so that residents at the end of these roads have a quicker and more direct route further east onto Leicester Lane, instead of tracking back through the development, down the long access road and along Leicester Lane. Previously the Rights of Way Officer was asked if a connection to the Right of Way would be acceptable and they responded by recommending a condition (15).

#### Loss of an employment site

- 6.10 Bowden fencing is currently operating from the application site. Policy BE3 Existing employment sites in the Harborough Local Plan states in the explanatory text that employment sites outside the designated Key and General Employment areas employment land (the application site is outside these area) does not warrant protection and its use for alternative uses will be considered flexibly.
- 6.11 The Agent refers to Local Plan Policy GD3 'Development in the Countryside' then HC3 Public House, Post Offices and Village shops' in the Planning Statement and that they superseded the Neighbourhood Plan Policy EMP1. Firstly, these policies are not relevant in the consideration of this application, secondly the Neighbourhood Plan is less than 2 years old and considered up-to-date. Therefore, para.11d and 14 of the NPPF on the weight given to the Neighbourhood Plan does not apply as the Council has an adopted Local Plan.
- 6.12 Supporting existing commercial site is addressed in Policy EMP1 of the 'Made' Great Bowden Neighbourhood plan (see below). In the explanatory text it states that *'there is no suggestion from the community survey that the current level and type of employment is unacceptable to residents'* Great Bowden Fencing is specifically identified as an existing business. *'The recent loss of a convenience store and possible loss of one of the Pubs (The Red Lion is now closed) in the village has*

*reduced the range and number of amenities available locally and residents are concerned that further important employment outlets are not reduced further.'*

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**POLICY EMP1: SUPPORT FOR EXISTING EMPLOYMENT OPPORTUNITIES: - Planning applications for the change of use of or for the redevelopment of land or buildings of commercial or retail use (Use Classes A and B and sui generis) to a use that does not provide employment opportunities should demonstrate that:**

- a. The commercial premises or land in question has not been in active use for at least 12 months; and**
- b. The commercial premises or land in question has no potential for either reoccupation or redevelopment for employment generating uses and as demonstrated through the results both of a full valuation report and a marketing campaign lasting for a continuous period of at least six months.**

- 6.13 The proposal does not comply with a) as the commercial site is still being used by Bowden Fencing. However, as a Local Planning Authority Council we should not be encouraging business and sites to close or lie dormant, in order to comply with the policy. In the event of refusal on EMP1a that could encourage active use to stop so that by time an appeal, if made, is decided, 12 months may elapse and policy is satisfied.
- 6.14 In terms of section b) the applicant has spent much of the last year addressing this policy point. The applicant has undertaken a valuation report and marketing exercise to demonstrate compliance with Policy EMP1. The valuation report was carried out by a very experienced surveyor with professional knowledge of the local area since 1973. He explains that an open market value for a 1.18ha site with access to Leicester Lane would be £250,000 per acre/£635,000per gross ha. However, obtaining comparable information was difficult, there was an example locally of a higher price paid for an employment site and in Desborough where market values are lower than Market Harborough for serviced employment land which was achieving well in excess of that figure. Consequently, a valuation for continued commercial use would have started at £400.000 per acre = £1.2million. However, there was no demand for even the lower figure of £750.000 as demonstrate by the marketing report. Mainly due to concerns of operating close to what is now a housing area and operational constraints upon commercial traffic arising from the canal bridge and village.
- 6.15 The Marketing report details the measures the applicant took to sell the site. In May 2019 sales particulars were produced to Godfrey-Payton website and circulated to matching applicants in their database and up-loaded onto the website. In June 2019 two large sale boards went up on the site frontage. In July after discussions with the Planning Officers revised sales particulars and a price was agreed and produced, to reflect the Barwood Homes option, these were also uploaded to Rightmove and other Commercial websites.
- 6.16 The website entry was seeing 100-300views a month, with 338 hits in the preceding 60days. There was lot of enquires made directly to Godfrey –Payton in June this was mainly from neighbours and villagers curious about the reasons for the sale. There were 16 people that they were able to record meaningful data about their interest in the site from June – December 2019, plus another 20 who were not willing to leave their details. Many of the enquires were for residential development and to a lesser extent commercial uses, such as transport and storage depots, others did not

disclose a use. If an applicant expressed an interest this was followed up by Godfrey-Payton, however, it was noted that for many nothing further was heard.

- 6.17 Under RICS rules the existing Barwood Homes Housing option on the land was declared in the sales particulars and this was the reason for the lower sale price. However, the Surveyor explains that this didn't seem to put potential purchasers off the site, and concludes that with over 1000 potential applicants no end user was interested in purchasing the site. Potential commercial uses would have generated significant additional heavy good traffic and that the largest body of interest was residential either with or without Barwood Homes. The Agent in support of the application (Planning Statement) states that the site is unsuitable for any other uses within the current B2 use class (General Industry) due to its proximity to adjacent dwellings. This is a reasonable conclusion for B2 use.
- 6.18 Therefore due to the detailed valuation report and marketing campaign that has been thoroughly evidenced for more than 6 months, it is considered that the applicant has addressed the policy conflict with GBNP policy EMP1.

**b. Impact upon the settlement and rural area.**

- 6.19 Policies GD2 and GD8 of the Local Plan are relevant in the consideration of the proposal in relation to the settlement and surrounding rural area. A landscape and visual assessment of the application site has been carried out. The application site does not sit within any nationally designated landscapes, such as an AONB. The nearest biodiversity designation is 740metres away to the north east – Great Bowden Borrow pit SSSI. The site is within the National Character area 94 of the Leicestershire Vales. It is also within the Welland Valley Landscape Character area as defined in the Harborough District Landscape Character Assessment.
- 6.20 Under the Market Harborough Landscape Character Assessment and Landscape Capacity Study the application site is designated Foxton to Great Bowden Slopes Local Landscape Character Area. The key characteristics are pronounced north facing slopes, strong hedgerows, particularly around Great Bowden, well vegetated villages and village greens, vernacular brick buildings with slate roof, with the occasional thatched stone building and a good footpath network.
- 6.21 The site is part of a wider area of high landscape sensitivity and a smaller parcel of land (parcel 7) that includes the Mulberry development is considered to have a medium capacity for development. Parcel 7 states that residential development is more appropriate subject to various mitigation measures such as retention of existing landscape features, important views are retained, additional planting, maximum building heights, building materials and open space provision and green infrastructure.
- 6.22 The site is enclosed by housing on two sides. The site has the existing tall old terrace properties on Leicester Lane and new residential development along the western boundary currently being constructed by Mulberry Homes. Therefore, there are very limited views of the application site from the south and west.
- 6.23 The site is an existing commercial use, where there is a sawmill, metal shed and wooden hut on the site; these would be removed as part of the proposed development. It is considered that removal of the sawmill and other structures will only have limited visual benefits, as they are not significantly large scale and are screened by high landscaping to the northern and southern boundaries, and housing development to the south and west. Also, these structures on the site only occupy a small proportion of the site, primarily in the middle of the site, the rest of the site remains relatively open. The development of housing is across the whole site, therefore built form is increased across the site.
- 6.24 Views from the open countryside and rights of way to the east and north are short to long distance views. Views from the east will be seen against a backdrop of new

dwelling to the west of the application site (Mulberry Homes). The existing landscaping along the eastern boundary is very limited. However, the layout allows for additional and enhanced soft landscaping to screen and soften the development over time. As the Right of Way extends northward it slopes slightly downwards then upwards from the site. There are views of the site, however, these are obscured by the existing mature northern boundary vegetation, which is to be retained and is also partly outside the application site. Views from the north of the development will also be seen against the backdrop of 18 tall terrace properties. Houses along the northern and eastern boundary are set back from the existing boundary. Therefore, given the above points, overall the proposal with landscape mitigation measures (condition) does not adversely affect the character and appearance of the open countryside.

- 6.25 The landscape and visual appraisal assessed the site from 7 surrounding viewpoints. The report concludes that as a result of the proposed development there would be a direct impact upon the landscape characteristic of the area and some residual significant effects on some viewpoints. However, due to the relatively small scale, undulating topography, retention, management and enhancement of existing mature vegetation along the application site boundaries, the significance of effect would be negligible adverse, meaning any perceived change would not substantially alter the edge of settlement and semi-rural character of the local area and these effects would only be experienced in areas adjoining the site and be limited from the wider landscape.
- 6.26 The Applicant submitted a Built Heritage Statement, which assesses the impact of the proposal on the heritage assets on the surrounding area. The site is only partially visible from the south (Leicester Lane) and along Green Lane (track to the east) which are within the Great Bowden Conservation area, as views are obstructed by the houses on Leicester Lane and the existing high conifer hedge along the southern boundary of the site. The Canal Conservation Area is some distance away to the west and there is the intervening Mulberry Homes site. The Conservation Officer states that *'given the screened location and the surrounding context, I do not consider the development of this site for housing would affect important views into or the wider setting of the conservation area to the extent that it would cause harm.'* Therefore, the proposal is not considered to adversely affect the character and appearance of the conservation area, and as such the proposal accords with Policy HC1 of the Local Plan.

### **c. Design, density, mix and layout**

- 6.27 The site is a detailed application for 33 dwellings, with new drainage, highway and landscape works. Policy GD8 – Good design in development in the new Local Plan and Policy H6 in the Neighbourhood Plan address similar material planning considerations, such as minimise the impact upon residents' amenity, enhance and reinforce the local distinctiveness and character of the area, protect and enhance existing landscape features, wildlife habitats.

#### Design/layout:

- 6.28 The Applicant's Design and Access Statement explains that like many edge of settlement proposals, there is a responsibility of balancing both urban and rural characteristics. The prevailing local material is red brick, roofs are predominantly tile, and corbelled eaves are typical in the historic area of the settlement. Other architectural details include porches (simple and modest in design with gabled roof), brick chimneys, and window lintels, with casement windows predominating.
- 6.29 The application site consists of semi-detached, detached and terraced properties along two roads, therefore there is a good variety of properties proposed on site. The larger dwellings are at the entrance to the site, and along the northern boundary face the open countryside.
- 6.30 The Agent explains that the smaller terrace and semi-detached properties on the southern part of the site reflect the terrace on Leicester Lane and dwellings in Main



Street. As in the historic core of the village, the development will be constructed of primarily red brick with some render, to articulate key properties and provide a sense of legibility. Windows and doors are of a style to match those in the area. Chimneys are internal, bays and other architectural details are also in keeping with the residential context.

- 6.31 The gross density of the site 28/ha is comparable with the rest of the village and the adjacent Mulberry Home site. The size of the proposed development is comparable with the size of the village. Given the site is a brownfield site attached to the residential built form of the village and abuts the new residential development site further out of the village. The development is considered to respect the shape and form of the village. The developer has proposed four 1 bed flats (plots 12-15) which appear as detached houses, therefore, increasing the density of the site whilst retaining the character expected on an edge of village site. Again, an existing site survey plan and site section were not submitted with the scheme. These would have helped to provide a greater understanding of the site characteristics and the impact of the proposal on the surrounding rural area.
- 6.32 There are 9 different house types across the site, some of the dwellings have render others have brick facades. This picks up building materials in the locality (see the photographs below). The roof design of nearby existing dwellings is simple with gable ends and internal chimneys, this is replicated in some of the proposed house-types. The proposed dwellings have some elevations detailing such as corbelling and window lintel details. The four bedroom dwellings have a height of 7.9m – 8.2metres, which is considered low/average height for such dwellings. Given the location adjacent to the open countryside and northern boundary, this is welcomed. There are also proposed three bungalows, which adds variety to the street scene.





### **Leicester Lane (Google maps)**

- 6.33 As you enter the site from the end of the long access road Plots 1, 19 and 28 come into view. Plot 28 orientates towards the public as they travel along the main through-fare. The side elevations to Plots 19 and 27 have some openings in them to add interest in the street scene and from the adjacent field.
- 6.34 Plots 1, 7, 19, 24 and 28 have decorative high walls (as revised) with planting in front that are visible in the street scene, this results in a more pleasant street scene. Other boundary treatment is high fencing. Removing most of the tandem parking spaces from the layout to comply with the Neighbourhood Plan policy and increasing the number of plots has resulted in more frontage parking from the previous site layout at plots 20-24, this has been limited as much as possible, whilst mitigating the appearance with incidental area of greenspace. Therefore it is considered that on balance the proposal does not adversely impact upon the street scene.
- 6.35 Plots 8-15 and 27 (two storey dwellings) are sited close to the development envelope with the open countryside, this eastern boundary has only sparse existing soft landscaping. The siting of the dwellings close to the countryside boundary results in a hard edge to the development, which will affect the assimilation of the development into the rural area. This can be mitigated by additional planting which is indicated on the soft landscaping plan and can be secured by condition 11 in the event of approval.
- 6.36 There are limited proposed public greenspaces across the site as required by the Strategic Greenspaces Officer, however, any greenspace i.e. rear garden to dwellings, will increase bio-diversity on the site, as it is currently all down to hard core. The existing ditch that will be used as a sustainable drainage feature (swale), will also act as a landscape buffer to the open countryside. Increased soft landscaping on the eastern boundary to back gardens of residential plots, provides a marginal buffer to the adjacent field and extra planting opportunities.
- 6.37 Affordable housing is located in one area of the application site, although the site is relatively small scale, this is not an ideal arrangement. 11 affordable houses could be pepper-potted around the site in 2 or 3 different locations. The proposed siting of the affordable housing units in one location is of concern to the Strategy Housing Officer

and does not provide a balance approach to site integration. However, the Officer previously explained that as it is only a small site and that 2 Registered Providers are interested, this concern cannot be sustained.

- 6.38 Therefore, overall the proposed siting and design of the housing does not adversely affect the street scene of the future residential development, and as such conforms with Policy GD8 of the Local Plan and Policy H6 of the Neighbourhood Plan.

#### Housing mix

- 6.39 In section 5 of the NPPF, specifically para 61, housing size, type and tenure are addressed. Policy H5 in the Local Plan states that major housing developments should provide a mix of house types that is informed by up-to-date evidence of housing need. The Housing and Employment Development Needs Assessment (HEDNA, Jan 2017) suggests a percentage range of 1-4+ bedroom market housing.
- 6.40 22 Market Houses are provided across the site (see table). The market housing provision on site now provides 2, 3 and 4 bedroom dwellings, previously there were no 2 bedroom market units. Whilst there are no market 2 bedroom bungalows provision, there are 3 affordable bungalows provided on the site. The HEDNA does not require 1 bedroom units, therefore, the revised scheme with the provision of 2 bedroom units on site as well as 3 and 4 bedroom units now provides a good market housing mix. Whilst there is a slight under-provision of 2 bed market units and over-provision of 3 bed market units, it should be noted that there are only five 4 bedroom dwellings and no 5 bedroom properties out of 33 proposed dwellings, which is encouraged in Policy H4 and very welcome in the village that has a high proportion of 4 bedroom and above dwellings. Therefore, the revised proposed market housing mix is considered to comply with Policy H5 of the New Local Plan and Policy H3 (b) and H4 of the Neighbourhood plan

#### **Market Housing on the application site compared to the HEDNA Table 55 (suggested mix-market housing)**

<b>MH=22 dwellings</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed+</b>
<b>HEDNA</b>	0-10%	25-35%	35-45%	15-25%
<b>On-site housing provision as per HEDNA</b>	0-2	5-8	8-10	3-5
<b>Actual site provision numbers/percentage</b>	0/0%	4/18%	13/59%	5/23%

#### **Great Bowden Neighbourhood Plan policy H4 Housing mix**

**POLICY H4: HOUSING MIX – Any new housing development proposals should provide a mixture of housing types specifically to meet identified local needs in Great Bowden. Support will be given to dwellings of 1, 2 and 3 bedrooms and to homes suitable for older people and those with restricted mobility. The provision of self-build units is supported. 4+ bedroom dwellings may be included in the mix of dwellings, but will be expected to comprise a clear minority.**

### Affordable Housing

- 6.43 Policy H2 in the Local Plan 'Affordable Housing' requires that all residential developments 11 or above dwellings or over 1000sq.m floor area to contribute to meet affordable housing needs. In Great Bowden the policy requires 40% affordable housing (AH). The Councils Strategic Housing officer states that the on-site requirement is for 13 affordable units. Policy H5 Affordable Housing Provision in the NP supports this provision for local people, this is dealt with by HomeSearch within the Council.

#### **Affordable Housing on the application site compared to the HEDNA Table 57 (suggested mix-affordable housing)**

<b>Affordable Housing =11</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
<b>HEDNA</b>	35-40%	30-35%	25%	5-10%
<b>Housing provision as per HEDNA</b>	4	3-4	3	1
<b>Actual site provision</b>	7	2	2	0

- 6.44 The application proposes to meet this requirement by providing 11 affordable housing units, 8 houses/flats and 3 bungalows which on a 1 for 2 basis equals an on-site provision of 14 affordable units. Therefore, the proposal provides 1 more affordable housing unit than required. The Strategic Housing Officer has no objection to the housing mix as it provides a good balance and mix of units.

### On-site greenspace

- 6.45 The incidental space within the development is classified as Amenity Greenspace and totals 496 sq.m. this is short of the required 683sq.m. There is no provision on site for parks and garden provision where there is an on-site requirement for 379sq.m. There is also no provision on site for children and young people provision where there is an on-site requirement for 227sq.m. Natural and Semi-natural greenspace can incorporate SuDS features, the on-site requirement is 6,451sq.m. the application site provides 680sq.m. therefore again there is an on-site shortfall.
- 6.46 An on-site LAP + is requested and could be provided on site. The Agent previously explained that they can not meet park and garden and play provision on site due in part to the need to provide policy compliant density in a viable form. The Strategic Greenspace Officer has advised that, given a new LEAP is being provided in the Mulberry Homes site on Leicester Lane, it is considered reasonable to request an off-site contribution of £2,808.30. However, there should be flexibility in how this contribution is spent in the locality, as Mulberry Homes agreement is also required to spend it on the adjacent site. The agent has subsequently indicated that a commuted sum for off-site play provision is acceptable. Whilst there is a shortfall in amenity greenspace and a significant shortfall in natural and semi natural the shortfall can be made up (pro-rata) by off-site contributions when required for the S106. The parks and gardens contribution is £6,755.00. Therefore, the proposal subject to appropriate obligations, on balance, accords with Policy IN1 Infrastructure of the Local Plan.

#### **d. Residential amenity**

- 6.47 Policy GD8 in the Harborough Local Plan seeks to minimise the impact of development on existing and future residents. The same requirements are found in Policy H3 of the Neighbourhood Plan and in the NPPF in paragraph 127.
- 6.48 The separation distance to the rear elevation of existing neighbouring properties on Leicester Lane to the southern boundary of the application site is 55metres, this



exceeds the guidance of 21m by some-way, therefore the proposal does not adversely affect the neighbours amenity in terms of overshadowing, overbearing or overlooking.

- 6.49 The proposal results in the loss of the sawmill, it is considered that the proposed residential use is the same or quieter than the existing sawmill noise . The proposed 33 dwellings is likely to increase the vehicular comings and goings from the site, however, the number of large vehicles to the site will be reduced. Therefore, it is considered that the overall impact in terms of noise and disturbance will be no worse than the existing situation. The proposal therefore does not adversely affect the amenity of existing residents.
- 6.50 The proposed residential layout accords with the Councils guidance on separation distance found in SPG 2/3. Therefore, there is no adverse overbearing and loss of light to future residents. An additional Residential amenity issue is relationship with the dwellings under construction and recently completed on the Mulberry Homes site that are adjacent to the western boundary of the proposed site, either back on to the site or have the side wall close to the boundary. The Councils separation distance are complied with are no harm relative to this relationship is identified.
- 6.51 Plot 12-15 (1 bedroom flats) have a secondary first floor lounge window that would overlook the rear garden of Plot 11. However, the issue can be overcome by an obscure glazed condition on any consent (see condition 10).
- 6.52 The proposed layout therefore on balance does not adversely affect the amenity of existing and future residents and as such accords with Policy GD8 of the Local Plan and Policy H3 of the Neighbourhood Plan.

#### **e. Highways:**

- 6.53 Section 9 of the NPPF relates to sustainable transport, GD8 states that development shall (l) ensure safe access, adequate parking and servicing areas, including for refuse collection and (m) ensure safe, efficient and convenient movement of all highway users. Paragraph 108 of the NPPF promotes sustainable transport modes and the safe and suitable access to the site.
- 6.54 The proposal utilises the existing access point and driveway to the existing sawmill site. The access road is proposed to be initially 5.5metres wide going down to 4.8metres wide on all the tarmacked roads through the site. Visibility splays to the west is 2.4m x 53metres and to the east 55metres. The forward visibility splay is 58metres.
- 6.55 The dwellings have been provided 2/3 car parking spaces, including garages, with 1 space for 1 bedroom dwellings, plus 2 visitor spaces. Some of the dwellings have garages, others have parking bays. The proposal includes only 4 tandem parking arrangements out of a total of 33 dwellings proposed. This is contrary to GBNP policy T1 which does not support the provision of tandem parking in new development. The GBNP Policy TN1 supporting text generally references the centre of Great Bowden becoming more congested when new developments are complete and resistance to creating car parking that would change the rural character of the village. As this proposal has no statutory Highway Authority objections to tandem parking, and its parking proposals cannot be shown in themselves to change the village character, this conflict with T1 does not cause harm nor significantly and demonstrably outweighs the proposals benefits which include delivery of housing and affordable housing. The Highways officer has not objected to this element of the layout. The conflict with T1 is not therefore a robust reason to refuse planning permission.
- 6.56 The Highways Officer has requested further amendments and details on the basis that the layout is to be offered for adoption as publicly maintainable highway. The applicant confirmed that they would be privately maintained. Further information was submitted,

but the Highways Officer still had some issues that remained to be resolved. The applicant submitted more visibility and footpath details and the Highways Officer now has no objection to the scheme subject to conditions. The site access, visibility, parking and turning within the site are in general accordance with the Leicestershire Highways Design Guidance

- 6.57 In terms of waste collection from people's houses, the applicant has demonstrated on a Refuse Vehicle Tracking plan that a refuse vehicle can manoeuvre within the site. In respect of fire appliance, this detail will be dealt with by Building Regulations Legislation. However, a local Councillor raised concerns with regard to this point. The Highways Officer initially commented as follows, it has been demonstrated that a refuse vehicle can negotiate a turning manoeuvre within the site. Given the dimensions of Fire Appliances and the dimensions of the turning head provided within the site, I expect that a tracking drawing would demonstrate that a fire appliance would be able to suitably perform a turning manoeuvre as well. The Agent submitted a tracking plan demonstrating that the hammer head conforms to the requirements in the Fire Service guidance. Furthermore, the Fire Tender only needs to reverse 17m down the 4.8m wide private drive, and does not breach the 45m rule. The private drive will be constructed to take the weight of the heavier vehicles which is a necessity of the waste collection requirements too. The Highways officer did not find any fault with the technical plan.
- 6.58 Therefore, it is considered that the proposal does not adversely affect highways safety and as such accords with Policy GD8 of the Harborough Local Plan.

**f. Ecology and Trees:**

- 6.59 Policy EVN 9 Biodiversity in the Neighbourhood plan seeks to protect local habitats for wildlife and promote and increase biodiversity. The Framework states that when determining applications, LPA's should aim to conserve and enhance biodiversity. Section 15 Conserving and enhancing the natural environment of The Framework states that LPA should aim to conserve and enhance biodiversity by applying certain principles: such as opportunities to incorporate biodiversity in and around developments should be encouraged (para.118).
- 6.60 An updated ecology survey (FPCR 2019) was carried out, this confirms the continued presence of bats roosting in the sawmill tower; a licence is required before the tower is demolished. This is covered in the report and should be conditioned (14). FPCR's report includes an update on the main badger sett found along the western boundary. This has now been closed under licence to allow the neighbouring development to go ahead, thus removing a constraint on this current application. Mitigation for badgers will still be required, and this is covered in FPCR's 2019 report and will be covered by condition. Therefore, the proposal accords with policies EVN 9 of the Neighbourhood Plan and Policy GI5 Biodiversity and geodiversity of the Local Plan.
- 6.61 An Arboricultural survey has been carried out and found no trees on the site, only down the existing access road. There are well established hedgerows on the north, south and western boundaries, which appear to be retained. There is incidental planting proposed within the site, the details species planting will be conditioned (11).

**g. Archaeology:**

- 6.62 Policy HC1 (4) of the Local Plan and Paragraph 197 of the Framework states that with regard to non-designated heritage assets, a balanced judgement will be required having regard to the scale of the harm or loss and the significance of the heritage asset.
- 6.63 The site is recorded as a Brickworks (HER Ref : MLE21592) and has to the south west both an Iron Age site (HER Ref : 23271) and Roman site (HER Ref : MLE1999). There



is an additional Roman site to the north (HER Ref : MLE10148) and there are numerous spot finds from various periods surrounding the development site. In addition a brick working kiln is indicated on the 1<sup>st</sup> edition Ordnance Survey mapping. The County Archaeologists has no objection to the scheme subject to a written Scheme of Investigation condition.

#### **h. Flooding, Drainage and Climate Change**

6.64 Policy CC4 in the Local Plan addresses Sustainable drainage and CC1 is concerned with climate change.

6.65 The site is in flood zone 1 with low risk of fluvial flooding. The Flood Risk Assessment has concluded that there is a low risk of flooding from fluvial, tidal and ordinary watercourses. No risk from surface water flooding and sewer flooding, ground water flooding and flooding from any other artificial source. During the course of the application the Lead Local Flood Authority required detailed surface water information. The applicant has eventually provided all the detailed surface water drainage information, the only query left is land ownership of a drainage pipe to be utilised outside the site, LLFA response will be reported. However, it should be noted that the LLFA do not object to the drainage strategy. The matter of ownership is not a reason to refuse consent. If approved, condition 9 will ensure the development only progresses with an approved drainage scheme regardless of ownership.

6.66 In response to questions relating to measures on site to address climate change the Agent explained that the developers approach to building new homes is by reducing energy demand through a 'Low Carbon, Fabric First Approach'. This provides a natural reduction in energy demand for the end user, a range of measures are used throughout the build phase that enhance the insulation and air tightness of the homes, undertake to review Building Regulations best practices for water and energy efficiency and on some schemes this has led to a reduction in energy demand of up to 8% when measured against the Target Emission Rate calculated at the design stage. Air sourced or solar PV are installed where non-standard utilities connections are not feasible. As the site is served by both Electricity and Gas it is not considered viable to propose solar PV.

6.67 The Agent goes on to explain that the fabric first approach seeks to maximise the traditional supplied energy to the site and relies on strategic energy efficiencies that are being delivered across the network as opposed to dealing with demand at a site specific level. As gas is supplied to the site, this is deemed to be the most energy efficient form of heating the homes, the house builder uses super-efficient boilers and well insulated structural elements, which means that homes can be kept warm with very little energy input. The dwellings have an EPC score of 85+, which is a B rating. Finally, the Agent stresses that the development will naturally support sustainable modes of transport. Garages will provide storage space for bikes and we envisage that the homes will enable electric car charging, if requested by customers, and the developers are in discussions with utilities providers about how best to facilitate this for roll out across our new sites.

6.67a In respect of foul drainage Leicester Lane residents raise:

Very concerned by the apparent lack of a detailed plan for the removal of the foul water / waste from the above proposed 33-dwelling estate. Given the location of the site (land-locked on all sides) and a fall on the site of 5.6 metres from the entrance (south west) to the lowest point (north east), this lack is not a trivial matter.

What route will the foul water arrive on Leicester Lane? Is it pumped down the driveway to Leicester Lane or is it directed along the eastern field and down Green Lane. If it is routed across the eastern field there are serious concerns with this route:

- This field is Local Green Space and is protected;
- Green Lane is a wildlife corridor with a veteran tree;

- 2 Green Lane Turnpike Cottage is a listed building with no/very little foundations; and
- Closing a well-used footpath would not be popular.

No technical specification of foul water drainage details, no pumping station details and maintenance information.

Contamination of the surface water drainage and environmental contamination.  
Easement problem down the driveway due to its limited width.

*Officer comments: foul water drainage details are dealt with at Building Regulations stage, these are separate regulations to planning. The applicants will have to comply with these regulations by providing detailed specification drainage plans. As such matters these are dealt with under different legislation to planning, it is therefore not appropriate to duplicate such information.*

Agents comments:

- Anglian Water raised no objection to the submitted details. They requested no further details at the planning stage. Anglian water have confirmed that there is capacity in the current network to accommodate the foul waste generated by this development.
- The foul waste will be pumped back up to Leicester Lane via the access road and **not** across the adjacent field and down green lane. There has never been any suggestion of this as we do not control the land.
- Please see attached the indicative foul drainage layout. We are aware of our responsibilities to adopt the foul system in Partnership with Anglian Water. This is triggered by the planning approval but it dealt with under a separate legislative regime, as I'm sure you're aware. Ultimately if we are unable to drain the foul waste into the adopted network then the site will not be built out in any event.
- The Mulberry scheme adjacent is a pumped system that works on the same basis as ours. The foul is drained via a gravity connection to the low point of the site and then pumped back to the adopted network in Leicester Lane.
- The pump will be a packaged system that is under the road. Due to the scale of development this can be used as opposed to an above ground built system.
- Any easement required for the foul pipe under the terms of the adoption will be accommodated in the highway corridor and will not impact on existing or future homes.

## **i. Sustainable Development**

- 6.68 The Framework identifies three dimensions to sustainable development – economic, social and environmental. Taking each of these in turn the following conclusions can be reached.
- Economic: new construction brings employment, new households will re-inforce existing custom to services and facilities in the village.
  - Social: the site is in an accessible location, provision of a mixture of market and affordable housing.
  - Environmental: The site is not subject to a national or local landscape, or heritage designation. The proposal is not considered to demonstrably harm the character and appearance of the countryside.

## **j. Planning Obligations**

- 6.69 Planning Obligations under Section 106 of the Town and Country Planning Act 1990 (as amended) commonly known as S106 agreements, are a mechanism for securing benefits to mitigate against the impacts of development. These benefits can compromise, for example, of monetary contributions, the provision of affordable housing, on-site public open space/play area and other works or benefits that meet the three legal tests as outlined with Regulation 122:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and

- Fairly and reasonably related in scale and kind to the development.

- 6.70 These legal tests are also set out as policy tests in para. 56 of The Framework. Policy IN1 provides that new development will be required to provide the necessary infrastructure which will arise as a result of the proposal. This is supported by NP policy INF. More detailed guidance is set out in The Planning Obligations Developer Guidance Note, 2009 and the Leicestershire County Council Planning Obligations Policy dated 10<sup>th</sup> July 2019.
- 6.71 Appendix B identifies the developer contributions sought by consultees, an assessment as to whether the requests are CIL compliant and a suggested trigger point to advise when the contribution should be made. The requests are CIL compliant, except Leicester Hospitals contribution which is not found necessary.. The Applicant accepts in principle all the contributions requests. Notwithstanding the applicant may agree to a UHL contribution (which is a matter for it) that does not make it satisfy CIL tests. In this case similar development (for example adjacent) has come forward without a contribution. The absence of a contribution does not result in a refusal recommendation, and such a contribution is unnecessary to make this proposal acceptable.

## **7. Conclusion**

- 7.1 The proposal is a full application for the erection of 33 dwellings. The Harborough Local Plan is adopted and The Great Bowden Neighbourhood plan is a fully made and adopted document, therefore both documents have full and significant weight in the decision making process. This proposal lies inside the designated development limits for the village, where there is a presumption in favour of development on this site in principle, subject to other material planning considerations.
- 7.2 The revised scheme through the addition of 1 bedroom units on the site and the submission of a valuation report and details of the market exercise undertaken for more than 6 month on 2019, means the scheme addresses the previous issues raised in the last application and cited in Policy H5 in the Local Plan and Employment policy EMP1 and H3/H4 of the Neighbourhood Plan.
- 7.3 The proposal does not adversely affect the character and appearance of the settlement and Conservation area, provided soft landscaping features is retained and implemented. The layout of the development and its relationship with existing resident's meets local planning guidance, therefore existing and future resident's amenity are not adversely affected. The proposal therefore conforms with GD8 of the New Local Plan and H6 of the Neighbourhood Plan.
- 7.4 Technical surface water drainage issues have not been resolved, however, these can be dealt with by condition. The proposal does not adversely affect archaeology interests, ecology and the safety of the highway network and users.
- 7.5 Having regard to the above, it is considered that this scheme accords with the Neighbourhood Planning strategy for Great Bowden, Local plan policies and The Framework.

## **8. Conditions**

### **Commencement:**

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

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

**Revised plans:**

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

Location plan ref: 3367-01;  
Proposed site plan ref: 3367-02T  
Materials plan ref: 3367-03G;  
Hard landscape Plan ref: 3367-04D;  
Boundary plan ref: 3367-05E;  
Soft Landscape Plan ref: 3367-06D;

**House-types and garages:**

Holdenby plan ref:3367-10C;  
Sutton render plan ref:3367-12C;  
Waddesdon (semi-detached) plan ref:3367-14C;  
HQ1 B1 plan ref:3367-16B;  
M2 plan ref:3367-17C  
Single garage plan ref:3367-18;  
Double garage plan ref:3367-19;  
Sudley V (plot 25) plan ref:3367-21C  
HQ1-2-1 plan ref:3367-23C;  
Twin garage plan ref:3367-24A;  
Waddesdon terrace plan ref:3367-25A  
HQ1-B1 detached plan ref:3367-26;  
Sutton + (plot 28) plan ref:3367-27A;  
Waddesdon render plan ref:3367-28;  
Waddesdon V plan ref:3367-29A;  
HQ1-3-1 plan ref:3367-31;  
Alnwick plan ref:3367-32A;  
Waddesdon (plot 2&3) plan ref:3367-33;  
Sutton + (Plot 34) plan ref:3367-34;  
Sudley V (plot 26) plan ref:3367-35.

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

**Materials:**

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

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

**Visibility Splays:**

4. Prior to the first occupation of the development, access arrangement and visibility splays shown on Paul Basham Associates drawing number 541.0005.002 Rev A have been implemented in full. Once provided they shall thereafter be permanently so maintained, with nothing placed or allowed to grow or remain forward of the said splays above a height of 0.6 metres above ground level.

REASON: In order to afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network in the interests of highway safety having regard to Harborough Local Plan Policies GD8 and IN2 and the National Planning Policy Framework.

**Archaeology:**

5. No demolition/development shall take place until a staged programme of archaeology work commencing with initial phase of trial trenching, each phase will be completed in accordance with a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority, which shall include:
- o the programme and methodology of site investigation and recording;
  - o the programme for post investigation assessment;
  - o the provision to be made for analysis of the site investigation and recording;
  - o the provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - o the provision to be made for archive deposition of the analysis and records of the site investigation;
  - o the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- Any demolition/development shall only take place in accordance with the approved Written Scheme of Investigation.

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of Harborough Local Plan Policy HC1 and the National Planning Policy Framework .

### **Contamination – Risk based land Contamination Assessment**

6. No development (except any demolition permitted by this permission) shall commence on site, or part thereof, until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:
- o BS10175:2011+A2:2017 Investigation Of Potentially Contaminated Sites Code of Practice;
  - o BS8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs) and
  - o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
  - o Or any documents which supersede these.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan shall 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:

- o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- o BS 8485:2015+A1: Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.
- o Or any documents which supersede these.

The Verification Plan shall be prepared in accordance with the requirements of:

- o Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010.
- o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- o BS 8485:2015+A1: Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings
- o CIRIA C735, "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases" CIRIA, 2014
- o Or any documents which supersede these.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it shall 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) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

REASON: To ensure the land is fit for purpose and having regard to the National Planning Policy Framework.

#### **Contamination – Completion /Verification report**

7. Prior to occupation of the completed development, or part thereof, either
- 1) If no remediation was required by Condition No.6 a statement from the developer or an approved agent confirming that no previously identified contamination was discovered during the course of development, or part thereof, is received and approved in writing by the Planning Authority, or
  - 2) A Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to the whole development, or part thereof, shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
    - o Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
    - o Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
    - o 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;
    - o Contain Test Certificates of imported material to show that it is suitable for its proposed use
    - o Demonstrate the effectiveness of the approved Remedial Scheme; and
    - o Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

REASON: To ensure that the land is fit for purpose and having regard to the National Planning Policy Framework.

#### **Construction Method Statement**

8. No development (including any site clearance/preparation works) shall be carried out until a Construction Environmental Management Plan has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the period of development:
- a) the parking of vehicles of site operatives and visitors;
  - b) loading/unloading and storage of construction materials
  - c) a detailed reactive and proactive road cleaning schedule, incorporating the use of road sweepers, on-site wheel wash facilities and the use of hand brooms on wheels and roads where necessary
  - d) measures to control the emission of dust and noise during construction;
  - e) a scheme for recycling/disposing of waste resulting from site preparation and construction works;



f) hours of construction work, site opening times, hours of deliveries and removal of materials;

g) full details of any piling technique to be employed, and the control of hours of use if relevant;

h) location of temporary buildings and associated generators, compounds, structures and enclosures

i) routing of construction traffic and indication of signage locations to assist those delivering to the site

j) Contact details for site manager, including how these details will be displayed on site.

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

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

### **Surface Water drainage**

9. No development shall commence on site until details of:

- a surface water drainage scheme;
- management of surface water on-site during construction;
- long term maintenance of the surface water drainage system within the development; and
- Infiltration testing has been carried out to confirm or otherwise the suitability of the site for the use of infiltration as a drainage element.

have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the dwellings.

REASON: To prevent flooding by ensuring adequate storage and disposal of surface water from the site having regard to Harborough Local Plan Policy CC4 and the National Planning Policy Framework.

### **Obscure glazed window**

10. The first floor side lounge window to Unit 12 shall be glazed with obscure glass (at a minimum of Level 3) only and the window(s) shall be permanently maintained with obscure glazing at all times thereafter.

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

### **Landscaping Scheme**

11. Prior to the first occupation of any of the dwellings hereby approved, a Landscape Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Scheme shall include the following details:

- o a statement setting out the design objectives and how these will be delivered;
- o planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes, types, forms and proposed numbers/densities where appropriate;
- o earthworks showing existing and proposed finished levels or contours and finished floor levels;
- o an Implementation and Management Programme, including phasing of work where relevant.

Thereafter, the landscape scheme shall be implemented in accordance with the approved details.

REASON: To ensure that the development assimilates in to the surrounding area, having regard to Harborough Local Plan Policies GD2, GD5 and GD8 and the National Planning Policy Framework.

#### **Landscape Implementation.**

12. All planting, seeding and turfing comprised in the approved Landscape Scheme shall be completed in the first planting and seeding season prior to, or immediately following, the first occupation of the building to which it relates. All hard landscaping relevant to each plot comprised in the approved Hard Landscape Plan shall be completed prior to the first occupation of the building to which it relates. All planting, seeding and turfing for the areas not within individual plots as comprised in the approved Landscape Scheme shall be completed in the first planting and seeding season prior to, or immediately following, first occupation of the last dwelling to be completed, or completion of the development, whichever is sooner. All hard landscaping not within individual plots as comprised in the approved Hard Landscape Plan shall be completed prior to the first occupation of the last dwelling to be completed, or completion of the development, whichever is sooner. Any trees, shrubs, hedges or plants which, within a period of five years from their date of planting, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

REASON: To ensure the landscaping is implemented and maintained in the interests of the visual amenities of the development and its surroundings having regard to Harborough Local Plan Policies GD2, GD5 and GD8, and the National Planning Policy Framework.

#### **Landscape Management Plan**

- 13 Prior to the first occupation of any of the dwellings hereby permitted a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than privately owned domestic gardens or areas to be adopted by the Local Highway Authority), shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include:
- (a) All areas of formal and informal open space within the development;
  - (b) Children's play area/s;
  - (c) Green Infrastructure linkages, including pedestrian and cycle links, and public rights of way.
- The landscaped areas, once implemented, shall be maintained in perpetuity in accordance with the approved Landscape Management Plan.

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

#### **Ecology:**

14. No development shall take place until the Ecology mitigation measures as detailed in the Ecology Appraisal fpcr Nov. 2019 have been carried out in accordance with the reports recommendations.

REASON: To ensure the protection and survival of important species and those protected by legislation that could be adversely affected by the development, having regard to Harborough Local Plan policy GI5 and the National Planning Policy Framework.

**Right of Way connection:**

15. Prior to first occupation of the development provision shall be made as shown on the approved site layout plan ref: 3367-02U for a pedestrian access point to the adjacent public right of way, and thereafter shall be retained in-perpetuity.

Reason: In the interests of providing a sustainable scheme that is accessible by a number of modes of transport having regard to Harborough Local Plan policy GD8.

**Pedestrian visibility splays:**

16. Prior to the first occupation of the development, pedestrian visibility splays of 2m x 2m shall be provided and permanently maintained on both sides of the access to the development. There shall be no obstruction to visibility between 0.6m above carriageway level.

REASON: In the interests of and for the safety of persons using the adjoining road, having regard to Harborough Local Plan Policies GD8 and IN2, and the National Planning Policy Framework.

**Access drive surfacing:**

17. Prior to the first occupation or use of the development hereby permitted the access drive (and/or forecourt area) shall be surfaced in a permeable bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and shall be so maintained at all times, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To reduce the possibility of deleterious material being deposited in the highway in the interests of highway safety having regard to Harborough Local Plan Policies GD8 and IN2, and the National Planning Policy Framework.

**Parking and turning provision:**

18. Prior to the first occupation of the development hereby permitted, parking and turning facilities shall be implemented as per Brownhill Hayward and Brown drawing number 3367-02 Rev. U. Thereafter, on-site parking provision shall remain in perpetuity.

REASON: In the interests of highway safety and to ensure that there is adequate off-street parking provision and vehicles enter and leave the site in a forward direction, having regard to Harborough Local Plan Policies GD8 and IN2, coupled with the National Planning Policy Framework.

## Appendix A S106 CONTRIBUTIONS (19/01902/FUL)

Request by HDC	Obligation for Affordable housing contribution		
Amount /Detail	Delivery	CIL Justification	Policy Basis
40% 11 units, 8 houses/flats 3 bungalows tenure split to be determined at a later date.	50% of the AH units to be built and transferred to the selected RP Partner prior to occupation of 50% of the market dwellings and the remaining 50% AH units prior to 75% of Market dwellings Occupations.	HEDNA 2017 evidence	Local Plan policy IN1 Infrastructure provision.  The Framework (Para. 54/56)  Planning Obligations Supplementary Planning Document approved in September 2016 and published in January 2017.
Request by HDC	Obligation for Community facilities		
Amount /Detail	Delivery	CIL Justification	Policy Basis
Refurbishment - 33 dwellings x 2 bed/£742 3bed/£853 4bed/£1,112	1 <sup>st</sup> trigger point - 50 % to be paid to HDC prior to the Commencement of Development  2 <sup>nd</sup> trigger point - 50 % to be paid to HDC prior to the First Occupation of any dwelling	Potential projects • Great Bowden Recreation Ground upgrade project, pavilion, toilet block and play equipment • Improvements to car park and disability access to village hall  Necessary to make development acceptable in planning terms • HDC Planning policy states that for a development of this scale, a community facilities contribution is required to make this development acceptable in planning terms • The calculation above is based on recent Planning Obligations Supplementary Planning Document approved in September 2016 and published in January 2017. • HDC consider the Community facility contribution justified and necessary to make the development acceptable in planning terms with accordance with the relevant national and local policies and the additional demands that would be placed on key facilities as a result of the proposed development	Local Plan policy IN1 Infrastructure provision.  Planning Obligations Supplementary Planning Document approved in September 2016 and published in January 2017.  Harborough District Council Parish Profiles March 2017  Community Facilities Refresh Assessment May 2017  Great Bowden Neighbourhood Plan

		<p>Directly related to the development</p> <ul style="list-style-type: none"> <li>The contribution request has been justified using evidence of need for the community facilities based in either the Parish of Great Bowden, or facilities in a neighbouring parish in close proximity to the proposed development (5 mile radius).</li> <li>Any Community Facilities contribution would be allocated to projects supporting community facilities in either the Parish of Great Bowden, or facilities in a neighbouring parish in close proximity (5 mile radius) to the proposed development. Therefore, the contribution requirement is directly related to the development because the contribution would be used for the purpose of providing additional capacity through Community Facility projects.</li> <li>The projects evidenced will benefit the new residents of the proposed development.</li> </ul> <p>Fairly and reasonably related in scale and kind to the development</p> <ul style="list-style-type: none"> <li>The proposal is for residential development (33 Dwellings houses) and subsequent provision of Community Facilities providing benefit to future occupiers is fairly and reasonably related to this type (Kind) of development.</li> </ul> <p>HDC consider the Community Facilities request to be fair and reasonable in scale and kind to the proposed scale of the development and is in accordance with the thresholds identified in the adopted policies and to meet the additional demands on the locality's Community Facilities.</p>	
<b>Request by HDC</b>	<b>Obligation for Monitoring Fee</b>		
Amount /Detail	Delivery	CIL Justification	Policy Basis
District contribution – 15% of application fee or £250 per contribution	Within 14 days of commencement	To cover the costs of monitoring payments and implementation of the developer contributions and scheme.	Developer Contributions SPD adopted September 19th 2016.
<b>Request by LCC</b>	<b>Civic Amenity</b>		
Amount /Detail	Delivery	CIL Justification	Policy Basis

33 x current rate for the Market Harborough Civic amenity site of £80.04 = £2,641.00	To be agreed	<p>The County Council consider the proposed development is of a scale and size which would have an impact on the delivery of civic amenity waste facilities in the local area.</p> <p>The nearest civic amenity site is located at Market Harborough. This would be used to mitigate the impacts arising from the increased use of the civic amenity site associated with the new development. for example, by the acquisition of additional containers, installation of more storage areas and waste infrastructure or purchase of additional land to increase site capacity.</p> <p>Each household in Leicestershire in 2018/17 delivered an average of 0.211 tonnes of municipal waste to a civic amenity site. On the basis of 33 dwellings would generate 6 tonnes of additional waste at the local site. The contribution would meet the demand placed on the site.</p> <p>Government legislation is focused on maximising the diversion of waste from landfill and the County Council must have appropriate containers and or storage areas to deal with the different types of waste. Due to the complex nature of the waste received at the civic amenity site it will become increasingly different overtime. To maintain performance and a good level of service at peak times, particular with an increased demand placed on it due to the development.</p>	<p>Local Plan policy IN1 Infrastructure provision</p> <p>Leicestershire Planning Obligations Policy Adopted 10<sup>th</sup> July 2019</p>
<b>Request by LCC</b>	<b>Libraries/ Education/ Highways</b>		
Amount /Detail	Delivery	CIL Justification	Policy Basis
No claim			
<b>Request by HDC</b>	<b>Open Space</b>		
Amount /Detail	Delivery	CIL Justification	Policy Basis
<p>On-site:</p> <ul style="list-style-type: none"> <li>• Amenity Green space 0.06831ha</li> </ul> <p>Communed sum for maintenance per ha £224,692.00</p> <p>*shortfall 187sq.m.made up pro rata of off-site contributions £1,454.00</p> <ul style="list-style-type: none"> <li>• Natural and Semi natural greenspace</li> </ul>	<p>On site open space to be delivered prior to occupation of 90% of dwellings on site.</p> <p>Commuted sum (if Open Space is adopted by the Authority) to be paid on</p>	<p>The Open Spaces Strategy 2016 to 2021 and Provision for Open Space Sport and Recreation 2015 (both adopted in 2016 as policy) state that open space contributions should be sought for developments for 11 dwellings or more. The Playing pitch Strategy 2017 has identified specific investment priorities for outdoor sports provision. Although outdoor sports provision is provided in sufficient quantity in the accessibility threshold of 4km the Playing Pitch Strategy has</p>	<p>Local Plan policy IN1 Infrastructure provision</p> <p>Planning Obligations Supplementary Planning Document approved in September 2016 and published in January 2017.</p>

<p>0.64515ha. Communed sum for maintenance per ha £260,117.00 *Shortfall 5,771sq.m. made up pro rata of off- site contributions £66,269.00</p> <p>Off –site contribution: Children and Young people provision £2,808.30 Parks and Gardens £6,755.00 • Outdoor Sports facilities £53,889.00 • Allotments £1,593.90 • Greenways £13,685.00 • Cemeteries and burial grounds £5,996.10</p>	<p>transfer of POS.</p> <p>100% of the off site contributions to be paid on occupation of 5th dwelling. To be spent within 7 years of receipt.</p>	<p>identified the requirement for a new hockey facility in Market Harborough. This facility is likely to be in the north of the Town and will serve the development. An off-site contributions will be sought to contribute towards one or more of these projects., Additionally, there are quality issues that need to be addressed at many sites eg. Gt Bowden Tennis Club.</p> <p>The contributions have been calculated using evidence for Great Bowden and Market Harborough and are directly related to the requirements of those settlements and the new development. The off-site contributions will be used to enhance the existing provision or provide new facilities. On site provision is proportionate to the size of the development.</p> <p>The contributions are in proportion to the size of the development and relate to the new population taking into account the minimum quantity provision and existing population within the accessibility thresholds.</p> <p>Parks and garden contribution would need to be spent on improvements to Welland Park or The Memorial Gardens, which are within 4km of the site. There are no sites in the category of Parks and Gardens in Great Bowden</p> <p>Outdoor Sports off site contribution of required in accordance with the Playing Pitch Strategy. Contribution to be for either the new Hockey Facility at Burnmill Road or enhancement of other sporting facility in Great Bowden or Market Harborough identified in the PPS.</p> <p>Allotments contribution is too small to be sustainable. To provide enhancements at Leicester Road allotments.</p> <p>Greenways contribution to enhance the existing cycle, walking and bridleways within the vicinity of the development. For signage and removal of barriers to access e.g. stiles, gates and poor surfacing.</p>	<p><a href="#">Provision for Open Space Sport and Recreation</a></p> <p>The Framework (para.96) which encourages access to high quality open spaces and opportunities for sport and recreation. The required on site provision will serve the needs of the residents living on the site for play /recreation purposes.</p>
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		<p>Cemetery contributions for provision of additional burial facilities at either Gt Bowden Cemetery or a new facility to be provided that serves Market Harborough and Gt Bowden.</p> <p>If the developer proposes to manage the open space there will be no commuted sum for maintenance to pay to the Local Authority/Parish Council</p>	
Request by NHS CCG	GP Practice		
Amount /Detail	Delivery	CIL Justification	Policy Basis
Market Harborough Medical centre contribution will support the practise in improving patient access and capacity £7,245.19.	To be agreed	<p>East Leicestershire and Rutland Clinical Commissioning Group (ELR CCG) is responsible for primary medical care for the population residing within this development under its delegated responsibility under co-commissioning.</p> <p>As part of this responsibility, ELR CCG financially support estates infrastructure based on need but limited by budgetary constraints. In order to manage the estates provision effectively ELR CCG will continue to request s106 contributions.</p> <p>Nearest practise – Market Harborough Medical Practise.</p> <p>The development is proposing up to 33 dwellings which, when based on the average occupancy of a practice dwelling of 2.42 would result in an increased patient population of 79.86</p> <p>The calculation below shows the likely impact of the new population in terms of number of additional consultations per year. This is based on the Dept of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.</p> <p>This growth will increase the combined list size by approximately 80 patients. An increase in the combined list will create additional pressure on clinicians and admin teams within the area.</p> <p>Any increase to the population that our Practices cover will mean that the practices will have to provide additional capacity to cope with the population growth.</p> <p>The section 106 contributions obtained would support the practices in improving patient access and capacity.</p>	<p>Local Plan policy IN1 Infrastructure provision</p> <p>Planning Obligations Supplementary Planning Document approved in September 2016 and published in January 2017</p> <p>The Framework Section 8 (in particular para.70) seeks to create healthy inclusive communities</p>

		<p>The indicative size and cost of a new development has been calculated based on current typical sizes of new surgery projects factoring a range of list sizes recognising economies of scale in larger practices.</p> <p>The cost per sqm has been identified by a qualified Quantity Surveyor experienced in healthcare projects</p> <p>The cost of providing an extension for 135.52 patients based on the following standard information;</p> <p>Calculation:</p> <p>79.86 (additional patients to be accommodated) x 0.0869 x 1044 (Cost of refurbishment) =total cost £7,245.19</p>	
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## Planning Committee Report

**Applicant:** Mr Lee Fletcher (Robert Smyth Academy)

**Application Ref:** 20/00004/FUL

**Location:** The Robert Smyth School, Burnmill Road, Market Harborough

**Proposal:** Creation of a new external artificial sports pitch with associated features; including a Hockey Turf Pitch (HTP), an extended tennis/netball court, perimeter fencing with gated entrances and artificial floodlighting systems

*The proposal also includes a 1.0m high earth bund with 2.5m high acoustic fencing on top to the north of the artificial sports pitch, as well as 2m high acoustic fencing around the north and east sides of the tennis/netball courts. The applicant has not included these within their application form description of development (Section 5), but they are shown on the plans, have been stipulated in emails and are considered in this report.*

**Application Validated:** 03.01.2020

**Consultation Expiry Date:** 08.05.2020 (neighbour reconsultation)

**Target Date:** 28.02.2020 (Extension of Time Agreed)

**Site Visit Date/s:** 28.01.2020

**Case Officer:** Nick White

**Reason for Committee Decision:** Public interest

## Recommendation

Planning Permission is **APPROVED** for the reasons set out in this Committee report and subject to the recommended Planning Conditions.

### Recommended Justification Statement

While the proposal would result in the loss of a grass playing pitch in place of an external artificial sports pitch (Hockey Turf Pitch), this alternative recreational provision meets evidence of local need in such a way as to outweigh the loss. Overall, the proposal would enhance sport and recreation facilities in the District through improvements to their quality and accessibility, without negative impact on the provision of open space in accordance with local standards.

Harm caused to the character and appearance of the area by bunding, fencing and lighting would be outweighed by the positive aspects of the proposal. Harm to the amenities of occupiers of surrounding properties in terms of noise and light disturbance would be mitigated by a planning condition on floodlight operation, enabling a reasonable balance to be achieved between amenity protection and enhancing sport and education opportunity.

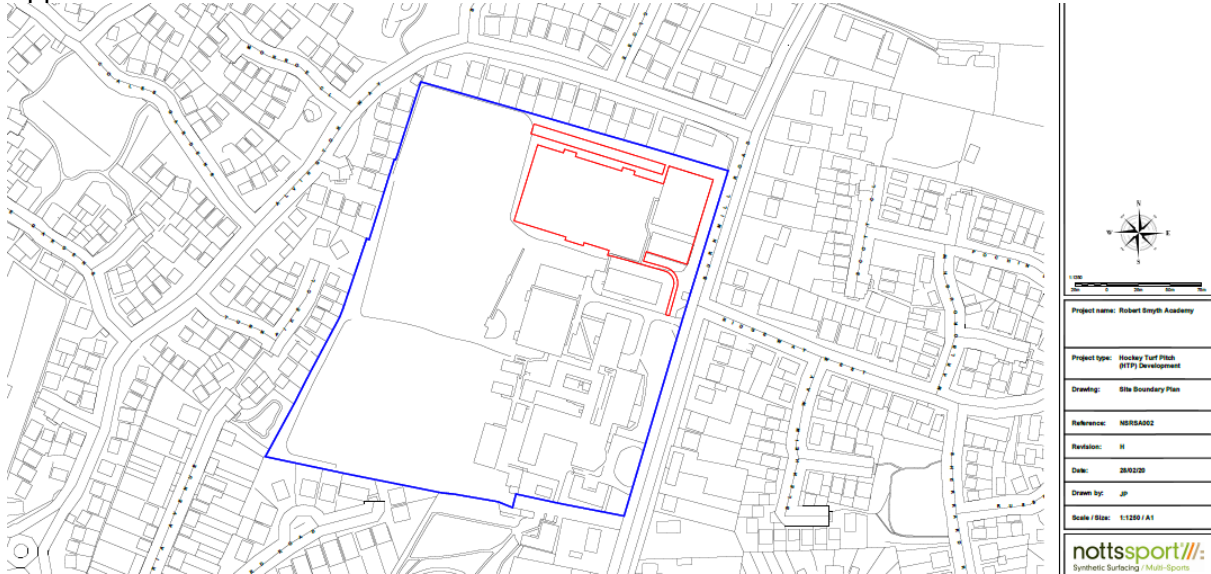
The proposal would possess safe access and adequate parking and servicing areas and would not be detrimental to ecological, arboricultural, archaeological, drainage and flood risk, heritage and other material interests.

The proposal, therefore, satisfactorily complies with Harborough Local Plan Policies SS1, GD1, GD8, GI2, GI5, CC3 and IN2 and the policies of the NPPF taken as a whole. No other material considerations indicate that the policies of the Development Plan should not prevail.

## 1. Site & Surroundings

- 1.1 The application site relates to a northern portion of the established Robert Smyth School campus (Academy). The site presently consists of a grass playing field used for various grass sports (with rugby goal posts) and 4x asphalt tennis/netball courts.

Applicant's Site Plan:

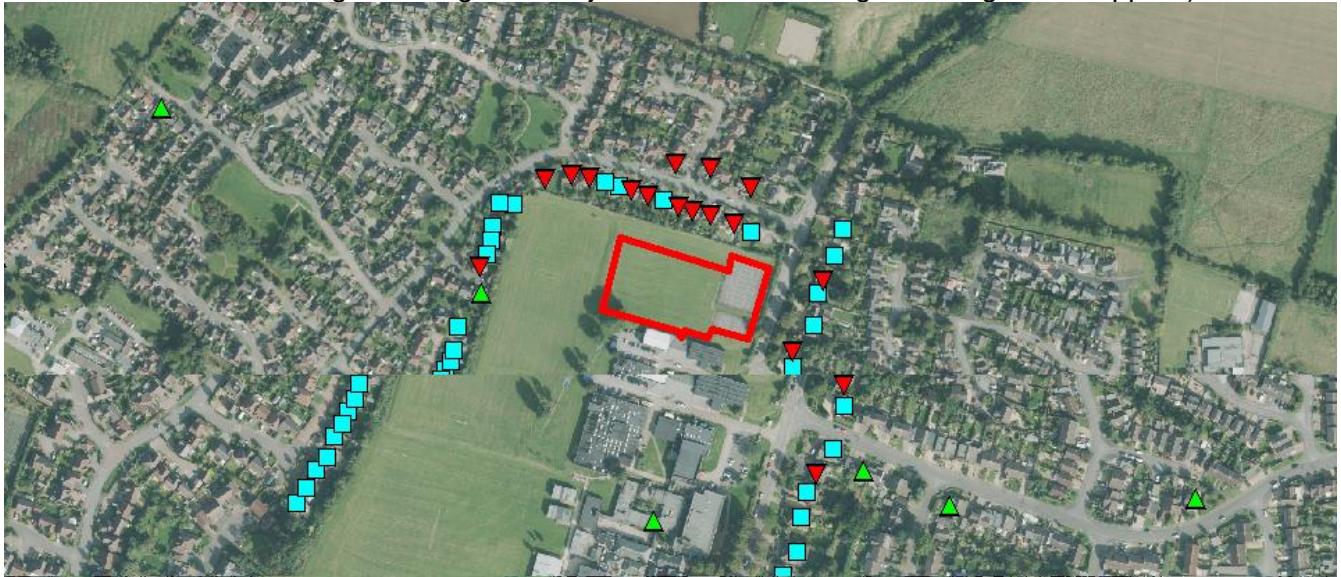


Application Site (Source: HDC Uniform extract. Turquoise Squares = neighbours consulted. Inverted Red Triangles = neighbour objection. Green Triangles = neighbour support.)

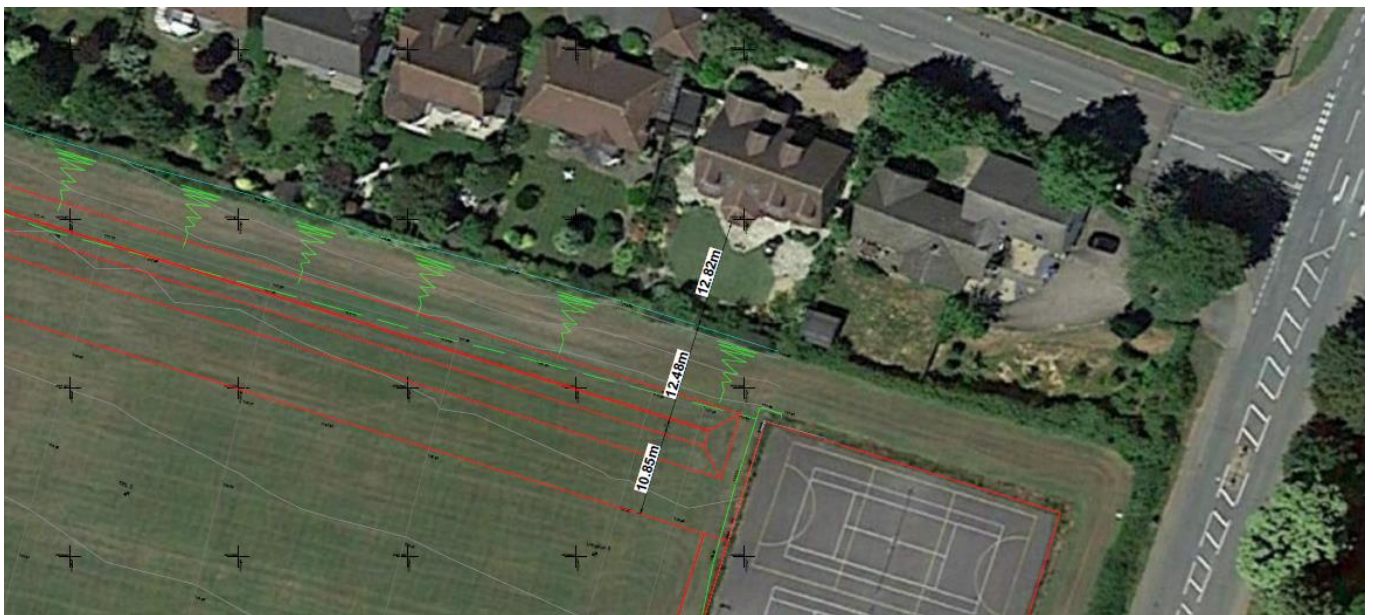




Application Site (Source: HDC Uniform extract. Turquoise Squares = neighbours consulted. Inverted Red Triangles = neighbour objection. Green Triangles = neighbour support.)



- 1.2 Presently there is no fencing around the grass playing pitch and no floodlighting serving the grass playing pitch or the asphalt tennis/netball courts.
- 1.3 Neighbouring dwellings lie close to the north and east of the site (Alvington Way and Burnmill Road respectively). Separation distances to northern neighbours vary slightly from dwelling to dwelling, but the average rear elevation line to the edge of the proposed Hockey Turf Pitch is approximately 36-37 metres (for example, the applicant indicates that it is 36.15m to the dormer bungalow Woodstock Cottage, Alvington Way, as seen here):





- 1.4 The closest dwelling to the east of the tennis/netball courts is 114 Burnmill Road, which the applicant measures at 38.23m (confirmed as accurate):



(The above 2 images are extracts from Applicant's Location Plan Ref NSRSA012)

- 1.5 Relative to levels on the application site, neighbouring dwellings to the north are generally on higher land and to the east on lower land.
- 1.6 The current 4x tennis/netball courts are split in levels, with the block of 3 on a higher level.
- 1.7 Red tiled Woodstock Cottage, Alvington Way (dormer bungalow) is reference point in several of the following Planning Officer site visit photos:

#### 1.8 Northeast





1.9 North



1.10 Northwest



1.11 North





1.12 Northeast



1.13 Northwest





1.14 Northeast



1.15 South



1.16 West. Approximate line of proposed 1m earth bund with 2.5m timber fencing on top:





1.17 East. Approximate line of proposed 1m earth bund with 2.5m timber fencing on top:



1.18 View northwest from the southwest corner of the proposed AGP/HTP:





1.19 View northwest from the southwest corner of the proposed AGP/HTP. One dwelling in the locality which adjoins the application site has written in support of the proposal (35 Alvington Way). This is circled in red in the following image, to provide the reader with an understanding of the dwelling's context in relation to the proposed AGP/HTP, the tennis/netball courts and the floodlighting. 35 Alvington Way is separated by a grass football pitch, it primarily has a blank side elevation relationship to the proposal and there is an established foliage buffer on the boundary which is several metres wide and eaves height:



1.20 View northeast from the southeast corner of tennis/netball courts:





1.21 The white façade of 116 Burnmill Road can be seen in the above and below images. 114 Burnmill Road (mentioned in para 1.4) is 38 metres from the edge of the tennis/netball courts and 116 Burnmill Road is approximately 49m.



- 1.22 The site does not lie within the town’s Conservation Area. Part of the original School buildings is a Grade II Listed. It is considered that this Listed asset and other heritage assets farther away from the site are not directly affected by the development.
- 1.23 There are no significant trees on the application site or around its boundaries which are indicated to be affected.

**2. Site Planning History**

- 2.1 Multifarious, related to the development of the School campus. None directly related to the current proposal.

**3. The Application Submission**

**a) Summary of Proposal**



3.1 The application seeks planning permission to:

- a) Replace the current grass playing pitch with an artificial grass sports pitch (AGP), consisting of a specialist Hockey Turf Pitch (HTP).

The AGP/HTP can accommodate (but is not limited to) various arrangements of:

- Hockey
- Football
- Athletics
- Rounders

The AGP installation measures 101.40m x 63.00m and is demarcated by 3.00m high fencing [Rollform weldmesh (50x50mm mesh); all steel to be galvanised and powder coated RAL 6005 green].

The AGP has 3 bays protruding from its otherwise rectangular shape. These are to provide for storage and officials'/team/spectator standing and shelter areas away from the pitch.

- b) A floodlight installation for the AGP, consisting of 8x 15 metre high floodlighting columns. Each corner floodlight column is shown to carry 2x floodlight fitments, while the 4 middle floodlight columns are shown to carry 3x floodlight fitments, making a total of 20x floodlight fitments.
- c) A 1m high earth bund (*"with falls no greater than 1 in 3 to allow for maintenance"*) is proposed due north of the AGP. On top of this *"2.5m high timber acoustic fencing to provide acoustic mitigation due North"* is proposed. Total height of installation thus 3.5m.
- d) A levels reconfiguration and tarmacadam resurfacing upgrade of the existing 4x tennis/netball courts (70.00m x 36.65m). New 3.00m high fencing enclosure [Rollform weldmesh (50x50mm mesh), all steel to be galvanised and powder coated RAL 6005 green].
- e) A floodlight installation for 3x tennis/netball courts, consisting of 8x 10 metre high floodlighting columns. The northernmost court is not floodlit to reduce light and noise impacts to its closest neighbours. Each corner floodlight column is shown to carry 1x floodlight fitments, while the 4 middle floodlight columns are shown to carry 2x floodlight fitments, making a total of 12x floodlight fitments.
- f) 2m high acoustic timber fencing around the north and east sides of the tennis/netball courts, running parallel to the 3m high green weldmesh fencing at approximately 20-50cms offset as construction permits.
- g) Associated drainage works and hard surfaced access paths.
- h) The proposed hours of use vary throughout the submission, but a final email has been received from the applicant's agent on 15.05.20 stating:

*"We've had confirmation that whilst we believe a reasonable compromise would be 2130 cut off (as per England Hockey's recommendation to you in their letter), the applicant is willing to the following:*

*IDEAL*

- Monday to Friday 0800 - 2200
- Saturday 0900 - 2030
- Sunday am-pm 1000 - 1800

- *Bank and Public Holidays – NO USE*

#### COMPROMISE

- *Monday to Friday 0800 - 2100*
- *Saturday 0900 - 1900*
- *Sunday am-pm 1000 - 1700*
- *Bank and Public Holidays – NO USE*

*As noted on the earlier emails, we see no grounds to justify a cut off at 1900 on the basis that the lighting and acoustic are in full compliance with the standards and any other interpretation would be either dismissing the independent assessments by specialists/experts in lighting and acoustics and/or applying standards that are unique to this scheme which would be without justification and cause.*

*I hope the above demonstrates that whilst the lighting and acoustic are sensitive aspects and that the independent assessments show no adverse impact, the applicant and project team do want to show goodwill and reassurance to the neighbours and would compromise on a cut off at 2100 which is key to ensuring the wider Harborough community benefit from the completed facility, assuming permission is granted."*

#### **b) Schedule of Plans / Documents Submitted with Application**

- 3.2 The applicant has submitted a "Document Schedule" (dated 19.05.20). This contains a list of all the plans and documents which form part of the current application and upon which the planning assessment is based.

#### **c) Amended Plans and/or Additional Supporting Statements/Documents**

- 3.3 The "Document Schedule" (dated 19.05.20) reflects all the additional information and amended plans which have been submitted since Validation of the application.
- 3.4 In response to Officer and Consultee comments, additional and/or amended information & plans has been submitted in relation to the following matters:
- Sport England comments.
  - HDC Environmental Health Officer regarding noise/light.
  - LLFA.
  - Planning Officer concerns about light glare impacts (front and back external louvres/cowls are now proposed to the AGP/HTP 15m high floodlights, which reduce horizontal and vertical light spill and the extent of direct glare. Indicative images only have been submitted).

Following the submission of various batches of information/plans by the applicant at different times since validation on 03.01.2020, reconsultation was undertaken with neighbours on 24.04.2020. Further information/plans have been received after this date (for example, information about louvre/cowl fitments to the 15m high AGP/HTP floodlights, an 'Assessment of existing and cumulative noise levels' report, drainage information, subterranean construction cross sections). Further reconsultation has not been undertaken given the late nature of applicant submissions, the current Covid-19 restrictions on processing capacity and, importantly, the nature of the information which has been submitted – no prejudice is considered to be caused by not undertaking neighbour reconsultation. It is noted that neighbours and members of the public have clearly articulated their variegated support and objections to date.



#### **d) Pre-application Engagement**

- 3.5 Informal pre-app advice issued by Nicola Parry 15 October 2019 @10:06. That advice indicated:

Principle – likely to be policy compliant, subject to Sport England / consultee comments.

Light – some concern about the glare / visual effects of the lighting columns.

Noise – further information and mitigation details required.

#### **e) Environmental Impact Assessment Screening**

- 3.6 It is considered that the proposal relates to development falling within the Schedule 2 development table [Regulation 2(1)]: Column 1 “*Description of development*”; Row No.10 “*Infrastructure projects*”; (b) “*Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas*”.

Row No.10 (b), Column 2 “*Applicable thresholds and criteria*” clarifies that if “(i) *The development includes more than 1 hectare of urban development which is not dwellinghouse development; or (ii) the development includes more than 150 dwellings; or (iii) the overall area of the development exceeds 5 hectares*” the development represents Schedule 2 development.

The Application Form Section 4 states that the proposal site area is 0.93ha. Therefore, the proposal did not need to be evaluated against the Schedule 3 [Regulation 5(4)] “*Selection Criteria for Screening Schedule 2 Development*”.

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

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

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

- 4.3 **Sport England**

Comments received 30.01.20:

**“Sport England - Statutory Role and Policy**

*It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.*

*Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:*

*'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:*

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link: [www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

### **The Proposal and Impact on Playing Field**

Both the proposed Artificial Grass Pitch (AGP) result in the loss of part of the existing natural turf school playing field area, however with respect to the consolidated hard court area, the loss is minimal. The construction of the AGP does however result in the loss of a significant area of playing field and the need to reorganise existing pitch layouts for both summer and winter sports, most notably the relocation of a pitch utilised for rugby (see below)

It is noted from the submitted information that the location chosen on site for the AGP was one of a number of options considered and of these two options have been tested through pre-application consultation and public meetings. Sport England was not involved specifically in the pre-application process but was aware of the proposal in principle as a result of the work on the Playing Pitch Strategy.

### **Assessment against Sport England Policy**

This application relates to the provision of a new indoor/outdoor sports facility or facilities on the existing playing field at the above site. It therefore needs to be considered against exception 5 of the above policy, which states:

*'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'*

As part of and to inform our assessment/consideration we have consulted a number of the relevant national governing bodies:-

The England and Wales Cricket Board (ECB) advise that they have no comments to make on the proposals.

The Football Foundation is supportive of the plans to provide this facility at Robert Smyth Academy, in line with the Harborough PPS (2018) and does not wish to object to this proposal.

England Hockey advises;

- The current PPS identifies that there is the need for one extra sand AGP with Harborough District and Robert Smyth Academy was identified as the preferred site.
- England Hockey has worked closely with the school and club to ensure that the pitch meets the needs for curricular activity and will have extra markings in addition to Hockey to accommodate other sports and the pitch will be used extensively during school hours with Market Harborough HC being the primary user out of hours.
- The design meets all England Hockey and FIH specifications.

The Rugby Football Union advises;

- The proposed siting of the hockey AGP is to be directly placed over an existing rugby union pitch.
- The Academy has an existing relationship with the Market Harborough Rugby Club and have been a number of occasions where by the school and club have shared facilities to allow fixtures and training to happen at each other's sites. This is also reflected in the most recent Harborough DC Playing Pitch Strategy.
- The new position for the rugby union pitch shows it to be relocated to the south of the school's playing fields. The condition or topography of this area is not known to determine its appropriateness in accommodating a rugby union pitch.
- The RFU observe that within the playing area of the new rugby pitch there appears to be a cricket wicket area and viewing previous Google Earth imagery it clearly shows an artificial wicket surface. On this basis the RFU would advise that in accordance with World Rugby Law 1 relating to the perimeter area, the boundary of the pitch should have a run-off area of no less than 5 metres clear of any obstructions or structures, where practicable. As a result this would see the new rugby pitch narrow to approximately 50 metres wide if the eastern pitch boundary is retained in its current position.
- The RFU would ask that the applicant confirms if there is an existing artificial cricket wicket in situ? And that World Rugby Law 1 is observed.
- Furthermore, it is observed that there will be reduction in pitch size as a result of the relocation of the rugby union pitch from 103m x 67m to 106m x 60m, this is before the above query is clarified.
- It is acknowledged that the new position of the rugby union pitch does conform to guidance in relation to orientation of pitch sports which are typically aligned north to south.
- The applicant may wish to review the likelihood of ball strike to residencies on Edward Road south of the proposed rugby union pitch.

*In addition to the above it appears from aerial images and the comments of Leicestershire County Council as LLFA that the playing field in this area has the benefit of sports field drainage – The area of playing field indicated for the relocation of the rugby pitch appears to have the same drainage system can this be confirmed in order to ensure that the pitch quality for rugby remains consistent? The submitted information suggests that a replacement rugby pitch can be provided of the same size as that which would be lost. This would need to be confirmed.*

*Sport England guidance on the acoustics associated with the use of AGPs suggests that any AGP constructed within 40m of residential properties may result in issues with regard to residential amenity related to noise. We would recommend a noise assessment to understand if mitigation is required to reduce that noise to appropriate levels. In this case a noise impact assessment has been carried out which advises that mitigation would be required in order to reduce noise impact from this development. The mitigation as proposed appears to reduce noise levels to appropriate levels, but does allow noise to 'bleed' past the noise attenuation mitigation adjacent to the improved tennis and netball courts. In addition sports lighting is proposed for part of the improved court area extending the potential hours of use. It is not clear if noise would be an issue in this regard. HDC Environmental Services will advise on this aspect of the proposals.*

*Sport England seeks to ensure that AGPs are located appropriately or that noise mitigation is provided as required to minimise any potential for noise disturbance. We want to ensure that the use of such facilities, given the level of investment involved can be maximised and the use restricted in order to minimise impacts on residential amenity.*

*The proposed sports lighting is designed to minimise any impact on surrounding residential properties.*

*Further to the above we have assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception 5.*

*Sport England will assess the potential benefit of the new or extended sports facility by taking into account a number of considerations as summarised below:*

- The proposal meets an identified local and strategic need as identified in the Harborough Playing Pitch Strategy;*
- The facility secures sport related benefits for the local community;*
- helps to meet identified sports development priorities;*
- complies with relevant Sport England and NGB design guidance (as confirmed by England Hockey);*
- improves the delivery of sport and physical education on school sites; and*
- is accessible by alternative transport modes to the car.*

*The proposal also demonstrates, in part, that the loss of any area of playing field will not have an unacceptable impact on the current and potential playing pitch provision on the site. However more information is needed to ensure that the relocation of the rugby pitch does not;*

- result in the main user (e.g. a school or a club) being unable to meet their own minimum requirements for playing pitches (the Department for Education provide area guidelines for playing fields at existing schools and academies).*
- displace other users without equivalent replacement provision;*
- materially reduce the capability and flexibility of the playing field to provide for a range of sports and natural grass playing pitches; or the area of playing field is significant in meeting local or strategic needs.*

### **Conclusions and Recommendation**

*Given the above assessment, Sport England considers that the proposals have the potential to meet the requirements of exception E5 of our policy, but currently do not, more information is required in order to fully understand the implications of the relocation of the rugby pitch as detailed above.*

*Sport England's interim position on this proposal is therefore to submit a holding objection. However, we will happily review our position following the receipt of all the further information requested above.*

*Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's holding objection, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit."*

*Following the submission of additional information by the applicant (02.03.20), further SE comments were received 06.03.20, as follows:*

*"It is noted that additional information has been provided by the applicants agent in order to address concerns regarding the impacts of noise from the development on residential amenity raised by the councils Environmental Health Officer. As previously advised this is considered to be a matter best dealt with by the councils Environmental Health Team.*

*Our concern related to the need to confirm that the existing Rugby Pitch lost as a result of the construction of the proposed Artificial Grass Pitch (AGP) could be relocated. The additional information confirms that the pitch relocation involves the removal of an unused and unmaintained artificial grass wicket, but that the rugby pitch can be relocated.*

*We have reconsulted the Rugby Football Union (RFU) who advise;*

*The school appear to be willing to commit to the full removal of the artificial cricket wicket base slab and therefore as the new position of the rugby pitch is at a more favourable orientation and also of similar size, despite it being noted that it is a small pitch the RFU does not wish to raise any further queries or objections to the proposals in this regard.*

*But the ball retrieval and strike issue needs to be appreciated to the south of the site. It is understood from the applicants agent that, as in many cases residential properties are located on the edge of school playing fields, the academy would to seek to manage this relationship on all the boundaries. Whilst the submitted information confirms that the rugby pitch can be relocated, the marking out of pitches on the school playing field is a matter for the school regarding curricula delivery and addressing/maintaining any community access arrangements which may be in place.*

## **Conclusion**

*Given the above re-assessment, Sport England removes our initial holding objection to this application as it is now considered to meet exception E3 of its Playing Fields Policy. The absence of an objection is subject to the following condition(s) being attached to the decision notice should the local planning authority be minded to approve the application”.*

Condition summary:

1. Community Use Agreement
2. Existing artificial grass cricket wicket to be removed on the southern playing field and reinstated to natural grass (to secure the relocation of the rugby pitch)

## Sport England (email 2<sup>nd</sup> June 14:43)

*“Sport England is aware that the abovementioned application is due to be heard at planning committee today (ie 2 June)*

*The recommendation is for approval but with recommended which recognises that the local need outweighs the loss of grass playing field. However the use as recommended would be restricted by condition. You will be aware (response below) that Sport England has not raised an objection to this development stating the proposal meets Exception E3, this should have read exception E5 as quoted in my original response and is the exception on which the case has indeed been assessed and supported.*

*The recommended restrictive condition changes the basis of our assessment of the AGP aspects of the proposal.*

*Our support is based on Exception E5, in that the facility requirement is to support community/club Hockey. We seek to ensure that the right facility is provided in the right location, which achieves the aim of the Playing Pitch Strategy, in this regard. RSA is in the right location to achieve this aim with the added benefit of providing a facility which supports school Sport and therefore maximises the investment.*

*If the evening use is restricted as recommended this suggests, that whilst this is the right facility, it is in the wrong place, we are therefore losing playing field to a facility which cannot be fully utilised and does not therefore meet exception E5. In essence, exception E5 balances the value to sport of the existing grass playing field against the value to sport of the proposed sports facility, if the hours are restricted as*

*recommended this tips the balance towards the retention of the natural turf playing field.*

Planning Officer comment: at the 2<sup>nd</sup> June Committee, recommended condition 2 read; “The floodlights hereby approved shall not be used Monday to Friday between 7:00pm and 8:00am the following day, and there shall be no floodlight use on weekends or Bank and Public Holidays.”

*Sport England considers that the best course of action from a strategic planning point of view to would, unless the facility can be approved without such restriction, be to step back and look for a different configuration on site and or undertake further work on the noise issues to overcome the objections (if possible) or find alternative location which allows full community/club use until 21.00Hrs weekdays and 17.30Hrs at weekends. As submitted and recommended by England Hockey.*

*We are not trying to challenge the validity of your assessment and recommendation or your concerns regarding noise and impacts on residential amenity or that a more refined and pragmatic planning judgement must also be applied to the overall assessment, but to advise that the absence of an objection from Sport England is based on the application submitted not that which is recommended for approval.*

*If the application is approved on the basis of the recommended condition Sport England’s position moves to an objection as the proposal does not meet the requirements of our policy objection E5 and the aims of the PPS. Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England’s objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.”*

#### **4.4 Leicestershire County Council Ecology**

No objections.

#### **4.5 Leicestershire County Council Highway Authority (LCC HA)**

*“Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:*

*The Local Highway Authority (LHA) advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to the condition outlined in this report.*

*Advice to Local Planning Authority:*

*Following initial LHA comments dated 16 January 2020, the applicant has provided additional detail regarding the site’s expected trip generation and the availability of on-site parking provision.*

*A traffic management plan (drawing no. NSRSA013 Rev. A) has been submitted, which details an on-site parking provision of 105 general parking spaces, in addition to 4 disabled spaces.*

*The applicant has provided further information regarding the expected trip generation; a capacity of 83 site users at capacity has been assumed given the various team sizes and different sports pitches.*

*Given that the site will not be used by community users concurrently with academy users, it is considered that the on-site parking capacity of 109 spaces is suitable to cater for the anticipated development trips.*

*The LHA does not consider, therefore, that this proposal will result in a severe highway impact.*

*Condition:*

*1. The development hereby permitted shall not be first used until such time as the parking and turning facilities have been implemented in general accordance with drawing number NSRSA013 Rev. A. Thereafter the onsite parking provision shall be so maintained in perpetuity, and shall be available for users of the development at all times that the development is open to public use.*

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

#### **4.6 Leicestershire County Council, Lead Local Flood Authority (LLFA)**

Comments received 29.01.20:

*"Further consultation required."*

*"LLFA Key Observations and Advice:*

*The site is located within Flood Zone 1 being at low risk of fluvial flooding. There is a very low risk of surface water flooding. It is proposed to replace a turfed area with an artificial pitch drained with underlying perforated lateral drains as shown in Sports England Design Guidance Notes. The existing tarmac area is noted to be extended, however no detail is provided. A note from the drainage layout drawing indicates that the precise outfall location for the lateral and connecting carrier drains are to be confirmed.*

*Formally draining a pitch can increase peak discharge rate and the total volume intercepted. Furthermore, the extension to the existing tarmac area will also negatively impact on surface water run-off. Although indicative surface water drainage details have been submitted, additional detail is required to demonstrate that the proposals are compliant with NPPF and the associated PPG. All development must seek to utilise SuDS and discharge at pre-development discharge rates. In the case of pre-developed areas where SuDS or attenuation features can be demonstrated to not be viable, the proposed discharge rate must not be more than the existing while also accounting for climate change.*

*Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage. In order to provide a substantive response, the applicant must submit a NPPF compliant surface water drainage strategy."*

The LLFA has been reconsulted on an additional 'attenuation volume design' document and an amended Drainage Layout submission from the applicant (received 13.05.20 and 14.05.20 respectively).

LLFA (28.05.20):

*"LLFA Key Observations and Advice*

*Subsequent to the previous LLFA response the applicant has provided a drainage strategy demonstrating how the site will be drained limited to greenfield runoff rates into an adjacent sewer chamber on developer controlled land. Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority*



*(LPA) that the proposals are considered acceptable to the LLFA and we advise the following planning conditions be attached to any permission granted.*

**Advised Conditions**

*1. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority.*

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

*2. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.*

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

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

*Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development."*

**Planning Officer comment:**

The LLFA advised condition 2 is added in slightly different form: The development hereby approved shall only proceed in accordance with a scheme for the management of surface water on site during construction which has been submitted to and approved in writing by the Local Planning Authority.

LLFA advised conditions 1 & 3 are effectively addressed by recommended drainage condition 10.

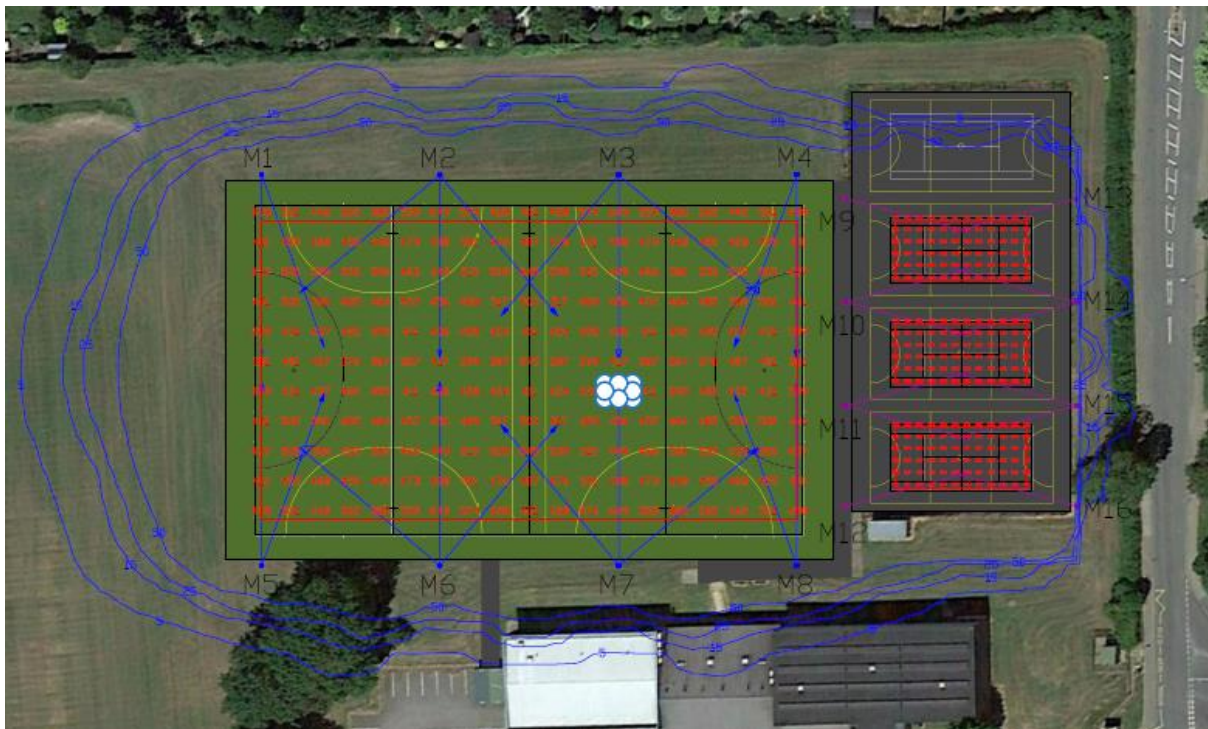
**4.7 HDC Environmental Services (Environmental Health Officer) (Light and Noise)**  
Comments received 11.02.20:

*"My comments are in relation to lighting and noise which, for ease for the reader, I headline in the following sections.*

***Lighting***

*The proposed development will be illuminated by 2 sets of lights. For the hockey turf pitch, 8 x 15m lighting columns are proposed to the North and South of the pitch. For the tennis courts, 8 x 10m lighting columns are proposed to the East and West of the pitch. There is currently no lighting on the site for external activities.*

*In support of the application, the applicant has submitted a lighting report which details the amount of spill light which can be anticipated from the installation. The findings of the report suggests that the Lux levels around the pitch drops significantly from the area intended to be lit (the hockey pitch / tennis court). The lighting plan shows that the light intrusion will be less than 5 Lux at residential properties that border the site which is below the recommended levels as per the guidance notes for the reduction of obtrusive light published by the Institute of Lighting Engineers.*



[Planning Officer comment: it is noted that the above Lux spill contour plan has been amended following the addition of light shielding external louvres/cowls to the AGP floodlights.]

*However, the report does not take into account the potential glare / visual amenity of the light which in my opinion, could generate complaints to the local authority. Of particular concern is the 15m lighting columns of the hockey pitch on the south of the pitch where the light of the face is likely to be noticed by residents located on Alvington Way whom are currently afforded a view of a relatively open space at the rear of their properties and is likely to dominate their view. This is also true, although to a lesser extent, the same for the 10m lighting columns of the tennis courts.*

*This impact can be difficult to quantify although from experience, concern is raised as to what the human eye is drawn to (the appearance of light) which will dominate views for residents when they look out of their bedrooms windows, their living accommodation or rear gardens. For the avoidance of any doubt, I take this opportunity to advise you that should complaints be received concerning the visual aspect of the lighting, this department would be unable to address these complaints as glare is not a consideration for statutory nuisance.*

*In my opinion, should you agree with my concerns, there are a number of ways that this impact could be minimised. This would include no lighting on site, limiting the hours of use of the light or a different lighting scheme (which may / may not be possible owing to the nature of the intended use). This is not an exhaustive list.*

## **Noise**

*The applicant has submitted a noise report in support of their application. The acoustician has set a design criteria of 50dB LAeq,1 hour at the perimeter of the site and this level appears to be derived from a combination of the World Health Organisation Guidelines for Community Noise (which stipulates 50dB LAeq,16hours for outside living area) and an athletics practice session which ran between 18:00 and 19:00 with noise values approximately this level over the practice session. However, I have concerns over how the consultant has recommended this design criteria.*

*The World Health Organisation Guidelines is a 16 hour LAeq (an average over the day between 7:00 and 23:00) and it is probable that residents close to the school would experience noise higher than this during the typical school day, and quieter noise levels*

during the evening when the school is closed. Without data being provided by the applicant to suggest otherwise (they have only undertaken 3 hours of noise monitoring), it would be incorrect to argue that the 50dB LAeq, 1 hour provides a greater degree of protection for residents as the noise assessment does not take into account the cumulative noise experienced by residents when the school is open which may mean that, to achieve the 16 hour LAeq, noise from the granting of this development may be required to be quieter than what they are proposing. Further noise monitoring from the consultant should be undertaken to establish the noise levels typically experienced by local residents.

I further add that whilst the consultants have demonstrated that the noise levels from an athletics practice session (which operates outside the typical school hours, and, which may be argued that residents typically experience noise around this level for events that take place outside of school hours, they provide little information as to the frequency athletics practice sessions take place, e.g., daily, weekly, monthly, etc. although I strongly suspect that given that this type of use is seasonal, on grass so subject to reasonable ground conditions and reliant on natural daylight, events of this nature are likely to be few and far between. In addition, whilst an argument could be used by the applicant that the site could be used during this time, without planning consent, the external space is not currently offered for hire on the website <https://bookings.schoollettings.org/market-harborough/sls-robert-smyth-academy>.

The applicants may therefore wish to demonstrate current use with a diary of the outside space so that the impact can be determined.

Until an accurate report is presented by the applicant, on the typical noise levels experienced by the local residents throughout the day and details on external activities that regularly take place outside, this department would be unable to support this application. Once this information has been presented, the applicant should then look to assess what acoustic measures are necessary to ensure residents are not unduly affected by the granting of this development.”

The above request for additional noise surveying was deliberated by the applicant with the HDC EHO via emails (e.g., see 20 February 2020 @16:12 comments on public file). The applicant submitted further comments for the public file on 26.02.20 in a supporting information document titled “Response to Environmental Health Officer’s comments regarding the environmental noise assessment of a new hockey pitch and netball course at the Robert Smyth Academy in Market Harborough” (document dated 25.05.20).

The HDC EHO responded as follows (06.03.20):

“I refer to the above planning reference and submit further comments to the comments made by Jaroslaw Gil, dated 25th February 2020.

The acoustician states that they do not believe it is appropriate to expect a cumulative noise impact assessment, referring to the guidance provided by Sports England. This document is available online and from the following link:

<https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/agp-acoustics-planning-implications.pdf?eORPPBrK6irJ2FqvHWitOASeYu6U egt>

In section 3.0 of the guidance, it makes reference to the World Health Organisation ‘Guidelines for Community Noise’ which states that to avoid ‘moderate annoyance’ noise levels within residential gardens should not exceed 50dB LAeq, 16 hours. The document (page 7) further states that “in some circumstances, an alternative assessment methodology may be appropriate such as where there are changes to an existing natural turf or AGP pitch, or where existing noise levels in the area are high.”

*I would consider that this proposed development is a change to an existing natural turf, which at the moment, appears to be seldomly used other than for activities that take place during the typical school day. In addition, I also believe that local residents that live close to the site are likely to experience high levels of noise during the day from the school. As this development is a material change to the site, is it only prudent that the local authority be satisfied that the site does not give rise to 'moderate annoyance' to existing residents.*

*I have requested that the acoustician undertake further noise monitoring so that an accurate reflection of the typical noise levels typically experienced by local residents can be established. This will dictate both the suitability of the scheme and the required mitigation.*

*In relation to the acoustician's comments that I did not make reference to this in my original [pre-app] comments during an informal discussion, I am more than happy to provide a copy to them should they wish. To confirm, I was asked about whether a 6m barrier between the residents and the pitch was required (as visually, the planning officer had concern over this) and my comments were in relation to this on a brief look of the application. At the time, I stated that I had little knowledge of how the site is currently used and the applicant should have clarified this in their submission if they could evidence that residents were currently used to the area being used in the evening / weekends. It is only through my own research and listening to neighbouring residents that I am now aware that this is not the case. The acoustician should not assume that because I did not mention this during an initial informal advice that this binds my comments when on closer examination of the application being submitted, further concerns are raised and additional information is required.*

*I reiterate my request for further background monitoring is undertaken to assess the noise levels that residents typically experience so that this department can consider the impact of the development on nearby sensitive receptors. Failing to do so, this department will be minded to object to the development as the applicant is unable to demonstrate that by granting of this development, moderate / severe annoyance will not be caused to existing residents."*

The applicant confirmed on 09.03.20 that they would undertake further monitoring and aim to make the report available to HDC within 3 weeks.

Additional noise information was submitted by the applicant on 12.05.20 in the form of an "Assessment of existing and cumulative noise levels" and accompanying cover email. Given the rise of COVID-19, the Assessment had to be desk-based.

The HDC EHO has submitted final comments on 14.05.20, as follows:

*"I have reviewed the additional information that has been provided by the applicant.*

*The applicant has not undertaken any noise monitoring of the typical noise levels residents experience from the school despite this department's request since February. Owing now to COVID-19, any noise monitoring at this time would be futile as the school is currently closed and therefore it could not be considered as representative.*

*Subsequently, the acoustician has provided predicted noise levels based on school sports activity use along with source data held from typical sports that might take place. These levels have been averaged to a 16 hour LAeq taking into account day time noise and considered against WHO Guidelines for Community Noise. The acoustician's conclusion are that the cumulative effect of school sports operating and the proposed development being installed, the predicted noise sources, with mitigation would not exceed 52dB LAeq, 16 hour of the façade of assessment location N2. This is the property identified as the property most likely to experience the highest noise levels.*

*To place this level into context, the WHO Guidelines state that ‘moderate annoyance’ can occur at 50dB 16 hour LAeq. The guidance also states that ‘serious annoyance’ can occur at 55dB 16 hour LAeq.*

*Whilst there may be flaws in undertaking this assessment, for example, excluded from this assessment is any data on pre / post school attendee gatherings, breaktimes, lunchtimes or localised traffic (particularly at peak times of school drop-off and collection) etc, which may increase the overall LAeq level, the report does provides a reasonable attempt to predict typical noise levels residents typically experience, and are likely to experience, should approval be granted. As such, I am unable to object to this application on the grounds of noise.*

*I am however still slightly troubled about the lack of monitoring – particularly of noise post 6pm and weekends where the impact of the proposed development against (what I suspect) would be relatively quiet background despite the proposal potentially broadly complying with the 16hour LAeq recommended by the World Health Organisation. I would therefore recommend a caution is shown and you may consider it prudent to limit the hours of use – particularly evenings and weekends until the site can be monitored further to ensure that it is not detrimental to the local amenity.”*

**4.8 HDC Neighbourhood & Green Spaces Officer**

Supports the proposal in principle in terms of its delivery of HDC PPS objectives.

It is noted that the Officer is not commenting on other material planning considerations, for example highways, neighbouring amenity impacts, visual impacts etc.

**4.9 HDC Technical Services (drainage)**

No comments received.

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**4.10 Market Harborough Civic Society**

No comments lodged.

**4.11 Ward Councillors**

No comments lodged on public file.

<b>b) Other and Public Representations</b>
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4.12 A range of support comments have been received, including from England Hockey and Market Harborough Hockey Club (MHHC).

4.13 England Hockey states in full:

*“England Hockey fully supports the application for the Artificial Hockey Pitch at Robert Smyth Academy.*

*With regards to hours of use I can confirm that England Hockey require of the proposed pitch at Robert Smyth Academy to be accessible until 2100hrs during weekdays and 1900hrs at the weekend to accommodate full club activity.*

*Junior membership accounts for 30% of the Market Harborough Hockey Club’s total membership and your assumption is correct that most of the junior midweek training will take place during twilight and early evening hours. However, for the club to access the pitch and provide training opportunities for adult club members and community participants it is essential that the pitch is open and accessible up to 2100hr during the week.*



*Access to the pitch will be required up to 1730hrs at the weekends to accommodate competitive matches during the League season and in addition, community activity during the summer months.*

*These hours will also enable the school to maintain a robust business plan which will provide the necessary income to safeguard the pitch quality through regular maintenance and creating the necessary sinking fund to allow for timely repair and replacement.”*

- 4.14 MHC is a proposed key user of the AGP/HTP. The MHC submission is also copied here in full because it is considered to provide an important explanation for the origins of the development and its objectives outside School hours:

*“Please accept this letter on behalf of Market Harborough Hockey Club in support of the above application for Planning permission for an incremental sand dressed astroturf / all weather pitch at Robert Smyth Academy within Market Harborough.*

*I have broken down the reasons for this letter of support for this project into a number of sections that articulate why this project is so important to both Market Harborough Hockey Club and the Market Harborough community.*

**History and high level context:**

- 1. Market Harborough (originally Symington’s Hockey Club) has been in existence for over 75 years. Over that time, we have grown with the community and evolved, as the sport has, from grass based pitches at Symington’s rec to our current venue at Welland Park. As a sport, our league rules mean we have to play on an artificial surface and we have reached maximum capacity at Welland Park.*
- 2. We also understand that we are the largest independent provider of adult sport in Market Harborough, and want to extend this to being the largest provider of Junior sports.*
- 3. As a result of reaching capacity, we will not be able to continue growing, in line with Sports England and the National Hockey association demands and expectations.*

*It is also worth noting the need for additional, incremental hockey pitch specifically in Market Harborough is clearly articulated in the current “Harborough District Playing Pitch Strategy” document with Robert Smyth Academy identified as the ideal location. The lack of a second AGP (Artificial Grass Pitch) is a limiting factor on hockey participation and growth. This is mirrored within the Sports England equivalent document.*

**Club size and demand:**

- 1. Our club size is just over 250, having displayed year on year growth for the last 10 years or more. We have an approximately equal split (50-50) of adults and juniors, and echo Hockey’s national trend of having a 50/50 gender split.*
- 2. As a club, we have 1 badgers (under 16 team) and 7 adult regular Saturday teams, with ad hoc age group teams (U14/16) and tournament sides for U9, 11 and 13. We also have 1 ladies vets with a men’s vets planned for launch later this year subject to pitch availability.*
- 3. Currently juniors consume around 30% of our overall pitch time and there are pitch availability constraints that prevent us increasing engagement with this age group. Saturdays are also a challenge with a peak of 5 matches falling at home some Saturdays (meaning we have back to back hockey matches at home from 10am to 7pm), which is not ideal (and significantly outside of the target 11am-4pm league guidelines).*
  - o In order to mitigate any perceived concerns on local residents we can adhere to a 1900 cut off on Saturdays and 1700 on Sundays which is as per the England Hockey advice for the pitch at Robert Smyth.*

4. Welford Hockey Club have also expressed a desire to return to playing in Market Harborough (MHHC growth resulted in lack of pitch space for them a few years ago) which would add another 3 teams requiring Saturday pitch slots, as well as a requirement for additional mid week and Sunday use.
5. In terms of future expansion, we have the numbers now to launch a 2nd Badgers (U16) team, however pitch availability does not permit this. We also need to improve progression from junior hockey to adult. However, we have 50+ children most weeks on a Wednesday that limits our available junior intake. This also limits the opportunities for juniors to play enough matches to support their development.
6. In order to support the above existing provision and proposed/anticipated further growth we note that we need the facility to be available for us through to a minimum 2130hrs close through the week to accommodate training across the various MHHC teams and to allow time to leave the site on completion of the training session/s

*In short, we have maximised our current pitch availability, and need additional capacity within Market Harborough, or to devolve some of our training and other activities outside of the district. The alternate I would be reluctant to support as Chairman would be to make the strategic decision to consciously not meet the current demand or future demand and cap our membership, however we are at the point where we are forced to consider alternate sites for some activities at Great Glen, Corby and Kettering on an annual basis.*

**Alternate sites within the Robert Smyth Academy grounds:**

*Having met the Head and representatives of the Academy Trust on a number of occasions, we fully support the siting of the pitch in its proposed location. This is for a number of reasons:*

1. Logistically, the proposed site is close to sports changing rooms. This would reduce impact on local residents by any astroturf users being spread around different parts of the site (outside of school opening hours).
2. Logistically, the proposed site is also close other sporting / arts based amenities within the Academy, including the 2 sports halls and the music theatre (which are already used to a reasonable degree in evenings and weekends). As such, the overall impact to neighbours will not be significantly different to that of existing activities.
3. Reviewing the site plans, in addition to aerial photos, I believe the current location would provide the least impact to local residents.
  - a. I would offer the alternate that should the current site be used for football purposes, eg Sunday league, then the overall noise levels raised a concern within the objection letter as a result of the consultation would significantly increase beyond the proposed usage for hockey. I also believe that the Academy could make this change today, without the need for a planning submission, however in opting to support Hockey as a primary sport instead, they are demonstrating that they are working and supporting the local community and residents.
4. The current proposed site contains a larger car park that would comfortably accommodate home and visiting teams on a Saturday (there are 11 players per team for hockey, with opposition teams typically car sharing). If the pitch were to be located in other parts of the site, I would have concerns club members and visiting players at the weekend would be take the opportunity to try and park in either the lower / reception car park, or on the road but in closer proximity to the pitch, which I would have concern would disrupt local residents.

**Enablement:**

1. The key benefit of additional pitch capacity would be to allow the club to provide additional junior training in the early evenings midweek, in addition to the ability to sustain more adult teams on a Saturday.



- a. As mentioned above, our junior section is artificially capped based on pitch availability (at sensible times of the day/evening for young people) and this project will enable significant improvement in both post school partnership activity as well as additional (better age group appropriate) training sessions for youngsters. It would also give the opportunity to better engage community groups for various hockey initiatives that are about fun alone rather than competitiveness such as walking hockey etc which we would look to undertake in partnership with Robert Smyth Academy.
- b. We also commit to work with the school and the local authority Health and Well Being team to continue to facilitate national initiatives such as "This girl can", "Back to Hockey" and "JUST". These initiatives have primarily been aimed at supporting girls and women to become physically active.

#### **The future of Market Harborough:**

1. We understand that there are a projected 12800 new homes scheduled for completion between 2011 and 2036 leading to the Harborough community growing to over 100,000.
2. We want hockey to be at the heart of this community, and would not want to see this proposal prevented as result of concerns over the general growth of the town and region.

#### **Club response to date**

1. The need for incremental hockey capacity within Market Harborough has been raised and discussed in detail by club members at the last 4 Annual General Meetings. Each meeting asked members if we should proceed with attempts to secure additional pitch space locally and have been unanimously supportive (100% of votes have been in support).
2. It is also worth noting that on multiple occasions, the club has been forced into discussing the possibility of relocating activities out of the district, but has chosen to remain within Market Harborough.

#### **Academy Opportunity**

- Whilst the majority of this letter of support has focussed around hockey, the main user of the all weather pitch will actually be Robert Smyth Academy.
- With almost 1000 pupils, these young people will gain the most from the pitch, including the ability to access outside PE lessons, which whilst hopefully will include Hockey will invariably be multisport.
- The opportunity for young people to play any sport consistently on a modern artificial playing surface (compared to often waterlogged grass pitches) would be the largest single benefit of this project.
- As a resident of Market Harborough myself, I see this as a vital component for a modern educational facility.

#### **Engaging with the community**

1. As Chairman of Market Harborough Hockey Club, it is perhaps unsurprising the majority of our membership live in or around Market Harborough, including on and around Burnmill Rd, Alvington Way and the Ridgeway.
  - a. Whilst current capacity prevents it, we would like to expand our community offering to include "community hockey" initiatives like walking Hockey etc in line with other community hockey clubs, which this project would also enable.
2. I would also like to put forward an offer to meet with the local residents on a regular basis, formally or informally should this proposal be accepted to gain their feedback and to ensure any potential concerns are addressed promptly.

#### **Next steps**

1. As a club, we have demonstrated the need for incremental pitch to meet existing demand for Hockey. We have also volunteered to contribute towards the cost of building the pitch.

2. *Whilst I appreciate that there may be concerns of disruption during the build phase, this facility is desperately needed by the Harborough Community now to support existing capacity issues, rather than retrospectively in the future.*
3. *Our dream is to ensure hockey is the sport of choice and accessible for all within Market Harborough, we hope it is yours too.*

4.15 Public support comments should be viewed in full on the public file. Approximately 57 support comments have been received from across Market Harborough, the District and beyond.

In summary:

- We support this application subject to car parking being restricted to RSA on-site [PO note; this cannot be guaranteed as the local highways do not have parking restrictions.]
- Sporting facilities such as this are vital to any community. Creating this new pitch facility will help engage young people and families in sport.
- Better facilities for the school and opportunities for the students and high class facilities for the community.
- Facilities for Netball in particular are poor.
- Extends year-round use opportunities over grass playing surface.
- Keeping children healthy is so important. They have so many non-exercise distractions these days such as tablets and TVs, so more exercise opportunities need to be provided to keep the balance.
- Will be far superior to the facilities at Welland Park.
- With schooling in the area now in a competitive position, Robert Smyth needs to update its facilities which are in poor repair and not competitive with alternative schools.
- It would be of great help to Harborough Hockey Club. The pitch they use at the moment is charging £14000 per annum. This is crippling the Club.
- Due to the success of the club a second pitch is required in the town allowing young children to be able to get to the pitch safely to participate in playing. Therefore in walking distance for most.
- Hockey needs more promotion.
- Facilities need to be expanded to meet the increasing population size of the town and District and increasing demand.
- New pitch will strengthen links to the local community.
- Mental, social and physical wellbeing benefits, including confidence and team building benefits.
- The traffic associated with the development is not likely to be an issue to the surrounding residents: there are only 22 players involved in a match compared to the 1170 pupils who currently attend the Robert Smyth Academy.
- Economic benefits.
- Noise could be further reduced beyond the current mitigation by planting the area between the pitch and the properties to the northern boundary of the site with shrubs and trees. This would additionally improve the wildlife amenity value beyond that in its current undeveloped state.
- Artificial pitches are not used late at night, so even if there is light spill from flood lights this should not be a significant issue.

4.16 Public objection comments should be viewed in full on the public file. Approximately 33 objection comments have been received from residents adjoining/next to the School grounds; Alvington Way and Burnmill Road.

In summary:

- Visual harm from lights and installation.

- Bund with fence on top will be unsightly and intrusive.
- Lack of levels information, including for re-levelled tennis/netball courts.
- Loss of currently dark residential neighbourhood.
- Light pollution and residential amenity harm, in particular during evenings, weekends and school holidays when little use currently occurs.
- Disruption from the proposed 15 metre lighting columns "through to a minimum 2130 hours close" will be huge to properties on Alvington Way and Burnmill Road, particularly during the winter months.
- Existing evening use facilities are indoors, whereas the proposed external pitches will bring with them noise and light pollution each and every day for long hours.
- Noise pollution and residential amenity harm, in particular during evenings, weekends and school holidays when little use currently occurs.
- Robust acoustic assessment not undertaken.
- The assessment of noise levels taken on the 8th July 2019 could not have been assessed in a quieter week of term.
- Local residents have the right to enjoy their evenings and weekends in their gardens in peace for their own good mental wellbeing.
- At the present time the noise that we experience is just school noise during the school day in term time and is perfectly acceptable.
- In the 20 years we have lived here we have never been particularly bothered by the use of the playing fields by Robert Smyth School - living next to a school one expects a certain level of noise and this has never been excessive. If the school wants to create an all-weather pitch on the existing rugby pitch for use during school hours then that is fine.
- Previously the entire field was used on a Saturday morning for junior football and this also had little impact on us apart from the parking in Burnmill Road.
- Hockey is an intrinsically noisy sport and the idea that we would have to put up with this every evening and weekend with no let up or close season is concerning.
- Welland Park is three times farther away from its residential neighbours. Welland Park hours are also notably less.
- While I do not object to the school gaining better facilities, I do object to extremely long opening hours proposed for the hockey pitch. These far exceed what they already have and will have a very negative impact on the people who live in close proximity, these homes are substantially closer than any compared sports venues throughout the town. Most of these are sited well away from people's homes and have little or no impact on residential amenity.
- I can understand the enthusiasm of hockey players and tennis players and sports enthusiasts for this proposal, particularly as I too am a sports enthusiast, but the proposed facilities are too close to residential homes.
- Impact on sleep patterns for all who use these bedrooms, including two grandchildren.
- Pleasant afternoons and evenings in the garden undisturbed by noise and light will be a thing of the past.
- Concerns about the residents of 81 Burnmill Road who are Vulnerable Adults in a old age care home type environment and could be greatly impacted by the change in use.
- Construction phase disruption and when in use.
- Air quality concerns from additional traffic.
- Drainage concerns.
- Ecology / biodiversity impacts.
- Highway safety harm, including on street parking concerns.
- Significant Rugby pitch in a school with a long history of association with Rugby which produced some excellent and famous players such as Martin Johnson former Tigers and England Captain, Dan Cole and Matthew Cromwell U21 captain. Its heritage should be protected.
- 100% support that the Hockey Club say they have received was indeed not from people whose homes and lifestyles are going to be profoundly affected.
- Property values depressed [PO Note: not a material planning consideration].

## **5. Planning Policy Considerations**

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

### **a) Development Plan**

- 5.3 The Harborough Local Plan, adopted April 2019.

#### *Key Policies:*

- Policy SS1 The spatial strategy
- Policy GD1 Achieving sustainable development
- Policy GD8 Good design in development
- Policy HC1 Built heritage
- Policy HC2 Community facilities
- Policy GI2 Open space, sport and recreation
- Policy GI5 Biodiversity and geodiversity
- Policy CC3 Managing flood risk
- Policy CC4 Sustainable drainage
- Policy IN2 Sustainable transport

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

- 5.4 Material considerations include any matter relevant to the application which has a bearing on the use or development of land. The material considerations to be taken in to account when considering this application include the DP referred to above, the National Planning Policy Framework, the national Planning Policy Guidance, further materially relevant legislation, policies and guidance, appeal decisions, planning case law and high court judgements, together with responses from consultees and representations received from all other interested parties in relation to material planning matters. Some key documents are listed below.

- 5.5 *The National Planning Policy Framework (The Framework / NPPF)*

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

- 5.6 *National Planning Practice Guidance (PPG)*

- 5.7 *Planning (Listed Buildings and Conservation Areas) Act 1990 Section 66*

Section 66 relates to Listed assets. 66(1) states, inter alia: “*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*”

- 5.8 *HDC Supplementary Planning Guidance*

In March 2003, a series of guidance notes were adopted as Supplementary Planning Guidance (SPG) to the 2001 Harborough District Local Plan. They cover a range of

topics, for example layout and design issues. The Council has saved/retained said SPGs.

The following retained SPGs Notes are most relevant:

- SPG Note 1: Design Principles to be Applied in Harborough District
- SPG Note 12: Lighting in Town and Country
- SPG Note 19: Development and Flood Risk

5.9 *HDC Playing Pitch Strategy (Feb 2018)*

5.10 *Institute of Highways and Transport "Guidelines for Providing for Journeys on Foot" (2000)*

5.11 *Chartered Institute of Highways and Transport "Planning for Walking" (2015)*

#### **d) Other Relevant Documents**

5.12 The following documents are noted:

- *England Hockey – INTRODUCTORY GUIDANCE FOR ENGLAND HOCKEY ARTIFICIAL GRASS PITCHES*
- *Circular 11/95 Annex A - Use of Conditions in Planning Permission*
- *ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)*
- *Leicestershire County Council Local Transport Plan 3 (LTP3)*
- *Leicestershire County Council Highway Design Guide (April 2018)*

#### **e) Reason for Committee Decision**

5.13 Planning Committee determination is considered to be in the public interest.

### **6. Assessment**

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

6.1 The proposal accords with the recommendations of the adopted HDC Playing Pitch Strategy. It is noted that the PPS offers few comments on the planning merits of the site, which remain a matter for Local Planning Authority consideration via a planning application.

6.2 For a background picture, the PPS states regarding Hockey (extracts of certain key paragraphs only, with Planning Officer inserts added in [square brackets]):

*"Temporal demand*

8.4 *The peak demand for pitches is a critical factor in assessing how many pitches of each are required in order to meet the demand from a local area. For hockey, all of the senior matches are played on a Saturday except for some cup matches, whilst the junior matches and some training takes place on Sundays. There is also some training on mid-week evenings.*

...

*Market Harborough*

- 8.13 *About 90% of the members come from Harborough [District] with the remainder from all of the surrounding districts. The club has grown over the last 3 years, both in seniors and juniors.*
- 8.14 *There are a number of issues with the quality of the [Welland] pitch, including its size and issues linked with the aging of the pitch and the fact that it is on a school site.*
- 8.15 *The costs of pitch hire are very high, the club reporting that the charges are greater than the water based pitches at Leicester Grammar or Moulton College. [Water based pitches are generally higher quality.]*
- 8.16 *The club feels that it has outgrown the facility and that it is of a lower standard than the most other hockey club sites. The club requires new facilities and is beginning to actively pursue the options which might be available.*

...

#### *Meeting the needs of the future*

- 8.54 *The highest priority for the future is to retain the club hockey use at the existing sites. There is a fairly urgent need to replace the carpets at Welland Park Academy and ideally at Lutterworth College, ideally bringing these sites up to current England Hockey standards. There will also be a medium-term need to replace the carpets at the independent Leicester Grammar School.*
- 8.55 *The options for the future for hockey in Harborough depend upon:*
- whether Leicester Ladies relocates out of the district in the short-medium term, and if it does, the response of Leicester Grammar school, namely if they are prepared to continue letting the facility to community hockey clubs.*
  - If Welland Park school is prepared to review its hire charges, probably linked to the resurfacing of the AGP for hockey and a formal community use agreement.*
  - If a further hockey pitch can be provided in Market Harborough, most likely to be at Robert Smyth Academy or possibly at Farndon Fields.*
- 8.56 *Any public investment support to improve the existing facilities should be subject to a formal joint use agreement to secure the long term community use.*
- 8.57 *There is estimated to be sufficient future demand for 0.5 extra hockey pitch to meet the need for senior matches by 2031, which means that one extra pitch of this type will be required. However if the growth in hockey is higher, with retention of the high numbers of juniors into the senior game, then the demand for match space will increase.*
- 8.58 *Given the issues and lack of capacity identified by the Market Harborough HC, then a new additional hockey pitch for the Market Harborough area to be delivered as soon as possible, would be justified. However, any pitch would be unlikely to be fully utilised by hockey even in the long term, as the demand would be primarily for Saturday matches and a small amount of use on Sundays and mid-week. Any new facility would need to be built to the England Hockey standards, including dimensions and floodlight quality, but it would then be available for football use outside of the times booked for hockey.*
- 8.59 *There are no planned new secondary schools for Market Harborough, but there is an identified need to expand the capacity of the existing schools. One way of expanding the capacity would be the provision of an AGP. The school in Harborough without an AGP at this time is Robert Smyth Academy. If the school*



*was considering an AGP, then this would be the best option for delivering a new hockey pitch for the community, though the school itself does not regularly play hockey matches and the identified pitch needs really relate to football and rugby.*

8.60 *If the Robert Smyth Academy option is not deliverable, then an alternative site should be identified and planned for, certainly until the Leicester HC situation becomes clearer. An alternative option would be for a new pitch on the Farndon Fields development site."*

6.3 The HDC Playing Pitch Strategy identifies a pressing need to deliver an additional good quality AGP in Market Harborough to meet the extant and developmental needs of local hockey clubs. The PPS indicates that the Robert Smyth Academy represents, in principle, the best option for delivering a new hockey pitch for the community given the School's interest in providing the development.

6.4 A primary benefit of the proposal would be the significant enhancement of all-weather outdoor sport facilities for the School, benefitting its staff and pupils and, in turn, their families. There would be a concomitant range of youth development and mental and physical health benefits. Through making the School more attractive to parents and pupils, is also likely to boost the Academy's sustainability, standards and achievements. It is noted that Academies cannot be run for profit and any non-School use is intended to fund the delivery of the project and its maintenance for the ultimate benefit of the School.

6.5 The proposal is intended to be made available to community/public users, with Market Harborough Hockey Club (MHHC) being a key user of the AGP/HTP. MHHC, England Hockey and Sport England identify a significant range of sport development benefits to the proposal, to pupils and the wider community, which accord with local and national policy objectives. Public support (which is mainly for the AGP/HTP\*\*) draws attention to a range of benefits, most referenced being the health / wellbeing benefits of the proposal. There is significant weight in favour of the proposal in principle.

(\*\*The tennis/netball courts already exist and, while they are to be renewed & improved, it is understandable why they have drawn less support comments.)

6.6 The proposal would not unacceptably compromise the provision of grass playing pitches which serve rugby and other grass-based sporting needs.

6.7 Economic benefits during construction and operation are noted.

6.8 The development is considered to carry significant benefits and to be acceptable in principle, subject to assessment against other material planning considerations.

#### **b) Infrastructure Contributions (via S106, UU or Condition)**

6.9 N/A

#### **c) Design and Visual Amenity Considerations**

6.10 The artificial grass pitch (AGP/HTP) surface itself would be relatively discreet from the public realm given levels, proposed bunding and fencing and the hedge adjacent to Burnmill Road.

6.11 The 3m metal fencing around the AGP would have some visibility, but given its setting within sports fields & alongside currently mesh-fenced courts, its proposed function and justification and its mesh design (including green colour) it is not judged to cause significant harm.

- 6.12 The 8x 15m high floodlight columns/fitments serving the AGP and the 8x 10m high floodlight columns/fitments serving 3 of the 4 tennis/netball courts would have a higher degree of public visibility from near and farther distances. The columns are proposed in silver metal to seek to blend with a backdrop which is predominantly sky. When not in use the floodlights are not judged to cause significant harm.
- 6.13 It is judged that the floodlighting would, during operation, cause some visual amenity harm to the character and appearance of the locality. Residents are used to relatively dark suburban conditions in and around the locality. This would notably change through the introduction of the proposed lighting, particularly if it were all in operation at the same time. Having reviewed similar installations in operation, it is considered that the conspicuous glare of the lights and aura of the site would be apparent from various places in the residential surroundings.
- 6.14 It is considered that illumination spread (horizontal and vertical light spill) and sky glow (direct upwards spread of light above the horizontal from the floodlights) is demonstrated to be well contained. However, the site aura\*\* (light reflected upwards) stemming more from the light green AGP surface than the dark grey tennis/netball courts, and direct glare from the lights (involving luminaire intensity and light spectrum – sharp, bright light) with associated air refraction are judged collectively to lead to detrimental impacts on the character and appearance of the suburban residential area. The site is also detached from the brighter parts of Market Harborough (e.g.: the town centre; industrial areas already well-lit in the evening/night for access & security; other floodlit sports facilities in the town) and this would make the change more conspicuous from longer distance views back towards this elevated area in the townscape. However, these impacts must be weighed in the round, alongside the significant benefits of the scheme.

*\*\*“Site Aura occurs in the same way as sky luminance but is related to those lighting effects caused by indirect light reflection local to the lighting installation and is normally restricted to a dome of light issued upwards from the locality of the surface being illuminated.”*

(Source: Scottish Government Guidance Note Controlling Light Pollution and Reducing Lighting Energy Consumption, page 5, March 2007, as referred to in the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011)

## Conclusion

- 6.15 When weighed against the benefits of the proposal advocated by the applicant, consultees and member of public, the visual impacts of the development are not considered to justify reason for refusal.

## d) Access and Highway Safety

- 6.16 The County Highway Authority (HA) has reviewed the proposal, providing final comments on 14.05.20. The HA reports that the proposal is acceptable, subject to a condition securing on-site parking and turning provision.
- 6.17 Public objections regarding access and highway safety concerns are noted. However, there is no substantive evidence to suggest that safe and suitable access and sufficient parking/turning would not be provided. Management of the development by the School could also seek to mitigate issues of users parking on unrestricted local roads.
- 6.18 Following appraisal of technical consultee advice and taking in to account public representations, it is judged that the proposal would not cause significant detriment to public highway safety. The proposal is considered to accord with Development Plan and national policies in this respect.

## e) Impacts on Heritage Interests

- 6.19 No significant impacts. It is noted that elevated views from within Listed Buildings and some views when standing in proximity to Listed assets looking towards the site would be affected, specifically when the floodlights are in operation – light presence\*\* would be observed. However, this is not judged to give rise to significant harm to setting or other special heritage interests.

**\*\* “Light Presence** = Where light emitted from a light source or that projected on to an area or building, can be viewed from outside the area it was provided for, and causes minimal visual discomfort but fails to reach an intrusive level, then this is termed “light presence”. This light presence may draw attention to the existence of a lighting installation, or structure that was previously inconspicuous by day.”

(Source: Scottish Government Guidance Note Controlling Light Pollution and Reducing Lighting Energy Consumption, page 5, March 2007, as referred to in the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011)

## f) Residential and General Amenities

- 6.20 The main amenity impacts of the proposal are discussed under 3 headings: noise impacts; lighting impacts; and cumulative impacts.

- 6.21 First, some background on the current use of the site is provided.

As stated in the applicant's 11/05/20 document “Assessment of existing and cumulative noise levels at the Robert Smyth Academy” (Ref JG/J3421/17669):

*“To accurately estimate the existing noise situation at the sports fields, Notts Sport have asked the school to describe a typical weekly schedule, as it was before the lockdown. The School's reply was as follows:*

*‘Autumn Term 1 - we would be looking at 9:10-5:30pm on matchdays (although inside we normally need to finish by 5.00/5.30 for lettings)*

*Autumn Term 2/Spring Term 1 - obviously with light restrictions - it would be 9:10-4:00pm (inside would obviously finish later for basketball/badminton etc)*

*Spring Term 2/Summer Term 1 and 2 - we would be looking at 9:10-5:30 (because cricket fixtures and athletics events which finish later are off site), tennis fixtures might run over on the courts to 5.45/6.00*

*In the Autumn Term the below scenario is common*

*Lessons 1-5 - outside space being used each lesson in addition to an overlap with the KS3 and KS4 lunches (football/rugby) which are at different times, followed by fixtures after school. For cost saving and efficiency purposes where possible we will "double up" fixtures (different year groups or sports) often meaning there are games on multiple pitches/courts during the Autumn 1 and Spring 2 periods of time.”*

- 6.22 While the above information, quite reasonably, has a degree of estimation, it appears that there is little use of the current facilities (which make up the application site) after 6:00pm and outside School term time. An exception is a 6:00-7:00pm athletics meet which is cited in the noise monitoring documents. Hours of darkness obviously also restrict use.

### Noise impacts

- 6.23 A number of neighbours have commented that they are not concerned by current and potentially increased noise during school hours, but their specific concerns relate to the introduction of noise into currently predominantly quiet times – those quieter times being outside school hours, at weekends and outside term dates. Neighbour noise concerns interlink with concerns about the amenity impacts of floodlighting (floodlighting itself being harmful as well as floodlighting facilitating activities and thus noise) and the cumulative amenity effects of noise and light.
- 6.24 The applicant's submission seeks to demonstrate that the proposal would not cause noise detriment to neighbours by using World Health Organisation (WHO) noise thresholds in their assessment (what is known as 16hour LAeq noise levels). The applicant's acoustic reports conclude that there would be no noise detriment to neighbours subject to mitigation in the form of a 1m earth bund with 2.5m timber fencing on top to the north of the AGP and 2m timber fencing to the north and east of the tennis/netball courts.
- 6.25 However, it is considered that the technical WHO approach to demonstrating noise impacts has limitations and that a more refined and pragmatic planning judgement must also be applied to the overall assessment.
- 6.26 The WHO 16hour LAeq guidance is directed more at physiological health impacts and not a wider definition of amenity distraction, disturbance and harm, which are also material planning considerations. The 16hour LAeq is considered to have weaknesses in its methodology. For example, a monitored site could be very loud during 8am-4pm Monday to Friday and very quiet before and after these times. With a 16hour LAeq assessment, the fluctuating noise levels are averaged out over the 16 hour period 7am-11pm.
- 6.27 Furthermore, as with the current application, monitoring might not have taken place over a 7 day week (to cover quiet weekend periods) and also may not factor in the particularities of annual noise levels/events, such as for a school which operates on term time calendars etc.
- 6.28 Notwithstanding, if the resultant linear line of average noise in dB for a 16hour LAeq is below the WHO "annoyance" thresholds the acoustic report would generally conclude no harm based on the WHO methodology.
- 6.29 In the case of this planning proposal and its relationship with neighbouring properties, it is considered to be important to not just look at the WHO guidelines and the applicant's related submissions, but to also consider the current situation for neighbouring properties and the proposed change to their amenities in a greater level of detail.
- 6.30 It is noted that the HDC EHO has reviewed the applicant's submissions on noise and has advised:
- "Whilst there may be flaws in undertaking this assessment, for example, excluded from this assessment is any data on pre / post school attendee gatherings, breaktimes, lunchtimes or localised traffic (particularly at peak times of school drop-off and collection) etc, which may increase the overall LAeq level, the report does provide a reasonable attempt to predict typical noise levels residents typically experience, and are likely to experience, should approval be granted. As such, I am unable to object to this application on the grounds of noise."*
- 6.31 However, the HDC EHO has, in the final paragraph of the final comments which they have given over the past several months, stated that they still have concerns with the lack of noise monitoring which has been undertaken:

*“particularly of noise post 6pm and weekends where the impact of the proposed development against (what I suspect) would be relatively quiet background despite the proposal potentially broadly complying with the 16hour LAeq recommended by the World Health Organisation. I would therefore recommend a caution is shown and you may consider it prudent to limit the hours of use – particularly evenings and weekends until the site can be monitored further to ensure that it is not detrimental to the local amenity.”*

- 6.32 The applicant has explained that noise dampening rubber fitments could be used to the side and back (ball runoff) boards and the various fencing installation connections. Additionally, the side and back boards and goal boards, as well as hockey goals, could be faced with materials to reduce noise. England Hockey “Introductory Guidance” for AGPs states:

*“Side & backboards and goal boards should be covered with noise absorbing rubber padding or strips of carpet continuing from the pitch run-off areas. Noise reduction foam covered PVC strips for hockey goals can be fitted inside goals to reduce noise impact when striking the ball.”*

A planning condition is recommended to secure these installation measures and their maintenance.

- 6.33 While the applicant’s submission on noise matters is noted (with its associated physical mitigation measures), concerns remain over the cumulative impacts of noise (potentially 365 days a year minus perhaps Bank/Public Holidays), and particularly the change which is proposed to currently dark evening hours.

### **Lighting impacts**

- 6.34 The following *definitions in italics* are useful when discussing the amenity impacts of the proposed 8x 15m high (total 20x floodlight fitments) serving the artificial grass pitch and the 8x 10m high (total 12x floodlight fitments) floodlights proposed to serve 3 of the 4 tennis/netball courts. It is noted that lighting effects are accumulative.

#### *“Glare*

*This is perhaps the most serious form of obtrusive light and can cause a general visual discomfort, which can seriously impair vision with poorly designed lighting installations. The impact of glare is dependent upon the quantities\*\* and directional nature of the glare source, the physiological status and age of the person affected, the general nature of the area in which the glare effects occur, and the surrounding levels of ambient lighting.*

#### *Intrusion*

*Light trespassing into an area beyond the intended illuminated subject areas, such as into adjacent residential properties. Light intrusion may be the result of a single source or multiple light sources acting together, none of which need be a source of glare. The same measured value of light intrusion is likely to be less of a problem in a well lit urban area than in a previously unlit rural situation.”*

[\*\*PO Note: for example luminaire intensity and light spectrum.]

(Source: Scottish Government Guidance Note Controlling Light Pollution and Reducing Lighting Energy Consumption, page 6, March 2007, as referred to in the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011)

- 6.35 The Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011 provides the following methodology for assessing light impacts:

Table 1 – Environmental Zones			
Zone	Surrounding	Lighting Environment	Examples
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically dark	National Parks, Areas of Outstanding Natural Beauty etc
E2	Rural	Low district brightness	Village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Small town centres or suburban locations
E4	Urban	High district brightness	Town/city centres with high levels of night-time activity

Table 2 – Obtrusive Light Limitations for Exterior Lighting Installations – General Observers						
Environmental Zone	Sky Glow ULR [Max %] <sup>(1)</sup>	Light Intrusion (into Windows) E <sub>v</sub> [lux] <sup>(2)</sup>		Luminaire Intensity I [candelas] <sup>(3)</sup>		Building Luminance Pre-curfew <sup>(4)</sup>
		Pre-curfew	Post-curfew	Pre-curfew	Post-curfew	Average, L [cd/m <sup>2</sup> ]
E0	0	0	0	0	0	0
E1	0	2	0 ( 1*)	2,500	0	0
E2	2.5	5	1	7,500	500	5
E3	5.0	10	2	10,000	1,000	10
E4	15	25	5	25,000	2,500	25

“ULR = Upward Light Ratio of the Installation is the maximum permitted percentage of luminaire flux that goes directly into the sky.

E<sub>v</sub> = Vertical Illuminance in Lux - measured flat on the glazing at the centre of the window.

I = Light Intensity in Candelas (cd)

L = Luminance in Candelas per Square Metre (cd/m<sup>2</sup>)

Curfew = the time after which stricter requirements (for the control of obtrusive light) will apply; often a condition of use of lighting applied by the local planning authority. If not otherwise stated - 23.00hrs is suggested.

\* = Permitted only from Public road lighting installations”

6.36 The applicant has defined the environmental zone of the site and its surroundings as E2. This is agreed to be a reasonable categorisation.

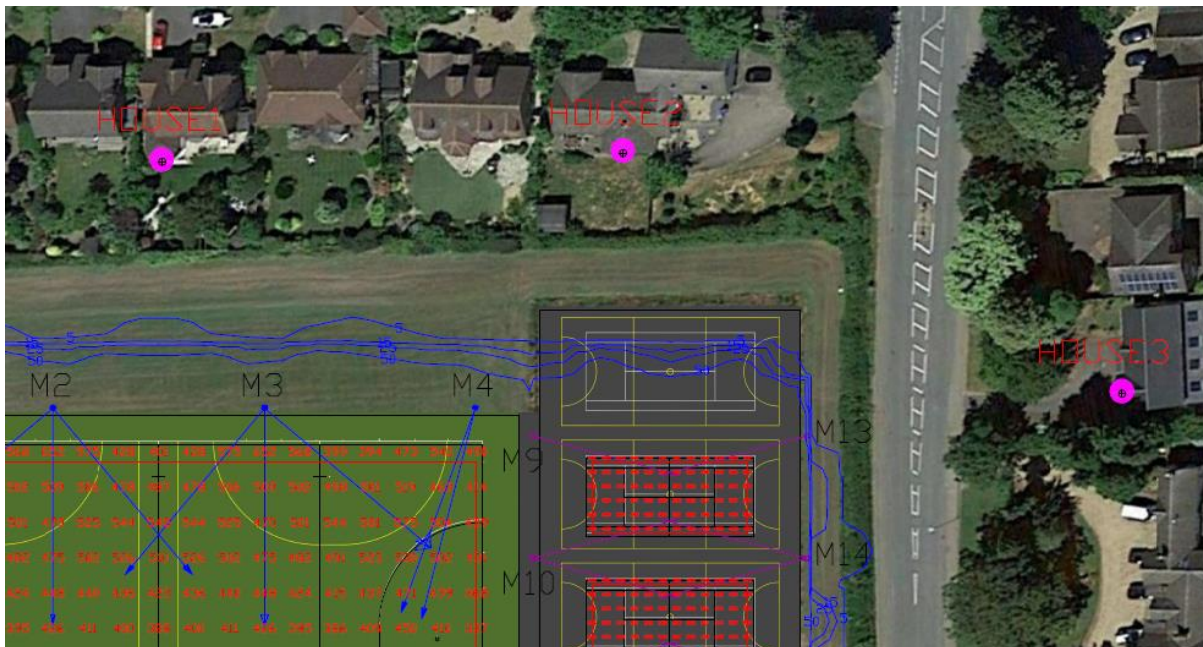
6.37 The applicant has provided luminaire (“source”) intensity calculations (candelas) for 3 surrounding dwellings. The 3 dwellings are shown on the plan extract below, along with the respective luminaire intensity figures. This provides a picture of how these property elevations would be affected by this technical measurement. It does not assess impacts for an observer standing or sitting closer to the light source, for example in the rear garden of an Alvington Way dwelling. The applicant states that the proposal better E2 light limitation figures and complies with an E1 categorisation, as per the above ILP Table 2.

HOUSE1: 928cd

HOUSE2: 947cd

HOUSE3: 2396cd





- 6.38 In their methodology the applicant considers that the “curfew” time should by default be 11pm. This would accord with WHO 16hr Leq noise assessment methodology for example. However, a standardised approach on a national/international basis is not considered to be fully appropriate to the local specifics of the site and the relationship which neighbouring dwellings have with the site, in particular the dark and private rear outlooks of Alvington Road dwellings which back on to the site.
- 6.39 Given that the luminaire intensity calculations are based on building elevation positions and calculations have not been provided for the closest parts of private gardens (which would provide a more rounded picture of impacts to private residential property), it is not considered to be possible to definitively state that luminaire intensity would comply with E1 zone 2,500cd limits. It is, though, judged to be sufficiently apparent that the installation would comply with pre-curfew E2 zone compliance – the figures for the 3 houses are significantly below a 7,500cd limit.
- 6.40 However, the applicant’s luminaire intensity calculations demonstrate that the proposal would not comply with E1, E2 or E3 guidance in terms of post-curfew impacts. The ILP Guidance states that the curfew time is a matter of planning judgement for the LPA.
- 6.41 The applicant has provided a range of plans, cross sections and CGIs in their “Lighting Impact Assessment” Report (dated 18/3/2020) which seek to portray the impacts of the scheme. However, there are no visual tools used to provide an impression of the glare effects of the floodlighting and parts of the Report are considered to be misleading. For example, Diagram 2. The report states *“Diagram 2 is particularly applicable to the site at Robert Smyth Academy as it illustrates how the use of floodlights below the existing mature treeline will protect sensitive view points.”*

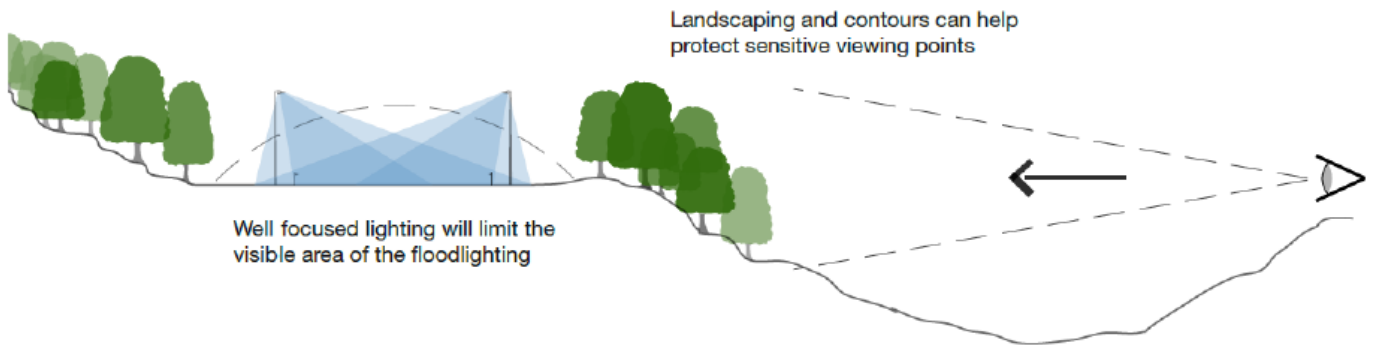


Diagram 2: Sectional view of lighting viewed from a distance <sup>5</sup>

- 6.42 Additionally, the Report contains a range of CGIs in Appendix 1 which are good at indicating horizontal and vertical light spill but lack any impression of glare effects – they are generated as if the 32x light fitments at the top of the columns do not exist.



- 6.43 A better example of floodlighting glare is the planning officer site visit photograph below, which was taken during a 11.03.20 visit to a similar installation of 15m high floodlighting at an AGP in Market Bosworth ("Dixie"). This photograph is indicative only and a true amenity assessment should be based on site observations, the applicant's submission and the specifics of the application site. It is noted that on viewing this image the applicant's lighting consultant has responded (email to case officer 28/04/2020):

*"I appreciate that the CGI imaging does not show the full brightness of the floodlights, however, they do show the effect of light containment and are designed to provide comfort to residents that light spill into their gardens will be carefully cut off. The use of photographs taken on phone cameras to illustrate glare is often more alarming than when viewed by the human eye. Smart phone cameras are designed to operate in low light conditions and require shutter apertures to be extremely wide open, this coupled with dirt on grease accumulations lead the images accentuating the glare and flare from artificial light sources."*

- 6.44 Nonetheless, it is judged to convey a reasonable representation of what was observed on site from various positions and to give the reader a better idea of what glare effect is, certainly compared to the applicant's CGIs. Also note the darkness of the ground



as you move farther from the pitch, which demonstrates good horizontal light spill containment and supports the applicant's case in this respect.



The photograph was taken at position X (see below aerial image), approximately 28m away from the edge of the AGP standing on ground which was around 1.5m above the surface level of the AGP. The position is considered to be not greatly dissimilar to standing in a rear garden of an Alvington Way dwelling and viewing the RS site.





6.45 The applicant's technical submissions regarding light spill (horizontal and vertical light trespass outside the AGP and tennis/netball courts) are judged to demonstrate conformity with guidance. However, it is considered that the cumulative impacts of the proposed floodlights in terms of direct glare (involving luminaire intensity and light spectrum – sharp, bright light) and sky aura would cause significant detriment to neighbouring amenities, particularly the closest dwellings which back onto the site along Alvington Way and those which front on to the site along Burnmill Road. This assessment is based on:

- the applicant's technical submissions;
- public and consultee responses, including concerns raised by the HDC EHO;
- site observations on and around the Robert Smyth site;
- site observations at a similar installation in Market Bosworth ("Dixie"); and
- factoring in the applicant's light consultant information on comparability between the Dixie floodlights and the RS proposal, which is as follows (06.05.20 email):

*"Both schemes at Dixie and Robert Smyth utilise 15m high columns and 2000W floodlights. The upcoming Robert Smyth install using Siteco floodlights will better the dated Dixie scheme in many ways, such as;*

- *20% Less total overspill*
- *Higher illuminance on pitch*
- *Increased uniform light on pitch*
- *0% upward light spill (minimalizing glare factor)*
- *Lower floodlight elevation (increasing direct light to pitch)"*

6.46 Planning Officer notes on the light consultant's bullet points above:

--Light overspill is not considered to be problematic with the Robert Smyth proposal. Site observations at Dixie gave assurance that horizontal and vertical light spill were well contained at that installation (horizontal = in simple terms, how dark the ground appears if you shield your eyes from the light source and look down at the ground; vertical = if you look behind you, away from the light sources, at trees, foliage, people buildings – things which stand above ground – how much are they lit up.) The Dixie installation was considered to perform reasonably well in these respects and the Robert Smyth proposal with its proposed external louvres/cowls would perform better in terms of light spillage).

--Higher illuminance levels and increased uniformity on the pitch may combine to create greater sky aura effects.

--While 0% upward light spill and lower floodlight elevation (along with external louvres/cowls proposed by the applicant) will reduce the extent of glare, it does not negate glare. The high intensity luminaires (the external faces of the 32x floodlight units) will still be seen from buildings, lounges, bedrooms, gardens and the public realm etc. I have not been provided with the % upward light spill for Dixie or its "floodlight elevation/s" and specific details of the degree of betterment that is proposed at Robert Smyth.

***Cumulative impacts and a reasonable curfew hour***

- 6.47 A cut off for the AGP floodlights of 7:00pm each day, with no use on weekends or Bank and Public holidays, would largely meet the requirements stated by MHHC. It is, however, noted that it would create some weekday and weekend limitations on use at certain times of the year, with this having particular impacts on the delivery of adult training/play compared to juniors. Usage/scheduling adaptations may have to be made. Information in the MHHC support letter clarifies that the applicant's requested hours of weekend use (Saturday 0900 – 2030 and Sunday 1000 – 1800) are significantly outside league guidelines:

*"Currently juniors consume around 30% of our overall pitch time and there are pitch availability constraints that prevent us increasing engagement with this age group. Saturdays are also a challenge with a peak of 5 matches falling at home some Saturdays (meaning we have back to back hockey matches at home from 10am to 7pm), which is not ideal (and significantly outside of the target 11am-4pm league guidelines)."*

- 6.48 MHHC has stated *"In order to mitigate any perceived concerns on local residents we can adhere to a 1900 cut off on Saturdays and 1700 on Sundays which is as per the England Hockey advice for the pitch at Robert Smyth."* However, this appears to assume that little or no weekend match use would be spread across the current facility at Welland Park and the proposed RS facility. If alternatively managed, it appears league guidelines could be complied with, although it is noted that the RS pitch would be superior and likely the favoured playing surface.
- 6.49 Based on the proposed design and noise mitigation (including noise dampening measures to ball-strike boards and fencing), there is no concern that use of the proposed development during typical School hours is likely to cause significant detriment to neighbouring amenities.
- 6.50 The existing grass pitch and tennis/netball courts could arguably be more intensively used by the School, as well as for ancillary hiring practices which do not constitute a material change of use in planning terms. Use of the current pitch/courts could occur during daylight evening hours and at weekends, with darker months naturally limiting

use and the totality of annual impacts to neighbours. A potential change in the nature and level use brought about by this development is thus less likely to cause significant amenity harm during these daylight times. However, amenity concerns relate to increased use in the round, with a principal element of this being the additional use impacts (noise and light) solely facilitated by floodlighting.

- 6.51 Amongst neighbour comments are observations that MHC currently operate training and matches on fewer days and at fewer times during the week at the Welland School facility. This does not consider the developmental objectives of the Club to improve and expand. These objectives are supported in principle, alongside other community use of both the AGP/HTP and enhanced tennis/netball courts.
- 6.52 User needs and the positive aspects of the proposal must be balanced against neighbouring amenity impacts. Given the close proximity of Alvington Way dwellings which back on to the site, as well as nearby Burnmill Road dwellings (although to a slightly lesser extent given their front elevation/garden relationship with the road and generally greater distance separation and better foliage screening), it is considered that cumulative light and noise impacts on currently dark and quiet evening hours would cause significant harm.
- 6.53 A reasonable curfew hour/pattern, is judged to be:
- *Monday and Friday 08.00 – 17:30*
  - *Tuesday, Wednesday and Thursday 08.00 – 21.00*
  - *Saturday 10.00 - 17:30*
  - *Sunday, Bank and Public Holidays – NO USE*

This seeks to ensure compliance with ILP E2 environmental zone guidelines, as well as achieve a suitable planning balance in the round (when also factoring in noise impacts). Planning condition 2 is, therefore, recommended to allow floodlight use at these times. The condition seeks to strike a reasonable balance between promoting sports (and the associated benefits of the proposal) and protecting amenities, offering some respite from noise and light impacts at times when people are more commonly at home and enjoying their private dwellings/gardens, or, for example, seeking to put younger children to bed in the larger family-sized dwellings which represent the majority of the properties affected. This is not an Hours of Use restriction; the Condition would not prevent use of the AGP and tennis/netball courts in later evening hours under natural light conditions. It is accepted that some intensification of use of the current site could occur and bring about additional daylight noise impacts, which is weighed in the balance against the proposal's impacts.

The condition 2 recommended hours/days of floodlight use differs from that previously recommended at the 2<sup>nd</sup> June Committee (which was a 19:00 cut-off Mon-Fri and no weekend, bank and public holiday use). The amendment to condition 2 seeks to better meet user needs, but is considered to still achieve satisfactory mitigation for neighbouring amenities in the round – some days have later floodlight use than 19:00 and some an earlier cut off to provide respite.

- 6.54 It is anticipated that the impact on tennis/netball court community usage resulting from times with no floodlight use is likely to be minor given that outside tennis and netball sports are generally more suited to fairer weather conditions when court surfaces are dry, as well as noting existing indoor facilities at Robert Smyth and other indoor/outdoor facilities (including floodlit facilities) elsewhere in Market Harborough area.
- 6.55 It is judged that use of floodlighting in accordance with the planning condition recommended above would sufficiently preserve neighbour amenities, while still delivering the majority of the significant benefits of the scheme – enhancing facilities for the school and opportunities for students, enhancing opportunities for community teams and sports development and providing a high class facility for the community.



## Conclusion

- 6.56 Weighing up the significant benefits of the proposal alongside the significant amenity harm which would result to neighbours through use of the facility at the applicant's stated preferred hours (increased evening use and weekend use, especially that only facilitated by floodlights), it is recommended that approval is granted subject to recommended condition 2 that there shall be no floodlighting use outside stipulated times across the week. This is in the interest of protecting neighbouring residential amenity.

### **g) Archaeology**

- 6.57 The site is not within an archaeologically sensitive area and its landforms have already been subject to re-grading and disturbance, as well as partly developed by hard surfaces (tennis/netball courts and paths). The development is not considered to pose significant risks to archaeological interests.

### **h) Ecology**

- 6.58 LCC Ecology has advised they have no objections and "*there is no need for an ecology surveys, or for ecology mitigation as planning condition*".
- 6.59 The proposal is judged to accord with Harborough Local Plan Policies GD8 and GI5 in terms of protecting ecological interests.

### **i) Flooding and Drainage**

#### *Surface Water and SuDS*

- 6.60 The LLFA submitted comments on 29.01.20 advising the applicant that "*the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage.*"
- 6.61 On 13.05.20, the applicant submitted an 'attenuation volume design' supporting document and amended Drainage Layout plan which seek to address LLFA comments and demonstrate satisfactory drainage for the proposal. On 19.05.20 a supplementary document with "hydrobrake details" was submitted "*as it is referenced on the drainage plan and attenuation report.*" (agent email).
- 6.62 The attenuation volume design document states at para.1:
- "The development of the synthetic hockey pitch must comply with SUDS requirements and this means any flow from the new pitch should be limited to the current greenfield runoff rate for the site. The existing sports pitch drainage system is already linked to an outfall to the storm water system (an existing 225 mm outfall pipe in an existing chamber close to the development area). The greenfield run off rate for the site as determined from the UK SUDS tool, is 3.7 l sec ha for the 1 in 1 year storm. Flow from the pitch will be restricted to 3.7 l s by using a hydro-brake chamber at the outfall point from the pitch. This will then be joined to the existing outfall at the nearest chamber."*
- 6.63 At para.2 it states:
- "Site investigation works by Soiltechnics Ltd showed no measurable infiltration into the soil and as a result the use of infiltration systems has not been considered. That said, all the proposed surfaces (the Hockey pitch, spectator surrounds, paths and the re-*

*surfaced tennis courts) are all permeable and will allow infiltration albeit at rates that are too low to significantly aid removal of surface water. As the current tennis courts are impermeable at present, this offers some betterment in this respect, but this betterment is unquantified and is not included in attenuation design calculations.”*

- 6.64 The attenuation volume calculations required for the development take into account all aspects of the proposed development: the surface area of the new hockey pitch of 6,388sq.m (101.4m x 63m pitch dimensions); footpaths (400sq.m); the tennis/netball courts (2,562sq.m) and the soil bund (872sq.m); giving an overall impermeable area of 10,222sq.m.
- 6.65 The LLFA has been re-consulted on the ‘attenuation volume design’ supporting document and amended Drainage Layout plan. The applicant’s latter submissions appear reasonable in respect of drainage and it is recommended that a Drainage Scheme condition is added to secure implementation of the development in accordance with the ‘attenuation volume design’ supporting document and amended Drainage Layout plan. The LLFA has responded on 28.05.20 advising no objections subject to conditions, as discussed in the consultation section of this report above.

#### *Foul Water Drainage*

- 6.66 N/A

#### *Conclusion*

- 6.67 The application is judged to accord with Local Plan policies and national objectives with regard to drainage considerations and flood risk mitigation.

### **j) Contaminated Land and Air Quality**

- 6.68 No significant impacts. Additional traffic related to the development is highly unlikely to lead to issues of unacceptable air quality.

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

- 7.1 The Framework requires LPAs to grant planning permission for sustainable development. Paragraph 7 of the Framework states: “There are three dimensions to sustainable development: economic, social and environmental.”
- 7.2 The proposal carries significant planning benefits in terms of enhancing the sporting provisions of the School and the promoting physical and mental wellbeing for pupils, staff and other wider-community users. Subject to achieving a satisfactory balance between promoting the significant sport, community and recreation benefits of this proposal and mitigating amenity impact from activity, including light and noise, to nearby residential properties, the proposal is judged to be acceptable and approval is recommended as consistent with Local Plan policies especially GD8(e) and HC2.

## **APPENDIX A – Recommended Conditions**

### **1. Approved Plans and Documents**

The development is hereby approved in accordance with the plans, reports and supporting information stipulated in the following document:

--Document Schedule (dated 19.05.20).

REASON: For the avoidance of doubt.

### **2. Floodlight Hours of Use**

The floodlights hereby approved shall only be used during following times:

- *Monday and Friday 08.00 – 17:30*
- *Tuesday, Wednesday and Thursday 08.00 – 21.00*
- *Saturday 10.00 – 17:30*
- *Sunday, Bank and Public Holidays – NO USE*

REASON: To protect neighbouring amenities from excessive levels of activity, light and noise and to accord with Harborough Local Plan Policy GD8.

### **3. Floodlight External Louvres/Cowls**

The floodlights hereby approved shall not be erected until a detailed specification for external front and rear louvres/cowls to be fitted to the floodlights has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the approved louvres/cowls shall be fitted before first use of the floodlights and maintained in accordance with the approved details in perpetuity.

REASON: To reduce neighbouring amenity harm resulting from direct light glare and to accord with Harborough Local Plan Policy G8.

### **4. AGP Noise Dampening Surfacing Materials and Connection Fitments**

The Rollform weldmesh fencing surround to the artificial grass pitch (AGP) shall not be erected until details of the Noise Dampening Surfacing Materials and Connection Fitments to be used on side and back boards, goal boards and hockey goals, and throughout the fencing installation connections, have been submitted to and approved in writing by the Local Planning Authority.

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

REASON: To reduce neighbouring amenity harm resulting from noise and to accord with Harborough Local Plan Policy G8.

### **5. Community Use Agreement**

Prior to first use of the development hereby approved, a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority. The Community Use Agreement shall include details of hours of use, access by non-educational establishment users/non-members, management responsibilities, a mechanism for review and a programme for implementation.

Thereafter, the approved Community Use Agreement shall be implemented upon the start of use of the development and shall be complied with for the duration of the use of the development.

REASON: To secure well managed and safe community access to the sports facilities, to ensure community benefit to the development and to accord with Harborough Local Plan Policies GD1 and GI2.

#### **6. Artificial Grass Cricket Wicket Removal**

Prior to first use of the development hereby approved, the existing artificial grass cricket wicket (including its sub-surface materials) shall be removed from the School's southern playing field (which is to serve as a replacement rugby/grass pitch) and the playing field surface shall be reinstated to natural grass.

REASON: To secure the relocation of the rugby pitch which is lost as a result of this development, to provide the flexibility to configure/reconfigure the southern grass playing field and to accord with Harborough Local Plan Policies GD1 and GI2.

#### **7. Ground Levels**

No development shall commence on site until full details of proposed ground levels for the artificial grass pitch (AGP), the tennis/netball courts, the earth bund and other land subject to altered levels have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be implemented in accordance with the approved details.

REASON: To ensure a satisfactory form of development that is compatible with the character of the surrounding area and to accord with Harborough Local Plan Policy GD8.

#### **8. Hedgerow Retention on Burnmill Road**

The existing hedgerow adjacent to Burnmill Road shall be retained and in no way disturbed.

REASON: To screen part of the development, to safeguard the character and appearance of the public realm, to protect biodiversity interests and to accord with Harborough Local Plan Policies GD8 and GI5.

#### **9. Screen Planting Scheme to North of AGP and North and East of Tennis/Netball Courts**

The earth bund and timber acoustic fencing to the north side of the artificial grass pitch and the timber acoustic fencing to the north and east sides of the tennis/netball courts shall not be installed until a Screen Planting Scheme (to screen fencing and naturalise the appearance of the earth bund) has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the approved Screen Planting Scheme shall be implemented before first use of the development and maintained for a period of at least 5 years to enable planting to become established.

REASON: To screen part of the development, to safeguard the character and appearance of the area, to promote biodiversity interests and to accord with Harborough Local Plan Policies GD8 and GI5.

## **10. Drainage Scheme**

Prior to first use of the development hereby approved, drainage for the development shall be implemented in accordance with the submitted CDS Group document titled "The design of the required attenuation volume for a new synthetic pitch at the Robert Smythe Academy on behalf of Notts Sport Ltd" (dated 12th March 2020) and the amended Notts Sport Drainage Layout drawing (Reference NSRSA008; Revision E; dated 13/05/20). Thereafter, drainage shall be maintained in accordance with these details.

REASON: To ensure that surface water run off rates are retained or enhanced relative to current rates, to reduce the possibility of surface water leading to increased flood risks and to accord with Harborough Local Plan Policy CC3.

## **11. Drainage During Construction**

The development hereby approved shall only proceed in accordance with a scheme for the management of surface water on site during construction which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality and prevent damage to the final surface water management systems though the entire development construction phase and to accord with Harborough Local Plan Policies GD8 and CC3.

## **12. Car Parking & Turning Facilities**

Prior to first use of the development hereby approved, the parking and turning facilities, and the hard surfaced pedestrian paths to access the development, shall be implemented in accordance with drawing number NSRSA013 Rev. A. Thereafter, the onsite parking provision shall be so maintained at that minimum level in perpetuity, as well as being available to users of the development at all times when the development is open to public use.

REASON: In the interests of highway safety, to ensure that adequate off-street parking provision and ease of pedestrian access to the development is provided, to reduce the possibilities of the proposed development leading to on-street parking problems in the area, to enable vehicles to enter and leave the site in a forward direction and to accord with Harborough Local Plan Policies GD8 and IN2.



## Planning Committee Report

**Applicant:** Daniel Kitching

**Application Ref:** 20/00540/FUL

**Location:** Ferndale House, Mill Hill Road, Arnesby, Leicestershire, LE8 5WG

**Proposal:** Erection of a single storey rear extension

**Application Validated:** 17/04/20

**Target Date:** 12/06/20

**Consultation Expiry Date:** 21/05/20

**Site Visit Date:** 12/05/20

**Case Officer:** Matthew Jedruch

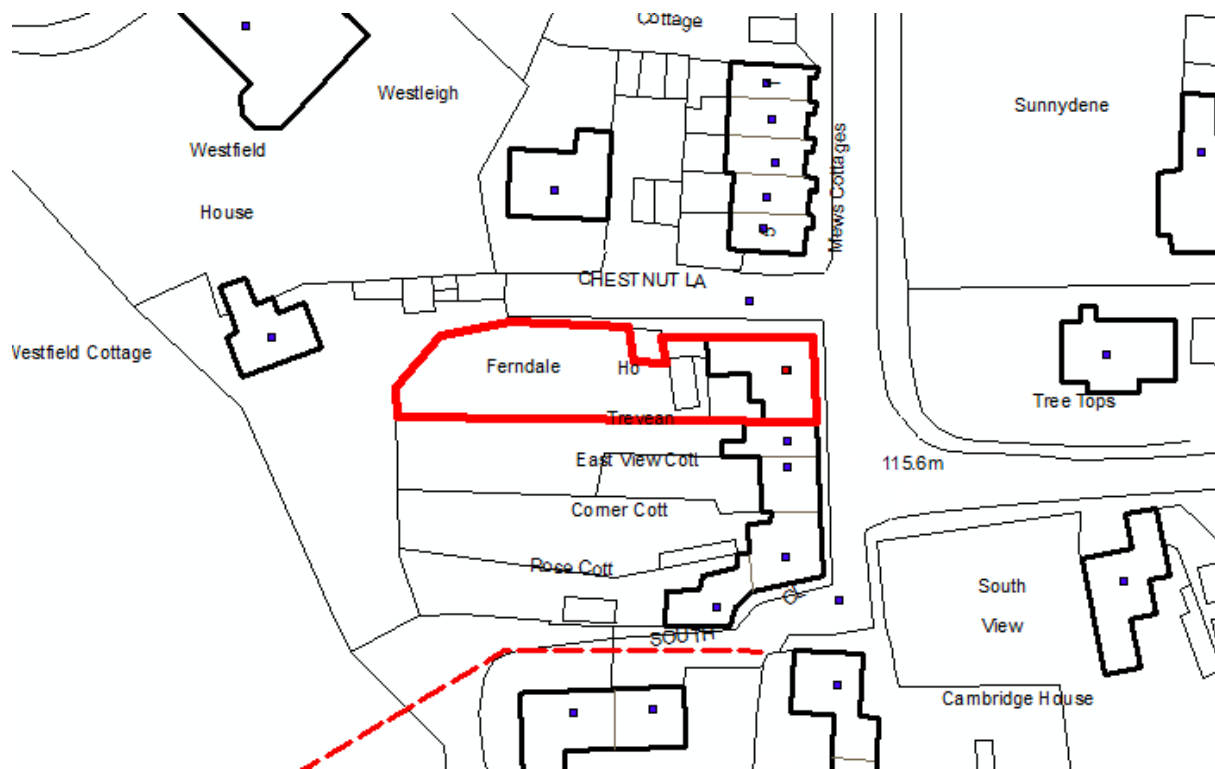
**Reason for Committee decision:** Applicant is employed by Harborough District Council

## Recommendation

**Approve** - The development hereby approved, by virtue of its nature, siting and use would not adversely affect the character and appearance of the dwelling and Conservation Area, residential amenity or give rise to additional traffic which would lead to a road safety hazard. The proposal is therefore considered to comply with the Harborough Local Plan and Arnesby Parish Neighbourhood Plan. It is not considered that there are any material considerations which would outweigh the policies of the development plan or indicate that the proposal would result in demonstrable harm to interests of acknowledged importance.

## 1. Site & Surroundings

- 1.1 The site is situated in the south west of Arnesby village where the street scene is a mix of dwellings which consist of new and old, detached and semi-detached bungalows and houses. Ferndale House is a two storey, late 19<sup>th</sup> Century (1899 date stamped) semi-detached dwelling in facing brick, which has taller roof heights than its neighbouring dwellings, thus holding a more prominent setting on Mill Hill Road. There is no front garden, however there is a good-sized garden to the rear.



*Site Location (Uniform)*



*Front/side of Ferndale House and Street Scene*



*Rear of the dwelling, showing neighbour's window and boundary treatment*

## **2. Site History**

- 2.1 88/01477/3P - Extension to dwelling to form additional bedrooms (revised scheme) - Approve

## **3. Reason for Referral to Committee**

- 3.1 The application has been referred to Committee as the applicant is employed by Harborough District Council.

## **4. Proposal**

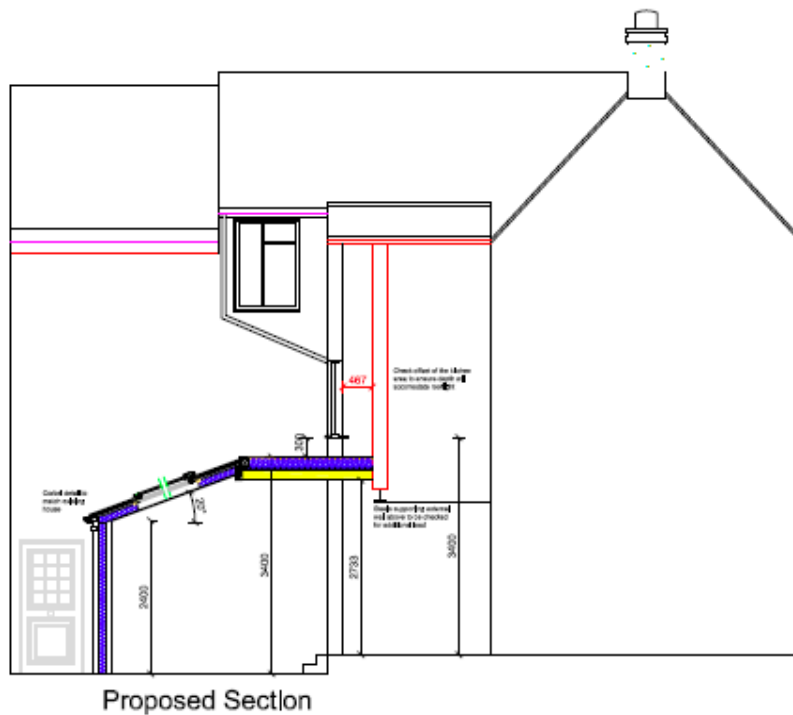
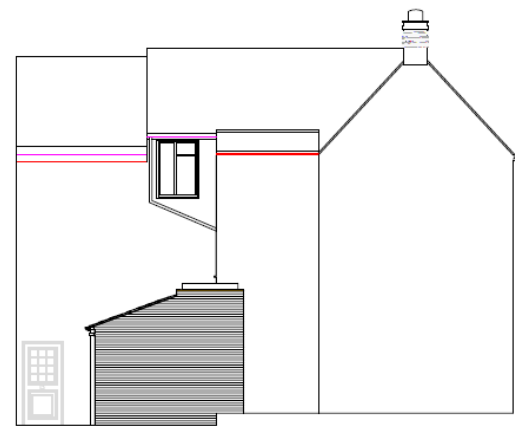
- 4.1 The proposal is to erect a single storey rear extension to extend the kitchen area. The proposed extension is to be built from red bricks to match the existing side extension.

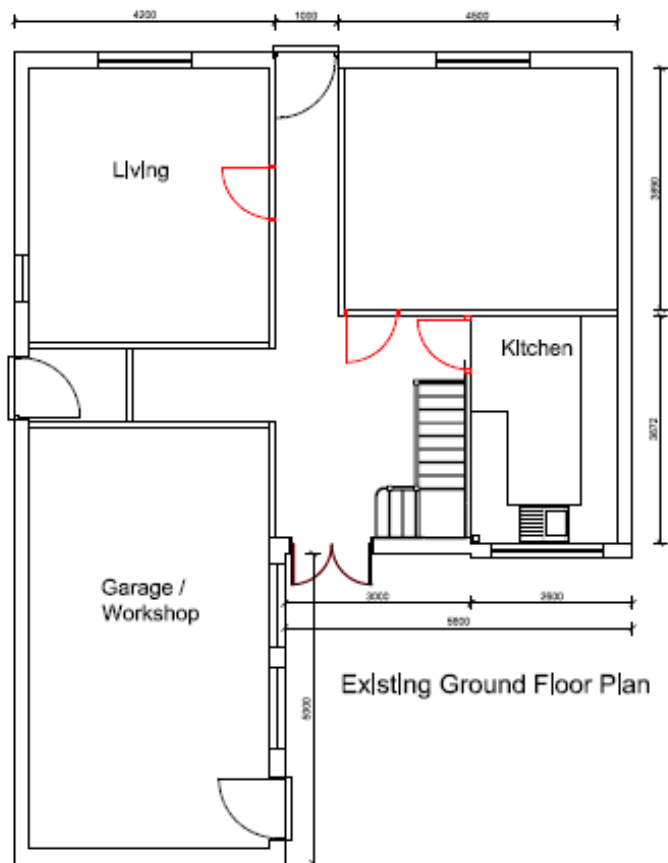
### Proposed Dimensions

Depth: 3.7m (this does not extend from the rearmost boundary of the dwelling)

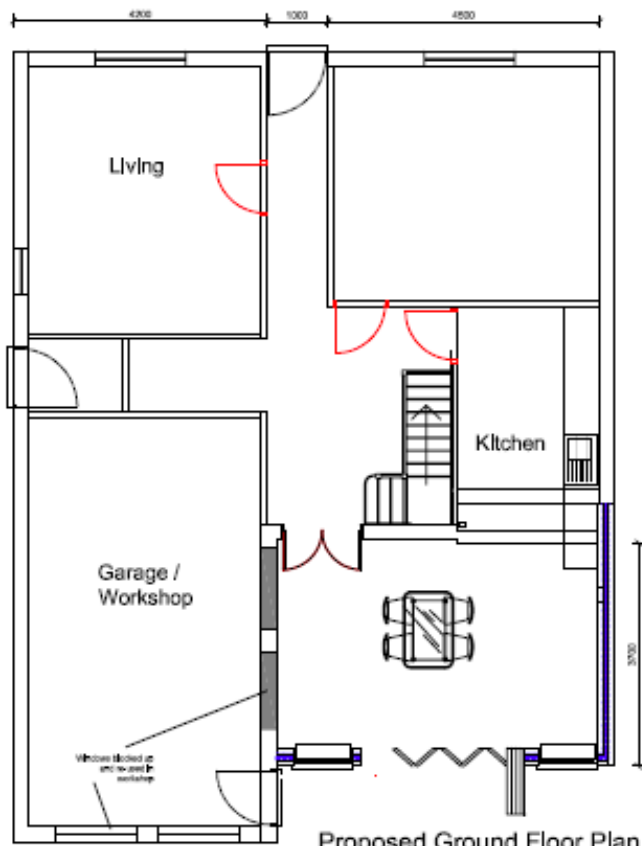
Width: 5.5m

Height: 2.4m (eaves), 3.4m (ridge and flat roof)





Existing Ground Floor Plan



Proposed Ground Floor Plan

## 5. Consultations and Representations

5 neighbouring dwellings consulted – No comments or objections.



County Archaeology (Summary) - The Leicestershire and Rutland Historic Environment Record shows that the application site lies in an area of archaeological interest. During works on Chestnut Lane in 2003, an undated cobbled surface was excavated.

To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide professional archaeological Attendance for inspection and recording during the groundworks for the proposed development. 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 Historic & Natural Environment Team (HNET). HNET will provide a formal Brief for the work at the applicant's request.

If planning permission is granted the applicant must obtain a suitable written scheme for the investigation and recording from an archaeological organisation acceptable to the planning authority. This should be submitted to HNET, as archaeological advisors to your authority, for approval before the start of development.

Condition is included below.

Arnesby Parish Council: No Comment.

Conservation Officer (not formally consulted): The proposal will be largely screened from public view and is not in a sensitive location within the Arnesby Conservation Area. I am therefore satisfied that there would be no harm to the character and appearance of the conservation area and have no objections.

## **6. Planning Policy Considerations**

### Policy Assessment:

As this application is for an extension within Arnesby Conservation Area, Harborough Local Plan Policies GD8, Arnesby Parish Neighbourhood Plan Policy D1 and Supplementary Planning Guidance Note 5.

### Principle of Development

The application is a householder application, proposing an extension to the existing dwelling. No additional dwellings are proposed nor the creation of an annexe. The dwelling sits within the village of Arnesby and the principle of the proposal is considered acceptable.

### Neighbouring Amenity

#### *Trevean*

The proposed extension does not project more than 4m from the adjacent windows of Trevean, and therefore the 45° guideline is not applicable in this case. Furthermore, the closeboard fence boundary treatment which varies in height along the boundary, but stands at approximately 1.8m, lessens the additional impact of the rear extension. It is therefore considered that the proposal will not create a sense of overdominance or enclosure on the neighbouring dwelling.

The proposed extension does not feature windows on the side elevation, and the aforementioned boundary treatment would negate any potential loss of privacy by overlooking regardless of this. Furthermore, there is not considered to be any additional loss of light to the neighbouring Trevean, as the proposed extension is shallower in depth and single storey in comparison with the existing two storey side extension.

In summary, the proposal is not considered to result in any impact to neighbouring amenity and therefore is considered to comply with Local Plan Policy GD8.

### Design and Impact Upon the Conservation Area

Although the front and side of Ferndale House is visible from Mill Hill Lane and could be considered to be prominent within Arnesby Conservation Area, the proposed rear extension would only be partially visible from the rear of Chestnut Lane (as depicted in the above photo of the rear of the dwelling), a short cul de sac off Mill Hill Lane. Furthermore, the Conservation Officer does not have any objections to the proposal.

Arnesby Neighbourhood Plan Policy D1 states that all development should have strict regard for building design principles which include reflecting the character and historic context of buildings, whilst positively enhancing local distinctiveness. Although the proposal is not distinctive by nature of its siting, it is considered that the design and scale of the extension is subservient and respectful to the host dwelling. A condition is to be included to ensure that materials will be controlled.

It is therefore considered that the proposal is suitable in design terms and does not adversely impact the Conservation Area.

## **7. Conclusion**

### Conclusion:

The proposed extension, by virtue of its design, size and positioning, would not adversely affect the amenity of local residents, would be subordinate to the main dwelling and of harmonious design, form and materials. The siting of the proposal to the rear of the dwelling and out of public view, along with its suitable design, mean that there will be no harm to the character and appearance of the Conservation Area. The proposal is therefore considered to accord with Harborough Local Plan Policy GD8 and Arnesby Neighbourhood Plan Policy D1.

### Conditions / Reason:

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

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

- 2 All external materials used in the construction of the development hereby approved shall match in material, coursing, colour and texture those used on the existing building.

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

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Location Plans, Existing and Proposed Floor Plans, Elevations and Sections 5 (Drawing No. 6/20/Rev A) received 16/04/2020.

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

- 4 No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and;

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To ensure satisfactory archaeological investigation and recording

## Planning Committee Report

**Applicant:** Harborough District Council

**Application Ref:** 20/00579/FUL

**Location:** Cemetery Ce3, Main Street, Foxton, Leicestershire

**Proposal:** Change of use of land to cemetery including installation of close board fence

**Application Validated:** 24/04/20

**Target Date:** 19/06/20

**Consultation Expiry Date:** 20/05/20

**Site Visit Date:** 12/05/20

**Case Officer:** Matthew Jedruch

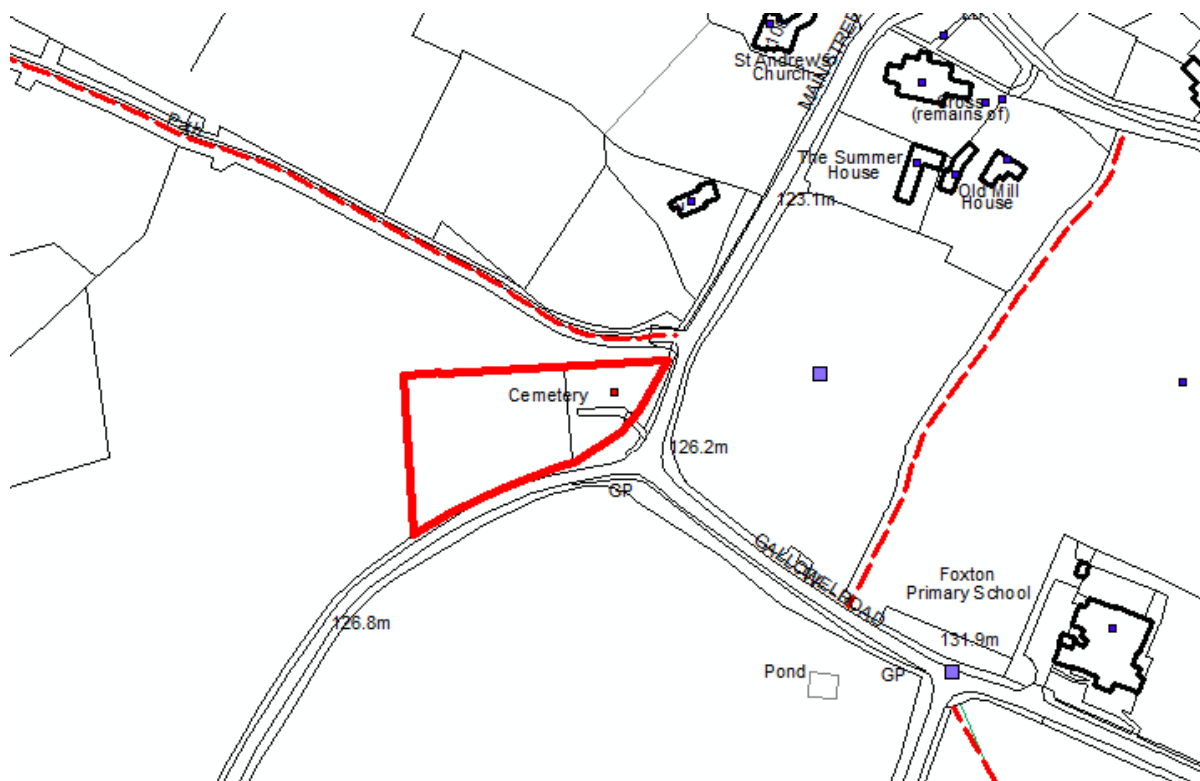
**Reason for Committee decision:** Applicant is Harborough District Council

## Recommendation

**Approve** - The development hereby approved, by virtue of its nature, siting and use would not adversely affect the character and appearance of the landscape within this area of Countryside, residential amenity or give rise to additional traffic which would lead to a road safety hazard. The proposal is therefore considered to comply with the Harborough Local Plan and Foxton Neighbourhood Plan. It is not considered that there are any material considerations which would outweigh the policies of the development plan or indicate that the proposal would result in demonstrable harm to interests of acknowledged importance.

## 1. Site & Surroundings

- 1.1 The application site is located on the southern edge of Foxton, adjacent to the existing cemetery, comprising a strip of land approximately 25m in depth. The site is currently agricultural pastureland and was used for this purpose until the front of the site was developed as a cemetery in the 1940s. The site is surrounded by open countryside with the nearest residential property approximately 50m to the north. The site is not located within a conservation area



**Figure 1: Site Location (Uniform)**



**Figure 2: Diagram of proposal**

## **2. Site History**

2.1 11/00060/FUL – Change of use of land to form cemetery (5m extension) - Approved



### **3. Reason for Referral to Committee**

- 3.1 The application has been referred to Committee as the applicant and landowner is Harborough District Council.

### **4. Proposal**

- 4.1 The application relates to the change of use of land to form an extension to the existing cemetery by 25m in depth and the erection of a new closeboard fence to the field boundary.

### **5. Consultations and Representations**

#### Highway Authority:

The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.

In the process of determining this application, the LPA should take the following into consideration:

The supporting Tier 1 Groundwater Risk Assessment by ST Consult and the location plan provided indicate an extension of the exiting cemetery westward by 25m to provide a further 180 burial plots. The Assessment also mentioned indicates that this will be on average of 12 burials a year, therefore requiring no further highway assessment regarding trip generation.

The Applicant should note that the location of the fence should not be in the highway and within the curtilage of the Applicant's ownership only.

#### Environmental Health

No comments.

#### Technical Services (Drainage)

No comments.

#### Foxton Parish Council:

No comments.

#### Groundwater Risk Assessment (Summary):

The existing cemetery is situated immediately adjacent to the proposed extension. It therefore does not pose any significantly increased risk, relative to the existing cemetery, in terms of distance, ground conditions, or potential receptors. The proposed extension effectively maintains the status quo.

#### Environment Agency

The Environment Agency consultation advice recommends that as the site lies fully within flood zone 1, there are no fluvial flood risk concerns associated with the site.

There are also no other environmental constraints associated with the site and therefore have formal comment to make. They advise the applicant to follow Government advice on

groundwater protection which has already been done through Tier 1 and 2 Groundwater Risk Assessments. These assessments have not highlighted any concerns regarding the expansion of the cemetery, stating that the additional activity will 'maintain the status quo' of the existing cemetery in terms of groundwater activity.

Further comments from the Environment Agency Groundwater and Contaminated Land team have been received and are as follows;

*There isn't an awful lot we could have added to your response (my response to LPA). There's a substantial amount of supporting information compared to the average application, which provides evidence that this is a low risk development in terms of groundwater.*

*We would usually request that evidence is provided that the usual standoff zones will be observed from watercourses and boreholes, and also that no burials take place in standing water (taking into account seasonal groundwater level fluctuations). These guidelines were identified in both the Tier 1 and 2 assessments, and the location and trial pit information satisfies all of these concerns.*

*With regard to the specific questions below, I would consider this a low risk site, potentially increasing to moderate only under high burial rates – but even then the ground conditions indicate the potential for off-site migration of contamination is minimal. I'm satisfied that under all of the proposed burial scenarios we would not have any further comments to make in respect of groundwater risk.*

It is therefore concluded that the LPA are free to determine the application without the need for further consultation with the Environment Agency.

Representations:

None received.

## **6. Planning Policy Considerations**

Policy Assessment:

As this application is for changing the use of land in the countryside, Harborough Local Plan Policies GD3, GD5, GD8, GI3 and IN2 and Foxton Neighbourhood Plan Policies F1 and F4 are considered to be relevant.

These policies require that the proposal should;

- protect the countryside from unacceptable development
- be located and designed in a that is sensitive to its landscape setting and landscape character
- not have a detrimental impact on the amenities of the neighbouring residents
- not have a detrimental impact on highway safety.
- Ensure sufficient burial provision is provided in the District
- Respect the open character of the two Foxton Areas of Separation

Design and Impact on the Countryside:

The proposal consists of a change of use of land and an extension to an existing cemetery into the adjacent open agricultural land and therefore directly corresponds with Policy GD3(e) which refers to development being permitted for the continuation of an existing enterprise, facility or operation that is compatible with its setting in the countryside. It is considered that the continuation and extension of the operation of this cemetery is compatible with the countryside and is therefore compliant with this Policy GD3(e).

Furthermore, the fencing to be erected is in keeping with the existing character of the area and with fencing which is already present around other parts of the site. The style and materials used is what would be expected in a countryside location, and therefore the appearance of the land will not be considerably altered or affected.

In terms of the impact of the proposal on landscape setting and character, it is not considered that the change of use will significantly alter the appearance of the existing landscape, as no permanent structures which could disrupt important views are proposed.

To summarise, the important features and character of the open countryside will be retained. The proposal is therefore considered not to adversely affect the character and appearance of the countryside and will have a minimal impact on the landscape, particularly given its close relationship with the existing cemetery. The proposal therefore complies with Policy GD3 of the Harborough Local Plan.

### Cemeteries

Harborough Local Plan Policy GI3 states that “extensions to existing burial sites will be permitted where there is a demonstrable requirement for additional capacity for burials... and this cannot be met within the curtilage of the existing site.”

It is clear from visiting the site that the capacity of the current burial site has been or is soon to be reached, and that there is capacity to extend the site in compliance with adopted policies, and it is therefore considered that the extension of this site complies with Policy GI3.

### Residential Amenity:

As the proposal is to extend an existing cemetery it is considered to have no detrimental impact on the residential amenity of the neighbouring residents, therefore the application is considered to be in accordance with Policy GD8(e) of the Harborough Local Plan.

### Highways and Parking Considerations:

The Local Highway Authority have concluded that the proposal will generate on average an additional 12 burials a year. This is a minimal increase over the course of a year, and it is therefore considered that no further highway assessment is necessary. There is currently no on-site parking and it is assumed that visitors and burial parking is located on Main Street adjacent to the site. No parking provision is proposed in this application. It is not considered that this increase in the size of the cemetery would generate a significant level of additional parking which would lead to an increased risk in highway safety.

In conclusion, the proposal will not have a material effect on highway safety and is therefore in accordance with Policy IN2 of the Harborough Local Plan.

### Foxton Areas of Separation:

The site is located within the defined Area of Separation in Neighbourhood Plan Policy F4. This policy is designed to retain the open character between the two areas, stating that construction of new buildings or inappropriate uses of land would adversely affect this open character. Seeing as this proposal does not involve the construction of any new buildings, and that the proposed use of the land is considered to be appropriate in the context of the adjacent site and its setting, this proposal is considered to conform with Policy F4 of the Foxton Neighbourhood Plan.

### Conclusion:

It is considered that the proposed extension to the cemetery would not have a detrimental impact on the residential amenity of neighbouring residents or on the visual amenity of the area. In addition, the proposals are not considered to have a detrimental impact on the character and appearance of the countryside and would serve to provide an important community facility close to the existing settlement. The proposals therefore comply with the criteria set out in the Harborough District Local Plan and Foxton Neighbourhood Plan, and therefore are acceptable.

**Conditions / Reason:**

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

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

- 2 The materials used for the new boundary fencing shall be as detailed within the permitted application particulars and shall be retained in perpetuity, unless prior written consent is obtained from the Local Planning Authority.

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

**7. Site photographs**



*Cemetery Entrance*



*Existing Cemetery Boundary*